

# D R A F T

## THE BUREAU OF INDIAN STANDARDS RULES, 2016

### CHAPTER I

#### PRELIMINARY

- 1. Short Title and Commencement** - (1) These rules may be called the Bureau of Indian Standards Rules, 2016.  
(2) They shall come into force on the date of their publication in the Official Gazette.
- 2. Definitions** - (1) In these rules, unless the context otherwise requires, -
- (a) "Act" means the Bureau of Indian Standards Act, 2016 (11 of 2016);
  - (b) "Advisory Committee" means an Advisory Committee constituted by the Governing Council under sub-section (1) of section 5;
  - (c) "Applicant" means a person who has applied to the Bureau for a license or a certificate of conformity;
  - (d) "Consultant" means an expert or an organization of experts engaged for a specific task relating to standards formulation to whom a fee is payable by the Bureau;
  - (e) "technical committee" means a committee constituted by the Bureau under sub-section (3) of section 10 and includes a division council, sectional committee, subcommittee, panel, working group or any other committee;
  - (f) "Compounding Authority" means an officer appointed by the Director General as compounding authority under clause (b) of sub rule (1) of rule 41;
  - (g) "Director General" means Director General of the Bureau;
  - (h) "form" means form as specified by the Bureau from time to time provided that if a form is specified by the Central Government for a purpose, that form shall prevail;
  - (i) "Licensee" means a person to whom a licence has been granted under the Act;
  - (j) "President" means the President of the Bureau;
  - (k) "Section" means a section of the Act;
  - (l) "Vice-President" means the Vice-President of the Bureau;
  - (m) "Year" means the financial year commencing on the first day of April;

(n) words and expressions used in the rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

## CHAPTER II

### **GOVERNING COUNCIL AND EXECUTIVE COMMITTEE**

**3. Constitution of the Governing Council** - (1) The Governing Council shall consist of the following members, namely –

(a) the Minister in charge of the Ministry or Department of the Central Government having administrative control of the Bureau who shall be *ex-officio* President of the Bureau;

(b) the Minister of State or a Deputy Minister, if any, in the Ministry or Department of the Central Government having administrative control of the Bureau who shall be *ex-officio* Vice-President of the Bureau, and where there is no such Minister of State or Deputy Minister, such person as may be nominated by the Central Government to be the Vice-President of the Bureau;

(c) the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the Bureau, *ex-officio*;

(d) the Director General of the Bureau, *ex-officio*;

(e) two Members of Parliament of whom one shall be from the House of the People and one from the Council of States;

(f) three persons representing the Ministries and Departments of the Central Government dealing with important subjects of interest to the Bureau;

(g) five representatives - one each from five zones of State Governments and the Union Territories on rotation basis who shall be, -

i) the Minister in charge or Secretary of the Department having administrative control over quality and standards in the case of States and Union Territories having a Council of Ministers; and

ii) the Administrator or the Chief Executive Councilor, as the case may be, in the case of Union Territories, not having a Council of Ministers;

(h) two persons either representing Consumer Organizations which in the opinion of the Central Government are active and effective in their operations, or are in the opinion of that Government are capable of representing consumer interests;

(i) one person, who, in the opinion of the Central Government, is capable of representing farmers' interests. ;

(j) five persons representing the industry and trade and their associations and public sector enterprises to be chosen as follows:-

- i) Presidents/Director General/Secretary General of three industry associations or federations of all-India level;
- ii) Chief Executive of one Central or State Public Sector Enterprise related to subjects of importance to the Bureau;
- iii) Chairman or Managing Director of one industrial organization other than the Public Sector who is awardee of national/international award for quality;

(k) three persons representing the scientific and research institutions, technical, educational and professional organizations related to subjects of importance to the Bureau;

(2) The term of office of a member shall continue so long as he holds the office by virtue of which he is such a member.

(3) The Governing Council may associate persons not exceeding fifteen to assist or advise in the fields of science and technology including environmental control, energy conservation, import substitution, transfer of technology and other areas of emerging technology.

**4. Term of Office of Members** - (1) Members appointed under clause (e) to clause (k) of sub-rule (1) of rule 3 shall hold office for a period of two years and shall be eligible for re-appointment.

(2) when a member appointed under sub-rule (1) of rule 3 desires to resign from membership of the Governing Council, he shall forward his letter of resignation under his own hand to the Central Government and such resignation shall take effect from the date of its acceptance by the Central Government or on the expiry of a period of one month from the date of its receipt by the Central Government, whichever is earlier.

(3) when a vacancy occurs by resignation of a member under sub-rule (2) or otherwise, the Central Government shall take steps to fill the vacancy within a period of six months from the date of its occurrence by making an appointment from amongst the category of persons to which the person who vacated the office belonged and the person so appointed shall hold office for the remainder of the term of office of the member in whose place he is appointed.

(4) A person shall be disqualified for being appointed as a member or shall be removed from membership by the Central Government if he,-

(a) has been convicted and sentenced to imprisonment for an offence, which, in the opinion of the Central Government, involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court; or

(d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or

(e) has in the opinion of the Central Government such financial or other interest in the Bureau as is likely to affect prejudicially the discharge by him of his functions as a member:

Provided that no member shall be removed on the ground that he has become subject of the disqualification mentioned under clause (e) of sub-rule (4) unless he has been given a reasonable opportunity of being heard in the matter.

**5. Proceedings of the Governing Council** - (1) The President, or in his absence the Vice-President, shall preside at the meetings of the Governing Council. In the absence of both the President and the Vice-President, the members present at the meeting shall elect one from amongst themselves to preside over the meeting.

(2) At least one meeting of the Governing Council shall be held every year. The President may at his discretion convene more than one meeting in a year if he considers it necessary.

(3) A notice of not less than twenty-one days from the date of issue shall ordinarily be given to every member for each meeting of the Governing Council. If it is necessary to convene an emergency meeting, a notice of not less than seven days shall be given to every member.

(4) Every notice of meeting of the Governing Council shall specify the place and the day and hour of the meeting.

(5) The President shall cause to be prepared and circulated to the members, at least seven days before the meeting, an agenda for the meeting:

Provided that where an emergency meeting is convened, an agenda for such meeting may be circulated to the members at the meeting.

(6) Five members shall form the quorum, provided that if any meeting is adjourned for want of quorum, the adjourned meeting may be called on a date not later than seven days from the date of the original meeting to transact the business regardless of the quorum.

(7) Each member including the President shall have one vote. In the case of an equality of votes on any question to be decided by the Governing Council, the President, or the Vice-President or the member presiding over such meeting shall in addition have a casting vote.

(8) The proceedings of each meeting shall be circulated to each member of the Governing Council and these shall be confirmed at the next meeting with or without modifications.

**6. Executive Committee** - (1) The Executive Committee shall perform, exercise, and discharge such of the functions, powers and duties as may be delegated to it by the Governing Council.

(2) The Executive Committee shall consist of the Director General as *ex-officio* Chairman and ten other members, representing the following categories, to be appointed by the Governing Council, with the prior approval of the Central Government, namely:

- i) Special Secretary or Additional Secretary and Financial Adviser of the Ministry/Department having administrative control of the Bureau;
- ii) Special Secretary or Additional Secretary or Joint Secretary of the Ministry/Department having administrative control of the Bureau;
- iii) two person each representing different Ministries or Departments of Central Government other than at (i) above;
- iv) one person representing consumer organization;
- v) one person representing industry, trade and their associations;
- vi) two person representing academic, scientific and research institutions

vii) two persons representing public sector enterprises and technical or professional organizations.

viii) The Director General in his discretion may Co-opt two members out of Chairpersons of the Advisory Committees depending on the Agenda of the meeting.

(3) The members of the Executive Committee appointed under sub-rule (2) shall hold office for a period of two years and shall be eligible for re-appointment. The term of office of the ex-officio Chairman shall continue as long as he holds the office by virtue of which he is such a member.

(4) When a member appointed under sub-rule (2) desires to resign from membership of the Executive Committee, he shall forward his letter of resignation under his own hand to the Director General and such resignation shall take effect from the date of its acceptance by the Director General or on the expiry of a period of one month from the date of its receipt by the Director General, whichever is earlier.

(5) The vacancy caused on resignation and termination of a member of the Executive Committee shall be filled within a period of three months from the date of occurrence by the Bureau of Indian Standards with the prior approval of the Central Government.

(6) A meeting of the Executive Committee shall be held at least once in every three months.

(7) Each meeting of the Executive Committee shall be called by giving not less than fourteen days from the date of issue, notice in writing to every member:

Provided that an emergency meeting may be called by giving not less than three days' notice to every member.

(8) Every notice of a meeting of the Executive Committee shall specify the place and the day and hour of the meeting.

(9) The ex-officio Chairman of the Executive Committee shall cause to be prepared and circulated to the members, at least seven days before the meeting, an agenda for the meeting:

Provided that where an emergency meeting is called, an agenda for such meeting may be circulated to the members at the meeting.

(10) The quorum for a meeting of the Executive Committee shall be four excluding any co-opted members.

(11) The proceedings of each meeting shall be circulated to each member of the Executive Committee and these shall be confirmed at the next meeting with or without modification.

## **7. Travelling and Daily Allowances to Governing Council and Executive Committee Members**

(1) The members and persons associated with the Governing Council and the members of the Executive Committee representing the Central Government, State Governments, Union Territories, Statutory and autonomous bodies (other than those specially approved by the Executive Committee), public sector undertakings, trade, industry and their associations, shall not be eligible to draw any travelling or daily allowance from the funds of the Bureau.

(2) Travelling and daily allowances to members and persons associated with the Governing Council and members of the Executive Committee other than those specified in sub-rule (1), while travelling within the country with prior concurrence of the Director General, may be admissible from the Bureau for attending

meetings of the Governing Council and the Executive Committee and discharging any duty as assigned by the Governing Council or the Executive Committee.

(3) The rates of travelling and daily allowances admissible to the members and persons covered by sub-rule (2) shall be the same as applicable to non-officials attending the meetings of committees set up by the Central Government.

(4) If any Member is a Member of Parliament, he shall not be entitled to any allowance other than compensatory allowance, as defined in clause (a) of section 2 of the Parliament (Prevention of Disqualification) Act, 1959 (10 of 1959);

Provided that such Member shall not be entitled to any allowance except for meetings held during the intersession period.

Explanation: Intersession period means the interval between the adjournment of a House of Parliament of which he is a Member and the re-assembly of that House.

### **CHAPTER III**

## **APPOINTMENT, TERMS AND CONDITIONS OF SERVICE OF DIRECTOR GENERAL**

### **8. Appointment of Director-General**

(1) There shall be a Selection Committee for recommending to the Government a panel of names for appointment of the Director-General under sub-section (1) of section 7.

(2) The Selection Committee shall consist of the following persons :-

- |  |            |
|--|------------|
| i) Secretary of the Ministry/Department of the Government having administrative control of the Bureau; | - Chairman |
| ii) Secretary, Department of Science and Technology.   | - Member   |
| iii) nominee of the Department of Personnel and Training;  | - Member   |
| iv) An outside Expert of eminence from the relevant field to be nominated by the Government            | - Member   |

(3) On the occurrence of a vacancy or when a vacancy is likely to arise in the post of Director General, the Selection Committee shall consider suitable candidates, including internal candidates, possessing requisite qualifications and experience as laid down in sub-rule (4).

(4) In order to be eligible for appointment to the post of Director-General, a candidate shall have the following qualifications and experience, namely, -

- (a) (i) Essential qualifications : a first class degree in Engineering or a first class Post Graduate degree in any branch of Science,

(ii) Desirable qualifications : a Post Graduate degree in any branch of Engineering or a Doctorate in Science or any branch of Engineering;

(b) Experience : at least twenty five years combined experience in the following areas in the Government or Public Sector Undertakings or Autonomous Bodies or Private Sector, namely :-

- i) Industrial Engineering Design or Research;
- ii) Standardization;
- iii) Quality Control;
- iv). Basic scientific and technical research (in case of research experience in a laboratory, the same should be of national repute);
- v) Administration.

Provided that candidates with Post Graduate degree in Engineering or Doctorate in pure Science or any branch of Engineering having twenty-three years of experience shall be eligible;

(c) if the candidate is a Government servant, he shall have the educational qualifications and experience as specified in clauses (a) and (b) and should also be eligible for promotion to a post in HAG Scale [Rs. 67000 (annual increment @ 3%) Rs. 79000] in accordance with the rules and criteria as applicable to such post;

(d) if a candidate is an employee of a Public Sector Undertaking or Autonomous Body, he shall have the educational qualifications and experience as specified in clauses (a) and (b) and at least two years regular service in a post with Pay Band-4: Rs. 37400-67000 plus Grade Pay of Rs. 10000 or equivalent and at least two years experience in senior management level for the candidate working in Private Sector;

(e) on the closing date of receipt of application, the candidate should have at least three years service before superannuation.

(5) Notwithstanding anything contained in sub-rule (4), if the Central Government considers it necessary, it may, in the public interest, appoint a suitable officer to the post of Director-General under the Central Staffing Scheme, as per the procedure specified in that Scheme.

(6) The recommendations of the Selection Committee shall be sent to the Government for taking a decision on the appointment of the Director General.

**9. Term of Office** - The Director-General shall hold office for a term of three years or until he attains the age of sixty years, whichever is earlier, and shall be eligible for re-appointment:

Provided that the term of Director General may be extended by the Central Government for a period not exceeding two years or until he attains the age of sixty years, whichever is earlier.

Provided that where the Central Government is satisfied that the re-appointment of an outgoing Director-General after he has attained the age of sixty years is in the interest of the Bureau, it may for reasons to be recorded in writing re-appoint him for a period not exceeding two years.

**10. Pay and Allowances** - The post of Director-General shall be in HAG Scale [Rs. 67000 (annual increment @ 3%) Rs. 79000]. He shall be entitled to all other allowances as per the rules of the Bureau. However, in case of foreign travel, officers of the Central Government appointed on tenure or transfer or deputation basis, shall be governed by Foreign Travelling Allowance/Daily Allowance rules as are

applicable to the Central Government servants of equivalent status and the officers of the Bureau of Indian Standards shall be governed by the rules of the Bureau.

**11. Staff Car** - As Chief Executive of the Bureau, the Director-General shall be entitled to free use of staff car for official purpose including the journeys from residence to office and vice-versa. He will be allowed to use staff car (car upto and including 16 H.P.) for non-duty journeys upto five hundred kilometres per month on payment of an amount as decided by Ministry of Finance (Department of Expenditure) from time to time.

**12. Termination of Appointment** - (1) The appointment of the Director-General shall be terminable on three months' notice on either side without assigning any reason therefor :

Provided that the Government reserves the right not to accept the resignation tendered by the Director-General in the public interest :

Provided further that the Government may, in special circumstances, waive the stipulation of three months' notice by making payment of three months' salary and allowances in lieu of the notice period.

**13. Other Conditions of Service** - With regard to the other conditions of service including joining time, earned leave, medical benefits, retirement benefits and leave travel concession, the Director-General shall be governed by regulations framed in this regard for the employees of the Bureau.

**14. Power to relax** – Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, for reasons to be recorded in writing, relax any of the provisions of these rules.

## **CHAPTER IV**

### **POWERS AND FUNCTIONS OF THE BUREAU**

#### **15. Establishment, Publication and Promotion of Indian Standards**

##### **(1) Establishment**

a) The Bureau shall establish Indian Standards in relation to any goods, article, process, system or service and shall reaffirm, amend, revise or withdraw Indian Standards so established as may be necessary, by a process of consultation with stakeholders who may include representatives of various interests such as consumers, regulatory and other Government bodies, industry, testing laboratories and/or calibration laboratories, scientists, technologists, and officials through duly constituted committees as provided hereafter. The procedure for establishing the Indian Standard shall be such that concerned interests, in addition to the members of the Committees of the Bureau, have the opportunity to communicate their views.

Where a standard is being established which is emerging from or has an impact on National Policy, the Central Government shall invariably be consulted to ensure that the standard is consistent with such policy.

Provided that any Indian Standard established by the erstwhile Indian Standards Institution and the Bureau of Indian Standards established under Bureau of Indian Standards Act, 1986 (63 of 1986) at any time before the date on which the Act, the Rules and Regulations come into force, shall be deemed



to have been established under the provisions of Bureau of Indian Standards Act 2016 and, the Rules and the Regulations framed thereunder.

b) All Indian Standards, their revisions, amendments and withdrawal shall be established by notification in the Official Gazette.

## **(2) Technical Committees**

a) For the purpose of formulation of Indian Standards in respect of any goods, article, process, system or service, technical committees of experts may be constituted.

b) Division Councils, Sectional Committees and Subcommittees shall be reconstituted once every three years. The tenure of Panels and Working Groups shall be as decided by the concerned Technical Committee under which these were constituted.

## **(3) Division Councils –**

a) Division Councils shall be constituted by the Bureau of Indian Standards in defined areas of industries, technologies and other subjects for formulation of Indian Standards. These shall include concerned officers of the Bureau and representatives of various interests such as consumers, regulatory and other Government bodies, industry, testing laboratories and/or calibration laboratories, scientists and technologists. These may also include consultants. An officer of the Bureau shall be the Member Secretary.

b) Major functions of a Division Council would be as follows:

i) To advise on the subject areas to be taken up for formulation of Indian Standards in their respective areas keeping in view the national needs and priorities;

ii) To constitute Sectional Committees within its area of work, define their scopes, appoint their Chairpersons and members and coordinate their activities;

iii) To approve proposals for work and determine the priority to be assigned to the work;

iv) To direct the Sectional Committee(s) concerned to undertake a work or constitute a new Sectional Committee for the purpose;

v) To advise on matters relating to research and development needed for the establishment of Indian Standards or their revisions ;

vi) To study the work of international organizations and their committees in standards formulation as related to the area of work of the Division Council and recommend on the extent and manner of participation in standardization activities at the international level;

vii) To advise on implementation of established standards and promotion of Indian Standards;

viii) To receive and deal with activity reports and to make recommendations thereon to the Governing Council concerning matters in which the decision of the Governing Council is necessary;

ix) To carry out such tasks as may be specifically referred to it by the Governing Council/Standards Advisory Committee.

#### **(4) Sectional Committees, Subcommittees, Panels and Working Groups**

- a) Sectional Committees shall be constituted by Divisional Councils for the formulation of Indian Standards(s). These shall include concerned officers of the Bureau and representatives of various interests such as consumers, regulatory and other Government bodies, industry, testing organizations laboratories and/or calibration laboratories, scientists, technologists, experts in personal capacity and may also include consultants but consumer interests shall, as far as possible, predominate. An officer of the Bureau shall be the Member-Secretary.
- b) A Sectional Committee may constitute subcommittees, Panels and Working Groups within its area of work, define their scope, composition and coordinate their activities.
- c) A Sub-Committee may constitute Panels and Working Groups within its area of work, define their scope, composition and coordinate their activities.
- d) Sectional Committees, subcommittees and panels and Working Groups may co-opt experts to assist them in their work.

**(5) Terms and conditions for engaging Consultants** - The terms and conditions for engaging consultants in the work of technical committees and in the work relating to establishment of Indian Standards shall be as decided by the Executive Committee.

#### **(6) Procedure for Establishment of Indian Standards**

- a) Any Ministry of the Central Government, State Governments, Union Territory Administrations, consumer organizations, industrial units, industry-associations, professional bodies, members of the Governing Council, members of its technical committees or any individual may submit proposals to the Bureau for establishing an Indian Standard or for , revising, , or withdrawing an established Indian Standard by making such request in writing.
- b) The work of formulation of Indian Standards on any specific subject shall be undertaken when the Division Council concerned is satisfied as a result of its own deliberations or on investigation and consultation with concerned interests that the necessity for standardization has been established or by the Sectional Committee concerned as directed by the Division Council or as a result of its own deliberations and subsequent approval of Division Council.
- c) When the subject has been so investigated as in sub-rule (b) and the need established, the Division Council concerned shall assign the task of formulating the standard to an appropriate Technical Committee or shall appoint a new Technical Committee for the purpose.
- d) When request for establishing an Indian Standard for any specific subject has not been accepted after its due consideration, the proposer shall be informed of the decision.
- e) A draft Indian Standard prepared and duly approved by a Committee shall be issued in draft form and widely circulated for a period of not less than one month amongst the various interests concerned

for critical review and suggestions for improvement. The wide circulation may be waived of, if so decided by the Sectional Committee where the matter is urgent or non-controversial.

f) The concerned Sectional Committee shall thereafter finalize the draft Indian Standard giving due consideration to the comments that may be received. The draft Indian Standard after it has been approved by the Sectional Committee or its Chairperson shall be submitted to the Chairperson of the Division Council concerned for adoption on its behalf.

g) All established Indian Standards shall be reviewed periodically, at least once in five years, to determine the need for reaffirmation, revision, amendment or withdrawal. Standards which in the opinion of the Sectional Committee need no revision or amendment shall be reaffirmed by the Sectional Committee.

h) Proposals for reviewing, revising or amending published Indian Standards shall be considered by the Sectional Committee concerned. The revision or amendment shall then be dealt with in accordance with clauses (e) and (f) of sub-rule (6) dealing with the establishment of Indian Standards.

i) The Director General, however, shall have the power to issue amendments of the corrigenda type meant to correct errors and omissions in established Indian Standards, without reference to the concerned Technical Committee and report to the concerned Technical Committee.

j) The Director General shall also have the power to tentatively modify such of the provisions of an Indian Standard as in his view are necessary for expeditious fulfilment of any of the objectives of the Act.

Provided that within six months of such actions, concurrence of the concerned Sectional Committee is duly obtained.

k) Withdrawal of an established Indian Standard shall be decided upon by the respective Division Council or its Chairperson on the recommendation of the Sectional Committee concerned.

#### **(7) Status of Indian Standards**

a) The procedure employed in establishing Indian Standards is designed to ensure that all interested parties have an opportunity to put forward their views, that a consensus has been obtained on the contents of the standards and that there is substantial support for the standards.

b) Indian Standards are voluntary and available to the public. Their implementation depends on adoption by concerned parties. However, an Indian Standard becomes binding if it is stipulated in a contract or referred to in a legislation or made mandatory by specific orders of the Government.

**(8) Publication** - The Indian Standards established by the Bureau, their revisions and amendments shall be published and copies thereof, in any form as may be determined by the Bureau, shall be made available for sale.

**(9) Pricing of Indian Standards and other Publications** - The prices of Indian Standards and other publications shall be fixed by the Director General according to the policy directives of the Executive Committee and may be reviewed periodically.

**(10) Standards Promotion** - The Bureau may promote standardization and adoption of Indian Standards by consumers, commerce, industry, Government and other interests, in such manner as may be considered necessary.

**(11) Procedure for Establishment of Tentative (Provisional) Indian Standards –**

- a) A tentative Indian Standard may be prepared when urgently needed but its technical accuracy cannot be established on account of technology being new or not having been proven commercially.
- b) The proposal for preparation of a Tentative Indian Standard shall be as per clause (a) of sub-rule (6) of rule 15. The proposal may be accompanied by a draft of the Tentative Indian Standard.
- c) The proposal of the Tentative Indian Standard shall be examined by the Sectional Committee concerned for approval and the standard so prepared shall be issued as a Tentative Indian Standard without wide circulation, after its adoption by Chairperson of Division Council concerned on its behalf.
- d) The Foreword of the Tentative Indian Standard shall clearly bring out the following:-
  - i) Need for preparing the Tentative Indian Standard;
  - ii) Scope of its application; and
  - iii) Period of its validity - the Sectional Committee, may decide the period of validity but this shall not exceed two years. Period of validity may be further extended by not more than two years on the recommendation of the Sectional Committee.
- e) The Tentative Indian Standard shall not be used for Standard Mark.
- f) Before the expiry of the validity period, the Tentative Indian Standard shall be considered by the Sectional Committee concerned for establishing it as a regular Indian Standard. If the Sectional Committee concerned is not in favour of its establishment as a regular Indian Standard, the Tentative Indian Standard shall lapse after its validity period.
- g) Tentative Indian Standard along with its validity shall be gazetted in accordance with clause (b) of sub-rule (1) of rule 15.

**(12) Concurrent Running of Indian Standards, –**

- a) The Director General may allow concurrent running of two versions of an Indian Standard and may also decide the period of such concurrent running.
- b) The Director General may allow concurrent running of an Indian Standard and any of its amendments and may also decide the period of such concurrent running.

**(13) Travelling and Daily Allowances to Technical Committee Members**

(1) The Chairperson and members of the technical committees that may be constituted under 8 (2) representing the Central Government, State Governments, Union Territories, Statutory and autonomous bodies (other than those specially approved by the Executive Committee), public sector undertakings, trade, industry and their associations, shall not be eligible to draw any travelling or daily allowance from the funds of the Bureau.

(2) Travelling and daily allowances to Chairperson and Members of the technical committees that may be constituted under 8(2) other than those specified in sub-rule (1), while travelling within the country with prior concurrence of the Director General, may be admissible from the Bureau for attending meetings of the Technical Committee and discharging any duty as assigned by the Technical Committee.

(3) The rates of travelling and daily allowances admissible to the members covered under sub-rule (2) shall be same as applicable to non-officials attending the meetings of the committees set up by the Central Government.

## **16. Adoption of other Standards as Indian Standards**

(1) The Bureau may, in relation to any goods, article, process, system or service, adopt any standard established by any other institution in India or outside as an Indian Standard with necessary editorial modifications, in accordance with the procedure laid down in sub-rule (6) of Rule 15.

Provided that any Indian Standard recognized by the erstwhile Indian Standards Institution and the Bureau of Indian Standards established under Bureau of Indian Standards Act, 1986 (63 of 1986) at any time before the date on which the Act, the Rules and Regulations come into force, shall be deemed to have been adopted under the provisions of the Act, the Rules and the Regulations.

(2) Standards so adopted as Indian Standards shall be notified in the Official Gazette in accordance with clause (b) of sub-rule (1) of rule 15.

(3) Standards so adopted shall also be made available for sale.

## **17. Recognition or Accreditation of Institutions Engaged in Standardization**

The terms and conditions for recognition or accreditation of any institution in India or outside engaged in standardization shall be as decided by Executive Committee and should be in line with extant International guidelines.

**18. Standard Mark** – (1) The Standard Mark shall be published by the Bureau in the Official Gazette.

Provided that the Bureau may amend or rescind any Standard Mark so published.

(2) The Standard Mark already established and notified by the Indian Standards Institution and the Bureau of Indian Standards established under the Bureau of Indian Standards Act, 1986 (63 of 1986) shall be deemed to be valid unless amended or rescinded by the Bureau.

## **19. Establishment, Maintenance and Recognition of Laboratories**

(1) Laboratories established and maintained by the Bureau shall -

a) Carry out testing of samples in relation to conformity assessment schemes of Bureau.

b) Carry out Research and Development investigations or testing for collecting data for evolving and revising Indian Standards and for quality assessment studies;

c) Provide support services to industries for quality improvement on such terms and conditions to be laid down by the Bureau from time to time;

d) Carry out such other functions as may be necessary to fulfill the objectives of the Bureau.

(2) (a) The Bureau may recognize any laboratory in India or in any other country for carrying out testing of samples in relation to conformity assessment schemes of Bureau and such other functions as may be necessary. In case any laboratory after recognition ceases to fulfill any conditions laid down by the Bureau, it shall be liable to be de-recognized by the Bureau. The guidelines for recognition, suspension of recognition, revocation of suspension, renewal of recognition and de-recognition of laboratories shall be laid down by the Bureau.

(b) Record of Recognized Laboratories-The Bureau shall maintain a record of such laboratories as are recognized by it for testing samples of articles or processes in relation to the relevant Indian Standards.

**20. Appointment of Agents** – (1) Bureau may appoint any person or laboratory or organization in India or outside India as their agents to act on their behalf for discharging any one or more of the following functions :

- a) to carry out inspections of manufacturer's premises in India or outside for allowing use of the Standard Mark;
- b) to test samples of products for their conformity to Indian Standards;
- c) to inspect consignments intended to be covered under the Standard Mark.
- d) to collect market samples;
- e) to carry out market surveillance and surveys for any goods, article, process, system or service;

(2) The terms and conditions of the appointment of agents shall be set out in an agreement between the Bureau and the agent so appointed.

Provided that the appointment of agents outside India shall be made with the previous approval of the Central Government.

**21. Inspection of Goods, Article, Process, system or service when Standard Mark or Conformity to Indian Standard is required by the Act or Under any other Law** – (1) The Bureau may, in terms of provisions of Section 27(2), carry out inspections, through its inspecting officers or agents, of goods, articles , processes where Standard Mark or Conformity to Indian Standard is required or claimed under this Act or under any other law if authorised under that law.

(2) Such inspections may be carried out in India or outside India at place of manufacture before dispatch, or at the place of its entry into India, or at place of its sale or use in India.

(3) Such inspections may include inspection of quality control system, or verification of records of testing or testing of a sample or any other related matter.

(4) The Bureau of Indian Standards shall be paid fees in advance for such inspection and expenses of travelling allowances, daily allowances and the like as may be mutually agreed.

**22. Other Functions of the Bureau** – The Bureau under clause (h) of sub-section (2) of section 9 and sub-section (3) of section 9 may also –

- a) formulate, implement and coordinate activities relating to quality maintenance and improvement in products and processes;
- b) promote harmonious development in standardization, management systems and certification, and matters connected therewith both within the country and at international level;
- c) provide information, documentation and other services to consumers and consumer organizations on such terms and conditions as may be mutually agreed upon;
- d) give recognition to quality assurance systems in manufacturing or processing units on such terms and conditions as may be mutually agreed upon;
- e) bring out handbooks, guides and other special publications;
- f) carry out inspections and testing or testing or audit of goods, article, process, system or service for conformity to any other standard if so authorized on such terms and conditions as may be mutually agreed upon;
- g) formulate, implement and coordinate activities of conformity assessment to the relevant Indian Standard on voluntary or compulsory basis, of goods, article, process, system or service as may be considered expedient in public interest and so notified through an order by the Central Government after consulting the Bureau.
- h) perform such other functions as may be conducive to the interests of the Bureau.

### **23. Exemption from Prohibition to Use Certain Names, etc –**

- (1) The Bureau may exempt any name, mark or trade mark, referred to in section 26(1)(b) from the operation thereof, if such name, mark or trade mark has been established by or under any law for the time being in force and application has been made to it by any person under sub-rule (2) within a period of six months from the date of commencement of these rules.
- (2) Any person claiming an exemption in respect of any name, mark or trade mark under sub-rule (1) may make an application to the Bureau in form as specified by the Bureau from time to time.
- (3) The Bureau shall cause to maintain a register in which shall be entered all names, marks and trade marks exempted by the Bureau under sub-rule (1).

### **24. Appeals against Decisions of Bureau –**

- (1) An Appeal under section 13 or sub section (4) of section 14 or section 17 of the Act may be preferred by the aggrieved party to the Director General within ninety days from the date of the decision. No appeal shall be admitted after the expiry of the period of ninety days. However, if the appellant satisfies the Director General that he had sufficient cause for not preferring the appeal within 90 days period, the appeal may be admitted after the expiration of 90 days.
- (2) Every appeal made under sub-rule (1) shall be filed in duplicate and shall be accompanied by a self-attested copy of the order appealed against.

(3) Every appeal made under sub-rule (1) shall be accompanied by a fee of Rupees Five Thousand in the form of Demand Draft/Pay Order/E transfer drawn in favour of the Bureau.

(4) The Director General may call for relevant documents from the appellant and may after such inquiry in the matter as he considers necessary and after giving an opportunity to the parties to be heard, pass such orders as he thinks fit.

(5) The Director General may, suo-motu, or on an application made in the form as specified by the Bureau from time to time, review and reconsider the order passed by any officer to whom the powers have been delegated by him and may confirm, modify or set aside the orders passed by such officer after the review.

(6) Any person aggrieved by an order passed by the Director General under sub-rule (4) and sub-rule (5), may prefer an appeal to the Ministry of the Central Government having administrative control of the Bureau within a period of 60 days from the date of such order.

(7) The provisions of sub-rule (2) and (4) shall apply mutatis mutandis to every appeal filed under sub-rule (6).

## **CHAPTER V**

### **LICENSE AND CONFORMITY ASSESSMENT SCHEMES**

#### **25. Regulations for Conformity assessment Schemes-**

(1) BIS will frame regulations for Conformity Assessment Schemes and Standard Mark for these schemes, keeping in view the factors relevant for certification bodies/agencies accredited for specific conformity assessment activities by BIS or other National Accreditation Bodies of the Government. These certification bodies may issue certificate of conformity based on the scheme formulated by BIS

- a) either directly for voluntary standards or
- b) on being authorized by Central Government for the purpose (in case of mandatory standards /essential requirements to which specified goods, article, process, system or service should conform)

(2) Conformity assessment scheme will provide terms, conditions and procedures for both

- a) the certification bodies for granting a certificate of conformity
- b) the accreditation bodies for accrediting a conformity assessment body for a conformity assessment scheme.

#### **26. Regulations for grant of license –**

BIS will frame regulations for grant of license to use a standard mark of a Conformity Assessment Scheme based on the certificate of conformity from a certification body/agency as mentioned in rule 25.

- a) License shall be issued, based on a valid certificate of conformity, within 15 days of receipt of application for a license.



- b) License fee shall be a nominal fee and shall not be more than 10% of the fee for certificate of conformity.

## **CHAPTER VI**

### **FINANCE, ACCOUNTS AND AUDIT**

**27. Budget** – (1) The Bureau shall prepare budget estimates for the next year and the revised estimates for the current year and shall forward it to the Central Government each year by 15th October or on such date as may be decided by the Central Government.

(2) These estimates shall be prepared separately on revenue and capital accounts.

(3) Budget estimates shall contain the following details -

- (a) budget estimates for the current year;
- (b) revised estimates for the current year;
- (c) budget estimates for the next year.

**28. Expenditure not Budgeted for** – The expenditure which is of an emergent and essential in character but provision for the same has not been made in the budget shall be incurred only after the Executive Committee has approved of it.

**29. Appropriation** – The funds provided in the sanctioned budget shall be deemed to be at the disposal of the Director General who shall have full powers to appropriate sums therefrom to meet expenditure under different heads of accounts for activities and purposes authorised and provided for in the budget. Provided that funds shall not be appropriated or re-appropriated to meet expenditure which has not been sanctioned by an authority competent to sanction it.

**30. Reappropriation** – The Director General shall have powers within the scope of the budgetted activities and purposes to reappropriate sums from one head of account to another:  
Provided that funds shall not be reappropriated –

- i) to meet the expenditure on any new item of work not contemplated in the budget;
- ii) to meet the expenditure on any Project involving construction which has not received administrative approval and technical sanction from the competent authorities;
- iii) to meet the expenditure on any Project involving construction, in excess of 10 per cent of the approved estimates;
- iv) from the provision made for any specified new item of expenditure in the budget for any other purpose;
- v) from funds provided under Plan heads to the Non-Plan heads of expenditure and from Capital to Revenue and vice versa; and
- vi) from or to head of account "Overseas travel" expenditure.

**31. Bank Accounts** – (1) Bank accounts shall be opened in State Bank of India or any of its subsidiaries or any of the nationalized banks and operated in such a manner as may be authorised by the Director-General.

(2) All moneys belonging to the Fund shall be deposited promptly into the Bank.

**32. Investment** – Moneys belonging to the Fund may, with the approval of the Director General or any other Officer authorized in this behalf, be invested in the form and modes as specified under sub-section (5) of section 11 of the Income-tax Act, 1961 (113 of 1961) for Investment of Income derived from Property held under trust wholly for Charitable or religious purposes.

**33. Contract** – (1) The Bureau may enter into all such contracts as it may consider necessary for giving effect to any of the provisions of the Act.

(2) Every contract made under or for any purpose of the Act shall be made on behalf of the Bureau by the Director General or such other officers as may be authorised by him in this behalf.

**34. Administration of Provident Fund** – (1) General Provident Fund applicable to the officers and employees of the Bureau shall be administered by a committee of administrators, to be nominated by the Director-General, comprising a Chairman and four other persons out of which at least two of them shall be the representatives of officers and employees.

(2) The functions of the committee of administrators shall include management of the Provident Funds and investment of the same in Government Securities and other deposits, in the manner laid down by the Central Government in this regard. It shall also have the power to delegate such of the functions as it may consider necessary to one or more of its members.

**35. Pension/ Gratuity Liability Fund:**

(1) Bureau shall maintain a Pension/Gratuity Liability Fund.

(2) The Fund shall be utilized for the payment of Pension, Gratuity and Commuted value of Pension only and no appropriation shall be made out of this Fund.

(3) The corpus of the fund shall be on the basis of actuarial valuation and shortfall shall be made through the appropriation of the surplus from Income and Expenditure Account and/or transfer from BIS Fund.

(4) An Annual Contribution based on actuarial valuation shall be made to the Fund and charged to Income & Expenditure Account of the Bureau.

(5) The Investment of the Fund shall be made in accordance with Rule 32 of BIS Rules.

(6) The custody, operation and maintenance of the records of the Fund shall be in such a manner as may be authorized by the Director General.

**36. Annual Report** – (1) The Bureau shall prepare its annual report and forward it to the Central Government within 9 months of the end of the year for being laid before each House of Parliament.

(2) The annual report shall give a full account of the activities of the Bureau during the previous year and shall include the audited accounts of the year and the report of the Comptroller and Auditor General of

India thereon. The Bureau shall forward copies of the annual report to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

**37. Accounts –**

(1) The Bureau shall maintain accounts of its income and expenditure relating to each year and maintain records in such a manner as to prepare annual statement of accounts consisting of income and expenditure account and the balance sheet.

(2) Annual statement of accounts shall be submitted for audit not later than 30th June each year in the common accounting format prescribed by Ministry of Finance from time to time for central autonomous bodies or as nearer thereto as the circumstances admit. Annual statement of accounts shall be signed on behalf of the Bureau by the officer incharge of Accounts and the Director General and shall be approved by the Executive Committee.

## **CHAPTER VII**

### **MARKET SURVEILLANCE AND ENFORCEMENT**

**38.** The Bureau shall have a separate dedicated division for Market surveillance and enforcement activities. The main activities of the division will include

- a) Surveillance of conformity assessment bodies issuing certificate of conformity and of testing laboratories so as to ensure that CABs are issuing certificates in accordance with regulation/schemes of BIS. In case of non-conformance BIS will take action in coordination with other National Accreditation Bodies, where applicable.
- b) Sampling of certified products from points of manufacture and consumer market in coordination with administrative Ministries/Departments and regulators.
- c) Ensure compliance of directions related to penalties for non-conformance and verification of corrective action taken.
- d) Provide consumers and other interested parties with the opportunity to submit complaints on issues relating to product safety, market surveillance activities and risks arising in connection with products and follow up those complaints as appropriate.
- e) Making an annual market surveillance program/ plan and its implementation.
- f) Adequate steps for public awareness about above provisions, programs for effective enforcement.
- g) Annual Market Survey for quality of products by an independent agency or on its own and submission of report to the administrative Ministry/Departments.

**39. Certification Officers –** (1) The Bureau shall designate such of the officers of the Bureau as Certification Officers under sub-section (1) of section 27, as it may consider necessary.

(2) Every Certification Officer shall be furnished by the Bureau with a certificate of appointment as a Certification Officer in form as specified by the Bureau from time to time. The certificate shall be carried by the Certification Officer at all times while he is on duty and shall, on demand, be produced by him.

(3) Every applicant for a licence or certificate of conformity or every holder of licence or certificate of conformity shall afford to the Certification Officer such reasonable facilities as the Certification Officer may require for carrying out the duties imposed on him by or under the Act.

#### **40. Powers of Certification Officer –**

For the purpose of performing the duties imposed on him by or under section 27 and section 28 of the Act, a Certification Officer may –

- a) at any time during the usual business hours enter upon any premises in which any goods, article, process, system or service, in respect of which a licence or certificate of conformity has been granted under section 13(2) is manufactured or employed by a certified body or licence holder with a view to ascertaining that the Standard Mark is being used in accordance with the terms and conditions imposed by the Bureau and that the Scheme of routine inspection and testing specified by the Bureau is being correctly followed;
- b) inspect and take samples at such premises of any such goods or article or any material used or intended to be used in the manufacture of such goods or article which is marked with a Standard Mark;
- c) inspect any process, system or service at such premises in respect of which the certified body or licence holder has been granted a certificate of conformity or given the authority to use the Standard Mark;
- d) examine the records kept by the certified body or licence holder relating to the certificate of conformity or use of the Standard Mark;
- e) enter into, and search any place, premises or conveyance for such goods, article, process, system or service contravening provisions of section 11 or sub section (6) or (8) of section 14 or section 15 or section 17 as provided in Section 28 of the Act.
- f) where, as a result of search made under (e), any goods, article, process, system or service has been found in relation to which contravention of section 11 or sub section (6) or (8) of section 14 or section 15 or section 17 has taken place, seize such goods or articles and any other things as provided in Section 28 of the Act.

#### **41. Compensation for non-conforming goods –**

(1) Where a certified body or licence holder or his representative has sold goods, articles, processes, system or services, which bear a Standard Mark or any colourable imitation thereof, which do not conform to the relevant standard, the Bureau shall direct the certified body or licence holder or his representative to pay compensation under section 18(7)(b), which shall include an amount two times the selling price of the non-conforming goods, article, process, system or service, and the testing charges.

(2) Every application for compensation shall be made in the Form as specified by the Bureau from time to time together with self-attested copies of relevant documents, including the test report of the goods, article, process, system or service in question, relevant to establish the non-conformance. Such test report should be issued by any laboratory maintained or recognized by the Bureau.

(3) The Head of the Regional Office of the Bureau under whose jurisdiction the holder of licence or certificate of conformity falls, shall be the authority competent to decide the compensation.

(4) The authority mentioned in sub-rule (4) shall decide the application within sixty days of its filing.

(5) Before passing any order under sub-rule (5), an opportunity to file a statement of defence shall be afforded to the holder of licence or certificate of conformity to whom the application relates. An opportunity of personal hearing may also be given to both the sides, if the circumstances so deserve.

(6) In case the holder of licence or certificate of conformity fails or refuses to pay the amount of compensation, as ordered under this rule, within a period of 30 days from the date of passing of the order, the Bureau may cancel the licence or certificate of conformity;

Provided that the period of 30 days may be extended by a maximum period of 30 days by the authority referred to in sub-rule (4), if an application revealing genuine hardship is preferred by the holder of licence or certificate of conformity.

(7) In cases where consumer claims compensation for injury, based on the order passed under sub-rule (5), consumer will have the following options

- a) he may approach the license holder or certified body for grant of compensation for injury caused
- b) he may approach any court of law for compensation towards injury caused.

(8) If the non-conformity to standard is established, the Bureau will carry out inspection of other samples of the product in the market or at the production site and initiate further action against the licensee as per the license conditions.

#### **42. Compounding of Offences –**

(1) (a) Any offence committed for the first time punishable under the Act may either before or after the institution of any prosecution be compounded by an officer so authorized by Director General as per procedure laid down hereunder.

(b) The Director General shall authorize in writing, the Head of the Regional Office or any other senior officer of the Bureau of equivalent rank, who shall be the compounding authority under the Act.

(2) **Form and manner of application** – An applicant may either before or after the institution of prosecution, make an application in the form as specified by the Bureau with the approval of the Central Government from time to time to the compounding authority to compound the offence under section 33 of the Act.

(3) **Procedure on receipt of application** – (a) On receipt of an application under this rule, the compounding authority shall call for a report from the concerned branch office with reference to the particulars furnished in the application or any other information which may be considered relevant for examination of such application.

(b) Such a report shall be furnished by the branch office within a period of 30 days or within such extended period as may be allowed by the compounding authority from the date of receipt of communication from the compounding authority.

(c) The compounding authority, after giving personal hearing to the applicant, in case required, and after taking into account the contents of the said application may by order giving reasons of arriving at the decision, either allow the application indicating the compounding amount and grant the applicant immunity from prosecution under the Act or reject such application.

Provided that the application shall not be rejected unless an opportunity has been given to the applicant of being heard and the grounds of such rejection are mentioned in such order.

(d) A copy of order passed under above rule shall be sent to the applicant by registered post/speed post/e-mail at the address given in the application and also hosted on BIS website.

(e) Where it is revealed that prosecution has already been instituted, no order shall be passed by the compounding authority under clause (c) of sub-rule (3); however, the compounding authority may, in such cases, after following the procedure laid down in clause (a) to clause (c) of sub-rule (3), bring the composition, including the compounding amount, to the notice of the court by filing appropriate Application, and shall be bound by the decision of the court on such Application.

(f) Applicant shall within a period of 30 days from the date of receipt of order under clause (c) of sub-rule (3) allowing the compounding of offences, or order of the court under clause (e) sub-rule (3), pay to the Bureau the compounding amount as ordered to be paid by the compounding authority or the court, as the case may be, and shall furnish the proof of such payment to the compounding authority, in default of which the provisions of sub rule (6) shall be applicable.

(g) The compounding amount once paid shall not be refunded except in cases where the court rejects grant of immunity from prosecution for the same offence.

(h)The applicant shall not claim, as a matter of right, that his offence be compounded.

(i) No compounding shall be allowed by the compounding authority where there are apparent contradictions, inconsistencies or incompleteness in the case of the applicant.

**(4) Fixation of compounding amount** – For the purpose of compounding of offences under the provision of the Act, the compounding amount shall be as provided in the following table:

Sl No.	Section No.	Offence	Compounding amount
(1)	(2)	(3)	(4)
1	29(1)	Offence specified under section 29(1) of the Act.	50% of the maximum amount of punishable fine subject to minimum of 25% of the punishable fine under section 29(1).
2	29(2)	Offence specified under section 29(2) of the Act	50% of the maximum amount of punishable fine under section 29(2) Subject to a minimum of Rupees one lakh.
3	29(3)	Offence specified under section 29(3) of the Act	50% of the maximum amount of punishable fine under section 29(3) Subject to a minimum of Rupees two lakhs.

Provided that, if the person has committed offences falling under more than one of the categories mentioned above, the compounding amount, in such cases, shall be the amount as determined for the offence for which a higher compounding amount has been prescribed.

(5) Powers and duties of compounding authority – (a) The compounding authority, if he is satisfied that any person who has made the application for compounding of offence under these rules has cooperated in the proceedings before him and has made full and true disclosure of the facts relating to the goods, articles, process, system or service, grant such person immunity from prosecution under the Act if the prosecution has not been instituted with respect to the case so compounded, subject to such conditions as the compounding authority may find fit to impose.

(b) The compounding authority shall endeavor to decide every application for compounding within sixty days of its filing.

(c) The compounding authority shall file before the Director General, a monthly report indicating the details of applications received by him and actions taken thereon.

(6) **Withdrawal of immunity from prosecution in certain conditions.** - (a) An immunity granted to a person under sub rule (5) shall stand withdrawn if such person fails to pay any sum specified in the order of compounding passed by the compounding authority, under clause (c) of sub-rule (3) within the time specified in the order or fails to comply with any other condition subject to which the immunity was granted and thereupon the provisions of the Act shall apply as if no such immunity had been granted.

(b) An immunity granted to a person under sub-rule (5) may, at any time, be withdrawn by the compounding authority, if he is satisfied that such person had, in the course of the compounding proceedings, concealed any material particulars, or had given false evidence, and thereupon the person may be tried for the offence with respect to which immunity was granted or for any other offence that appears to have been committed by him in connection with the compounding proceedings and, thereupon, the provisions of the Act shall apply as if no such immunity had been granted.