

The Bureau of Indian Standards Rules, 2018

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The Bureau of Indian Standards Rules, 2018¹

In exercise of the powers conferred by Section 38 of the Bureau of Indian Standards Act, 2016 (11 of 2016), and in supersession of the Bureau of Indian Standards Rules, 1987 in so far as they relate to Chapter IV-A of the said rules, and in supersession of the Bureau of Indian Standards Rules, 2017 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely—

1. Short title and commencement.—(1) These rules may be called the Bureau of Indian Standards Rules, 2018.

(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 of the Act;
- (c) “certificate of conformity” means a certificate granted by the Bureau or designated authority demonstrating that an article, process, system, service, has been determined to be in compliance with a standard or specified requirements, following assessment of conformity;
- (d) “compounding authority” means an officer authorised by the Director General to be the compounding authority under sub-rule (1) of Rule 50;
- (e) “Consultant” means an expert or an organisation of experts engaged for a specific task relating to standards formulation to whom a fee is payable by the Bureau;
- (f) “Director General” means Director General of the Bureau;
- ²[(g) “Form” means a form appended to these rules;]
- (h) “licensee” means a person to whom a licence has been granted under the Act;
- (i) “technical committee” means a committee constituted by the Bureau under sub-section (3) of Section 10 of the Act and includes a Division council, sectional committee, sub-committee, panel, working group or any other committee;
- (j) “year” means the financial year commencing on the first day of April and ending on the 31st day of March.

1. Ministry of Consumer Affairs, Food and Public Distribution (Deptt. of Consumer Affairs), Noti. No. G.S.R. 584(E), dated June 25, 2018, published in Gazette of India, Extra., Part II, Section 3(i), dated 25th June, 2018, pp. 16-31, No. 427.

2. Subs. by G.S.R. 1090(E), dt. 6-11-2018 (w.e.f. 6-11-2018). Prior to substitution it read as:
‘(g) “form” means form as specified by the Bureau from time to time provided that if any such form is specified by the Central Government for a purpose, that form shall prevail;’

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

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 the 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 Councillor, as the case may be, in the case of Union territories, not having a Council of Ministers;
- (h) two persons representing consumer organisations 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) President or Director General or 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 organisation, other than the public sector, who is awardee of a national or an international award for quality;
- (k) three persons representing the scientific and research institutions, technical, educational and professional organisations related to subjects of importance to the Bureau;
- (l) one person representing regulatory authorities or bodies dealing with important subjects of interest to the Bureau;
- (m) one person representing the National Accreditation Boards or bodies.

Explanation.—For the purposes of clause (g), the five zones of States and Union territories shall be as under—

North (1)	East (2)	West (3)	South (4)	North-East (5)
1. Himachal Pradesh 2. Punjab 3. Haryana 4. Uttar Pradesh 5. Jammu and Kashmir 6. Uttarakhand 7. NCT of Delhi 8. Chandigarh 3[9. Ladakh	1. West Bengal 2. Orissa 3. Bihar 4. Chhatisgarh 5. Jharkhand 6. Sikkim	1. Gujarat 2. Maharashtra 3. Rajasthan 4. Madhya Pradesh 5. Goa 6. Daman and Diu 7. Dadra and Nagar Haveli	1. Andhra Pradesh 2. Tamil Nadu 3. Karnataka 4. Kerala 5. Telangana 6. Puducherry 7. Andaman and Nicobar Islands 8. Lakshadweep Islands	1. Assam 2. Meghalaya 3. Tripura 4. Arunachal Pradesh 5. Manipur 6. Mizoram 7. Nagaland

(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 (m) of sub-rule (1) of Rule 3 shall hold office for a period of two years and shall be eligible for reappointment.

(2) A member appointed under sub-rule (1) of Rule 3 who desire to resign from membership of the Governing Council 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) 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:

Provided that 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:

Provided that 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:

Provided that 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) Seven 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 and 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 which 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 ⁴[Chairman and ⁵[thirteen] 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 to the Government of India in the Ministry or Department having administrative control of the Bureau;

(ii) Special Secretary or Additional Secretary ⁶[* * *] to the Government of India in the Ministry or Department having administrative control of the Bureau;

⁷[(ii-a) Joint Secretary to the Government of India in the Ministry or Department having administrative control of the Bureau.]

(iii) two persons, each representing different Ministries or Departments of Central Government other than the Ministry or Department having administrative control of the Bureau.

⁸[(iii-a) Secretary or Principal Secretary of the Department having administrative control over Industries of any one State or Union territory on rotational basis;

(iii-b) Secretary or Principal Secretary of the Department having administrative control over Consumer Affairs of any one State or Union territory on rotational basis;]

(iv) one person representing consumer organisation;

4. Subs. for "Chairman and ten other members" by G.S.R. 382(E), dated 29-5-2019 (w.e.f. 29-5-2019).

5. Subs. for "eleven" by G.S.R. 125(E), dt. 18-2-2020 (w.e.f. 18-2-2020).

6. The words "or Joint Secretary" omitted by G.S.R. 382(E), dated 29-5-2019 (w.e.f. 29-5-2019).

7. Ins. by G.S.R. 382(E), dated 29-5-2019 (w.e.f. 29-5-2019).

8. Ins. by G.S.R. 125(E), dt. 18-2-2020 (w.e.f. 18-2-2020).

- (v) one person representing industry, trade and their associations;
- (vi) two persons representing academic, scientific and research institutions;
- (vii) two persons representing public sector enterprises and technical or professional organisations.

(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 reappointment.

(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, termination etc., of a member of the Executive Committee shall be filled within a period of three months from the date of occurrence by the Bureau 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.

(11) The proceedings of each meeting shall be circulated to each member of the Executive Committee which 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 and public sector undertakings (other than those specially approved by the Executive Committee), 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) Any member who is a Member of Parliament 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 be entitled to such allowance for meetings held during the intersession period.

Explanation.—For the purposes of this sub-rule, “intersession period” means the interval between the adjournment of a House of Parliament of which he is a Member and the reassembly of that House.

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, namely—

- | | |
|---|-----------|
| (i) Secretary to the Government of India in the Ministry or the Department having administrative control of the Bureau; | —Chairman |
| (ii) Secretary to the Government of India in the Department of Science and Technology; | —Member |
| (iii) Nominee of the Government of India in the Department of Personnel and Training; | —Member |
| (iv) An outside expert of eminence from the relevant field to be nominated by the Central Government. | —Member |

(3) The Selection Committee shall consider suitable candidates, including from amongst officers and employees of the Bureau, possessing the following qualifications and experience, namely—

- (a) Essential qualifications : a first class degree in Engineering or
- (i) Technology 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 Technology 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) Standardisation;
- (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:

Provided further that if the candidate is a Government servant, he shall have the educational qualifications and experience as specified in clauses (a) and (b) and also be eligible for promotion to a post equivalent to Additional Secretary in the Government of India:

Provided also that if a candidate is an employee of a public sector undertaking or an 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 equivalent to Joint Secretary in the Government of India; and at least two years' experience in senior management level in the case of a candidate working in private sector:

Provided also that on the closing date of receipt of applications, the candidate should have at least two years' service before superannuation.

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

(5) Notwithstanding anything contained in sub-rule (3), 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.

9. Term of office of Director General.—The Director General shall hold office for a term of three years or until he attains the age of sixty years, whichever is earlier:

Provided that the term of the 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 further 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, reappoint him for a further period not exceeding two years.

10. Pay and allowances.—The post of Director General shall be equivalent to the post of an Additional Secretary in the Government of India and shall be entitled to all other allowances as provided under the Act or under these rules:

Provided that 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 or the Daily Allowance rules as are applicable to the Central Government servants of equivalent status and others shall be governed by the regulations of the Bureau.

11. Staff car.—(1) 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.

(2) The Director General shall 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 Department of Expenditure in the Ministry of Finance from time to time.

12. Resignation.—The Director General may, at any time before the expiry of his term, tender his resignation to the Central Government by giving three months' notice therefor:

Provided that the Central 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, if a candidate is a Government servant, the entitlement shall be as applicable to the Central Government servant of equivalent status and if the candidate is an employee of a public sector undertaking or an autonomous body or working in private sector, he shall be governed by regulations framed under the Act 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 relating to appointment and terms and conditions of service of the Director General.

15. Establishment of Indian Standards.—(1) 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 or calibration laboratories, scientists, technologists, and members of the Committees of the Bureau:

Provided that where a standard is being established on the request of the Central Government or the regulator, which is emerging from or has an impact on national policy, the Central Government or the concerned regulator shall be consulted to ensure that the standard is consistent with such policy:

Provided further 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) before the date of commencement of the Act or the rules or regulations made thereunder, shall be deemed to have been established under the provisions of the Act or under these rules or regulations made under Section 39 of the Act.

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

16. Division Councils.—The Bureau shall, for the purposes of formulation of Indian Standards in respect of any goods, article, process, system or service, constitute technical committees of experts to be known as the Division Councils.

17. Sectional committees.—(1) The Division Council may constitute such number of Sectional Committees, for the work of formulation of Indian Standards, as it may consider necessary for the purpose.

(2) Every Sectional committee shall comprise of concerned officers of the Bureau and representatives of various interests such as consumers, regulatory and other Government bodies, industry, testing organisations laboratories or calibration laboratories, scientists, technologists, experts in personal capacity and consumer interests and an officer of the Bureau shall be its Member-Secretary.

18. Sub-Committees, panels and working groups.—A sectional committee may constitute such number of sub-committees, panels or working groups within its area of work as it may consider necessary, and it shall define their scope, composition and coordinate their activities.

19. Term of the technical committees.—The Division Councils, sectional committees and sub-committees shall be reconstituted once every three years:

Provided that the tenure of panels and working groups shall be as decided by the concerned Division Council under which they were constituted.

(2) Division Councils shall be constituted in defined areas of industries, technologies, services and other subjects and shall comprise of concerned officers of the Bureau and representatives of various interests such as consumers, regulatory and other Government bodies, industry, testing laboratories or calibration laboratories, scientists and technologists and an officer of the Bureau shall be the Member Secretary.

(3) The Division Council shall—

(i) 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) approve proposals for work and determine the priority to be assigned to the work;
- (iii) direct the sectional committees concerned to undertake the work of formulation of standards;
- (iv) advise on matters relating to research and development needed for the establishment of Indian Standards or their revisions;
- (v) study the work of international organisations and their committees in standards formulation related to the area of work of the Division Council and recommend on the extent and manner of participation in standardisation activities at the international level;
- (vi) advise on implementation of established standards and promotion of Indian Standards;
- (vii) 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;
- (viii) carry out such tasks as may be specifically referred to it by the Governing Council or the Standards Advisory Committee constituted under clause (c) of sub-section (1) of Section 5 of the Act.

20. Travelling and daily allowances to members of technical committee.

—(1) The members of the technical committees constituted under these rules representing the Central Government, State Governments, Union territories, statutory bodies, autonomous bodies and public sector undertakings (other than those specially approved by the Executive Committee), 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 constituted under these rules 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 or discharging any duty of the technical committee.

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

21. Terms and conditions for engaging consultants.—(1) The Bureau may from time to time, engage such number of consultants as it may consider necessary, to assist the Committees constituted under this rule.

(2) 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 such as may be decided by the Executive Committee.

22. Procedure for establishment of Indian Standards.—(1) Any person, being a Ministry of the Central Government, State Government, Union territory administration, consumer organisation, industrial unit, industry-association, professional body, member of the Governing Council, member of a technical

committee or any individual who proposes for establishment of an Indian Standard or for amending or for revising or withdrawing an established Indian Standard may submit the proposal to the Bureau in writing for the purpose.

(2) On receipt of the proposal under sub-rule (1), the Bureau shall assign the proposal to the concerned Division Council.

(3) The Division Council, on being satisfied as a result of its own deliberations or on investigation and consultation with concerned interests that the necessity for standardisation has been established, shall assign the task of formulating the standard to a sectional committee constituted for the purpose:

Provided that if the proposal for establishing an Indian Standard has not been accepted after its due consideration, the proposer shall be informed of the decision.

(4) The Indian Standard prepared by the sectional 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:

Provided that the wide circulation may be waived of, if the Sectional Committee is satisfied that the matter is urgent or non-controversial.

(5) The draft Indian Standards issued under sub-rule (4) shall be finalised by the concerned sectional committee after giving due consideration to the comments that may be received and the draft so finalised shall be submitted to the Chairperson of the concerned Division Council for adoption of the Standard.

(6) The standard so adopted under sub-rule (5) shall be notified by the Bureau.

23. Review of Indian standards.—The Bureau shall review, periodically, at least once in five years, all established Indian standards to determine the need for revision, amendment, reaffirmation or withdrawal of such standards, in accordance with the provisions of these rules:

Provided that the need for withdrawal of the established Indian standard shall be decided upon by the respective Division Council on the recommendations of the sectional committee concerned:

Provided further that proposals relating to minor amendments or amendments in the nature of correction of errors or omissions in established Indian Standards may be notified by the Bureau without reference to the concerned Sectional Committee:

Provided also that the Bureau shall have the power to provisionally amend, by notification, such of the provisions of an Indian Standard as in its view are necessary for expeditious fulfilment of any of the objectives of the Act and the amendments so made shall be regularised without further notification if the sectional committee concerned has on examination, approved the standards as so amended, within a period of six months from the date of the notification.

24. Indian Standards to be binding in certain cases.—(1) Save as otherwise provided in sub-rule (2), the Indian Standards are voluntary and their implementation depends on adoption by concerned parties.

(2) An Indian Standard shall be binding if it is stipulated in a contract or referred to in a legislation or made mandatory by specific orders of the Government.

25. 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 at such prices as may be determined by the Bureau.

26. Standards promotion.—The Bureau may promote adoption of Indian Standards by consumers, commerce, industry, Government and other interests, in such manner as it may consider necessary.

27. Procedure for establishment of provisional Indian Standards.—(1) Where a proposal relates to a new technology in respect of which its technical accuracy cannot be established, the Bureau may cause the Division Council to prepare a provisional Indian standards in accordance with the procedure laid down under Rule 22.

(2) The provisional Indian Standard so prepared under this rule shall be notified as a provisional Indian Standard without wide circulation, after its adoption by Chairperson of Division Council concerned.

(3) The Foreward of the provisional Indian Standard shall specify the following, namely—

- (i) need for preparing the provisional Indian Standard;
- (ii) scope of its application; and
- (iii) period of its validity:

Provided that the provisional Indian standards so notified under sub-rule (2) shall be valid for a period upto two years, as may be determined by the Bureau on the recommendations of the sectional committee, and may be extended by not more than two years.

(4) The provisional Indian Standard shall not be used for Standard Mark.

(5) The provisional Indian Standards so notified under sub-rule (2) shall, before the expiry of the validity period, be examined by the concerned sectional committee and establish it as a regular Indian Standard:

Provided that if the sectional committee is of the opinion that such standards should not be established, with or without modification, as a regular Indian Standard, then the provisional Indian Standard so notified shall lapse after its validity period.

28. Concurrent Running of Indian Standards.—(1) The Director General may allow concurrent running of two versions of an Indian Standard and may also decide the period of such concurrent running.

(2) 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.

29. 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 India as an Indian Standard with necessary modifications, in accordance with the procedure laid down in Rule 22:

Provided that any Indian Standard adopted by the erstwhile Indian Standards Institution and the Bureau of Indian Standards established under Bureau of Indian Standards Act, 1986 (63 of 1986) shall be deemed to have been adopted under the provisions of the Act or under these rules or the regulations made under Section 39 of the Act.

(2) Standards so adopted as Indian Standards shall be notified by the Bureau in the Official Gazette.

30. Recognition or accreditation of Institutions engaged in standardisation.—The terms and conditions for recognition or accreditation of any institution in India or outside India, engaged in standardisation, shall be as decided by Executive Committee.

31. Standard Mark.—(1) The Standard Mark shall be published by the Bureau in the Official Gazette.

(2) The Standard Mark 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.

32. Establishment, maintenance and recognition of laboratories.—(1) The 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 as may be laid down by the Bureau from time to time; and
- (d) carry out such other functions as may be necessary to fulfil the objectives of the Bureau.

(2) The Bureau may recognise any laboratory in India or outside India for carrying out testing of samples in relation to conformity assessment and such other functions as the Bureau may assign to it.

(3) The Bureau may issue guidelines for recognition, suspension or withdrawal, revocation or renewal, of recognition of laboratories.

(4) The Bureau shall maintain a record of laboratories recognised by it for testing samples of articles or processes in relation to the relevant Indian Standards.

33. Appointment of agents.—(1) The Bureau may appoint any person or laboratory or organisation in India or outside India as its agent to act on its behalf for discharging any one or more of the following functions, namely—

- (a) to carry out inspections of manufacturer's premises in India or outside India for allowing use of the Standard Mark or for grant of certificate of conformity;
- (b) to test samples of products for their conformity to Indian Standards;
- (c) to inspect consignments intended to be covered under the Standard Mark or under certificate of conformity;
- (d) to collect market samples; and
- (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.

34. Inspection of goods, article, process, system or service when Standard Mark or conformity to Indian Standards is required by the Act or under any other law.—(1) The Bureau may carry out inspections, through its certification officers or agents, of goods, articles, processes, systems or services where Standard Mark or conformity to Indian Standards is required or claimed under the Act.

(2) The 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) The 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 fees for inspection and expenses incurred in travelling and other expenses relating thereto, shall be paid in the manner and at the rates as may be specified by the Bureau from time to time.

35. Other functions of the Bureau.—The Bureau may,—

- (a) formulate, implement and coordinate activities relating to quality maintenance and improvement in products and processes;
- (b) promote harmonious development in standardisation, management systems and conformity assessment, and matters connected therewith both within the country and at international level;
- (c) provide information, documentation and other services to consumers and consumer organisations on such terms and conditions as may be mutually agreed upon;
- (d) give recognition to quality assurance systems in manufacturing or processing units or service providers, 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 of goods and articles or audit of process, system or service for conformity to any other standard if so authorised, on such terms and conditions as may be mutually agreed upon; and

- (g) formulate, implement and coordinate activities of conformity assessment to the relevant Indian Standards on voluntary or compulsory basis, of goods, article, process, system or service as may be considered expedient in public interest.

36. Provision as to restriction to use certain names, etc.—(1) Any person using any name, mark or trade mark, etc., referred to in sub-section (1) of Section 26 of the Act who has not obtained previous approval of the Bureau for such use shall, if such name, mark or trade mark, etc., has been established by or under any law for the time being in force, make an application to the Bureau for permission to the use thereof, within a period of six months from the date of notification of these rules and the Bureau may grant permission to such name, mark or trade mark, etc.

(2) The application to be made to the Bureau under sub-rule (1) shall be in such form as may be specified by the Bureau.

(3) The Bureau shall cause to be maintained a register in which shall be entered all names, marks and trademarks permitted by the Bureau under sub-rule (1).

37. Appeals against decisions of Bureau.—(1) Any person aggrieved by an order made under Section 13 or sub-section (4) ⁹[or sub-section (5)] of Section 14 or Section 17 of the Act may prefer an appeal to the Director General within ninety days from the date of the order:

Provided that if the appellant satisfies the Director General that he had sufficient cause for not preferring the appeal within the period so specified, the appeal may be admitted after the expiration of the said period of ninety 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 two thousand rupees in the form of a demand draft or pay order or 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:

Provided that the appeal shall be disposed of within a period of ninety days from the date of its filing.

(5) The Director General may, suo-moto, or on an application made in the form as specified by the Bureau from time to time, review and reconsider any order passed under sub-rule (4) by an 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) or sub-rule (5), as the case may be, may prefer an appeal to the Central

9. Ins. by G.S.R. 559(E), dt. 16-9-2020 (w.e.f. 16-9-2020).



Government in the Ministry having administrative control of the Bureau within a period of sixty days from the date of such order.

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

38. 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 by 15th October each year or by such date as may be decided by the Central Government.

(2) The estimates under sub-rule (1) shall be prepared separately on revenue and capital accounts.

(3) The estimates shall contain the following, namely—

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

Provided that where the expenditure is of an emergent and essential character but provision for the same has not been made in the budget, it shall be incurred only after the approval by the Executive Committee.

39. Appropriation and reappropriation.—(1) 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 the 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 reappropriated to meet the expenditure which has not been sanctioned by an authority competent to sanction it.

(2) 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 ten 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.

40. Bank accounts.—(1) Bank accounts shall be opened in the State Bank of India or any of its subsidiaries or any of the nationalised banks and operated in such a manner as may be authorised by the Director General.

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(2) All money belonging to the fund shall be deposited promptly into the Bank.

41. Investment.—Moneys belonging to the fund may, with the approval of the Director General or any other officer authorised 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.

42. 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/her in this behalf.

43. Administration of provident fund.—(1) The 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.

44. Pension or gratuity liability fund.—(1) The Bureau shall maintain a pension or gratuity liability fund.

(2) The Fund shall be utilised 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 or transfer from the fund of the Bureau.

(4) An annual contribution based on actuarial valuation shall be made to the fund and charged to income and expenditure account of the Bureau.

(5) The Investment of the fund shall be made in accordance with Rule 41.

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

45. Annual report.—(1) The Bureau shall prepare its annual report and forward it to the Central Government within ¹⁰[eight] months of the end of the financial 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.

46. Accounts.—(1) The Bureau shall maintain accounts of its income and expenditure relating to each year and 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.

(3) The annual statement of accounts prepared under sub-rule (1) 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.

47. Certification officers.—(1) Every certification officer appointed under sub-section (1) of Section 27 of the Act shall be furnished by the Bureau with a certificate of appointment as a certification officer in the form as specified by the Bureau from time to time.

(2) 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.

48. Powers of certification officer.—Without prejudice to the powers conferred under Section 27 and Section 28 of the Act, a certification officer may—

- (a) at any time during the usual business hour 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, with a view to ascertain that the Standard Mark is being used in accordance with the terms and conditions imposed by the Bureau and that the Scheme of 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) seize any such goods or articles or material or document which in his opinion will be useful, or relevant to any proceeding under the Act or under these rules.

49. Compensation for non-conforming goods.—(1) Where a certified body or license 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, and where the Bureau decides that the certified body or licence holder or his representative shall pay compensation under clause (b), of sub-section (7) of Section 18 of the Act, then the compensation payable in such case shall be two times the selling price of the non-conforming goods, article, process, system or service, and the testing charges:

Provided that in case of precious metal article not conforming to the relevant standards, such compensation shall be two times the amount of difference calculated on the basis of shortage of purity for the weight of such article sold 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 and such test report shall be issued by any laboratory maintained or recognised 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:

Provided that the authority shall decide the application within sixty days of its filing.

Provided further that before passing any order under this sub-rule, 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 and an opportunity of personal hearing may also be given to both the sides, if the circumstances so deserve.

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

Provided that the period of thirty days may be extended by a maximum period of another thirty days by the authority, if an application revealing genuine hardship is preferred by the holder of licence or certificate of conformity.

(5) 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.

(6) Where the Bureau decides that a certified body or licence holder or his representative is liable for injury caused by non-conforming goods or article under clause (c) of sub-section (7) of Section 18 of the Act, it shall communicate this decision to the certified body or licence holder or his representative and the certified body or licence holder or his representative shall take a decision on the compensation under Section 31 of the Act within a period of two months of receipt of such communication.

50. Compounding of offences.—(1) 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 authorised by Director General:

Provided that the Director General shall authorise in writing, the Head of the Regional office or any other senior officer of the Bureau of equivalent rank, to be the compounding authority under this rule.

¹¹[(2) Any person may, either before or after the institution of prosecution, make an application in Form 'A' to the compounding authority for composition of an offence as specified in Section 33 of the Act.]

(3) On receipt of an application under sub-rule (2), 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 and a report shall be furnished by the branch office within a period of thirty 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.

(4) The compounding authority, after giving personal hearing to the applicant 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 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.

Provided that the applicant shall not claim, as a matter of right, that his offence be compounded:

Provided further that no compounding shall be allowed by the compounding authority where there are apparent contradictions, inconsistencies or incompleteness in the case of the applicant.

(5) A copy of order passed under sub-rule (4) shall be sent to the applicant by registered post or speed post or by e-mail at the address given in the application and also be placed on the website of the Bureau.

(6) Where the prosecution has already been instituted, the compounding authority may 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.

(7) The applicant shall within a period of thirty days from the date of receipt of order under sub-rule (4) allowing the compounding of offences, or order of the court under sub-rule (6), pay to the Bureau the compounding amount as ordered to

11. Subs. by G.S.R. 1090(E), dt. 6-11-2018 (w.e.f. 6-11-2018). Prior to substitution it read as:

“(2) Any person 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 offences specified under Section 33 of the Act.”

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:

Provided that 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.

(8) The amount so compounded under this rule shall be as provided in the following table:

Sl. No.	Offence specified under the Act	Compounding amount
(1)	(2)	(3)
1	Sub-section (1) of Section 29	fifty per cent of the maximum and subject to minimum of twenty-five per cent of the applicable fine.
2	Sub-section (2) of Section 29	fifty per cent of the maximum and subject to a minimum of one lakh rupees of the applicable fine.
3	Sub-section (3) of Section 29	fifty per cent of the maximum and subject to a minimum of two lakh rupees of the applicable fine.

(9) If the person has committed offences falling under more than one of the categories specified in the table in sub-rule (8), the amount so compounded, in such cases shall be the amount as determined for the offence for which a higher compounding amount has been prescribed.

51. Powers and duties of compounding authority.—(1) The compounding authority, if he is satisfied that any person who has made the application for compounding of offence under sub-rule (2) of Rule 50 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.

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

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

¹²[FORM 'A'

(See sub-rule (2) of Rule 50)

(Application for composition of offence)

To,

The Compounding Authority,

Regional Office, Bureau of Indian Standards

1. Full name of the applicant and complete address:
2. Address for communication and phone numbers:
3. (a) Permanent Account Number (PAN):
(b) GST No., (if any):
4. The Branch Office of BIS having jurisdiction in the case:
5. Specific provisions/sections of Bureau of Indian Standards Act, 2016, Rules and Regulations framed thereunder, against which the prosecution has been instituted or contemplated for which application of compounding is being submitted (Give the status/ stage of the Court case):
6. The brief facts of the court case and particulars of the offence(s) (attach a separate sheet on firm's letter head duly signed):
7. Whether search and seizure was carried out or not? If so, enclose the copy of search and seizure Memo and other related documents:
8. Whether the prosecution has been filed? If so, the details thereof along with a copy of the complaint:
9. Whether the offence committed is the first offence?
10. Whether the offence committed is second or subsequent offence after the expiry of a period of three years from the date of which the offence was previously compounded? (Please indicate the details):

Name and signature of the applicant

Declaration

1. I shall pay the compounding amount, as may be fixed by the compounding authority under the Bureau of Indian Standards Rules, 2018.

2. I understand that I shall not claim, as of right that the offence committed by me under the Act be compounded.

Name and signature of the applicant.

Verification

I, son/daughter/wife of residing atdo solemnly declare that I am making this application in my capacity as and I am competent to verify it.

That the contents of this application are true to the best of my knowledge and belief and no information relevant to the facts of the case has been suppressed. The documents accompanying the application are true copies of the originals and are duly attested by me.

Verified today the day of (month) (year) at ...(Place).

Name and signature of the applicant.

Place:

Date:]