

All About Bureau of Indian Standards (BIS) Act, 1986

By Arushi Mishra

Q1. What is the Bureau of Indian Standards?

Ans. It is a statutory body created under the BIS Act. The National Standards Body of India deals with issues regarding Product Certification Scheme, Standards Formulation, Compulsory Registration/ Foreign Manufacturers Certification Scheme and Quality of products in India.

Q2. How was BIS established?

Ans. Formerly known as the Indian Standards Institution (ISI), it was established under the Resolution of the then Department of Industries and Supplies No. 1 SQ1. What is the Bureau of Indian Standards?

It is a statutory body created under the BIS Act. The National Standards Body of India deals with issues regarding Product Certification Scheme, Standards Formulation, Compulsory Registration/ Foreign Manufacturers Certification Scheme and Quality of products in India.

Q2. How was BIS established?

Ans. Formerly known as the Indian Standards Institution (ISI), it was established under the Resolution of the then Department of Industries and Supplies No. 1 Std. (4)/45, dated 3 September 1946. The ISI was registered under the Societies Registration Act, 1860.

Bureau of Indian Standards (BIS) came into existence, through an act of parliament dated 26 November 1986, on 1 April 1987, with a widened scope and increase in powers regarding taking over the staff, assets, liabilities and functions of ISI.

Q3. What is the objective of the BIS Act?

Ans. According to the official website of the BIS organisation that was set up under the Act, the National Standard Body was set up for the purpose of harmonious development of the activities of standardization, marking and quality certification of goods and for matters connected therewith or incidental thereto.

Q4. Who is the Act applicable to?

Ans. It is applicable to the whole of India.

For certification, Indian manufacturers, only products concerned with health and safety carry mandatory certification requirement (like drinking water, milk etc.), other products can be certified voluntarily.

Foreign manufacturers with the intention to reach the Indian market are mandatorily required a certification license, according to the Product Certification Scheme of 1999. This scheme was launched for overseas manufacturers who are willing to sign a MoU with BIS, others need to have representatives, agents or liaison offices in India under the guidance of Reserve Bank of India.

Q5. What is 'Indian Standard'?

Ans. According to Section 2 (g) of the Act, "Indian Standard" means the standard (including any tentative or provisional standard) established and published by the Bureau, in relation to any article or process indicative of the quality and specification of such article or process and includes—

- (i) any standard recognized by the Bureau under clause (b) of section 10; and
- (ii) any standard established and published, or recognized, by the Indian Standards Institution and which is in force immediately before the date of establishment of the Bureau;

Q6. What changes has the Bureau of Indian Standards (BIS) Act 2016 brought into force?

Ans. According to the Press Information Bureau, Ministry of Consumer Affairs, Food and Public Distribution, the BIS Act of 2016 has been in effect from 12th October 2017.

The Act has to enable provisions for the Government to

- Bring under compulsory certification regime any goods or article of any scheduled industry, process, system or service which it considers necessary in the public interest or for the protection of human, animal or plant health, the safety of the environment, or prevention of unfair trade practices, or national security.
- The new provisions also make hallmarking precious metals mandatory.
- It now allows multiple types of simplified conformity assessment schemes including self-declaration of conformity against a standard (which is meant to provide simplified options to manufacturers in order to acquire a certificate of conformity.)
- The Act enables the Central Government to appoint any authority/agency, in addition to the BIS, to verify the conformity of products and services to a standard and issue certificate of conformity.
- BIS can now recall goods that it deems does not adhere to the standards of the Act.
- Also provisions regarding repair or recall and product liability of products not consistent with Indian Standard but bearing Standard Mark.

Q7. Does intention matter for offences committed under the Act?

Ans. Yes, under Section 35 persons responsible for the offence will be assumed to be guilty, with the presence of knowledge, consent or connivance of the accused while the offence was committed, provided it with the presence of due diligence is not proved. The Act, under section 15, authorizes the Bureau to pass any order granting, rejecting or suspending a license and a party aggrieved by such order may prefer an appeal before the Central government.

Q8. Are the powers of the officers of the Bureau limited by the Act?

Ans. Although all the officers of the Bureau are deemed public servants under the Indian Penal Code, under Section 24 the Bureau's powers are bound by any policies introduced by the Central Government. Such a provision can be used by the Central Government to curb the power of the Bureau when its officers are observed to be exploiting their powers.

Q. 9 How is the Bureau-funded?

Ans. Its fund described under Section 18, depends on the Bureau's borrowing powers (enshrined under Section 19) to borrow funds from a source outside the Central Government, in accordance with the authority given to it by the Central Government. Grants and loans by the Central Government to the Bureau under Section 17 depend upon the budget of the Bureau prepared under Section 20.

Q. 10 What is the punishment for offenders under the Act?

Ans. Violation of sections 11, 12, 14 or 15 of the Act, shall be punishable with imprisonment for a period which may extend to one year or a fine which may extend to a maximum of Rupees Fifty Thousand. No Court lesser than the Chief Judicial Magistrate shall have the power to entertain any matter punishable under this Act.