

Bill Summary

The Bureau of Indian Standards (Amendment) Bill, 2012

- The Bureau of Indian Standards (Amendment) Bill, 2012 was introduced in the Lok Sabha on May 3, 2012 by the Minister of State for Consumer Affairs, Food and Public Distribution, Mr. K.V. Thomas. The Bill was referred to the Department Related Standing Committee on Consumer Affairs, Food and Public Distribution on May 29, 2012. The report is due within three months.
- The Bill amends the Bureau of Indian Standards Act, 1986 (the principal Act). The principal Act establishes the Bureau of Indian Standards (BIS) for the harmonisation of standards, marking and quality certification of goods. The Bill seeks to establish BIS as the national standards body.
- Under the principal Act, manufacturers may use standard marks under licenses issued by the BIS. The Bill allows manufacturers to use a self declaration of conformity on the basis of registration with the BIS. The powers of the BIS have been expanded to (i) grant, renew or suspend registration or self declaration of conformity; and (ii) recognise the mark of any international body related to any article or process at par with the Standard Mark, with the prior approval of the central government.
- The Bill prohibits any person not possessing a self declaration or registration of conformity, from claiming that his article or process conforms to the Indian Standard.
- The principal Act established an Executive Committee to discharge functions delegated to it by the BIS. The Bill allows members to authorise any person to represent him in the Committee as prescribed.
- Under the principal Act, the central government could compulsorily require articles or processes of a scheduled industry to conform to the Indian Standard. The Bill seeks to empower the central government to require notified articles or processes of any industry to conform to such standard. The central government may also mandate the use of either a Standard Mark or self declaration of conformity. In relation to precious metals, the central government may notify the compulsory use of a Hallmark.
- The Bill empowers the central government to authorise any authority to be the enforcement authority. This authority is responsible for enforcement of orders issued for the compulsory use of Standard Mark or Hallmark, or registration for self declaration of conformity.
- The principal Act penalises (i) the use of a Standard Mark without a licence and violating the norms related to licensing and registration, (ii) the use of a deceptively similar mark to the Bureau (iii) not using a Standard Mark for notified articles or processes; and (iv) not compulsorily registering for self declaration for notified articles or processes. The punishment mandated is imprisonment for a maximum term of one year and a fine which may extend to Rs 50,000. The Bill has increased this fine to between two lakh rupees and five lakh rupees. The Bill also penalises not using a Hallmark for specified precious metal articles.
- The Bill provides for compounding of offences punishable with fine except when a person has committed such an offence for the second time or if such an offence committed by him has been compounded earlier.

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