

The Bureau Of Indian Standards Act, 1986

UNION OF INDIA

India

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Statement of Objects and ReasonsThe Indian Standards Institution was registered as a society under Societies Registration Act, 1860 in January, 1947 to prepare and promote standards. Standards Institution (Certification Marks) Act, 1952 covers the operation of the certification marks scheme, while the formulation of standards and other related work is not governed by any legislation.² When the Indian Standards Institution was established, the industrial development in the country was still in its infancy. During the last 39 years, there has been substantial progress in various sectors of the Indian economy. The industrial and agricultural sectors have undergone structural and qualitative transformation under the Five Year Plans. In this context, a new thrust has to be given to standardisation and quality control. A national strategy for according appropriate recognition and importance of standards is to be evolved and integrated with the growth and development of production and exports in various sectors of the national economy. The public sector and private sectors including small scale industries have to intensify efforts to produce more and more standard and quality goods so as to help in inducing faster growth, increasing exports and making available goods to the satisfaction of the consumers.³ The organisations for formulating standards have to be given due recognition and status to enable it to discharge its functions effectively and efficiently in the acceptance and promotion of Indian Standards not only in this country but even abroad. Apart from the representations of the industry, such an organisation should also have adequate representation for users and consumer organisations. Central and State Governments, research organisations and regulatory agencies. For all these reasons, it is considered necessary to have the organisation for standards as a statutory institution which will have adequate autonomy and flexibility in its operations and will also ensure that priority is given to various aspects of its functions in line with national priorities.⁴ To achieve these objectives, it is proposed to set up a Bureau of Indian Standards as a statutory institution.⁵ The Bill provides that the Bureau of Indian Standards will be a body corporate and specifies its composition and the constitution of an Executive Committee to carry on the day to day activities of the Bureau. The proposed Bureau will take over the staff, assets and liabilities of the Indian Standards Institution and perform all functions which are now being performed by the Indian Standards Institution. The Bill will provide access to the Bureau's Standards and Certification Marks to suppliers of like products originating in General Agreement on Trade and Tariff (GATT) code countries. The Bill also makes provision for

the making of grants and the advancing of loans to the Bureau by the Central Government and the necessary provisions for the better administration of a body corporate like constitution of fund, accounts and audit, etc. The Bill provides for the repeal of Indian Standards Institution (Certification Marks) Act, 1952.-Gazette of India 24.11-1986, Part II. Page 20 (No. 52).[23 rd December, 1986]An Act to provide for the establishment of a Bureau for the harmonious development of the activities of standardisation, marking and quality certification of goods and for matters connected therewith or incidental thereto.Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:-{|-| Brought into force on 1.4.1987 vide S.O. 272(E), dated 31.3.1987, published in the Gazette of India, Ext., Pt. II, Section 3(ii), dated 31.3.1987.|-|}

Chapter I

Preliminary

1. Short title, extent and commencement .-(1) This Act may be called the Bureau of Indian Standards Act, 1986.

(2)It extends to the whole of India.(3)It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

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

(a)"article "means (as respects standardisation and marking) any substance, artificial or natural, or partly artificial or partly natural, whether raw or partly or wholly processed or manufactured;(b)"Bureau "means the Bureau of Indian Standards established under section 3;(c)"consumer "means a consumer of any article or process;(d)"covering "includes any stopper, cask, bottle, vessel, box, crate, cover, capsule, case, frame, wrapper or other container;(e)"Executive Committee "means the Executive Committee constituted under sub-section (1) of section 4;(f)"Fund "means the Fund constituted under section 18;(g)"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 recognised by the Bureau under clause (b) of section 10; and(ii)any standard established and published, or recognised, by the Indian Standards Institution and which is in force immediately before the date of establishment of the Bureau;(h)"Indian Standards Institution "means the Indian Standards Institution set up under the Resolution of the Government of India in the late, Department of Industries and Supplies No. 1 Std.(4)/45, dated the 3rd day of September, 1946, and registered under the Societies Registration Act, 1860 (21 of 1860);(i)"inspecting officer "means an inspecting officer appointed under section 25;(j)"license "means a license granted under section 15 to use the Indian Standards Certification Mark in relation to any article or process which conforms to the Indian Standard and includes any license granted under the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952) and is in force immediately before the date of establishment of the Bureau;(k)"manufacturer "means the manufacturer of any article or process;(l)"mark "includes a device, brand, heading, label, ticket, pictorial representation, name, signature, word, letter or numeral or any combination

thereof;(m)"member "means a member of the Bureau;(n)"prescribed "means prescribed by rules made under this Act;(o)"process "includes any practice, treatment and mode of manufacture of any article;(p)"registering authority "means any authority competent under any law for the time being in force to register any company, firm or other body of persons, or any trade mark or design, or to grant a patent;(q)"regulations "means regulations made by the Bureau under this Act;(r)"rules "means rules made by the Central Government under this Act;(s)"specification "means a description of an article or process as far as practicable by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, material, mode of manufacture or other characteristics to distinguish it from any other article or process;(t)"standard mark "means the Bureau of Indian Standards Certification Mark specified by the Bureau to represent a particular Indian Standard and also includes any Indian Standards Institution Certification Mark specified by the Indian Standards Institution;(u)"trade mark "means a mark used or proposed to be used in relation to goods for the purpose of indicating, or so as to indicate, a connection in the course of trade between the goods and some person having the right, either as proprietor or as registered user, to use the mark, whether with or without any indication of the identity of that person;(v)an article is said to be marked with a standard mark if the article itself is marked with a standard mark or any covering containing, or label attached to, such article is so marked.

Chapter II

The Bureau Of Indian Standards

3. Establishment and incorporation of Bureau of Indian Standards

.- (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established for the purposes of this Act, a Bureau, to be called the Bureau of Indian Standards. (2) The Bureau shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued. (3) The Bureau shall consist of the following members, namely:-(a) the Minister incharge 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) such number of other persons, to represent the Government, industry, scientific and research institutions and other interests, as may be prescribed, to be appointed by the Central Government. (4) The term of office of the members referred to in clause (e) of sub-section (3) and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by, the members, shall be such as may be prescribed. (5) The Bureau may associate with

itself, in such manner and for such purposes as may be prescribed, any persons whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Bureau relevant to the purposes for which he has been associated but shall not have the right to vote.

4. Constitution of Executive Committee

.- (1) The Bureau may, with the prior approval of the Central Government, by notification in the Official Gazette, constitute an Executive Committee which shall consist of the following members, namely:-(a) Director-General of the Bureau, who shall be its ex officio Chairman; (b) such number of members, as may be prescribed. (2) The Executive Committee constituted under sub-section (1) shall perform, exercise and discharge such of the functions, powers and duties of the Bureau as may be delegated to it by the Bureau.

5. Constitution of the Advisory Committees and other committees

.- (1) Subject to any regulations made in this behalf, the Bureau may, from time to time and as and when it is considered necessary, constitute the following Advisory Committees for the efficient discharge of its functions, namely:-(a) Financial Committee; (b) Certification Advisory Committee; (c) Standards Advisory Committee; (d) Laboratory Advisory Committee; (e) Planning and Development Advisory Committees; (f) such number of other committees as may be determined by regulations. (2) Each Advisory Committee shall consist of a Chairman and such other members as may be determined by regulations. (3) Without prejudice to the powers contained in sub-section (1), the Bureau may constitute, as and when considered necessary, such number of technical committees of experts for the formulation of standards in respect of articles or processes.

6. Vacancies, etc., not to invalidate proceedings of Bureau, Executive Committee, etc

.- No act or proceedings of the Bureau, the Executive Committee or any Committee constituted under section 5 shall be invalid merely by reason of-(a) any vacancy in, or any defect in the constitution of the Bureau or the Committee; or (b) any defect in the appointment of a person acting as a member of the Bureau or Committee; or (c) any irregularity in the procedure of the Bureau or the Committee not affecting the merits of the case.

7. Director-General of the Bureau .-(1) The Central Government shall appoint a Director-General of the Bureau.

(2) The terms and conditions of service of the Director-General of the Bureau shall be such as may be prescribed. (3) Subject to the general superintendence and control of the Bureau, the Director-General of the Bureau shall be the Chief Executive Authority of the Bureau. (4) The Director-General of the Bureau shall exercise and discharge such of the powers and duties of the Bureau as may be determined by regulations.

8. Officers and employees of the Bureau

.- (1) The Bureau may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act. (2) The terms and conditions of service of officers and employees of the Bureau appointed under sub-section (1) shall be such as may be determined by regulations.

Chapter III

Transfer Of Assets, Liabilities, Etc., Of The Indian Standards Institution To The Bureau

9. Transfer of assets, liabilities and employees of Indian Standards Institution

.- (1) On and from the date of establishment of the Bureau, - (a) any reference to the Indian Standards Institution in any law other than this Act or in any contract or other instrument shall be deemed as a reference to the Bureau; (b) all properties and assets, movable and immovable, of, or belonging to, the Indian Standards Institution shall vest in the Bureau; (c) all the rights and liabilities of the Indian Standards Institution shall be transferred to, and be the rights and liabilities of, the Bureau; (d) without prejudice to the provisions of clause (c), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Indian Standards Institution immediately before that date, for or in connection with the purposes of the said Institution shall be deemed to have been incurred, entered into, or engaged to be done by, with or for, the Bureau; (e) all sums of money due to the Indian Standards Institution immediately before that date shall be deemed to be due to the Bureau; (f) all suits and other legal proceedings instituted or which could have been instituted by or against the Indian Standards Institution immediately before that date may be continued or may be instituted by or against the Bureau; and (g) every employee holding any office under the Indian Standards Institution immediately before that date shall hold his office in the Bureau by the same tenure and upon the same terms and conditions of service as respects remuneration, leave, provident fund, retirement or other terminal benefits as he would have held such office if the Bureau had not been established and shall continue to do so as an employee of the Bureau or until the expiry of a period of six months from that date if such employee opts not to be the employee of the Bureau within such period. (2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947) or in any other law for the time being in force, the absorption of any employee by the Bureau in its regular service under this section shall not entitle such employee to any compensation under that Act or other law and no such claim shall be entertained by any Court, tribunal or other authority.

Chapter IV

Powers And Functions Of The Bureau

10. Functions of the Bureau

.- (1) The Bureau may exercise such powers and perform such duties as may be assigned to it by or under this Act and, in particular, such powers include the power to- (a) establish, publish and promote in such manner as may be prescribed the Indian Standard, in relation to any article or process; (b) recognise as an Indian Standard, in such manner as may be prescribed, any standard established by any other Institution in India or elsewhere, in relation to any article or process; (c) specify a Standard Mark to be called the Bureau of Indian Standards Certification Mark which shall be of such design and contain such particulars as may be prescribed to represent a particular Indian Standard; (d) grant, renew, suspend or cancel a license for the use of the Standard Mark; (e) levy fees for the grant or renewal of any license; (f) make such inspection and take such samples of any material or substance as may be necessary to see whether any article or process in relation to which the Standard Mark has been used conforms to the Indian Standard or whether the Standard Mark has been improperly used in relation to any article or process with or without a license; (g) seek recognition of the Bureau and of the Indian Standards outside India on such terms and conditions as may be mutually agreed upon by the Bureau with any corresponding institution or organisation in any country; (h) establish, maintain and recognise laboratories for the purposes of standardisation and quality control and for such other purposes as may be prescribed; (i) undertake research for the formulation of Indian Standards in the interests of consumers and manufacturers; (j) recognise any institution in India or outside which is engaged in the standardisation of any article or process or the improvement of the quality of any article or process; (k) provide services to manufacturers and consumers of articles or processes on such terms and conditions as may be mutually agreed upon; (l) appoint agents in India or outside India for the inspection, testing and such other purposes as may be prescribed; (m) establish branches, offices or agencies in India or outside; (n) inspect any article or process, at such times and at such places as may be prescribed in relation to which the Standard Mark is used or which is required to conform to the Indian Standard by this Act or under any other law irrespective of whether such article or process is in India or is brought or intended to be brought into India from a place outside India; (o) coordinate activities of any manufacturer or association of manufacturers or consumers engaged in standardisation and in the improvement of the quality of any article or process or in the implementation of any quality control activities; (p) perform such other functions as may be prescribed. (2) The Bureau shall perform its functions under this section in accordance with, and subject to, such rules as may be made by the Central Government.

11. Prohibition of improper use of Standard Mark

.- (1) No person shall use, in relation to any article or process, or in the title of any patent, or in any trade mark or design the Standard Mark or any colourable imitation thereof, except under a license. (2) No person shall, notwithstanding that he has been granted a license, use in relation to any article or process the Standard Mark or any colourable imitation thereof unless such article or process conforms to the Indian Standard.

12. Prohibition of use of certain names, etc

.-No person shall, except in such cases and under such conditions as may be prescribed, use without the previous permission of the Bureau,-(a)any name which so nearly resembles the name of the Bureau as to deceive or likely to deceive the public or which contains the expression "Indian Standard "or any abbreviation thereof; or(b)any mark or trade mark in relation to any article or process containing the expressions "Indian Standard "or "Indian Standard Specification "or any abbreviation of such expressions.

13. Prohibition of registration in certain cases

.- (1) Notwithstanding anything contained in any law for the time being in force, no registering authority shall-(a)register any company, firm or other body of persons which bears any name or mark; or(b)register a trade mark or design which bears any name or mark; or(c)grant a patent, in respect of an invention, which bears a title containing any name or mark, if the use of such name or mark is in contravention of section 11 or section 12.(2)If any question arises before a registering authority whether the use of any name or mark is in contravention of section 11 or section 12, the registering authority may refer the question to the Central Government whose decision thereon shall be final.

14. Compulsory use of Standard Mark for articles and processes to certain scheduled industries

.-If the Central Government, after consulting the Bureau, is of the opinion that it is necessary or expedient so to do, in the public interest, it may, by order published in the Official Gazette,-(a)notify any article or process of any scheduled industry which shall conform to the Indian Standard; and(b)direct the use of the Standard Mark under a license as compulsory on such article or process.Explanation .-For the purposes of this section, the expression "scheduled industry "shall have the meaning assigned to it in the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Chapter V

License

15. Grant of license

.- (1) The Bureau may, by order, grant, renew, suspend or cancel a license in such manner as may be determined by regulations.(2)The grant or renewal of the license under sub-section (1) shall be subject to such conditions and on payment of such fees as may be determined by regulations.

16. Appeal

.- (1) Any person aggrieved by an order made under section 15 may prefer an appeal to the Central Government within such period as may be prescribed. (2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor: Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within the prescribed period. (3) Every appeal made under this section shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed. (4) The procedure for disposing of an appeal shall be such as may be prescribed: Provided that before disposing of an appeal, the appellant shall be given a reasonable opportunity of being heard.

Chapter VI

Finance, Accounts And Audit

17. Grants and loans by the Central Government

.- The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Bureau grants and loans of such sums of money as that Government may consider necessary.

18. Fund

.- (1) There shall be constituted a Fund to be called the Bureau of Indian Standards Fund and there shall be credited thereto - (a) any grants and loans made to the Bureau by the Central Government under section 17; (b) all fees and charges received by the Bureau under this Act; (c) all sums received by the Bureau from such other sources as may be decided upon by the Central Government. (2) The Fund shall be applied for meeting - (a) the salary, allowances and other remuneration of the members, Director-General, officers and other employees of the Bureau; (b) expenses of the Bureau in the discharge of its functions under section 10; (c) expenses on objects and for purposes authorised by this Act.

19. Borrowing powers of the Bureau

.- (1) The Bureau may, with the consent of the Central Government or in accordance with the terms of any general or special authority given to it by the Central Government, borrow money from any source as it may deem fit for discharging all or any of its functions under this Act. (2) The Central Government may guarantee in such manner as it thinks fit, the repayment of the principal and the payment of interest thereon with respect to the loans borrowed by the Bureau under sub-section (1).

20. Budget .-The Bureau shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Bureau and forward the same to the Central Government.

21. Annual report

.-The Bureau shall prepare, in such form and at such time in each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

22. Accounts and audit

.- (1) The Bureau shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. (2) The accounts of the Bureau shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Bureau to the Comptroller and Auditor-General. (3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Bureau shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Bureau. (4) The accounts of the Bureau as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

23. Annual report to be laid before Parliament .-The Central Government shall cause the annual report to be laid, as soon as may be after it is received, before each House of Parliament.

Chapter VII

Miscellaneous

24. Power of Central Government to issue directions

.- (1) Without prejudice to the foregoing provisions of this Act, the Bureau shall, in the exercise of its powers or the performance of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time: Provided that the

Bureau shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.(2)The decision of the Central Government whether a question is one of policy or not shall be final.

25. Inspecting officer

.- (1) The Bureau may appoint as many inspecting officers as may be necessary for the purpose of inspecting whether any article or process in relation to which the Standard Mark has been used conforms to the Indian Standard or whether the Standard Mark has been properly used in relation to any article or process with or without license, and for the purpose of performing such other functions as may be assigned to them.(2)Subject to any rules made under this Act, an inspecting officer shall have power to-(a)inspect any operation carried on in connection with any article or process in relation to which the Standard Mark has been used; and(b)take samples of any article or of any material or substances used in any article or process in relation to which the Standard Mark has been used.(3)Every inspecting officer shall be furnished by the Bureau with a certificate of appointment as an inspecting officer and the certificate shall, on demand, be produced by the inspecting officer.

26. Power to search and seizure

.- (1) If the inspecting officer has reason to believe that any article or process in relation to which the contravention of section 11 or section 12 has taken place are secreted in any place, premises or vehicles, he may enter into and search such place, premises or vehicle for such article or process.(2)Where, as a result of any search made under sub-section (1), any article or process has been found in relation to which contravention of section 11 or section 12 has taken place, he may seize such article and other things which, in his opinion, will be useful for, or relevant to, any proceeding under this Act:Provided that where it is not practicable to seize any such article or thing, the inspecting officer may serve on the owner an order that he shall not remove, part with, or otherwise deal with, the article or things except with the previous permission of the inspecting officer.(3)The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section.

27. Delegation

.-The Bureau may, by general or special order in writing, delegate to any member, member of the Executive Committee, officer of the Bureau or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act (except the powers under section 38) as it may deem necessary.

28. Power to obtain information

.-Every licensee shall supply the Bureau with such information, and with such samples of any material or substance used in relation to any article or process, as the Bureau may require.

29. Savings .-Noting in this Act shall exempt any person from any suit or other proceeding which might, apart from this Act, be brought against him.

30. Certain matters to be kept confidential

.-Any information obtained by an inspecting officer or the Bureau from any statement made or information supplied or any evidence given or from inspection made under the provisions of this Act shall be treated as confidential:Provided that nothing in this section shall apply to the disclosure of any information for the purpose of prosecution under this Act.

31. Members, officers and employees of the Bureau to be public servants
.-All members, officers and other employees of the Bureau shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

32. Protection of action taken in good faith

.-No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government or any member, officer or other employee of the Bureau for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

33. Penalty for improper use of Standard Mark, etc

.- (1) Any person who contravenes the provisions of section 11, or section 12 or section 14 or section 15 shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees, or with both. (2) Any Court trying a contravention under sub-section (1) may direct that any property in respect of which the contravention has taken place shall be forfeited to the Bureau.

34. Cognizance of offences by Courts

.- (1) No court shall take cognizance of any offence punishable under this Act save on a complaint made by or under the authority of the Government or Bureau or by any officer empowered in this behalf by the Government or the Bureau, or any consumer or any association recognised in this behalf by the Central or State Government. (2) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class specially empowered in this behalf shall try any offence punishable under this Act.

35. Offences by companies

.- (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation .- For the purposes of this section, - (a) "company" means any body corporate and includes a firm or other association of individuals; and (b) "director", in relation to a firm, means a partner in the firm.

36. Authentication of orders and other instruments of the Bureau

.- All orders and decisions of, and all other instruments issued by, the Bureau shall be authenticated by the signature of such officer or officers as may be authorised by the Bureau in this behalf.

37. Power to make rules

.- (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: - (a) the number of members of the Bureau and the interest such members would represent under clause (e) of sub-section (3) of section 3; (b) the term of office of the members of the Bureau, the manner for filling vacancies and the procedure to be followed in the discharge of their functions by, the members under sub-section (4) of section 3; (c) the manner in, and the purposes for, which the Bureau may associate with itself any person for assistance and advice under sub-section (5) of section 3; (d) the number of members of the Bureau who will be members of the Executive Committee under clause (b) of sub-section (1) of section 4; (e) the terms and conditions of service of the Director-General of the Bureau under sub-section (2) of section 7; (f) the design and the particulars to represent a particular Indian Standard under clause (c) of sub-section (1) of section 10; (g) the purposes for which laboratories for the purposes of standardisation and quality control shall be established by the Bureau under clause (h) of sub-section (1) of section 10; (h) the purposes for which agents may be appointed by the Bureau in India or outside India under clause (l) of sub-section (1) of section 10; (i) the times and places at which any article or process may be inspected under clause (n) of sub-section (1) of section 10; (j) the additional functions that may be performed by the Bureau under section 10; (k) the cases in which, and the conditions subject to which, exemption may be granted under section 12; (l) the form in which, and the time at which, the Bureau shall prepare its budget under section 20 and its annual report under section 21; (m) the manner in

which the accounts of the Bureau shall be maintained under section 22;(n)the conditions subject to which inspecting officer may exercise his powers under sub-section (2) of section 25;(o)any other matter which is to be, or may be, prescribed, or in respect of which provision is to be, or may be, made by rules.

38. Power to make regulations

.- (1) The Executive Committee may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-(a)the members of the Advisory Committees constituted under section 5;(b)the powers and duties that may be exercised and discharged by the Director-General of the Bureau under sub-section (4) of section 7;(c)the terms and conditions of service of officers and employees of the Bureau under sub-section (2) of section 8;(d)the manner of grant, renewal, suspension or cancellation of license under sub-section (1) of section 15;(e)the conditions subject to which a license may be granted or renewed and the fees payable therefor under sub-section (2) of section 15.

39. Rules and regulations to be laid before Parliament

.- Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

40. Act not to affect operation of certain Acts

.- Nothing in this Act shall affect the operation of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) or the Drugs and Cosmetics Act, 1940 (23 of 1940), or any other law for the time being in force, which deals with any standardisation or quality control of any article or process.

41. Power to remove difficulties

.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty: Provided that no order shall be made under this section after the expiry of five years from the commencement of this Act. (2) Every order made under this section shall be laid, as soon as may be after it is made, before

each House of Parliament.

42. Repeal and saving

.- (1) The Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952), is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken or purported to have done or taken (including any rule, regulation, notification, scheme, specification, Indian Standard, Standard Mark, inspection order or notice made, issued or adopted, or any appointment, or declaration made or any license, permission, authorisation or exemption granted or any document or instrument executed or direction given or any proceedings taken or any penalty or fine imposed) under the Act hereby repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act. (3) The mention of particular matters in sub-section (2) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 (10 of 1897) with regard to the effect of repeal.