

THE BUREAU OF INDIAN STANDARDS (CERTIFICATION) REGULATIONS, 1988¹

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In exercise of the powers conferred by section 38 of the Bureau of Indian Standards Act, 1986 (63 of 1986), the Executive Committee of the Bureau of Indian standards, with the previous approval of the Central Government, hereby makes the following regulations, namely: --

1. **Vide G.S.R. 10(E), dated 6th January, 1988.**

1. **Short title and commencement. -**

- (1) These regulations may be called the Bureau of Indian Standards (Certification) Regulations, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. - In these regulations unless the context otherwise requires, -

(a) “Act” means the Bureau of Indian Standards Act, 1986 (63 of 1986).

(b) “Form” means a form annexed to these regulations;

(c) “Rules” means the Bureau of Indian Standards Rules, 1987;

(d) All other words and expressions used in the regulations and not defined but defined in the Act or the rules shall have the meanings respectively assigned to them in the Act and the rules.

MANNER, CONDITION AND RATES OF FEE FOR GRANT AND RENEWAL OF LICENCE

3. Manner of applying for licence. -

(1) Every application for the grant of a licence shall be made to the Bureau in Form I.

(2) Every application for a licence shall be accompanied by a statement furnishing in detail any scheme of inspection and testing, which the applicant maintains or has been in use or proposes to maintain or to put use and which is designed to regulate, during the course of manufacture or production, the quality of the article or process for which the licence is applied for.

(3) Every application shall be signed in the case of an individual, by the applicant or, in the case of a firm, by the proprietor, partner or the managing director of the firm or by any other person authorised to sign any declaration on behalf of the firm. The name and designation of the person signing the application shall be recorded legibly in the space set apart for the purpose in the application form.

- (4) Every application for a licence shall, on receipt by the Bureau, be numbered in order of priority of the receipt and be acknowledged.
- (5) The Bureau may call for any supplementary information or documentary evidence from any applicant in support of or to substantiate any statement made by him in his application, within such time as may be directed by the Bureau, and non-compliance with such direction may have the effect of the application being summarily rejected by the Bureau.
- (6) On receipt of an application for a licence and before granting a licence, the Bureau may-
- (a) Require evidence to be produced that the article or process in respect of which a licence has been applied for, conforms to the Indian Standard;
- (b) Require evidence to be produced that the applicant has in operation a scheme of routine inspection and testing, which will adequately ensure that all marked products shall conform to the Indian Standard;
- (c) Require all reasonable facilities to be provided to an Inspecting Officer of the Bureau to inspect the office, workshop, testing laboratories or godowns and any other premises of the applicant and to draw and test sample or samples for the purpose of verifying the evidence produced by the applicant under clause (a) or clause (b) or both;
- (d) For the purpose of clause (a), direct the applicant to submit samples to such testing authority as the Bureau may consider appropriate. The expenses for testing shall be borne by the applicant; and
- (e) On the basis of any report received under clause (c) or clause (d) or both, the Bureau may, as deemed fit, require the applicant to carry out such alterations in, or addition to, the scheme of testing and inspection or the process of manufacture or production in use by the applicant.

4. Grant of Licence. -

- (1) If the Bureau, after a preliminary inquiry, is satisfied that the applicant is fit to use the Standard Mark, the Bureau shall grant a licence in Form 11 authorising the use of the Standard Mark in respect of the article or class of articles manufactured by the applicant or in respect of the process employed in any

manufacture or work, subject to such terms and conditions as specified in these regulations. The Bureau shall intimate the applicant about grant of licence.

(2) A licence shall be granted in Form II for a period of one year in the first instance. The Bureau may, on an application made by a licensee at least one month before the expiry of the period for which the licence has been granted, renew the same for a like period. Renewal of licence for subsequent period may also be done by the Bureau in a similar manner:

Provided that if the Bureau so decides, depending, among other things, on the licensee's performance, it may renew the licence for a period longer than one year but not exceeding two years at a time.

(3) The Bureau may, during the period of the validity of the licence, alter by giving one month's notice to a licensee any terms and conditions subject to which the licence has been granted.

(4) Where the Bureau, after a preliminary inquiry, is of the opinion that a licence should not be granted, the Bureau shall give a reasonable opportunity to the applicant of being heard, either in person or through a representative authorised by him in this behalf, and may take into consideration any fact or explanation urged on behalf of the applicant before rejecting the application.

(5) Where a licence to use Standard Mark has been granted, it shall be notified in the Official Gazette specifying the particulars of the licence.

(6) A licence, unless renewed or its renewal is deferred by the Bureau shall expire at the end of the period for which it is granted.

(7) Particulars of all licences issued by the Bureau under these regulation in connection with the use of Standard Mark, shall be entered in a register, which the Bureau shall maintain.

5. Conditions of a licence. -

(1) The Standard Mark shall be applied in such manner, as it may be easily visible as a distinct mark on the articles or the covering or on test certificates relating to articles, which cannot be labelled or covered. The Standard Mark shall be applied to only such types, grades, classes, varieties, sizes of the

article for which the licence has been granted. The licence shall get the facsimile of the Standard Mark proposed to be used by him, approved from the Bureau.

(2) When a Standard Mark has been specified in respect of an article or process, no person other than the licensee in possession of a valid licence shall make any public claim, through any advertisement, sales promotion leaflets, price-lists or the like, that his product conforms to the relevant Indian Standard or carries the Standard Mark.

Explanation. -For the purpose of this sub-regulation, a claim as to conformity of one's product to an Indian Standard in reply to a specific query or in a tender addressed to any individual customer shall not be deemed to be a public claim.

(3) So long as a Standard Mark is not specified for an article or process, a person may publically claim that this product or process conforms to the Indian Standard provided that such product or process actually conforms to the Indian Standard.

(4) (a) Every licensee shall institute and maintain, to the satisfaction of the Bureau, a system of control to keep up the quality of his production or process by means of a scheme of testing and inspection as indicated in the licence, so as to ensure that the article or process, in respect of which the Standard Mark is being used, comply with the relevant Indian Standard.

(b) The licensee shall maintain a complete record of the tests and inspection and such other data as specified in the scheme for testing and inspection, to establish to the satisfaction of the Bureau that the required control of production or process has been and is being, satisfactorily maintained. Such records shall, on demand, be made available for inspection to the Inspecting Officer.

(5) (a) Any licence granted by the Bureau may be suspended or cancelled by it, if it is satisfied-

(i) That the articles marked with the Standard Mark under a licence do not comply with the related Indian Standard or Standards; or

(ii) That the licensee had used the marking respect of a process which does not come up to the related Indian Standard or Standards; or

- (iii) That the licensee failed to provide reasonable facilities to any Inspecting Officer to enable him to discharge the duties imposed on him; or
 - (iv) That the licensee has failed to comply with any of the terms and conditions of the licence.
- (b) Before the Bureau suspends or cancels any licence, it shall give the licensee not less than fourteen days notice of its intention to suspend or cancel the licence.
- (c) On the receipt of such notice, the licensee may submit an explanation on his behalf to the Bureau within seven days from the receipt of the notice. If an explanation is submitted, the Bureau may consider the explanation and give a hearing to the licensee within fourteen days from the date of receipt of such explanation or before the expiry of the notice whichever is longer.
- (d) If no explanation is submitted, the Bureau may, on the expiry of period of the notice, suspend or cancel the licence.
- (e) Where a licence has been suspended or cancelled, or the terms thereof has not been renewed on the expiry of the period of its validity, the licensee shall discontinue forthwith the use of the Standard Mark notwithstanding the pendency, of any appeal before the Central Government under section 16 of the Act and if there be, with the licensee or his agents, any articles in stock which have been improperly marked, the licensee or his agents, as the case may be, shall take necessary steps to get the Standard Mark on such article either removed, cancelled, defaced or erased.
- (6) When a licence has been suspended or cancelled, the Bureau shall publish the particulars of the licence so suspended or cancelled, in the Official Gazette.
- (7) (a) If, at any time, there is some difficulty in maintaining the conformity of the product to the specification or the testing equipment goes out of order, the marking of the product shall be stopped by the licensee, under intimation to the Bureau. The marking may be resumed as soon as the defects are removed and information regarding such resumption of marking be sent to the Bureau, immediately thereafter.
- (b) If, at any time, the Bureau has sufficient evidence that the product carrying the Standard Mark may not be conforming to the Indian Standard the licensee shall be directed to stop marking of such product. The resumption of marking on the product shall be permitted by the Bureau after satisfying itself that the licensee has taken necessary actions to remove the deficiencies.

(8) The decision of the Bureau under sub-regulation (4) of the regulation 4 or sub-regulation (5) of the regulation 5 to-ether with the grounds for arriving at such decision shall be communicated, in writing by registered post, to the applicant or the licensee, as the case may be.

(9) An inspection, specially made at the request of an applicant or a licensee, shall be chargeable to the account of applicant or the licensee. Charges for such special inspection or inspections shall be such as may be decided by the Bureau.

(10) When an Indian Standard is withdrawn and not superseded by any other Indian Standard, any licence issued in respect thereof shall be deemed to have been cancelled from the date of withdrawal of such Indian Standard and any such licence shall be surrendered to the Bureau by the licensee forthwith. In the case of such cancelled licence, a part of the marking, fee, if paid in advance, proportionate to the unexpired period of the licence, may be refunded to the licensee.

(11) The following procedure shall apply in the case of inspection in respect of any article or process where a licence for the use of Standard Mark in respect of that article or process has been issued, or an application has been made for a licence: -

(a) When an Inspecting Officer proposes to inspect the premises of an applicant, he shall, preferably, give reasonable notice of his visit to the applicant but for inspection of premises of a licensee, such notice is not necessary;

(b) If during an inspection, an Inspecting Officer wishes to take one or more samples of any article, material or substance, he shall do so in the presence of the licensee or the applicant or a responsible person belonging to the establishment of the licensee or the applicant, as the case may be;

(c) The Inspecting Officer may at his discretion, and shall if the licensee or applicant or the responsible person belonging to the establishment demands it take duplicate samples and give one sample to the licensee or the applicant or such responsible person;

(d) The Inspecting Officer may at his discretion, and shall if the licensee or applicant or the responsible person belonging to the establishment demands it place each such sample in a covering and jointly seal each sample. In the use of samples drawn by the Inspecting Officer, which cannot be so sealed, such samples shall be marked with certain identification to establish their identity;

- (e) Impression of the seals and details of identification shall be given in the Inspecting Officer's report. The sample shall be labelled giving complete details; and
- (f) The Inspecting Officer shall give a receipt for sample or samples taken and retain a duplicate copy of the receipt duly signed by the person in whose presence the sample was taken.
- (12) The Inspecting Officer may take samples of articles marked with the Standard Mark from the godowns or any such premises of any agent of the licensee or from the articles put up for sale in the open market by the licensee or his agent.
- (13) The Bureau shall arrange at least two inspections a year in respect of each licence.
- (14) An Inspecting Officer shall make to the Bureau a detailed report of every inspection made by him.

6. Fees. -

- (1) Every application for the grant of a licence shall be accompanied by a fee of five hundred rupees and every application for renewal of a licence shall be accompanied by a fee of three hundred rupees. No such fee or part thereof shall, in any circumstance, be refunded.
- (2) In addition to the application fee paid by the applicant with his application under sub-regulation (I), there shall be paid by every licensee-
 - (i) An annual licence fee of rupees five hundred;
 - (ii) A marking fee at the rate as may be determined by the Bureau and corresponding to total annual production of the article or process covered by the Standard Mark or minimum fee, whichever is higher.
- (3) The marking fee shall, from time to time be determined by the Bureau and shall be published in the Official Gazette in the form of schedule showing the marking fees per unit for each class of product or process.

(4) The annual licence fee and the minimum-marking fee for the first year shall be paid by the applicant at the time of grant of the licence. Thereafter, at the time of application for renewal of the licence, the licensee shall pay the annual licensee fee, along with marking fee due for the period immediately preceding the renewal, so long as the licence remains effective.

(5) The licensee shall pay the marking fee in the manner stipulated in the Second Schedule to Form II.

7. Other services associated to certification. -

(1) For recognition of Quality Assurance Systems in manufacturing or processing units the Bureau shall administer a Quality Assurance' service as provided under sub-rule (d) of rule 13 of the Bureau of Indian Standard Rules, 1987. The terms and conditions of such quality assurance service shall be as mutually agreed.

(2) In furtherance of the functions set forth under sub-rule (a) of rule 13 of the Bureau of Indian Standards Rules, 1987, the Bureau shall, among others provide services for application of statistical quality control techniques aimed at improving design development, process control and process capabilities, etc. Such services shall be provided either in groups or for in-house quality improvement in manufacturing or processing units, in accordance with condition stipulated by the Bureau.

FORM I

(See regulation 3)

Application for Licence to use the Standard Mark

[Omitted]