

THE BIS ACT – ENABLING USE OF STANDARDS IN TECHNICAL REGULATIONS

A R UNNIKRISHNAN

Head - CMD III

BIS

STANDARDS

- Basically Voluntary in nature
- Mandatory when compulsorily enforced by Law
(Technical Regulations)

Regulatory Framework in India

Government – Create Legislations

- BIS Act, 2016
- Food Safety and Standards Act, 2006
- Explosives Act, 1884

Sector specific

Regulatory Body – Specify and Enforce Regulations under the appropriate Legislation

- Line Ministries (MoS, MeitY) and Departments under the Government (DHI, DPIIT) act as Regulatory Bodies in their area
- Government has also established specialized Regulatory Bodies (FSSAI, PESO), but with limited domains

Regulatory Framework in India

Standards Development Organizations (SDOs) – Develop Standards on which the Regulations could be based

Conformity Assessment Body - Implement the Regulations and demonstrate compliance with the Regulations

Even though there are various SDOs (FSSAI, TEC) in India, BIS acts as the **National Standards Body** and also provides the Conformity Assessment Services

Approach of Regulatory Bodies

- Different Regulatory Bodies use different approaches on Standards
 - Develop own Essential Requirements for Technical Regulations
 - Refer to International Standards in Technical Regulations
 - Directly refer to Indian Standards in Technical Regulations

Use of Indian Standards in Regulations

- Although the Regulators, while framing the Technical Regulations reserve the right to decide on the Standards, most of the Technical Regulations refer to Indian Standards.

WHY ???

- Because, they are National Standards, developed through consensus and the involvement of all Stakeholders including Consumers, Industry and Regulators.

Legislative framework for establishment of Technical Regulations

- Unless the Regulator is operating under a special legislative framework (FSSAI, PESO), the Regulatory Bodies use the provisions of BIS Act, 2016 to promulgate the Technical Regulations.

WHY ???

- Always there would be new areas/ products coming up for Regulation.
- Sector specific legislations have limited domains.
- Government needs an appropriate instrument which would empower it to enforce mandatory compliance to Standards on regular basis.

Legislative framework for establishment of Technical Regulations

The only instrument available in the country is the BIS Act, 2016 which empowers the Central Government to notify Standards for Regulation in any sector and to direct compulsory use of BIS Standard Mark.

Provisions of the BIS Act

- BIS Act 2016 establishes BIS as a National Standards Body of India for
 - Harmonious Development of activities of Standardization
 - Conformity Assessment of goods, articles, processes, systems and services
- Provision to notify different Conformity Assessment Schemes (**Section 12**)
- Provision for Grant of Licence or Certificate of Conformity (**Section 13**)

Enabling Regulatory Provisions

- Provision to notify any goods or article, process, system or service for compulsory compliance to a Standard or Essential Requirements and direct the use of the Standard Mark on account of :
 - Public Interest
 - Protection of human, animal or plant health
 - Safety of environment
 - Prevention of unfair trade practices
 - National security
- (Section 16)**
- Restricts manufacture, import, distribution and sale of the regulated products without a Standard Mark, except under a valid licence **(Section 17)**

Surveillance and Enforcement provisions

- Provisions for Inspection to verify if the licensee is following the conditions of Licence.
- Provisions for drawl of samples with Standard Mark to check conformity of the product to the requirements of the relevant Standard.
- Enabling provisions for Product Recall and Compensation to the Consumer in case the product with Standard Mark is found to be non-conforming.

Technical Regulations under BIS Act

Product Category	QC Order	Ministry
Steel and Steel Products	Steel and Steel Products Quality Control Order, 2018	Ministry of Steel
Electrical Appliances	Electrical Wires, Cables, Appliances and Protection Devices and Accessories (Quality Control) Order, 2003	DPIIT, Ministry of Commerce and Industry
Cement	Cement (Quality Control) Order, 2003	DPIIT, Ministry of Commerce and Industry
Cylinder Valves & Regulators	Gas Cylinder Rules, 2004	DPIIT, Ministry of Commerce and Industry
Automotive tyres	Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order, 2009	DPIIT, Ministry of Commerce and Industry
Electronic & IT Products	Compulsory Registration Order, 2012 (Mobiles, Mobile batteries, laptops etc.)	Ministry of Electronics & Information Technology

Thank
you

