

Comparison of Modified Version of the Act with the provisions of the existing BIS Act, 1986

Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		Provision
1	Preamble	An Act to provide for the establishment of a Bureau to be the national standards body for the harmonious development of the activities of standardization, conformity assessment and quality assurance of goods, articles, processes, systems and services, 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:-	Preamble	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 :-	(i) To position the Bureau as the "National Standards Body" of India. (ii) To include "conformity assessment" as a function of the Bureau. (iii) To include "articles", "processes" "systems" and "services" in addition to "goods".
2	1(1)	This Act may be called the Bureau of Indian Standards Act, 1986.	1(1)	This Act may be called the Bureau of Indian Standards Act, 1986.	No change.
3	1(2)	It extends to the whole of India.	1(2)	It extends to the whole of India.	No change.
4	1(3)	It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	1(3)	It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.	No change.
5	2	In this Act, unless the context otherwise requires, -	2	In this Act, unless the context otherwise requires, -	No change.
6	2(a)	"article" means any substance, artificial or natural, or partly artificial or partly natural, whether raw or partly or wholly processed or manufactured or hand-made and includes similar article imported into India;	2(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;	(i) To include hand-made substance in the definition of 'article'. (ii) To cover the articles imported into India.
7	2(aa)	"assaying and hallmarking centre" means a testing and marking centre laboratory recognized by the Bureau to determine the purity of precious metal articles and to apply hallmark on the precious metal articles in a manner as may be determined by regulations;	-	New sub-section added.	To define the term "assaying and hallmarking centre" used.
8	2(b)	"Bureau" means the Bureau of Indian Standards established under section 3 as a body corporate;	2(b)	"Bureau" means the Bureau of Indian Standards established under section 3 ;	To indicate the status of the Bureau as body corporate.
9	2(ba)	"certification officer" means a certification officer appointed under sub-section (1) of section 25;	2(i)	"inspecting officer" means an inspecting officer appointed under section 25;	To define the term "certification officer" used.
10	2(bb)	"certified body" means holder of license under sub-section (4) of section 12 in relation to any goods, article, process or service which conforms to a standard;	-	New sub-section added.	To define the term used in the text of the modified version of the Act.

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11	2(bc)	"conformity assessment" means demonstration that specified requirements relating to an article, process, system, service, person or body are fulfilled ;	-	New sub-section added.	To define the term used in the text of the modified version of the Act.
12	2(bd)	"conformity assessment scheme" means system related to specific goods, article, process, system or service to which the same specified requirements, rules and procedures apply.	-	New sub-section added.	To define the term used in the text of the modified version of the Act.
13	2(c)	"consumer" means a person as defined in the Consumer Protection Act, 1986, as amended from time to time;	2(c)	"consumer" means a consumer of any article or process;	In view of suggestions from stakeholders, the definition is modified to make it more exhaustive
14	2(d)	"covering" includes any stopper, cask, bottle, vessel, box, crate, cover, capsule, case, frame, wrapper, bag, sack, pouch or other container;	2(d)	"covering" includes any stopper, cask, bottle, vessel, box, crate, cover, capsule, case, frame, wrapper or other container;	To include bag, sack and pouch in the definition in view of the suggestions from stakeholders
15	2(da)	"Director General" means the Director General appointed under sub-section (1) of section 7;	-	New sub-section added.	To define the term used in the text of the modified version of the Act.
16	2(e)	"Executive Committee" means the Executive Committee constituted under sub-section (1) of section 4;	2(e)	"Executive Committee" means the Executive Committee constituted under sub-section (1) of section 4;	No change.
17	2(f)	"fund" means the fund constituted under section 18;	2(f)	"Fund" means the Fund constituted under section 18;	No change.
18	2(fa)	"goods" mean every kind of movable property as per the Sale of Goods Act, 1930, as amended from time to time, other than actionable claims, money, stocks and shares;	-	New sub-section added.	To define the term 'goods' in view of suggestions from stakeholders
19	2(fb)	"Governing Council" means a council constituted under sub-section (3) of section 3;	-	New sub-section added.	To define the term used in the text of the modified version of the Act.
20	2(fc)	"Hallmark" means the Standard Mark in relation to precious metal article and which also indicates the proportionate content of precious metal in the article as per the relevant standard;	-	New sub-section added.	To define the term used in the text of the modified version of the Act.
21	2(g)	"Indian Standard" means the standard (including any tentative or provisional standard) established and published by the Bureau, in relation to any goods, article, process, system or service, indicative of the quality and specification of such goods, article, process, system or	2(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) To include "goods", "services" and "systems" under the purview of BIS. ii) To indicate reference of new section of modified version of the Act.

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		service and includes – (a) any standard recognized by the Bureau under sub-section (4) of section 11; and (b) 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;		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;	
22	2(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 3 rd day of September, 1946, and registered under the Societies Registration Act, 1860;	2(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 3 rd day of September, 1946, and registered under the Societies Registration Act, 1860;	No change.
23	2(i)	"jeweler" means a person engaged in the business to get manufactured for selling or sells precious metal articles; "certified jeweler" means a jeweler who has been granted a certificate by the Bureau to get manufactured for selling or sell any precious metal article after getting the same hallmarked in a manner as may be determined by regulations;	-	New sub-section added.	To define the term used in the text of the modified version of the Act.
24	2(j)	"licence" means a permission granted to use a specified Standard Mark in relation to any goods, article, process, system or service, which conforms to a standard;	2(j)	"Licence" means a licence 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 licence granted under the Indian Standards Institution (Certification Marks) Act, 1952 and is in force immediately before the date of establishment of the Bureau;	i) To include "goods", "services" and "systems" in the scope of the licence. ii) To exclude reference to licences granted under the ISI (CM) Act, 1952, as all such licences, if still in operation, have been endorsed as BIS licences.
25	2(ja)	"licence holder" means a holder of a licence;	-	New sub-section added.	To define the term used in the text of the modified version of the Act.
26	2(k)	"manufacturer" means a person responsible for designing and manufacturing any goods or article with a view to placing it in the market;;	2(k)	"manufacturer" means the manufacturer of any article or process;	To define the term exhaustively

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27	2(l)	"mark" includes a device, brand, heading, label, ticket, pictorial representation, name, signature, word, letter or numeral or any combination thereof;	2(l)	"mark" includes a device, brand, heading, label, ticket, pictorial representation, name, signature, word, letter or numeral or any combination thereof;	No change.
28	2(m)	"member" means a member of the Governing Council, Executive Committee or any of the Advisory Committees or an alternate member appointed under the provisions of the Act;	2(m)	"member" means a member of the Bureau;	To modify the definition to encompass the members of the Executive Committee and Advisory Committees. As per the decision of the Bureau, persons other than members of the Bureau can also become members of the Executive and Advisory Committees.
29	2(ma)	"person" means a manufacturer or an importer or any other person who uses or applies his name or trade mark or any other distinctive mark onto goods or article or while providing a service; and also includes distributor, retailer, seller or lessor, who sells or exchanges goods or article or provides service for any consideration; or gives goods or article or provides service as prize or gift for commercial purposes, and includes their representative(s); and also includes a person who does any of the above, where the manufacturer, importer, distributor, retailer, seller, lessor or provider of which, cannot be identified;	-	New sub-section added.	To define the term 'person' exhaustively in view of suggestions from various stake-holders
30	2(mb)	"precious metal" means gold, silver, platinum and palladium;	-	New sub-section added.	To define the term used in the modified version of Act.
31	2(mc)	"precious metal article" means any article made entirely or in part from precious metals or their alloys;	-	New sub-section added.	To define the term used in the modified version of Act.
32	2(n)	"prescribed" means prescribed by rules made under this Act;	2(n)	"prescribed" means prescribed by rules made under this Act;	No change.
33	2(o)	"process" means a set of inter-related or interacting activities, which transforms inputs into outputs;	2(o)	"Process" includes any practice, treatment and mode of manufacture of any article;	To modify the definition to bring it in line with the internationally accepted and used definition.
34	2(p)	"recognized testing and marking centre" means a testing and marking centre recognized by the Bureau under sub-section (8) of section 13;	-	New sub-section added.	To define the term used in the text of the modified version of Act.

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35	2(q)	"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;	2(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;	No change.
36	2(r)	"regulations" means regulations made by the Bureau under this Act;	2(q)	"regulations" means regulations made by the Bureau under this Act;	No change.
37	2(s)	"rules" means rules made by the Central Government under this Act;	2(r)	"rules" means rules made by the Central Government under this Act;	No change.
38	2(sa)	"sale" means distribute, sell, hire, lease or exchange of goods, article, process, system or service for any consideration or for commercial purposes;	-	New sub-section added.	To define the term used in the text of the modified version of Act.
39	2(sb)	"seller" means a person who is engaged in sale of any goods, article, process, system or service;	-	New sub-section added.	To define the term used in the modified version of Act.
40	2(sc)	"service" means the result generated by activities at the interface between an organization and a customer and by organization's internal activities, to meet customer requirements;	-	New sub-section added.	To define the term used in the modified version of the Act.
41	2(t)	"specification" means a description of goods, article, process, system or service 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 processing, consistency and reliability of service delivery or other characteristics to distinguish it from any other goods, article, process, system or service;	2(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;	To include "goods", "services" and "systems" also in the scope of the specification.
42	2(ta)	" standard " means documented agreements containing technical specifications or other precise criteria to be used consistently as rules, guidelines, or definitions of characteristics, to ensure that materials, articles, processes, systems and services are fit for their purpose;	-	New sub-section added.	To define the term used in the modified version of the Act.

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43	2(tb)	"Standard Mark" means the mark specified by the Bureau, and includes Hallmark, to represent conformity of goods, article, process, system or service to a particular Indian Standard or conformity to a standard, the mark of which has been recognized as per the provisions of sub-section (1)(b) of section 14. An article is said to be marked with a Standard Mark if the goods or article itself is marked with a Standard Mark or any covering containing, or label attached to such goods or article is so marked;	2(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;	i) To include "goods", "service" and "systems" in the scope of Standard Mark. ii) To include hallmark in the scope of Standard Mark. iii) To cover the mark of International body or institution. iv) Old section 2 (v) merged with this definition to bring the relevant provisions at one place.
			2(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.	
44	2(tc)	" system " means a set of inter-related or interacting elements;	-	New sub-section added.	To define the term used in the modified version of the Act.
45	2(u)	"testing laboratory" means a body set-up for the purpose of testing of goods or article against a set of requirements and report its findings; recognized testing laboratory means a testing laboratory recognized by the Bureau under sub-section (6) of section 12;	-	New sub-section added.	To define the term used in the modified version of the Act.
46	2(v)	"trade mark" means a mark used or proposed to be used in relation to goods or article or process or system or service for the purpose of indicating, or so as to indicate, a connection in the course of trade of goods, article, process, system or service, as the case may be, 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.	2(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;	To include "goods", "services" and "systems" also in the scope of the trade mark.
47	3(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,	3(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,	No change.

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		to be called the Bureau of Indian Standards.		to be called the Bureau of Indian Standards.	
48	3(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(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.	No change.
49	3(3)	<p>The general superintendence, direction and management of the affairs of the Bureau shall vest in the Governing Council, which shall consist of the following members, namely:-</p> <p>a) the Minister in-charge of the Ministry or Department of the Central Government having administrative control of the Bureau who shall be <i>ex-officio</i> President of the Bureau;</p> <p>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 <i>ex-officio</i> 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;</p> <p>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 <i>ex-officio</i>;</p> <p>d) the Director-General of the Bureau <i>ex-officio</i>;</p> <p>e) such number of other persons, to represent the Government, industry, scientific and research institutions, consumers and other interests, as may be prescribed, to be appointed by the Central Government.</p>	3(3)	<p>The Bureau shall consist of the following members, namely :-</p> <p>a. the Minister in-charge of the Ministry or Department of the Central Government having administrative control of the Bureau who shall be <i>ex-officio</i> President of the Bureau;</p> <p>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 <i>ex-officio</i> 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;</p> <p>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 <i>ex-officio</i>;</p> <p>d. the Director-General of the Bureau <i>ex-officio</i>;</p> <p>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.</p>	<p>i) To avoid confusion between the Bureau as a corporate body and as an administrative body to supervise and manage the affairs of the Bureau.</p> <p>ii) To include the consumer for adequate representation in the Bureau</p>

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50	3(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.	3(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.	No change.
51	3(5)	The Governing Council 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 Governing Council relevant to the purposes for which he has been associated but shall not have the right to vote.	3(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.	The term "Governing Council" has been used in place of the term "Bureau" to make it synchronous with sub-section (3).
52	3(6)	The Governing Council may, by general or special order in writing, delegate to any member, the Director General 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.	27	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.	i) The term "Governing Council" has been used in place of the term "Bureau" to make it synchronous with sub-section (3). ii) Shifting from section 27 of the existing Act to bring relevant provisions at one place. iii) The Governing Council shall delegate its powers to the "Director General" instead of "an officer of the Bureau". DG, in turn, has been given powers to further delegate such powers to meet exigencies of administrative management of the Bureau.
53	4(1)	The Governing Council 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 <i>ex-officio</i> Chairman; and (b) such number of members and alternate members, as may be	4(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 <i>ex-officio</i> Chairman; b. such number of members, as may be prescribed.	i) To replace the word "Bureau" with the word "Governing Council" in view of new section 3(3) of the modified version of the Act. ii) To include the provision of alternate member in order to have technical expertise in the meetings.

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		prescribed.			
54	4(2)	The Executive Committee constituted under subsection (1) shall perform, exercise and discharge such of the functions, powers and duties of the Bureau as may be delegated to it by the Governing Council.	4(2)	The Executive Committee constituted under subsection (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.	To replace the word "Bureau" with the word "Governing Council" in view of new section 3(3) of the modified version of the Act.
55	5(1)	Subject to any regulations made in this behalf, the Governing Council may, from time to time and as and when it is considered necessary, constitute the following Advisory Committees for the efficient discharge of the functions of the Bureau:- (a) Finance Committee; (b) Conformity Assessment Advisory Committee; (c) Standards Advisory Committee; (d) Testing and Calibration Advisory Committee; and (e) such number of other committees as may be determined by regulations.	5(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 Committee; f. such number of other committees as may be determined by regulations.	i) The mention of "Planning and Development Advisory Committee" has been deleted since this committee has not been found to be useful. The overall direction to the functioning of the Bureau has to be provided by the Executive Committee. The monitoring of Plan Schemes is done by the Finance Committee. ii) The names of Advisory Committees have been modified in line with modified version of the Act.
56	5(2)	Each Advisory Committee shall consist of a Chairman and such other members as may be determined by regulations.	5(2)	Each Advisory Committee shall consist of a Chairman and such other members as may be determined by regulations.	No change.
57	6	No act or proceedings of the Governing Council, 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 Governing Council or the Committee; or (b) any defect in the appointment of a person acting as a member of the Governing Council or Committee; or (c) any irregularity in the procedure of the Governing Council or the Committee not affecting the merits of the case.	6	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.	To replace the word 'Bureau' with the word 'Governing Council' in view of new section 3(3) of the modified version of the Act.
58	7(1)	The Central Government shall appoint a Director-	7(1)	The Central Government shall appoint a Director-	No change.

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		General of the Bureau.		General of the Bureau.	
59	7(2)	The terms and conditions of service of the Director-General of the Bureau shall be such as may be prescribed.	7(2)	The terms and conditions of service of the Director-General of the Bureau shall be such as may be prescribed.	No change.
60	7(3)	Subject to the general superintendence and control of the Governing Council, the Director-General of the Bureau shall be the Chief Executive Authority of the Bureau.	7(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.	To replace the word "Bureau" with the word "Governing Council" in view of new section 3(3) of the modified version of the Act.
61	7(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.	7(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.	No change.
62	7(5)	The Director General may, by general or special order in writing, delegate to any officer of the Bureau subject to such conditions, if any, as may be specified in the order, such of his powers and functions as are assigned to him under the regulations or are delegated to him by the Governing Council or the Executive Committee, as he may deem necessary.	-	New sub-section added.	Enabling provision for delegation of powers vested in the Director General has been made for smooth functioning.
63	8(1)	The Bureau may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.	8(1)	Bureau may appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.	No change.
64	8(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.	8(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.	No change.

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65	9	On and from the date of establishment of the Bureau, all properties and assets, movable and immovable, of, or belonging to, the Indian Standards Institution shall vest in the Bureau, and for all purposes 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.	9(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 employee of the Bureau within such period.	The provision of 9 (1) and 9 (2) of the existing Act have been deleted as they are considered no longer relevant and replaced by an abridged section 9.

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		Provision
			9(2)	Notwithstanding anything contained in the Industrial Disputes Act, 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.	
66	10(1)	The department of Central Government having administrative control of the Bureau may set-up a mechanism to facilitate, coordinate and monitor the activities in sub-section (2) and take such other action as may be necessary for the promotion, monitoring and management of quality of goods, articles, processes, systems and services and to protect the interests of consumers and various other stake-holders.	-	New sub-section added.	Enabling provision to set-up an inter-departmental mechanism for making recommendations to the Govt. for all actions for promotion, monitoring and management of quality of goods, articles, processes and services in the country to protect the interests of various stake holders, including the consumers.
67	10(2)	The Bureau shall take all necessary steps for promotion, monitoring and management of the quality and safety of goods, articles, processes, systems and services as may be necessary to protect the interests of consumers and various other stake-holders. Such steps may include the following:	-	New sub-section added.	A new section has been added on "Quality Assurance, Promotion, Monitoring and Management", which also includes some of the functions of the Bureau provided in section 10 of the existing Act. This has been done with a view: (i) To position the Bureau as the 'Quality Keeper' of the nation. (ii) To include assurance of safety of the goods and articles in view of the suggestions from various stake-holders (iii) To widen the functioning of the Bureau to promote quality, create awareness, promote adoption of
	10(2)(a)	carrying out market surveillance or survey of any goods, article, process, system or service to monitor their quality and publish findings of such surveillance or surveys;	-	New sub-section added.	
	10(2)(b)	promotion of quality in connection with any goods, article, process, system or service by creating awareness among the consumers and the industry and educate them about quality and standards in connection with any goods, article, process, system and service;	-	New sub-section added.	

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		Provision
	10(2)(c)	promotion of safety in connection with any goods, article, process, system or service;	-	New sub-section added.	Indian Standards, promote safety, identify need for establishment of new National Standard and carryout surveys to monitor quality and publish findings of such surveys.
	10(2)(d)	identification of any goods, articles, process, system or service for which there is a need to establish a new Indian Standard, or to revise an existing Indian Standard;	-	New sub-section added.	
	10(2)(e)	promoting adoption of Indian Standards;	-	New sub-section added.	
	10(2)(f)	recognizing or accrediting any institution in India or outside which is engaged in conformity certification and inspection of any goods, article, process, system or service or of testing and calibration laboratories;	10 (1) (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;	i) Provisions of section 10 (1) (j) of the existing Act have been shifted here. ii) To include accreditation. iii) To include the terms of conformity assessment, inspection, testing and calibration, in addition to standardization.
	10(2)(g)	coordination and promotion of activities of any association of manufacturers or consumers or any other body in relation to improvement in the quality or in the implementation of any quality assurance activities in relation to any goods, article, process, system or service; and	10 (1) (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;	i) To include promotion of activities of association of manufacturers or consumers. ii) To include the terms “goods” , “services” and “systems”.
	10(2)(h)	performing such other duties as may be directed by the Governing Council or Central Government as may be necessary for promotion, monitoring and management of the quality of goods, articles, processes, systems and services as may necessary to protect the interests of various stake-holders, including the consumers.	10 (1) (p)	perform such other functions as may be prescribed.	i) To include reference to “Governing Council”. ii) Management of quality to protect, through Governing Council, the interests of various stake holders, including consumers.
68	11(1)	The Bureau shall be the National Standards Body of India and the standards established by the Bureau shall be the Indian Standards.	-	New sub-section added.	Establishment of standards being core function of the Bureau, it is considered necessary that separate section on “Setting of Indian Standards”; to position the Bureau as the ‘National Standards Body’ of

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		Provision
				India; and to recognize standards established by the Bureau as 'National Standards of India'	
69	11(2)	The Bureau may constitute, as and when considered necessary, such number of technical committees of experts for the formulation of standards in respect of goods, articles, processes, systems or services, as may be necessary.	5(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.	Shifting from old section 5 (3) with modification as it is considered more relevant here and modified to include reference to "goods", "services" and "systems".
70	11(3)	The Bureau shall, in a manner as may be prescribed, establish, publish, review and promote the Indian Standard, in relation to any goods, article, process, system or service.	10 (1) (a)	establish, publish and promote in such manner as may be prescribed the Indian Standard, in relation to any article or process;	Provisions of section 10(1)(a) of the existing Act have been shifted and modified to include reference to "goods", "services" and "systems".
71	11(4)	The Bureau may also adopt as Indian Standard, in a manner as may be prescribed, any standard established by any other Institution in India or elsewhere, in relation to any goods, article, process, system or service.	10 (1) (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;	Provisions of section 10(1)(b) of the existing Act have been shifted and modified to include reference to goods, services and systems.
72	11(5)	The Bureau may recognize or accredit any institution in India or outside which is engaged in standardization.	10 (1) (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;	To include accreditation of the institutions in addition to recognition.
73	11(6)	The Bureau shall undertake, support and promote such research as may be necessary for formulation of Indian Standards.	10 (1) (i)	undertake research for the formulation of Indian Standards in the interests of consumers and manufacturers;	Provisions of section 10(1)(i) of the existing Act have been shifted & modified to include support and promotion of research by the Bureau.
74	11(7)	No person shall issue a document that creates, or may create the impression that it is or contains an Indian Standard, as contemplated in this Act.	-	New sub-section added.	To prevent anybody else from using / declaring their documents as Indian Standards.
75	11(8)	Indian Standard shall be notified in the Gazette of India and remain valid till withdrawn by the Bureau.	-	New sub-section added.	To bring in more clarity in the matter.
76	11(9)	Notwithstanding the provisions of any other law, the copyright in an Indian Standard or any other publication of the Bureau shall vest in the Bureau.	-	New sub-section added.	To include the provision on copyright of the Indian Standard and to protect the copyright.
77	11(10)	No individual shall, without the authorization of the Bureau, in any manner or form, publish, reproduce or record any Indian Standard or part	-	New sub-section added.	To prevent misuse of Indian Standard.

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		
		thereof, or any other publication of the Bureau. Provided that nothing in this sub-section shall prevent any individual from making a copy of Indian Standard for his own personal use.			
78	12(1)	The Bureau may prescribe a specific or different conformity assessment schemes for any goods, article, process, system or service or for a group of goods, articles, processes, systems or services as the case may be, with respect to any Indian Standard or any other standard in a manner as may be prescribed. Explanation - The prescribed conformity assessment schemes shall normally be in consonance with the conformity assessment schemes being practiced internationally.	-	New sub-section added.	i) The existing Act covers only one type of Conformity Assessment. In the modified version, provision has been made to prescribe multiple conformity assessment schemes and for any standard. ii) To include "goods", "services" and "systems".
79	12(2)	The Bureau may specify a Standard Mark in relation to each of its conformity assessment schemes, which shall be of such design and contain such particulars as may be necessary to represent a particular standard.	10 (1) (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;	i) As per the existing Act, a Standard Mark is required to be prescribed for each Indian Standard. In the modified version, it is provided to prescribe a Standard Mark for each conformity assessment scheme. ii) Provisions of section 10(1)(c) of the existing Act have been shifted here to bring all relevant provisions at one place.
80	12(3)	A person may apply for grant of license or certificate of conformity, as the case may be, if the goods, article, process, system or service conforms to a standard.	-	New sub-section added.	In the proposed amendment, it is envisaged to enable the Bureau to operate multiple conformity assessment schemes. Some of these schemes may involve only certification of conformity through registration under the self-declaration of conformity scheme.

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		Provision
	12(4)	Where any goods, article, process, system or service conforms to a standard, the Director General may, by an order, grant, renew, suspend or cancel, as the case may be:- a) a certificate of conformity in a manner as may be determined by regulations; and/or b) a license to use or apply a Standard Mark that is specified, in a manner as may be determined by regulations.	15 (1)	The Bureau may, by order, grant, renew, suspend or cancel a licence in such manner as may be determined by regulations.	To give the power to grant license to the Director General instead of the Bureau for better administrative control. The power also includes to grant certificate of conformity for registration under the self-declaration of conformity scheme.
81	12(5)	The grant or renewal or operation of the certificate of conformity or the license, as the case may be, shall be subject to such conditions and on payment of such fees, including late fee or fine, before or during the operation of the certificate of conformity or license, and as determined by regulations. While granting a certificate of conformity or license to use a Standard Mark, the Bureau may, by order, specify the marking and labeling requirements that shall necessarily be affixed as may be specified from time to time.	15 (2)	The grant or renewal of the licence under sub-section (1) shall be subject to such conditions and on payment of such fees as may be determined by regulations.	i) to include provision for prescribing marking and labelling requirements for products on which Standard Mark is used or affixed with a view to protect the consumers.. ii) to charge such fee, including late fee or fine, before or during the operation of "certificate of conformity", as may be determined by regulations.
82	12(6)	The Bureau may establish, maintain and recognize testing laboratories for the purposes of conformity assessment and quality assurance and for such other purposes as may be required for carrying out its functions.	10 (1) (h)	establish, maintain and recognise laboratories for the purposes of standardisation and quality control and for such other purposes as may be prescribed;	Powers to establish and recognize testing laboratories "for such other purposes as may be required" added.
83	13(1)	The Central Government, after consulting the Bureau, may notify precious metal articles or certain other goods or articles, to be marked with a Hallmark or Standard Mark, as the case may be, in a manner specified in sub-section(2). Explanation – Certain other goods or articles, which may be notified by the Central Government under sub-section (1), shall be with a view to protecting the consumers, and may normally be high value items like gems and jewelery; or goods or articles which are limited in	-	New sub-section added.	To prevent the deceptive practices in connection with the precious metal articles and certain other high value articles. It is felt that the Central Government may make such goods to be sold only after certification in order to protect the interest of the consumer.

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		supply and where cheating of consumers through counterfeiting and misrepresentation is prevalent,			
84	13(2)	The goods or articles notified in sub-section (1) may be sold,- a) through retail outlets certified by the Bureau for this purpose; and b) after such goods or articles have been assessed for conformity to the relevant standard by testing and marking centre, recognized by the Bureau for this purpose, and marked with Hallmark or Standard Mark, as the case may be, as determined by the regulations.	-	New sub-section added.	It is considered necessary for items like jewelery to be sold through certified sales outlets so that sale of spurious and inferior quality items could be checked and controlled. This provision will enable the Bureau to authorise sellers to sell specified Standard Marked articles like gold / silver jewellery / artefacts.
85	13(3)	The Central Government may, after consulting the Bureau, by an order published in the Official Gazette, make it compulsory for the sellers of goods or article notified under sub-section (1) to be sold only through certified sales outlets in such geographical areas or having such minimum turnover or such other parameters as may be determined by regulations, under a valid certification.	-	New sub-section added.	It is considered necessary in case of certain items to be sold through certified sales outlets so that sale of spurious and inferior quality items could be checked and controlled.
86	13(4)	The Bureau may, by an order, grant, renew, suspend or cancel certification of a jeweler or any other seller for sale of goods or articles notified under sub-section (1) in a manner as may be determined by regulations.	-	New sub-section added.	New sub-section added to enable the Bureau to grant, renew, or cancel certification of sellers in a manner as may be determined by the regulations.
87	13(5)	No person shall import, distribute, sell, store or exhibit for sale, any goods or article covered under sub-section (1), without the Standard Mark, including Hallmark, except under a valid certification from the Bureau.	-	New sub-section added.	To make the importer, distributor, seller, etc responsible.
88	13(6)	No seller or his representative, other than that certified by the Bureau, shall:- (a) sell goods or articles that are notified under sub-section (3) and marked with the Standard Mark, including	-	New sub-section added.	New sub-section has been added to enable the Bureau to: i) take action against sellers who would sell specified goods without a valid certification from the Bureau;

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		Hallmark, or any colourable imitation thereof; and (b) for such goods and articles make any claim in relation to the Standard Mark, including Hallmark, through advertisements, sales promotion leaflets, price lists or the like.		ii) check instances of misuse of the Standard Mark by a seller without a valid certification from the Bureau; and iii) monitor and control instances of public claim by sellers other than those certified by the Bureau in respect of specified goods or articles.	
89	13(7)	No certified jeweler or seller shall sell or display or offer to sell any notified goods or articles, notwithstanding that he has been granted certification, with the Standard Mark, including Hallmark, or any colourable imitation thereof, unless such goods or article is marked with a Standard Mark or Hallmark, in a manner as may be determined by regulations, and unless such goods or article conforms to the relevant standard.	-	New sub-section added.	To enable the Bureau to exercise control over the sale of lower purity or inferior quality hallmarked and such other specified articles by authorized jewelers and such other sellers with a view to protect consumer from inferior quality goods or articles.
90	13(8)	The Bureau may establish, maintain and recognize testing and marking centres, including assaying and hallmarking centres, for conformity assessment and application of Standard Mark, including Hallmark, on goods or articles notified under sub-section (1), in a manner as may be determined by regulations.	-	New sub-section added.	New sub-section added to enable the Bureau to grant, renew, or cancel recognition to a testing and marking centre or an assaying and hallmarking centre to use and apply a Standard Mark or Hallmark in a manner as may be determined by the regulations.
91	13(9)	No testing and marking centre or assaying and hallmarking centre, other than that recognized by the Bureau, shall with respect to goods or articles notified under sub-section (3),- (a) use, affix, emboss, engrave, print or apply in any manner the Standard Mark, including the Hallmark, or colourable imitation thereof, on any goods or article; and (b) make any claim in relation to the use and application of a Standard Mark, including the Hallmark, through advertisements, sales promotion	-	New sub-section added.	New sub-section has been added to enable the Bureau to: i) take action against unrecognized testing and marking centre and assaying and hallmarking centres; ii) check instances of marking of goods or articles by an unrecognized testing and marking centre or assaying and hallmarking centre; and iii) monitor and control instances of public claim by unrecognized testing and marking centres in relation to the use and application of a Standard

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
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		leaflets, price lists or the like.			Mark through any means, with a view to protect consumers against wrong or misleading claims.
92	13(10)	Every recognized testing and marking centre, including assaying and hallmarking centre, shall use or apply Standard Mark on good or articles notified under sub-section (1), including Hallmark on precious metal articles, after accurately determining the conformity of the same in a manner that is specified. No recognized testing and marking centre, including assaying and hallmarking centre, shall in any manner, notwithstanding that he has been recognized under sub-section (8), use or apply in relation to any goods or article notified under sub-section (1) a Standard Mark, including Hallmark, or any colourable imitation thereof, unless such goods or article conforms to the relevant standard.	-	New sub-section added.	i) New sub-section added to include provision for use of a Standard Mark or Hallmark by recognized testing and marking or assaying & hallmarking centre on specified goods or articles only after ensuring conformity as specified. ii) To enable the Bureau to take action against recognized testing laboratory or assaying & hallmarking centre unless such goods or articles conform to the relevant standard. iii) To enable the Bureau to check and take action against recognized assaying & hallmarking centres which apply Hallmark on precious metal articles without ascertaining their purity as specified.
93	14(1)	If the Central Government, on the basis of recommendations made through the mechanism constituted under sub-section (1) of section 10, or otherwise, is of the opinion that it is necessary or expedient so to do in the public interest, especially keeping in view the considerations of protection of human, animal or plant life, or health, of the environment, or for the prevention of deceptive practices, may after consulting the Bureau, by an order published in the Official Gazette, notify any goods, article, process, system or service which shall conform to a standard; and direct use of a Standard Mark under a license as compulsory on such goods, article, process, system or service.	14	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 licence as compulsory on such article or process. <i>Explanation</i> - 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.	To enlarge the scope of goods or articles to be covered under the Mandatory Certification, it is considered necessary to delink the articles or processes of any scheduled industry.
94	14(2)	For the reasons provided in sub-section (1), the Central Government, may, after consulting the Bureau, by an order published in the Official	-	New sub-section added.	Keeping in view the safety, health, environment and other aspects of public interest protection, this sub-

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		Gazette, prescribe essential requirements to which any goods, article, process or service shall conform; and direct use of a Standard Mark under a license as compulsory on such goods, article, process, system or service. Explanation - Essential Requirements are requirements, expressed in terms of the results to be achieved, that effectively ensure that any goods, article, process, system or service meet the objective of safety, health, environment and other aspects of public interest protection; or the standard which shall provide the requirements in technical terms, complying with which provides the presumption of conformity with the essential requirements, while at the same time allow use of other means for meeting these requirements.		section has been added to bring the goods or articles to meet the essential requirements.	
95	14(3)	The Bureau, and in addition any other agency having necessary accreditation or recognition and valid approval to certify against the standard, may be authorized by the Central Government by an order, to be the authority for: (a) enforcement of any order issued under sub-section (1) or (2) in such manner as may be specified in the order; or (b) certify conformity to the relevant standard under sub-section (1) or prescribed essential requirements under sub-section (2).	-	New sub-section added.	Enabling provision has been added to empower the Bureau for enforcing the provisions of the Section.
96	15(1)	The Bureau may, in addition, exercise such powers and perform such duties as may be assigned to it by or under this Act through the Governing Council and, in particular, such powers include the power to:	10 (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 –	To include “Governing Council” for performing duties on behalf the Bureau.
97	15(1)(a)	establish branches, offices or agencies in India or outside;	10 (1) (m)	establish branches, offices or agencies in India or outside;	No change.
98	15(1)(b)	recognize, on reciprocal basis or otherwise, with the prior approval of the Central Government, the	-	New sub-section added.	New sub-section added to enable the Bureau to recognize the mark of any

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		mark of any international body or institution, on such terms and conditions as may be mutually agreed upon by the Bureau in relation to any goods, article, process, system or service at par with the Standard Mark for such goods, article, process, system or service;		other international body or institution at par with the BIS Standard Mark so as to facilitate operation of other international conformity assessment schemes by the Bureau. Though BIS was performing these activities, this was not specifically stated in the powers and functions of the Bureau. This new sub-section seeks to correct the situation.	
99	15(1)(c)	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 organization in any country or with any international organization;	10 (1) (g)	seek recognition of Bureau and of Indian Standards outside India on such terms and conditions as may be mutually agreed upon by Bureau with any corresponding institution or organisation in any country;	This provision has been slightly modified to include recognition of the Bureau or of the Indian Standards by international organizations such as ISO and IEC, in addition to other national standard bodies.
100	15(1)(d)	enter into and search places, premises or vehicles, and inspect and seize goods or articles and documents to enforce the provisions of this Act;	-	New sub-section added.	Though BIS was exercising these powers, the same were not provided for specifically in the powers and functions of the Bureau. This sub-section seeks to correct the situation.
101	15(1)(e)	provide services to manufacturers and consumers of articles or processes on such terms and conditions as may be mutually agreed upon;	10 (1) (k)	provide services to manufacturers and consumers of articles or processes on such terms and conditions as may be mutually agreed upon;	No change
102	15(1)(f)	provide training services in relation to quality management, standards, conformity assessment, laboratory testing and calibration, and any other related areas;	-	New sub-section added.	Though BIS has been providing training to consumers and industry, this provision was not included in the powers and functions of the Bureau. New sub-section seeks to address this situation..
103	15(1)(g)	sell Indian Standards and special publications published by the Bureau, as well as similar publications from international and foreign bodies;	-	New sub-section added.	Though BIS has been selling standards and other publications, this provision was not included in the powers and functions of the Bureau. New sub-section seeks to address this situation.

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104	15(1)(h)	appoint authorized agencies in India or outside India for carrying out any or all activities of the Bureau and such other purposes as may be necessary to fulfill its functions, through mutual agreement with appropriate provisions to regulate such appointments;	10 (1) (l)	appoint agents in India or outside India for the inspection, testing and such other purposes as may be prescribed;	i) Earlier, agents could be appointed only for inspection, testing and such other purposes as prescribed, the BIS Rules, 1987 did not cover all activities of the Bureau. This sub-section has, therefore, been modified to enable the Bureau to appoint agents for all activities of the Bureau. ii) To also provide for suspension, termination, award of punishment or levying of penalty on the agents.
105	15(1)(i)	coordinate, interact and manage the international, multilateral and bilateral interaction with other international, regional or national standards bodies from other countries;	-	New sub-section added.	Even though BIS is a member of international bodies such as ISO and IEC and regional bodies like PASC, this provision was not specifically included in the powers and functions of the Bureau. The new sub-sections seeks to correct the situation.
106	15(1)(j)	obtain membership in regional, international and foreign bodies having objects similar to that of the Bureau and participate in international standards setting process;	-	New sub-section added.	-Do-
107	15(1)(k)	undertake testing of samples for purposes other than for conformity assessment;	-	New sub-section added.	To include the enabling provision for carrying out this function by the Bureau
108	15(1)(l)	undertake activities relating to legal metrology; and	-	New sub-section added.	To include the enabling provision for carrying out this function by the Bureau
109	15(1)(m)	perform such other functions as may be directed by the Governing Council of the Bureau and take such actions as may be necessary to protect the objects and interests of the Bureau.	10 (1) (p)	perform such other functions as may be prescribed.	This provision has been made more elaborate to include the directions of the Governing Council and all such functions as may be considered necessary to protect the interests of the Bureau.
110	15(2)	The Bureau shall perform its functions under this section through the Governing Council in accordance with the direction and subject to such	10 (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	This provision has been slightly modified to include reference to the Governing Council, as envisaged

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		rules as may be made by the Central Government.		Government.	under section 3 (3) of the modified version of the Act.
111	16(1)	No person shall manufacture, import, distribute, sell, hire, lease, store or exhibit for sale, any such goods, article, process, system or service as covered under sub-section (1) or (2) of section 14,-	-	New sub-section added.	To prohibit the mis-use of the standard mark by manufacturers, importers, distributors etc. or sale of goods or articles, which are covered under compulsory certification, without standard mark.
112	16(1)(a)	without a Standard Mark, or any colourable imitation thereof, except under a valid license; or	-	New sub-section added.	
113	16(1)(b)	notwithstanding that he has been granted a license, use or apply a Standard Mark, or any colourable imitation thereof, unless such goods, article, process, system or service conforms to the relevant standard or prescribed essential requirements.	-	New sub-section added.	
114	16(2)	No person shall make a public claim, through advertisements, sales promotion leaflets, price lists or the like, that his goods, article, process, system or service conforms to an Indian standard or make such a declaration on the goods or article, without having a valid certificate of conformity or license from the Bureau.	-	New sub-section added.	New sub-section added to prohibit making public claims by any person in relation to declaration of conformity to an Indian Standard without a valid license from the Bureau.
115	16(3)	No person shall use or apply or purport to use or apply in any manner, in the manufacture, distribution, sale, hire, lease or exhibit / offer for sale of any goods, article, process, system or service, or in the title of any patent or in any trade mark or design, a Standard Mark or any colourable imitation thereof, except under a valid license from the Bureau.	11 (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 licence.	i) To also cover application of a Standard Mark in addition to its use. This has been done to avoid confusion in the court of law between the use and application / affixing of the Standard Mark, in view of the suggestion received from stakeholders. ii) To include "goods" , "services" and

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		
				“systems”. iii) Prohibition extended to cover import, distribution, sale, exhibit or offer for sale to cover the entire gamut of commercial activities.	
116	16(4)	The certified body / license holder shall, at all times, remain responsible for conformance of the goods, articles, processes, systems or services carrying the Standard Mark. It shall be the responsibility of the distributor to ensure that goods, articles, processes, systems or services carrying the Standard Mark are purchased from certified body / license holder. It shall be the responsibility of the seller to ensure that goods, articles, processes, systems or services carrying the Standard Mark bear the requisite labels and marking details, as specified by the Bureau from time to time.	-	New sub-section added.	To make responsible the distributor and the seller in addition to the certified body or licence holder, in case non-conforming goods or articles.
117	16(5)	Before the goods or article is sold or offered to be sold or exhibited / offered for sale, the marking and labeling requirements on the product or covering shall be displayed in a manner that has been specified by the Bureau.	-	New sub-section added.	New sub-section added to provide for marking and labeling of specified requirements on the goods or articles or their covering in order to protect the consumers from being misled by missing or misleading marking or labeling.
118	16(6)	Every certified body / license holder shall supply to the Bureau with such information and with such samples of any material or substance used in relation to any goods, article, process, system or service, as the case may be, as the Bureau may require for monitoring its quality and for the recovery of the fees as may be prescribed in the certificate of conformity or the license.	28	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.	i) To make it more elaborate and to enable the Bureau to receive correct information for monitoring of quality and collection of fee, as may be prescribed. ii) To include “goods”, “services” and “systems”.
119	16(7)	The Bureau may make such inspection and take such samples of any material or substance as may be necessary to see whether any goods, article, process, system or service, in relation to which a Standard Mark has been used, conforms to the requirements of the relevant standard or whether	10(1)(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	To include publicizing results of its findings through conformity assessment activities and the directions, which may be issued by the Bureau in pursuance of such findings.

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		
		the Standard Mark has been properly used in relation to any goods, article, process, system or service with or without a license. The Bureau may publicize the results of its findings and the directions given in pursuance thereof.		article or process with or without a licence;	
120	16(8)	If the Bureau is satisfied that under the provisions of sub-section (6) and (7) that the goods, articles, processes, systems or services in relation to which a Standard Mark has been used do not conform to the requirements of the relevant standard, the Bureau may direct the certified body or license holder or his representative to stop the supply and sale of non-conforming goods or articles and recall the non-conforming goods or articles that have already been supplied or offered for sale and bear such Mark from the market or any such place from where they are likely to be offered for sale or prohibit to provide the service.	-	New sub-section added.	New sub-section added to enable the Bureau to direct certified bodies / license holders to: i) stop the supply and sale of non-conforming goods or articles; ii) recall non-conforming goods or articles already supplied in the market or any place such as godowns, stores, etc., from where they are likely to be offered for sale.
121	16(9)	Where a certified body or license holder or his representative has sold goods, articles, processes, system or services, which bear a Standard Mark or any colourable imitation thereof, which do not conform to the relevant standard, the Bureau shall direct the certified body or license holder or his representative to: a) repair or replace or reprocess the standard marked goods, article, process, system or service in a manner as may be specified; or b) pay compensation to the consumer as may be prescribed by the Bureau or as may be prescribed in the certificate of conformity or the license; or c) be liable for the injury caused by non-conforming goods or article, which bears a Standard Mark, as per the provisions of sub-section (2) of section 31.	-	New sub-section added.	New sub-section added to enable the Bureau to direct the certified body / license holder to: i) repair/reprocess/ replacement of non-conforming standard marked material; ii) provide compensation to the consumer in addition to (i) above; and iii) be liable for any damage caused to the consumer by standard marked non-conforming goods or articles.

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		Provision
122	17	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 the Government may consider necessary.	17	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.	No change.
123	18(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 19; (b) all fees and charges received by the Bureau under this Act; (c) all fines received by the Bureau under section 31 and section 33; and (d) all sums received by the Bureau from such other sources as may be decided upon by the Central Government.	18(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.	To include the fines received by the Bureau in its Fund, that shall be used for consumer awareness, consumer protection and promotion of quality of goods, articles, processes or services
124	18(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 through section 16; and (c) expenses on objects and for purposes authorized by this Act. Provided that the fines received in clause (c) of sub-section (1) shall be used for consumer awareness, consumer protection and promotion of quality of goods, articles, processes or services in the country.	18(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.	-do-
125	19(1)	The Bureau may, with the consent of the Central Government or in accordance with the terms of any	19(1)	The Bureau may, with the consent of the Central Government or in accordance with the terms of	No change

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		Provision
		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.		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.	
126	19(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 Bureau under sub-section (1).	19(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 loans borrowed by the Bureau under sub-section (1).	No change
127	20	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.	20	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.	No change
128	21(1)	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.	21	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.	No change
129	21(2)	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.	23	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.	No change
130	22(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.	22(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.	No change
131	22(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.	22(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.	No change
132	22(3)	The Comptroller and Auditor-General of India and any person appointed by him in connection with	22(3)	The Comptroller and Auditor-General of India and any person appointed by him in connection with	No change

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		Provision
		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 office of the Bureau.		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.	
133	22(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.	22(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.	No change
134	23(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.	24 (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.	No change
135	23(2)	The decision of the Central Government whether a question is one of policy or not shall be final.	24 (2)	The decision of the Central Government whether a question is one of policy or not shall be final.	No change
136	24(1)	No person shall, with a view to deceive or likely to deceive the public, 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 or the name which contains the expression "Indian	12	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	Editorial change

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
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		Standard" or any abbreviation thereof; or (b) any title of any patent or mark or trade mark or design, in relation to any goods, article, process, system or service, containing the expressions "Indian Standard" or "Indian Standard Specification" or any abbreviation of such expressions.		(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.	
137	24(2)	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 sub-section (1).	13 (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.	Only change in the number of the corresponding section
138	24(3)	If any question arises before a registering authority whether the use of any name or mark is in contravention of sub-section (1) or (2), the registering authority may refer the question to the Central Government whose decision thereon shall be final.	13 (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.	Only change in the number of the corresponding section
139	25(1)	The Bureau may appoint as many certification officers as may be necessary for the purpose of inspection whether any goods, article, process, system or service in relation to which the Standard Mark has been used conforms to the relevant standard or whether the Standard Mark has been properly used in relation to any goods, article, process, system or service with or without license, and for performing such other functions as may be	25 (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 licence, and for the purpose of performing such other functions as may be assigned to them.	(i) In view of the suggestions from stake-holders, the term "inspecting officers" has been changed to certification officers (ii) goods, system and services are added to article and process

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		Provision
		assigned to them.			
140	25(2)	Subject to any rules made under this Act, a certification officer shall have power to- (a) inspect any operation carried on in connection with any goods, article, process, system or service in relation to which the Standard Mark has been used; and (b) take samples of any goods or article or of any material or substance used in any goods, article, process, system or service, in relation to which the Standard Mark has been used.	25 (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.	(i) In view of the suggestions from stake-holders, the term “inspecting officer” has been changed to certification officer (ii) goods, system and services are added to article and process
141	25(3)	Every certification officer shall be furnished by the Bureau with a certificate of appointment as a certification officer, and the certificate shall, on demand, be produced by the certification officer.	25 (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.	-do-
142	26(1)	If the certification officer has reason to believe that any goods or articles in relation to which the contravention of section 12 or section 13 or section 14 or section 16 has taken place are secreted in any place, premises or vehicle, he may enter into and search such place, premises or vehicle for such goods or articles.	26 (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.	(i) In view of the suggestions from stake-holders, the term “inspecting officer” has been changed to certification officer (ii) goods, system and services are added to article and process (iii) Corresponding sections are included
143	26(2)	Where, as a result of any search made under sub-section (1), any goods or article has been found in relation to which contravention of section 12 or section 13 or section 14 or section 16 has taken place, the certification officer may seize such goods or article and other material and documents 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 goods or article or material or document, the certification officer may serve on	26(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	-do-

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		
		the owner an order that he shall not remove, part with, or otherwise deal with, the goods or article or material or document except with the previous permission of the certification officer.		permission of the inspecting officer.	
144	26(3)	The provision of the Code of Criminal Procedure, 1973, as amended from time to time, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section.	26(3)	The provision of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this section.	To incorporate the provisions which are amended from time to time
145	27	Every certified body or license holder shall:- a) provide reasonable facilities to certification officer to enable him to discharge the duties imposed on him; b) inform certification officer or the Bureau of any change in the conditions from ones which were declared / verified by the certification officer or the Bureau at the time of grant of certificate of conformity or license.	-	New sub-section added.	New sub-section added to make it obligatory for the certified body / license holder to provide reasonable facilities during inspection and to inform the Bureau about any change in its manufacturing and testing infrastructure in order to enable the inspecting officer to effectively discharge the duties cast on him.
146	28	Any information obtained by a certification 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 or for the protection of consumers.	30	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.	(i) In view of the suggestions from stake-holders, the term “inspecting officer” has been changed to certification officer (ii) To extend the disclosure of information for the protection of consumers also.
147	29	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.	31	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.	No change

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Proposed provision of the BIS Act, 1986		Existing Provision of the BIS Act, 1986		Justification / Reason for Modification	
Sl. No.	Proposed Sections	Provision	Existing Sections		Provision
148	30(1)	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 done or intended to be done in good faith under this Act or the rules or regulations made thereunder.	32	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.	No change
149	30(2)	Nothing in this Act shall exempt any person from any suit or other proceeding, which may apart from this Act, be brought against him.	29	Nothing in this Act shall exempt any person from any suit or other proceeding, which might apart from this Act, be brought against him.	Editorial change
150	31(1)	Any person who contravenes the provisions of sub-section (7) or (10) of section 11 or sub-section (1) of section 24 shall be punishable with fine which may extend to five lakh rupees.	-	New sub-section added.	To include the penal provision for issue of documents or publishing of Indian Standards, without authorization from the Bureau
151	31(2)	Any person who contravenes the provisions of sub-section (2) or (5) or (6) or (7) or (9) or (10) of section 13 or sub-section (1) or (2) or (3) or (4) or (5) or (8) or (9) of section 16 shall be punishable with imprisonment for a term which may extend to one year or with fine which shall not be less than one lakh rupees, but may extend up to five times the value of goods or articles produced or sold or offered to be sold or affixed or applied with a Standard Mark including Hallmark, in such contravention, or with both. Provided that where the value of goods or articles produced or sold or offered to be sold cannot be determined, it shall be presumed that one year's production was in such contravention and the annual turnover in the previous financial year shall be taken as the value of goods or articles for such contravention.	33 (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.	(i) In view of suggestions from various stake-holders, the penal provisions have been made more stringent for misuse of Standard Mark and other offences under the BIS Act, (ii) Fine is linked with the value of goods or articles produced or sold or offered to be sold or affixed or applied with a Standard Mark, with the minimum amount of fine.
152	31(3)	Any person who contravenes the provisions of sub-section (3) of section 13 or sub-section (1) or (2) of section 14 shall be punishable with imprisonment for a term which may extend up to two years or with fine which shall not be less than two lakh rupees for the first contravention and not	-	New sub-section added.	(i) In view of suggestions from various stake-holders, the penal provisions have been made more stringent for misuse of Standard Mark and other offences under the BIS Act,

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		<p>be less than five lakh rupees for the second and subsequent contraventions, but may extend up to ten times the value of goods or articles produced or sold or offered to be sold or affixed / applied with a Standard Mark, including Hallmark, in such contravention, or with both;</p> <p>Provided that where the value of goods or articles produced or sold or offered to be sold cannot be determined, it shall be presumed that one year's production was in such contravention and the annual turnover in the previous financial year shall be taken as the value of goods or articles for such contravention.</p>			(ii) Fine is linked with the value of goods or articles produced or sold or offered to be sold or affixed or applied with a Standard Mark, with the minimum amount of fine.
153	31(4)	<p>Any person who is found punishable both under sub-section (2) and sub-section (3) of this section shall be punishable with imprisonment for a term which may extend up to three years or with fine which shall not be less than five lakh rupees for the first contravention and not be less than ten lakh rupees for the second and subsequent contraventions, but may extend up to ten times the value of goods or articles produced or sold or offered to be sold or affixed / applied with a Standard Mark, including Hallmark, in such contravention, or with both;</p> <p>Provided that where the value of goods or articles produced or sold or offered to be sold cannot be determined, it shall be presumed that one year's production was in such contravention and the annual turnover in the previous financial year shall be taken as the value of goods or articles for such contravention.</p>	-	New sub-section added.	-do-
154	31(5)	The court may, for adequate and special reasons to be mentioned in the judgment, impose less than the minimum fine prescribed in sub-section (2) or (3) or (4).	-	New sub-section added.	Enabling provision is included where the court may impose less than the minimum fine

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155	31(6)	The offences under sub-section (3) and (4) shall be cognizable.	-	New sub-section added.	To make the serious offences cognizable
156	31(7)	<p>Where an offence under this Act has been committed by a company, every director, manager, secretary or other officer of the company 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, or authorized representative 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, irrespective of the fact that the offence has been committed with or without 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, or authorized representative of the company.</p> <p>Explanation - For the purposes of this section,-</p> <p>(a) "company" means a body corporate and includes a firm or other association of individuals; and</p> <p>(b) "director", in relation to a firm, means a partner in the firm.</p>	35 (1)	<p>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 :</p> <p>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.</p>	To make every director, manager, secretary or other officer or authorized representative of the company liable for the offence under the Act committed by the company
			35(2)	<p>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.</p> <p>Explanation - For the purposes of this section, -</p> <p>a. "company" means any body corporate and includes a firm or other association of individuals; and</p> <p>b. "director", in relation to a firm, means a</p>	

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				partner in the firm.	
157	31(8)	Where a certified body or license holder or his representative has sold goods, articles, processes, systems or services, which bear a Standard Mark or any colourable imitation thereof, which do not conform to the relevant standard, the certified body or license holder or his representative shall be liable to the consumer for the injury caused by such non-conforming goods, article, process, system or service in such manner as may be prescribed.	-	New sub-section added.	To make liable a certified body or license holder or his representative, for the injury caused due to non-conforming goods bearing Standard Mark
158	32(1)	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.	34 (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.	No change
159	32(2)	No court shall take cognizance of any offence punishable under this Act save on a complaint made: (a) by or under the authority of the Bureau; or (b) by any police officer, not below the rank of deputy superintendent of police or equivalent; or (c) by any authority notified under sub-section (3)(a) of section 14; or (d) by any officer empowered under the authority of the Central Government; or (e) by any consumer; or (f) by any association.	34 (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.	In view of suggestions from the stake-holders, filing of complaint of non-conforming goods bearing Standard Mark by the police officer and any association, is included
160	32(3)	Any police officer not below the rank of deputy superintendent of police or equivalent, may, if he is satisfied that any of the offences referred to in sub-section (3) or (4) of section 31 has been, is being, or is likely to be, committed, search and seize without warrant, the goods, die, block, machine, plate, other instruments or things involved in committing the offence, wherever	-	New sub-section added	Search and seizure by police officer included

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		found, and all the articles so seized shall, as soon as practicable, be produced before a Magistrate as prescribed under sub-section (1).			
161	32(4)	Any person having an interest in any article seized under this Act, may within fifteen days of such seizure, make an application to the Judicial Magistrate of the First Class or Metropolitan Magistrate, as the case may be, for such article being restored to him and the Magistrate, after hearing the applicant and the prosecution, shall make such order on the application as he may deem fit.	-	New sub-section added	Restoration of seized material on the order of the court is proposed for inclusion in the BIS Act.
162	33	The court may direct that any fine, in whole or any part thereof, payable under the provisions of this Act, shall be payable to the Bureau. The Bureau shall use the fine for the purposes of creating consumer awareness, consumer protection and for the promotion of quality of goods, articles, processes, services and systems. The court may also direct that any property in respect of which the contravention has taken place shall be forfeited to the Bureau.	33 (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.	Provision for payment of fine, in whole or any part thereof, to the Bureau. The fines received by the Bureau shall be used for consumer awareness, consumer protection and promotion of quality of goods, articles, processes or services
163	34(1)	Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence committed for the first time, punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, either before or after the institution of any prosecution, be compounded by an officer so authorized by the Director General, in such manner as may be prescribed: Provided that the sum so specified shall not in any case exceed the maximum amount of the fine which may be imposed under section 31 for the offence so compounded; and Any second or subsequent offence committed after the expiry of a period of two years from the	-	New sub-section added.	In order to obviate the lengthy and costly procedure of litigation, provision for compounded is proposed so that consumer must get goods certified by the Bureau instead of having non-certified goods.

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		date on which the offence was previously compounded shall be deemed to be an offence committed for the first time.			
164	34(2)	Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Bureau.	-	New sub-section added.	-do-
165	34(3)	Every application for the compounding of an offence shall be made in such manner as may be prescribed.	-	New sub-section added.	-do-
166	34(4)	Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence against the offender in relation to whom the offence is so compounded.	-	New sub-section added.	-do-
167	34(5)	Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought to the notice of the Court in which the prosecution is pending in writing by the officer referred to in sub-section (1), and on such notice of the composition of the offence being given and its acceptance by the court, the person against whom the offence is so compounded shall be discharged.	-	New sub-section added.	-do-
168	35(1)	Any person aggrieved by an order made under section 12 or section 13 or section 14 or section 16 or section 34 of the Act may prefer an appeal to Director General of the Bureau within such period as may be prescribed.	16 (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.	Only change in the Appellate Authority to Director General (within the Bureau)
169	35(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	16 (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	No change

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		appellant satisfies the Director General that he had sufficient cause for not preferring the appeal within the prescribed period.		appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within the prescribed period.	
170	35(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.	16 (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.	No change
171	35(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.s	16 (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.	No change
172	35(5)	The Director General may <i>suo moto</i> or on an application made in the manner prescribed review the order passed by any officer to whom the power has been delegated by him.	-	New sub-section added	To empower the Director General of the Bureau to review orders passed by any officer to whom the power has been delegated by him.
173	35(6)	Any person aggrieved by an order made under sub-section (1) or sub-section (5) may prefer an appeal to the Secretary to the Government of India in charge of the Ministry or Department of the Central Government having administrative control of the Bureau within such period as may be prescribed.	-	New sub-section added	Provision for second appeal with the Secretary to the Government of India, in charge of the Ministry or Department of the Central Government having administrative control of the Bureau, proposed
174	36	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 authorized by the Bureau in this behalf.	36	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.	No change
175	37	The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	37 (1)	The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	Provisions of Section 37 have been simplified. Provisions under section 37 (2) have been deleted as the modified section 37 covers the total applicability.
			37 (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 :-	

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			<p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>e) the terms and conditions of service of the Director-General of the Bureau under sub-section (2) of section 7;</p> <p>f) the design and the particulars to represent a particular Indian Standard under clause (c) of sub-section (1) of section 10;</p> <p>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;</p> <p>h) the purposes for which agents may be appointed by the Bureau in India or outside India under clause (1) of sub-section (1) of section 10;</p> <p>i) the times and places at which any article or process may be inspected under clause (n) of sub-section (1) of section 10;</p> <p>j) the additional functions that may be performed by the Bureau under section 10;</p> <p>k) the cases in which, and the conditions subject to which, exemption may be granted under section 12;</p> <p>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;</p>	

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				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.	
176	38	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 to carry out the purposes of this Act.	38 (1) 38 (2)	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. 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 licence under sub-section (1) of section 15; and e) the conditions subject to which a licence may be granted or renewed and the fees payable therefor under sub-section (2) of section 15.	Provisions of Section 38 have been simplified. Provisions under section 38 (2) have been deleted as the modified section 38 covers the total applicability.
177	39	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	39	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,	No change

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		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.		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.	
178	40	Subject to the provisions of sub-section (4) of Section 11, nothing in this Act shall affect the operation of the Agricultural Produce (Grading and Marking) Act, 1937 or the Drugs and Cosmetics Act, 1940, or any other law for the time being in force, which deals with any standardization or quality control of any goods, article, process, system or service.	40	Nothing in this Act shall affect the operation of the Agricultural Produce (Grading and Marking) Act, 1937 or the Drugs and Cosmetics Act, 1940, or any other law for the time being in force, which deals with any standardisation or quality control of any article or process.	i) Reference to section 11 (4), which allows the Bureau to recognize standards of other organizations. ii) To include "goods", "system" and "services".
179	41(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.	41 (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.	No change
180	41(2)	Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.	41 (2)	Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.	No change
181	42(1)	The Indian Standards Institution (Certification Marks) Act, 1952, is hereby repealed.	42 (1)	The Indian Standards Institution (Certification Marks) Act, 1952, is hereby repealed.	No change
182	42(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,	42 (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 licence, permission, authorisation or	No change

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		authorization 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.		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.	
183	42(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 with regard to the effect of repeal.	42 (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 with regard to the effect of repeal.	No change