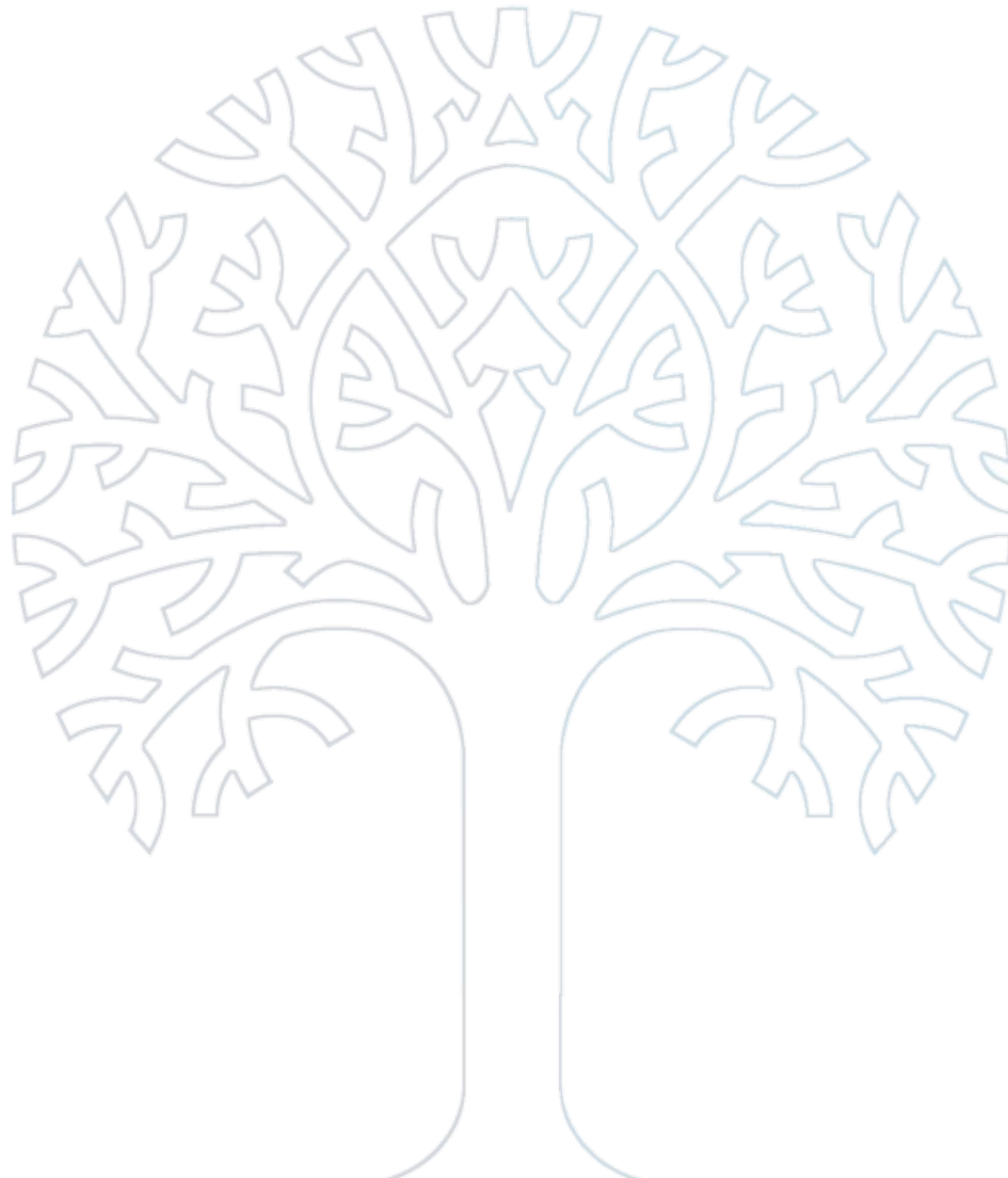




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AUGUST 2024 / Issue – 2



BIS
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A monthly e-newsletter on developments related
to Bureau of Indian Standards (BIS)

Lakshmikumaran & Sridharan Attorneys

India

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News Nuggets

BIS signs two MoUs for advancing agricultural innovation and improving academic participation in standards formulation

1. On 24 July 2024, BIS signed a landmark Memorandum of Understanding with Govind Ballabh Pant University of Agriculture and Technology (GBPUAT) to facilitate the development of the first of its kind '**Standardized Agriculture Demonstration Farm**' in India. These farms are aimed to serve as experimental sites to test and implement different agricultural practices and new technologies in accordance with Indian Standards.

Shri Pramod Kumar Tiwari, Director General, BIS, expressed his vision behind the MoU by stating, *"This partnership with GBPUAT is a major step forward. It will enhance agricultural practices by integrating Indian Standards, benefiting farmers and advancing agricultural innovation."*

[Source: PIB Press Release, dated 29 July 2024, as available [here](#).]

2. On 3 July 2024, BIS signed an MoU with the Indian Institute of Science (IISc), Bengaluru, for the establishment of the '**BIS Standardization Chair Professor**' at the premises of the latter. The MoU marks a great initiative by BIS toward institutionalising its collaboration with leading academic and research establishments across the nation.

[Source: PIB Press Release, dated 19 July 2024, as available [here](#).]

Grant of All India First License

In July 2024, BIS granted All India First License to 13 companies for their respective products and corresponding Indian Standards. The details of the same are discussed at length later in Annexure to this newsletter.

[Source: What's New – BIS as available [here](#)]

Revision of Product Manuals

BIS released revised product manuals for the following products and Indian Standards:

- IS 2082: 2018 – ‘Stationery Storage Type Electric Water Heaters – Specification (Fifth Revision)’
- IS 302-2-21: 2018 – ‘Safety of Household and Similar Electrical Appliances Part 2 Particular Requirements Section 21 Stationery Storage Type Electric Water Heaters (Second Revision)’

[Source: Central Marks Department III Notification as available [here](#)]

- IS 368: 2014 – ‘Electric immersion water heaters – Specification (Fifth Revision)’
- IS 302-2-201: 2008 – ‘Safety of Household and Similar Electrical Appliances: Part 2 Particular Requirements: Section 201 Electric Immersion Water Heaters (First Revision)’

[Source: Central Marks Department III Notification as available [here](#)]

With respect to the changes made in the product manuals mentioned above, the manufacturers of Stationary Storage Type Electric Water Heaters and Electric Immersion Water Heaters must note the following:

- i. If a Stationary Storage Type Electric Water Heater is complied with IS 2082: 2018, then the subject product is also deemed to be complied with IS 302-2-21: 2018.

- ii. Further, if an Electric Immersion Water Heater is complied with IS 368: 2014, then the subject product is also deemed to be complied with IS 302-2-21: 2018.

LKS Comments

Such steps have been taken to facilitate the process of certification for the products covered under the ambit of different Indian Standards. With the ambiguity being resolved, the manufacturers shall now take steps to obtain BIS certification for the specified standard to ensure compliance.



Article

An Overview of the Legislative Framework of BIS

Part 2 of the BIS Introductory Series

In Part 1 of the BIS Series, we discussed the historical background and functioning of the Bureau of Indian Standards (BIS) at a macro level. Part 2 of the series delves into the comprehensive legislative framework from a bird's-eye view.

BIS Act, 2016

BIS was established under the Bureau of Indian Standards Act, 1986, now repealed and replaced by the Bureau of Indian Standards Act, 2016. The BIS Act, 1986, was the first-ever legislation in India to provide an elaborate legal framework for standardization and certification of products. However, the same was replaced by the new act for several reasons as listed below:

- i. to reaffirm BIS as the National Standards Body of India;
- ii. to modernize the overall regulatory framework;
- iii. to widen the scope of standardization;

- iv. to confer upon the Central Government the power to mandate certification for certain goods, articles, processes, systems, or services;
- v. to introduce multiple conformity assessment schemes; and
- vi. to strengthen enforcement mechanisms by establishing stringent penalty provisions for any contraventions mentioned under the Act.

While the 1986 Act focused primarily on the standardization of goods, the 2016 Act enhanced its scope by including systems, services, and processes. This helped BIS in addressing quality assurance in expansive range of sectors and fulfil contemporary needs.

Moreover, the introduction of several kinds of conformity assessment schemes assists in providing flexibility and mitigating the burden on businesses while maintaining quality

standards. Another notable reform was the mandatory certification of certain products which helps enhance consumer protection and ensure greater compliance with quality standards.

The BIS Act, 2016, represents a notable legislative reform aimed at modernizing the standardization framework in India. The changes introduced by the Act have far-reaching implications for manufacturers, consumers, and regulatory bodies, ultimately bringing about higher quality standards and better consumer protection in the country.

As the Bureau continues to evolve, it must navigate the challenges of implementation and compliance to realize the full potential of these legislative reforms.

BIS Rules, 2018

The BIS Rules, 2018, were framed under the BIS Act, 2016, to outline the operational procedures and governance structure of BIS. It lays down provisions for the composition and functioning of the Governing Council and Executive Committee of BIS. It further delves into the procedures involved in standardization and certification.

Bureau of Indian Standards (Conformity Assessment) Regulations, 2018

The BIS (Conformity Assessment) Regulations, 2018 lay down **ten different types of schemes** wherein different types of procedures are prescribed for obtaining a licence or certificate of conformity for different products/ services/ processes.

Two of the most prominent schemes of these regulations are Scheme I and Scheme II. **Scheme I** is the Product Certification Scheme or the ISI Mark Scheme, prescribed for most consumer goods, as it is the most stringent out of all the eight schemes, with the procedure requiring a mandatory factory audit and

licensing of premises. For certain products, **Scheme II**, the Registration Scheme is applicable. It requires registration based on self-declaration of conformity for goods and articles as per Indian Standards.

Depending upon the nature of product and corresponding scheme, these regulations also provide the forms and formats to be adhered to along with.

Other Regulations

Other rules and regulations pertaining to the governance of BIS include:

1. **BIS (Advisory Committees) Regulations, 2018:** These regulations deal with the formation and functioning of advisory committees within BIS.
2. **Bureau of Indian Standards (Hallmarking) Regulations, 2018:** These regulations focus on hallmarking of precious metal articles to ensure their purity and quality.

3. **BIS (Powers and Duties of Director General) Regulations, 2018:** These regulations outline the responsibilities of the Director General of BIS.
4. **BIS (Recruitment to Laboratory Technical Posts) Regulations, 2019:** These regulations pertain to recruitment procedures for technical positions in BIS laboratories.
5. **BIS (Recruitment to Scientific Cadre) Regulations, 2019:** These regulations cover recruitment to scientific positions within BIS.
6. **BIS (Recruitment to Administration, Finance and other Posts) Regulations, 2020:** Guidelines for recruitment to administrative and financial positions in BIS.
7. **BIS (Terms and Conditions of Service of Employees) Regulations, 2020:** These regulations define the terms of employment for BIS employees.

LKS Comments

It is the robust legislative framework of the Bureau of Indian Standards that helps safeguard public interest, advance industrial growth, and maintain the quality and safety of products. Such comprehensive regulatory environment fostered by BIS is instrumental in promoting trust and accountability among consumers and manufacturers alike.

In the upcoming newsletter, viz. Part III of the BIS Introductory series, we shall discuss the key legal provisions of the BIS Act, 2016. Now, let's move ahead with notable QCO updates that took place last month

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QCO Updates

For ease of reference, we have compiled a comprehensive set of data covering the following:

- **Upcoming QCOs** – Notified and due for implementation
- **QCOs notified in the Official Gazette:** Published by the respective line ministries of the Central Government, in consultation with the BIS under Section 16 of the BIS Act, 2016
- **QCOs notified on the WTO-TBT portal, 'ePing':** These are draft QCOs notified by India for WTO member countries to review and give comments. They are yet to be finalized and are not published in the Official Gazette yet.
- **Amendments/extensions** to the existing QCOs

LKS Comments

While the draft QCOs notified on the WTO website are yet to be notified and implemented, we suggest that the manufacturers start the necessary procedures to comply with the QCOs. Once they are notified by the Central Government, it will be mandatory to obtain BIS certification for the respective products

QCOs to be implemented in the upcoming months:

In the upcoming months, from August to October, a total of 152 products will be covered under the ambit of QCOs. Here's an overview of the same:

MONTH	AUGUST	SEPTEMBER	OCTOBER
No. of QCOs to be enforced	58	70	24
Ministry/ Department	Department for Promotion of Industry and Internal Trade (DPIIT) – 45 QCOs Department of Chemicals and Petrochemicals – 7 QCOs Ministry of Steel – 5 QCOs Ministry of Textiles – 1 QCO	Department for Promotion of Industry and Internal Trade (DPIIT) – 61 QCOs Department of Chemicals and Petrochemicals – 9 QCOs	Department for Promotion of Industry and Internal Trade (DPIIT) – 11 QCOs Department of Chemicals and Petrochemicals – 10 QCOs Ministry of Textiles – 3 QCOs

MONTH	AUGUST	SEPTEMBER	OCTOBER
<p>Products</p>	<p>Footwear and related products, nuts, bolts, and fasteners, chemicals, steel and steel products, cotton bales, etc.</p>	<p>Utensils, electrical appliances, cast iron products, V-belts, asbestos, textiles, aluminium and aluminium alloys, etc.</p>	<p>Sanitary napkins, baby diapers, drinking water coolers, EVA copolymers, copper products, fatty acids, etc.</p>

LKS Comments

All the manufacturers (both domestic and foreign) of the products listed above shall be required to obtain BIS certification in order to comply with the QCOs. However, subject to the facts and circumstances of the case, the manufacturers may also seek an exemption or extension of the QCO by drafting a representation to BIS/line ministry, as the case may be.

QCOs notified in the Official Gazette

Sr. No.	Order Title	Implementation Date
1	Steel Wires or Strands, Nylon or Wire Ropes and Wire mesh (Quality Control) Order, 2024	1 December 2024
2	Bolts, Nuts and Fasteners (Quality Control) Order, 2024	1 August 2024
3	Hinges (Quality Control) Order, 2024	1 January 2025

LKS Comments

The Bolts, Nuts and Fasteners (Quality Control) Order, 2024 supersedes the previous QCO dated 21 July 2023, 'Bolts, Nuts and Fasteners (Quality Control) Order, 2023'. The same had come into force on 21 January 2024. Similarly, the Hinges (Quality Control) Order, 2024 also supersedes the previous QCO 'Hinges (Quality Control) Order, 2023', dated 8 December 2023, which was enforced on 8 June 2024.

- i. With respect to the QCO for bolts, nuts, and fasteners, the new QCO substantially reduces the flexibilities for exemption for manufacturing goods for export purposes. It also introduces two new exemptions – one for R&D purposes; and the other for spares/after-sale services.
- ii. On the other hand, the Hinges (Quality Control) Order, 2024 changes the date of implementation of the QCO as mentioned below:
 - a. For General (other than Micro and Small Enterprises): 1 January 2025
 - b. For Small Enterprises: 1 April 2025
 - c. For Micro Enterprises: 1 July 2025

QCOs notified by India on the WTO-TBT portal – ‘ePing’

Sr. No.	Order Title	Notification Date
1.	K Acid (Quality Control) Order, 2024	27 July 2024
2.	H Acid (Quality Control) Order, 2024	27 July 2024
3.	Vinyl Sulphone (Quality Control) Order, 2024	27 July 2024
4.	Indutech (Quality Control) Order, 2024	31 July 2024
5.	Ropes and Cordages (Quality Control) Order, 2024	31 July 2024
6.	Geotextiles (Quality Control) Order, 2024	31 July 2024

Do You Know?

India is the largest importer of K acid in the world, with most of its imports coming from China

Amendments/Extensions to the Existing QCOs

Sr. No.	Order Title	Date of Implementation
1.	Polyester Continuous Filament Fully Drawn Yarn (Quality Control) Amendment Order, 2024	With immediate effect
2.	Ortho Phosphoric Acid (Quality Control) Second Amendment Order, 2024	With immediate effect



Annexure

BIS - All India First Licence (Refer News Nuggets)

BIS issues the All-India First License as the first-ever certification granted to manufacturers, whether domestic or foreign, for a specific product under a particular Indian Standard. This license certifies that the product conforms to the relevant Indian Standard and is allowed to carry the ISI mark. It further signifies that the manufacturer is the very first manufacturer in the entire country to be officially recognized as meeting the new standard.

In July 2024, BIS issued the All India First License for the following products:

Sr. No.	Product	Indian Standard	Company
1	Textiles - Sandwich Extrusion Laminated Polypropylene (PP) Woven Sacks for Packaging Bulk Commodities	IS 18482:2023	M/s Suraj Logistix Private Limited
2	Aluminium alloy forging Stock and Forgings (Alloy 24345) for Aerospace Application	IS 7902:2001	M/s. Hindalco Industries Limited
3	Chlorinated Polyvinyl Chloride Compounds Used for Pipes and Fittings	IS 15225:2002	M/s DCW Ltd.
4	Telescopic Ball Bearing Drawer Slide	IS 17954: 2023	M/s Rajendra Engitech LLP
5	Cabinet Hinges	IS 18297 : 2023	M/s Yantransh Auto Hinges Pvt. Ltd.
6	Hot-Dip Zinc- Aluminium-Magnesium Alloy Coated Steel Sheets Plates and Strips	IS 18513:2023	M/s JSW Steel Ltd.
7	Bottled Water Dispenser	IS 17681: 2022	M/s Veeline Industries Limited
8	H Acid	IS 8637 : 2020	M/s Shree Pushkar Chemicals & Fertilisers Limited

9	Textiles - Protective Clothing for Use in Welding and Allied Processes	IS 16655 : 2017	M/s System 5S Private Limited
10	Microcellular Rubber Sheets for Outsoles	IS 6664 : 1992	M/s Brightway Rubber Indus
11	Grouts for Filling of Joints of Tiles and Stones	IS 17190 : 2020	M/s Zementcrete India Company
12	Extracted Honey	IS 4941 : 1994	M/s Prakruthi Health Products
13	Aluminium Tubes for Refrigeration Purposes	IS 9612:1980	M/s Clad Metal India Pvt Ltd

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