SETTING THE CONTEXT
Standardization: The Indian perspective

What is BIS?
The Bureau of Indian Standards (BIS), previously known as the Indian Standards Institute (ISI), is India’s statutory national standards body, established under the Bureau of Indian Standards Act, 1986.

Which Act covers standardization?
Under the framework of the Bureau of Indian Standards Act, 2016 (BIS Act), the government is empowered to notify goods or articles which are required to have minimum standards prescribed by the BIS and have an ‘ISI’ certificate mark.

What are the types of standards covered by BIS?
The following types of Standards are developed by BIS:
- Terminologies
- Product Specification
- Methods of Tests
- Codes of Practice
- Guides
- Symbols or Dimensional
- Special Publications (NBC, NEC, etc.)
- Others

Which products require mandatory certification?
Presently, mandatory certification is prescribed in respect of 136 products wherein issues like public interest, public health and safety, security, infrastructure requirements, mass consumption are involved. Compliance with BIS standards is mandatory not only for Indian businesses but also for foreign manufacturers supplying the prescribed products into India.

What are the consequences for non-compliance?
Any contravention in the said context may attract consequences ranging from monetary penalties (minimum INR 1 Lakh which may extend up to 5 times the value of goods involved) to even imprisonment in exceptional cases.

How often are standards reviewed?
All established standards are reviewed periodically, at least once in five years, to determine the need for revision or withdrawal.

Which stakeholders can determine the need for a new standard?
Stakeholders include Ministry of the Central Government, State Government, Union territory administration, consumer organization, industrial unit, industry-association, professional body, member of the Governing Council, member of a technical committee or any individual who proposes for establishment of an Indian Standard or for amending or for revising or withdrawing an established Indian Standard.
Compulsory Registration Scheme (CRS)

- Compulsory registration for manufacture, storage, import, sale or distribution in India for specified products
- Products to be properly tested and registered under BIS to ensure public health and safety
- Products notified by the Ministry of Electronics & Information Technology (GoI) in relation to Electronics & IT Goods
- Products notified by the Ministry of New and Renewal Energy-products such as - Solar Photovoltaic, Systems, Devices and Components Goods

Product Certification Scheme (PCS)

- Applicable on domestic manufacturers and provides third party assurance of the quality, safety, condition and reliability of the product
- Provides third party guarantee of quality, safety and reliability of products and adds to its value and goodwill

Foreign Manufactures Certificate Scheme (FMCS)

- Provides certification to foreign manufacturers having a factory location outside India in relation to the products imported into India
- Applicable for grant of license for all the products except Electronic & IT Goods notified by the Ministry of Electronics & Information Technology
The application for obtaining the certification is a long-drawn process entailing submission of numerous documents with great detailing ranging from documents substantiating the kind, nature and quality of raw material to the machinery involved in its manufacturing. Further, the procedure also extends even to the qualification of the personnel involved in overall quality control and management of its production. Experts from the BIS also visit the manufacturing facility to undertake recce of the production process and quality control procedures so adopted. Random checks and surveillance are carried out regularly for ensuring adherence to the standards. The process is given below:

**TIMELINE**

PRE FILING OF APPLICATION → DURING PHYSICAL VISIT BY THE BIS SCIENTISTS → POST GRANT OF CERTIFICATION

### PRE FILING OF APPLICATION

**Appointment of Authorized Indian Representative (AIR)**
- Must be an Indian Resident
- Agreement with AIR must be signed beforehand
- Is entrusted with overall responsibility and could therefore be personally liable (imprisonment / financial penalty) for non-compliance of the BIS Act and / or Rules

**Test Report/ Equipment list**
- Must be in prescribed format
- Any advance technological testing / report/ usage of equipment may not suffice if does not strictly meet the prescribed standards

### DURING PHYSICAL VISIT BY THE BIS SCIENTISTS

**Preparation before visit**
- Separate Lab must be earmarked for carrying out relevant tests
- Prescribed documentation (including process flow charts and test reports) to be kept ready
- Basic hygiene of the factory premises to be ensured

**During the visit**
- QC Personnel have to undertake relevant tests in the presence of BIS nominated Scientist
- Feasibility of taking two suitable samples for carrying out prescribed tests before the Officers
- One sample should be kept in the factory till the grant of License

**Post the visit**
- Suitable sample should be sent to India for carrying out tests at BIS Lab / authorized lab
- This may delay the overall period of obtaining license, thus requires effective planning

### POST GRANT OF CERTIFICATION

**Submission of Indemnity Bond, BIS Agreement and the Performance Bank Guarantee**
- Certain jurisdictions bar manufacturers from exporting goods directly. This may give rise to exploring the possibility of ensuring joint responsibility obligation of manufacturer and exporter vis-a-vis the BIS, in order to safeguard the financial interest of the manufacturer in wake of any contravention by the exporter

**Payment of minimum marking fee in advance**
- Actual marking fee needs to be calculated at the end of financial year basis actual production on which BIS mark is used against which the advance fee would be adjusted

**Compliance of relevant BIS standards throughout the manufacturing process**
- Technical tests as prescribed in the scheme of inspection and testing are to be conducted and documented for each consignment leaving for India
- Certain prescriptions to be captured in the tests reports to be accompanied with export documentation
WHERE ELP STEPS IN

**ADVISORY**

- Representing the domestic producers before the BIS Committee and ancillary bodies with regard to issuance of product standards under the BIS. Coordinating on this behalf with the Parent Ministry / Ministry of Finance for the purposes of implementation.
- Representing the stakeholders before the Committee Meetings prior to the issuance of the standards and the filings to be made thereto.
- Evaluating options and assistance before various forums such as the concerned Ministry / BIS / Domestic Courts / World Trade Organisation.
- Due diligence of whether the underlying goods are subjected to BIS certification.
- Filing an Application for revision of standards as per the applicable procedure on behalf of the stakeholder
- Conducting BIS compliance as well as an written opinion as requested

**COORDINATION & FOLLOW UP**

- Regular follow-up with the BIS Authorities (including nominated Scientists)
- Filing any letters / certificates / undertakings that the BIS Authorities may require post the facility visit
- Attending day-to-day meeting with the BIS Officials to procure the BIS License
- Collation of relevant documentation for preparation of Application
- Preparation and filing of Application and any information required thereto during the course of the application.

**VERIFICATION & INSPECTION PROCESS**

- Visiting the Company’s manufacturing facility with the BIS Officials for inspection
- Assisting in pre-preparation for the said inspection
- Guiding and hand-holding during the entire process of obtaining BIS certification
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