

**MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY**

**(DEPARTMENT OF ELECTRONICS AND INFORMATION TECHNOLOGY)**

**ORDER**

In exercise of the powers conferred by section 10(1) (p) of the Bureau of Indian standards Act, 1986 (63 of 1986) and in pursuance of clause (fa) of rule 13 of the Bureau of Indian Standards Rules, 1987, the Central Government, after rule 13 of the Bureau of Indian Standards Rules, 1987, the central government, after consulting the Bureau of Indian standards, hereby makes the following Order, namely/-

**1. Short title and commencement :**

1. This order may be called the Electronics and Information Technology Goods (Requirements for compulsory Registration) Order 2012.

2. It shall come into force on the expiry of six months from the date of its publication in the official gazette.

**2. Definition:**

(1) In this Order, unless the context otherwise requires,

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

(b) “Appropriate Authority” means any officer, not below the rank of Director or Scientist ‘F’, of the Subordinate or attached offices, authorized by the Secretary, Department of Electronics and Information Technology, Ministry of Communications and Information Technology, Government of India.

(c) “Goods” means the Electronics and Information Technology goods specified in the column (2) of the Schedule;

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

(e) “Schedule” means the Schedule annexed to this order;

(f) “Series of products” means the products of the same family but varying in sizes or rating or constructions;

(g) “specified Standard” in relation to Electronics and Information Technology Goods means the Indian Standards as specified in the column (3) of the Schedule.

(2) Words and expressions used herein but not defined in the order shall have and meanings respectively assigned to them in the Act or the rules made there under.

**(3) Prohibition regarding manufacture, storage, sale and distribution etc of goods –**

(1) No person shall by himself or through any person on his behalf manufacture or store for sale, import, sell or distribute goods which do not conforming to IS (Relevant Indian standard and do not bear the words “self” declaration – Conforming to IS (Relevant Indian Standard mentioned in the column (3) of the Schedule) on such Goods after obtaining Registration from the bureau. provided that nothing in this Order shall apply in relation to manufacture of goods and meant for export.

(2) The substandard or defective Goods which do not conform to the Specified Standard mentioned in column (3) of the Schedule shall be deformed beyond use by the manufacturer and disposed off as scrap.

#### **4. Power to call for information, etc.**

(1) The appropriate Authority or a person authorized by him, may with a view to secure compliance with this Order require any person engaged in the manufacture, store for sale, sale or distribution of any goods to give such information as he deems necessary relating to the manufacturer, storage for sale, import, sale or distribution of any such person to furnish to him samples of goods.

(2) With the specific order each time of an authority at an appropriate senior level nominated by the secretary in the Department of Electronics and Information Technology, the appropriate Authority or person authorized by him, with a view to secure compliance with this order may also-

(a) inspect or cause to be inspected any books or other document and other goods kept by or belonging to or in the possession or under the control of any person engaged in the manufacture, storage for sale, import, sale or distribution of Goods.

(b) enter and search any premises and seize goods in respect of which it has reason to believe that a contravention of this Order has been committed or the said Goods are not complying to the specified Standards.

(3) The provisions of the Code of Criminal Procedure 1973 (2 of 1974) relating to search and seizure shall so far as may be, applied to searches and seizures under this clause.

## **5. Drawing and testing of sample.**

- (1) Where the goods have different sizes, ratings, varieties etc, such goods shall be grouped and may be granted series for a series of products based on testing of representative models.
- (2) A decision concerning series approval shall be taken by the department of Electronics and Information Technology or its authorized agencies while implementing the order.
- (3) The sample of Goods of the registered user shall be drawn from his manufacturing unit or from the market by the Appropriate Authority or person authorized by him for ascertaining whether they conform to the Specified Standard.

Provided that if required, samples may also be drawn by the Bureau or its authorized representative.

- (4) The samples shall be drawn at least once in two years for a product or series of product covered under the scope of registration granted.
- (5) The location and the product to be picked up shall be picked up for testing.
7. The sample so drawn shall be properly sealed to protect it from any damage and labeled indicating the registration number, the date of the drawl of sample, the source of the market sample or manufacturing unit sample, a three letter code of the person drawing the sample and the identification number, if any, given on goods.

Provided that where the sample drawn from the manufacturing unit, in addition to the sample to be sent for testing, another sample from the same batch or lot shall also be drawn, sealed and labeled, and left with the registered user as a counter sample, for use in case of any subsequent dispute.

(8) The sample so drawn, sealed and labeled, shall be sent by the Appropriate Authority or person authorized by him for testing to a laboratory recognized by the bureau along with a request indicating that the sample shall be tested with respect to all the requirements of the specified standard and the test report shall be sent to the Appropriate Authority.

(9) All the test report shall be scrutinized for conformity of the sample with respect to the requirements of the specified standard.

(10) The test report of the conforming sample shall be retained by the appropriate Authority and the test report of the non-conforming sample shall be sent to the Bureau by the Appropriate Authority within the specified time limit for further action.

(11) The Appropriate Authority shall also make available information regarding the status of processing publicly available on its website.

**6. Power to issue direction to manufactures:-** The Appropriate Authority may issue such directions to manufactures, consistent with the provisions of the act, rules or this order, as may be necessary, for carrying out the purpose of this Order.

**7. Compliance of directions:** Every Manufacture to whom any direction is issued under this Order shall comply with such direction.

**8. Obligation to furnish information:** No manufacturer shall refuse to give any information lawfully demanded from him under clause 4 or conceal, destroy, mutilate or deface any book or document relating thereto in his possession or control.