

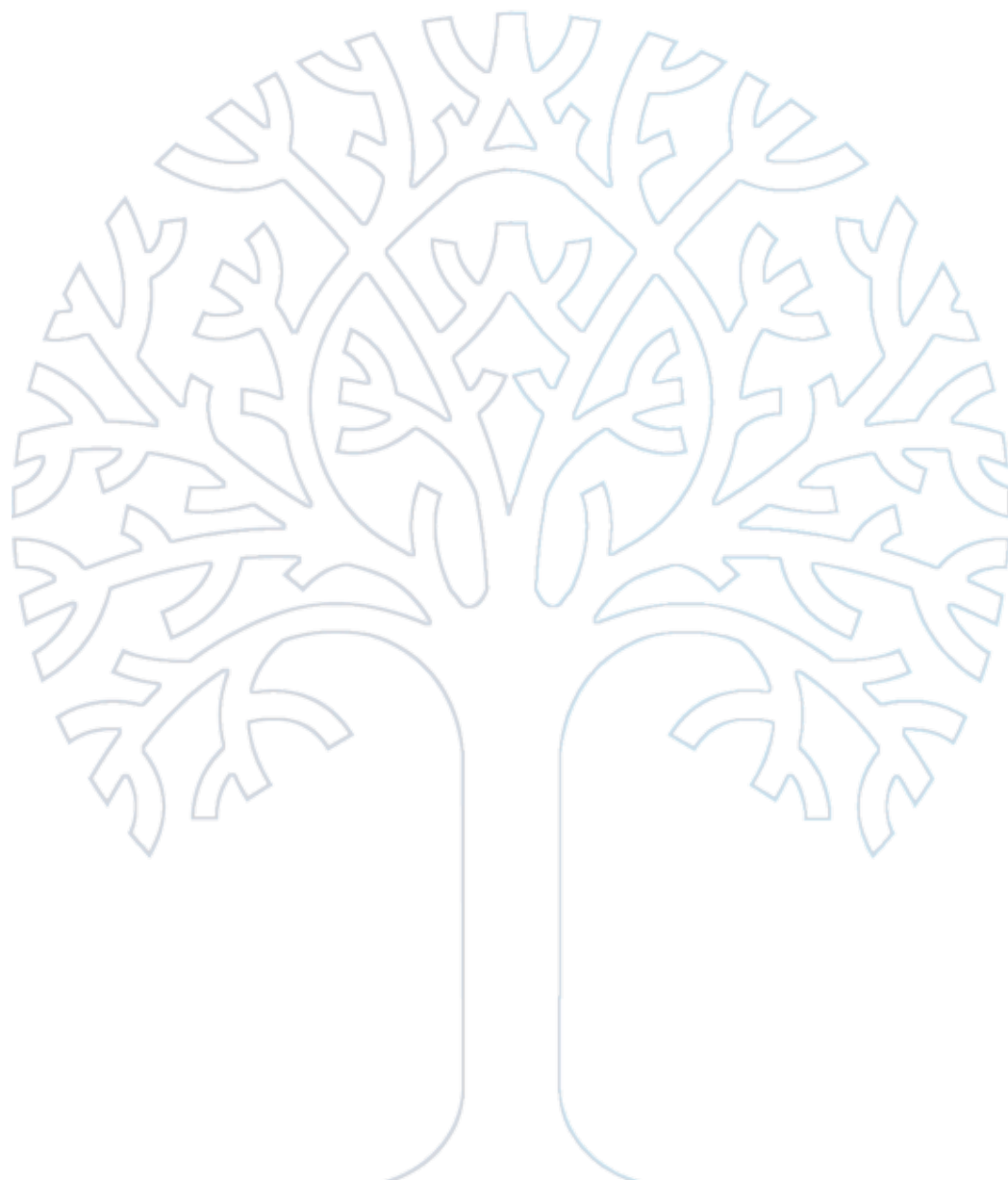


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# BIS amicus

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

**Lakshmikumaran & Sridharan Attorneys**

India

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# News Nuggets

## QCOs – Time-relaxation provided to micro and small enterprises is not applicable on imports

After receiving multiple queries from the industry, the DPIIT has on 19<sup>th</sup> March 2025 issued a clarificatory letter to the Central Board of Indirect Taxes and Customs, regarding the implementation of QCOs notified by DPIIT. According to the letter F. No. P-29014/33/2025-LEI, the relaxation of 6 months and 3 months provided to Micro and Small Enterprises does not apply to imports. It is also stated that the conditions for exemption from the QCO are provided in each QCO itself – such as exemptions for research and development purpose, spare parts, etc.

[Source: DPIIT Letter F. No. P-29014/33/2025-LEI, dated 19 March 2025]

## AC and refrigerator components exempted from BIS certification

The government has exempted certain critical air-conditioner and refrigerator components from mandatory BIS certification, in order to prevent a shortage during the summer months. The exemption has been granted for Grooved Copper Tubes and AC compressors of 2 tonnes and above capacity, including those imported from China.

[Source: *The Economic Times*, as available [here](#)]

## Government should withdraw the QCO on steel fasteners

The economic think tank GTRI (Global Trade Research Initiative) has said that the BIS certification process mandated under the QCO for Steel fasteners should be withdrawn since the same will disrupt industrial supply chains. As on date of making the statement, BIS had not approved any foreign or domestic manufacturer under the QCO, which could lead to a heavy supply bottleneck.

[Source: *Zee Business*, as available [here](#)]

## QCO issued for Hinges

The Hinges (Quality Control) Order, 2025, has been issued by DPIIT on 21 March 2025. Under the QCO, items cannot be manufactured, sold, traded, imported or stocked unless they bear the BIS mark. The QCO will be implemented from 1 July 2025.

[Source: *PIB Press Release*, as available [here](#)]

## BIS raids e-commerce warehouses, seizes substandard products

BIS has conducted raids on two warehouses of Amazon and Flipkart in Delhi, seizing thousands of products that lack BIS certification. The products that were seized from the Amazon warehouse include over 3500 electrical products such as geysers, food mixers, etc., valued at approximately INR 70 lakh. The products seized from the Flipkart warehouse include footwear worth around INR 6 lakh.

[Source: *Times of India* news, as available [here](#)]

## BIS raids unauthorized hallmarking centre in Chennai

In Chennai, a team of BIS officials carried out a raid at an authorized Hallmarking centre in Chidambaram, and multiple articles of gold with fake hallmarkings were discovered and seized. The total value of the goods was approximately INR 1 lakh.

[Source: PIB Press Release, as available [here](#)]

## BIS to launch annual programme for standardisation 2025-26

After conducting extensive stakeholder consultations from 5 March to 11 March 2025, wherein representatives from 40 ministries and 84 industry associations participated, BIS is set to release the Annual Programme for Standardisation for the year 2025-26 which will include both new standards to be developed and existing standards to be revised in the coming year.

[Source: PIB Press Release, as available [here](#)]

## Technical Session on ‘General Standards and Regulations for Agrotech, Geotech, Mobiltech and Their Application Areas’

As a part of new initiative by BIS, the Textiles Department delivered a technical session on ‘General Standards and Regulations for Agrotech, Geotech, Mobiltech and Their Application Areas’, with a vision to enhance the knowledge and awareness among students (B.Tech/ M.Tech/ Ph.D.) on 19 February 2025 at Dr. B. R. Ambedkar National Institute of Technology, Jalandhar. The session was attended by about 90 participants including students and NITJ officials.

[Source: Indian Express news, as available [here](#).]

## Grant of All India/ Global First Licence

In March 2025, BIS granted All India/ Global First Licence to 9 companies for their respective products and corresponding Indian Standards. The details of the same are discussed at length later in this newsletter.

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

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# Article



# Ensuring compliance: Enforcement and search & seizure powers of the Bureau of Indian Standards

By Anjali Hirawat, Riya Sinha, and Jhanvi Arora

## Introduction

The Bureau of Indian Standards ('**BIS**') is the national standards body of India, established under the Bureau of Indian Standards Act, 2016 ('**BIS Act**'). It plays a pivotal role in ensuring the quality, safety, and reliability of goods, articles, processes, and systems in India. To effectively enforce its mandates, BIS has been granted extensive powers, including the authority to conduct search and seizures in cases of non-compliance. The article in this issue of BIS Amicus delves into the legal framework, procedural aspects, and case studies relating to BIS's enforcement mechanisms.

## Legal framework governing BIS enforcement

The BIS Act, 2016, and the rules made thereunder provide the statutory basis for enforcement actions, including search and seizure. The key provisions include:

### *Powers to enter premises*

Section 9 (d) of the BIS Act empowers the Bureau to enter into and search places, premises or vehicles, and inspect and seize goods or articles and documents to enforce the provisions of the Act.

Further, as per Rule 48 of the Bureau of Indian Standards Rules, 2018, the certification officer has the power to enter and search any place wherein a certificate of conformity has already been granted, in order to ascertain that the Standard Mark is being used correctly, and inspect and seize any goods or articles to enforce provisions of the Act. The relevant portion of the Rule is extracted herewith:

**48. Powers of certification officer.**—Without prejudice to the powers conferred under Section 27 and Section 28 of the Act, a certification officer may—

- (a) at any time during the usual business hour enter upon any premises in which any goods, article, process, system or service, in respect of which a licence or certificate of conformity has been granted, with a view to ascertain that the Standard Mark is being used in accordance with the terms and conditions imposed by the Bureau and that the Scheme of inspection and testing specified by the Bureau is being correctly followed;
- (b) inspect and take samples at such premises of any such goods or article or any material used or intended to be used in the manufacture of such goods or article which is marked with a Standard Mark;
- (c) inspect any process, system or service at such premises in respect of which the certified body or licence holder has been granted a certificate of conformity or given the authority to use the Standard Mark;
- (d) examine the records kept by the certified body or licence holder relating to the certificate of conformity or use of the Standard Mark;
- (e) seize any such goods or articles or material or document which in his opinion will be useful, or relevant to any proceeding under the Act or under these rules.'

### **Power to search and seize**

Section 28 of the BIS Act empowers authorized BIS officers to enter and search any premises where non-standardized or falsely marked goods are suspected to be manufactured or sold. If any contraventions are found, officers can seize the articles, documents, or materials that violate BIS regulations. The relevant portion of the section has been extracted herewith:

**'28. (1)** If the certification officer has reason to believe that any goods or articles, process, system or service in relation to which the contravention of section 11 or sub-sections (6) or (8) of section 14 or section 15 or section 17 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, process, system or service, as the case may be.

*(2) Where, as a result of any search made under sub-section (1), any goods or article, process, system or service has been found in relation to which contravention of section 11 or sub-sections (6) or (8) of section 14 or section 15 or section 17 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 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.*

*(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.'*

### *Offences and penalties for non-compliance*

The relevant provisions of the BIS Act dealing with contravention of Quality Control Orders ('QCOs') and appropriate penalties are tabulated hereinbelow:

Sl. No.	Provision	Particulars
1.	Section 17	Prohibits the manufacture, import, distribute, sell, hire, lease, store or exhibit for sale of any such goods, article, process, system or service, which are covered by any QCO, but are not conforming to the relevant standard.
2.	Section 29(3)	Anyone who contravenes Section 17 of the BIS Act will be punishable with: <ul style="list-style-type: none"> <li>• imprisonment for a term which may extend up to two years, <b>or</b></li> <li>• fine which shall not be less than two lakh rupees for the first contravention and not be less than five lakh rupees for the second and subsequent contraventions, but may extend up to ten</li> </ul>

		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, <b>or</b>
		<ul style="list-style-type: none"> <li>• with both imprisonment and fine:</li> </ul>
3.	Section 29(4)	The offence under Section 29(3) shall be cognizable.
4.	Section 30	Officials (directors, managers, secretary, other officers) of the company, who were in charge of and responsible for the conduct of the business of the company, can be held guilty for offences committed by the company.

### Search and seizure procedure

The prevalent procedure of conducting a search and seizure operation is as follows:

- i. ***Intelligence gathering and authorization:*** BIS officials may act upon complaints, intelligence reports, or routine surveillance to identify non-compliant entities.
- ii. ***Approval from Competent Authority:*** Search and seizure actions require prior approval from designated officers to ensure procedural compliance.
- iii. ***Assignment of Officers:*** The relevant branch office of BIS is allocated, which has jurisdiction over the area of business of the manufacturer against whom the complaint has been filed. Accordingly, an officer is assigned.
- iv. ***Conducting the search:***
  - a. Initially, a discreet investigation is conducted to determine the validity of the complaint;
  - b. If the complaint is found to be true, a qualified team is appointed to conduct the search and seizure operation;
  - c. Officials enter the premises with necessary authorization;
  - d. Inspection of records, manufacturing processes, and products is carried out;

- e. Samples may be collected to be tested at BIS-accredited laboratories;
- f. A detailed report is prepared and filed by the team to submit to the head of the branch office.
- v. ***Seizure of non-compliant goods***: If violations are detected, non-conforming goods and relevant documents may be seized.
- vi. ***Legal action & prosecution***: BIS may initiate prosecution against the entities that are in violation of the provisions of the Act in the appropriate judicial forums.
- vii. ***Post-Seizure Adjudication: Entities have the right to present their case before BIS authorities or the relevant appellate bodies.***

### Challenges and the way forward

While BIS has made significant strides in enforcing compliance, certain challenges persist:

- ***Limited manpower and resources***: Effective enforcement requires more trained personnel and logistical support.
- ***Legal hurdles in prosecution***: Lengthy legal proceedings can delay justice and impact deterrence.
- ***Market infiltration of counterfeits***: Despite BIS enforcement, counterfeit goods continue to flood markets, necessitating stricter surveillance.

To address these challenges, BIS is strengthening its enforcement mechanisms by leveraging technology, enhancing coordination with law enforcement agencies, and increasing consumer awareness about BIS standards.

## LKS Comments

The search and seizure powers vested in BIS play a crucial role in ensuring the integrity of products available in the Indian market. With stringent legal provisions, systematic enforcement actions, and proactive industry oversight, BIS continues to safeguard consumer interests and maintain the quality of goods and services in India. However, continued vigilance, industry cooperation, and legal reforms are essential to further strengthen the enforcement framework.

**[The authors are Partner, Senior Associate and Intern, respectively, in BIS practice at Lakshmikumaran & Sridharan Attorneys]**



# QCO Updates

## QCO Updates – March 2025

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

## QCOs to be implemented in the upcoming months

In the upcoming months, from March 2025 to May 2025, a total of **100 products** will be covered under the ambit of QCOs. Here's an overview of the same:

	April	May	June
<b>No. of Products</b>	47	8	5
<b>Ministry/ Department which has issued the QCO</b>	Department for Promotion of Industry and Internal Trade (DPIIT) – 26  Ministry of Textiles – 11	Department of Chemicals and Petrochemicals – 4  Ministry of Heavy Industries – 3  Department for Promotion of Industry and Internal Trade (DPIIT) – 1	Department of Chemicals and Petrochemicals – 5



	<p>Department of Chemicals and Petrochemicals – 6</p> <p>Ministry of New and Renewable Energy – 3</p> <p>Ministry of Electronics and Information Technology – 1</p>		
<b>Products</b>	Textile Products, Stainless Steel Utensils, Aluminium and Aluminium Alloy Products, Safety of Household and Similar Electrical Appliances, Solar Thermal Systems, Devices and Components, Fatty Acids, Digital Television Receiver, etc.	Low – Voltage Switchgear and Controlgear, Chemicals such as Morpholine, Vinyl Sulphone, H Acid, K Acid, etc., Electric Fence Energizers, etc.	Textile-related goods, Polypropylene (PP) Materials for Moulding and Extrusion, Poly Vinyl Chloride (PVC) Homopolymers

### *Industries likely to be impacted:*

- Construction;
- Hardware;
- Electrical appliances;
- Tool manufacturing;
- Textiles;
- Steel and Aluminium;
- Solar Systems; and

- Chemical and Petrochemical Industries/ Companies, among others.

### 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

No QCOs were notified in the Official Gazette in March 2025.

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

No draft QCOs were notified by India on the ePing portal in March 2025.

## Extensions to the existing QCOs

Sr. No.	Order Title	Date of Implementation
1.	Beta Picoline (Quality Control) Order, 2020	13 March 2026
2.	Electronics and Information Technology Goods (Requirements for Compulsory Registration) Order, 2021 – ‘Television Sets’	26 October 2025
3.	Ethylene Dichloride (Quality Control) Order, 2021	12 September 2025
4.	Polycarbonate (Quality Control) Order, 2021	12 September 2025
5.	Polyurethanes (Quality Control) Order, 2021	19 December 2025
6.	p-Xylene (Quality Control) Order, 2021	19 December 2025
7.	Pyridine (Quality Control) Order, 2020	13 March 2026
8.	Sodium Tripolyphosphate (Quality Control) Order, 2020	13 March 2026
9.	Vinyl Chloride Monomer (Quality Control) Order, 2021	12 September 2025

### LKS Comments

The date of implementation of multiple QCOs notified by the Ministry of Chemicals and Fertilizers have been extended.

## Amendment/Supersession Orders

Sr.No.	Order Title
1.	Hinges (Quality Control) Order, 2025

### *LKS Comments - What's in the Amendment?*

The Hinges (Quality Control) Order, 2025, has been issued by DPIIT in supersession of the Hinges (Quality Control) Order, 2024.

The date of implementation of the new Hinges QCO is 1 July 2025.

The 9 products (Stainless Steel Butt Hinges; Steel Butt Hinges; Non-ferrous metal butt hinges; Tee and Strap Hinges; Parliament Hinges; Continuous (Piano) Hinges; Steel back flap Hinges; Double-acting Spring Hinges; Cabinet Hinges) that have been notified *vide* the Hinges QCO of 2025 need to comply with Scheme-I of Schedule-II of the BIS (Conformity Assessment) Regulations, 2018.

Nothing in the QCO applies to any goods or articles manufactured domestically for export, and also does not apply for up to two hundred numbers of goods or articles imported for the purpose of research and development by manufacturers of hinges per year.

## BIS – All India/ Global First Licence

BIS issued the All India/ Global First Licence, that is, the first licence ever issued for a certain product/Indian Standard for the following products in March 2025:

Sr. No.	Product	Indian Standard	Company
1.	Cast Iron Single Faced Thimble Mounted Sluice Gates	IS 13349:1992	M/s Maurya Foundry Aids Pvt Limited
2.	Steel Shots For Use In Foundries	IS 4606 : 1983	M/s Rotocast Industries Limited
3.	Textiles - Glass Fibre Rovings for the Reinforcement of Polyester, Phenolic, Vinyl Ester and of Epoxide Thermoset Resin Systems	IS 11320 : 2024	M/s Goa Glass Fibre Ltd
4.	Textiles Woven Roving Fabrics of 'E' and 'ECR' Glass Fibre	IS 11273 : 2023	M/s Goa Glass Fibre Ltd
5.	Benzothiazyl-2-Cyclohexyl Sulphenamide (CBS)	IS 7069 : 2001	M/s NOCIL LTD.

6.	Caprolactam	IS 12210 : 2023	M/s Gujarat State Fertilizers & Chemicals Limited
7.	Door closers, concealed type (Hydraulically Regulated)	IS 14912 : 2001	Taiwan Daedalus Door Control Co. Ltd
8.	Specification for Alloys used in Electrical Resistance Metallic Heating Elements	IS 12045 : 1987	M/s JLC Electromet Private Limited
9.	Respiratory Protective Devices - Self Contained Closed Circuit Breathing Apparatus Chemical Oxygen (KO2) Type Self Generating, Self Rescuers	IS 15803 : 2008	M/s Suparna Chemicals Ltd

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