

## Amendment Bill

[Shri Karmarkar]

the mouth of my hon. friend. So, that is neither here nor there. But I agree with her on one point. That is to say, the working of these municipalities need to be looked into. On the whole, their finances are not sufficient. They are not able to carry on with their duties efficiently on account of, and due to the lack of, finances. I had in my mind the setting up of a body for consulting the municipalities as a whole in regard to the municipal laws. The question of the municipal laws was one of the useful points that my hon. friend made, though it was rather irrelevant to the Bill in question. But when we have such a body, I shall be happy to call upon the hon. Member to become a member of that body, because, instead of spending time on some subjects of trivial importance, I am quite sure she could possibly devote much more useful time towards more useful purposes like that. I have nothing more to say about this Bill. In fact, the contents of the Bill have been agreed to, and I am grateful to the hon. Members for the compliment paid to Government for having introduced this measure.

**Mr. Chairman:** The question is:

"That the Bill further to amend the Assam Municipal Act, 1956, as in force in the Union territory of Manipur, be taken into consideration."

*The motion was adopted.*

**Mr. Chairman:** There are no amendments to the clauses. The question is:

"That clauses 2 to 7 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 7 were added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

**Shri Karmarkar:** I beg to move:

"That the Bill be passed."

**Shri L. Achaw Singh:** Sir, I should like to have a clarification about

Section 15A(2) which is being inserted by clause 4. Sub-section (2) reads as follows:

"In every ward an elector shall have as many votes as there are Commissioners to be elected from that ward but no elector shall at any election give more than one vote to any one candidate."

This would mean plural member wards. But we have only single member wards, and I do not find the necessity for this sub-section. I would, therefore, like to have a clarification on this matter. I want to know whether it is provided for some emergency or eventuality. At present we do not find any necessity for such a sub-section.

**Mr. Chairman:** This applies only when there are plural wards. A provision has to be made in the Bill.

The question is:

"That the Bill be passed."

*The motion was adopted.*

13.05 hrs.

INDIAN STANDARDS INSTITUTION  
(CERTIFICATION MARKS)  
AMENDMENT BILL

**The Minister of Commerce (Shri Kanungo):** Sir, I beg to move:

"That the Bill further to amend the Indian Standards Institution (Certification Marks) Act, 1952, as passed by Rajya Sabha, be taken into consideration."

Before I proceed to explain the provisions of the amending Bill, I would like to indicate briefly the functions of the Indian Standards Institution, the work it has done so far and the main purpose of the Indian Standards Institution (Certification Marks) Act.

The Indian Standards Institution was set up in the year 1947. The

main objects of the institution are to draw up and promote the adoption of standards for materials, commodities, structures, operations, practices, etc. and from time to time to revise, alter or amend them on the basis of developments in technology. The advantages of the establishment of such standards are on the one hand a certain amount of uniformity in material and processes resulting in economy in manufacture and on the other quality control which would make available to the consuming public goods possessing the basic minimum specifications. The total number of standards established by the Indian Standards Institution so far is 1,815.

**Shri Tangamani (Madurai):** Not 1,485?

**Shri Kanungo:** The figure I mentioned is up-to-date. During the period of the third Five Year Plan, the institution proposes to establish another 1,500 standards.

The institution is managed by a General Council consisting of representatives of trade and industry and the various departments of the Government of India and State Governments.

The Indian Standards Institution Certification Marks Scheme was introduced under the Indian Standards Institution (Certification Marks) Act, 1952. Under the authority vested by the Act, the Indian Standards Institution grants licences to manufacturers to apply the Indian Standards Institution Certification Marks on their products in token of conformity of the products to the Indian Standards concerned. Before such a licence is granted, the institution deposes a technically qualified inspecting officer for inspecting the factory of the applicant. He gathers first-hand information about the manufacturing processes and the controls which are exercised during production, and also determines whether adequate testing facilities are available in the factory for checking the incoming raw mate-

rials and the outgoing product, and for carrying out necessary tests at different levels of control during production to ensure compliance with the standard specifications concerned. He draws random samples from the production line, which are subsequently sent to approved laboratories for testing. Only after the inspector's report and test reports of samples are found fully satisfactory, the institution grants the manufacturer a licence to which is annexed a scheme of testing and inspection which the licensee has to follow rigidly. The scheme also prescribes the maintenance of adequate records about quality control during production.

In addition to the checks exercised by the licensees themselves, the Indian Standards Institution carries out periodical inspections of the factories of the licensees and of their production records to ascertain whether the scheme prescribed in the licence is being adhered to properly. The Indian Standards Institution also draws from time to time random samples of the products from the factories. These samples are tested in the factories as well as in independent laboratories. Surprise inspections are carried out and samples drawn during such inspections are tested. Samples of Indian Standards Institution Certificate marked goods are obtained from the market and from parties to whom supplies are made by the licensees and these samples are subjected to tests. Thus, the Indian Standards Institution maintains a constant watch over the quality of the marked goods. In addition, the institution rigidly examines each point regarding the performance of a licensee during the preceding operative periods of the licences, before renewing a licence for a further term.

To check any possible misuse or abuse of the Indian Standards Institution Certification Mark by licensees or others, the Indian Standards Institution (Certification Marks) Act and

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its rules and regulations extend powers to the Indian Standards Institution and to the Government of India to take suitable action against offenders. The Act prescribes fines upto Rs. 10,000 and forfeiture to Government of all goods, for improper use of the Indian Standards Institution Certification Mark. Furthermore, a licence can be suspended or cancelled by the Institution if it is satisfied that the licensee concerned has used the Standard Mark in respect of any article or process which does not conform to the relevant Indian Standards, or the licensee fails to comply with the terms and conditions of the licence.

As a further safeguard for the consumer, the Indian Standards Institution has made it obligatory for all licensees that if goods bearing the Indian Standards Institution Certification Mark do not conform to the Indian Standards concerned, the licensees will be required to replace them free of cost.

Because the Certification Mark is allowed to be applied only after proper inspection and ensuring continuous check of quality during the process of production, the Certification Marks Schemes are more economical, for they pay for themselves and more, by eliminating defectives, reducing wastages, bringing uniformity in production, etc. It has also been established that continuous check on production provides a better safeguard against defectives than batch sampling methods. To the buyer in particular, the Indian Standards Institution Mark indicates not only a third party guarantee for the conformity of the products to the Indian Standards concerned, but also an indication about the goods having been produced under a pre-planned system of control.

Since the Indian Standards Institution Marks Scheme ensures the elimination of chances of finished goods failing to conform to the Indian

Standards concerned, the buyer can accept certified goods with a greater degree of confidence and without the need for any further inspection. The Scheme is also conducive to build up consumers' confidence in the producer and improvement of buyer-seller relationship.

Concerning the progress of the Indian Standards Institution Certification Marks Scheme, the following figures will bear out that though the Scheme is voluntary, it has been gaining in popularity.

Year	No. of Licences
1955-56	8
1956-57	18
1957-58	49
1958-59	45
1959-60	64
1960-61	105
1961-62 (to-date)	66
Total	355

Thus, upto-date 355 licences have been issued against 120 Indian Standards covering a diverse range of commodities. Of these 296 are currently in force, while 31 have been withdrawn by the Institution because of unsatisfactory performance on the part of the licensees, 28 having not been renewed because of lack of interest on the part of the latter.

The value of goods covered by the I.S.I. Certification Mark upto 31st March 1961 was estimated to be of the order of Rs. 100 crores. Up to that date only eight complaints were received regarding the defective quality of material. The aggregate value of the goods involved in these complaints could not exceed few thousand rupees. Enquiries were instituted in each case and appropriate action was taken to safeguard against future recurrence of similar complaints.

It will be seen therefore that the nature and volume of complaints are

such that the I.S.I. certification marks scheme may be considered to have been most successful. Constant vigilance on the part of the Institution is however most imperative to ensure that the present excellent state of affairs does not in any way deteriorate in the future.

I now come to the provisions of the Amendment Bill before the House. As the House will observe, it is a very short and simple Bill. Experience of working of the Indian Standards Institution (Certification Marks) Act for the last few years has shown that it is necessary to improve it in one or two respects. As the Act stands at present, having regard to the definition of Indian Standard given in section 2(c), only those standards which are established by the Indian Standards Institution itself (and not others) can be utilized for the purpose of Indian Standards Institution Certification Marks Scheme. Though the Indian Standards Institution has established quite a number of Indian Standards, standards for a large variety of products still remain to be formulated and finalised by it. Establishment of standards is a continuous process and the finalisation of a standard by the Indian Standards Institution takes time, having regard to the fact that all persons and bodies concerned or interested in it are given an opportunity to give their comments on it. Briefly stated, the procedure is this. The Indian Standards Institution prepares a draft through its technical committees concerned and then sends it in wide circulation for a period of generally not less than three months for eliciting comments. Copies of the draft standards are also sent to many overseas countries and in particular to all the Commonwealth countries. After the comments are received, they are screened by the Technical Committees concerned and the draft is finalised in the light of the comments received from the various interests keeping in view in particular the present manufacturing practices and the consumers needs. The draft is then sent for adoption

to the technical division council and it is only after such adoption that the standard is established and published by the Indian Standards Institution. Keeping in mind the purpose of establishing a standard, it is inevitable that it takes time. Pending the establishment of Indian Standards for products not yet covered by the Indian Standards Institution, our industries and the trading community are following in respect of these products the standards adopted by other recognised bodies, e.g. the British Standards Institute. The Indian Standards Institution has been receiving numerous enquiries and requests for the application of the I.S.I. Certification Mark on products for which there are standards of other recognised organisations. Also, for the purpose of introducing quality control and for pre-shipment inspection in respect of products not still covered by Indian Standards, there is need for recognizing the standards of other bodies, particularly for our overseas buyers.

It is accordingly proposed that for the purpose of Indian Standards Institution Certification Marks Scheme, the I.S.I. should be able to recognize standards framed by other bodies in respect of products for which there are no Indian Standards. The procedure envisaged is that the I.S.I., for the purpose of the Scheme, will recognize through gazette notifications, standards established by other organisations for those products for which there may be an emergent need in the country. The first amendment seeks to enable the I.S.I. to do this.

The second amendment relates to the Inspectors of the I.S.I. being declared as public servants within the meaning of the Indian Penal Code. The Indian Standards Institution was established through a resolution of the Government of India and is a registered society under the Registration of Societies Act XXI of 1860. Thus, the Institution's Inspectors, as defined under the Indian Standards

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Institution (Certification Marks) Act and being employees of a non-governmental organisation, cannot be deemed to be public servants within the meaning of the Indian Penal Code. The Inspectors are however required to carry out inspections of the factories with or without prior intimation and to draw samples of products, check records, demand information, test the samples, within the factories, etc. It is, therefore, not unlikely that in the discharge of such duties, the Inspectors will at some stage or other, require legal protection. Fortunately, so far, no case has arisen in which such legal protection was required. But it is necessary that in the interests of efficiency and for providing adequate safeguard to the Inspectors, a provision should be made for the Inspectors being declared as public servants within the meaning of the Indian Penal Code. Such a provision exists in respect of the Inspectors working under the Drugs Act, 1940, the Prevention of Food Adulteration Act, 1954, etc.

The third amendment seeks to extend the jurisdiction of the I.S.I. Certification Marks Act to the State of Jammu and Kashmir. At present, the jurisdiction of the Act, as provided under Section 1(2) of the Act, does not extend to the State of Jammu and Kashmir. Many manufacturing concerns located in that State have expressed their keenness to avail themselves of the advantages of the Indian Standards Institution Certification Marks Scheme in the same manner as the concerns in the rest of the country are already enjoying. The Government of Jammu and Kashmir have agreed to the Act being extended to that State.

I am sorry for the lengthy speech which I have inflicted on the House, but I thought it would help the discussion on the Bill, if there is any. With these words, I commend the motion for the acceptance of the House.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Indian Standards Institution (Certification Marks) Act, 1952, as passed by Rajya Sabha, be taken into consideration."

Shri Tangamani: Mr. Chairman, Sir, in commending this Bill to the House, the hon. Minister has dealt in great detail with the working of the Indian Standards Institution. I carefully went through his speech in the other House and he has now improved upon it regarding the question of prosecutions and also irregularities in the matter of specifications. For these things we are grateful to him.

I would like to mention that this Bill seeks to bring in the following four amendments. Formerly, the Indian Standards Institution (Certification Marks) Act of 1952—Act No. 36 of 1952—did not apply to the State of Jammu and Kashmir. Now by this amending Bill, it is sought to be extended to Jammu and Kashmir. So, it stands to reason that we should have a complete report about the working of the Act ever since 1952, if not since 1947, when the institution came into existence. That is why I would be very happy if the hon. Minister, at least in his reply, refers to certain points which are pertinent and which arise out of the original Act of 1952.

I am making this observation because, although by this amending Bill, it is sought to be extended into the State of Jammu and Kashmir, the whole compass of the Act is before us for consideration, because we want to extend the Act to Jammu and Kashmir and the experience that we have gained during the past 14 or 9 years is very relevant.

Secondly, the amendment seeks to expand the definition of Indian standard contained in the original section 2(c) of the Act; now certain additions are made and I shall come to that later on. The third point which this

Bill seeks to amend is to give more powers to the inspector appointed under section 8. By clothing him with powers of a public servant as mentioned in the Indian Penal Code, certain irregularities are sought to be taken away. The last point which this amending Bill seeks to introduce is clause 6(b), which reads thus:

"Every rule 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 successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule 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."

It is a very salutary practice that the rules which are framed under any legislation are laid before the House for approval. This particular mode of formulating a section about laying rules on the Table of the House is a considerable improvement, because it provides for relaying and also for a double check. I do not propose to say much about this, because I have nothing to add to clause 6 which seeks to amend section 20 of the original Act.

I would like to know from the hon. Minister how far he is satisfied about the working of the Act itself. He has given us more or less a history of the function of the ISI. He has also told us how licences are issued; he has also impressed upon us how the licences are issued on a voluntary basis. He has given us the figures

that to-date about 355 licences have been issued and 1815 standards have been specified and during the third Plan period, there are likely to be 1500 more. When this position is accepted, for the reasons he has himself advanced moving for the consideration of the Bill, I feel that we have to go into greater detail about the working of the institution and also we have to go critically into the question as to why no prosecution took place, under section 14 which says:

"Whoever contravenes any of the provisions of this Act or of any rules made thereunder shall, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one thousand rupees."

This Act has been in force for more than 9 years. The ISI was established in 1947 and they have been issuing licences. Certainly complaints have been received, as the hon. Minister himself admitted, about the specification, irregularities or certain failures consistent with the provisions of this Act. So, at least now let us know from the Minister as to whether any prosecution was instituted and with what result. He has also mentioned—it is really an improvement over his speech in the other House—that there were only 8 complaints. We want to know whether they were all similar complaints, what was their nature, whether they were from the consumers or from the importers or from the consumers in this country. To that extent it will be helpful to us, because we are seeking to extend the definition of Indian standard, more for accommodating the foreign buyers. So, it is necessary to know whether complaints were received from the foreign buyers. I would like to have some information on that point.

If I remember aright, the Minister stated that as a result of complaints received, 31 licences have been removed and 21 licences were renewed.

[Shri Tangamani]

I am not in a position to fit in how 31 licences were cancelled when there were only 8 complaints.

13.27 hrs.

[DR. SUSHILA NAYAR in the Chair]

What was the reason for the cancellation of the licences? If it is a question of licences only, how many objections were received regarding how many specifications and standards and what is the nature of the articles affected? These are all matters of interest. Otherwise, listening to the hon. Minister, one really gets an idea as to the *modus operandi* of the ISI. We are not able to know whether the ISI has worked well and if so in what way; or, if there are any difficulties or complaints from the manufacturers or the consumers, what is the form in which the complaints have come and what steps have been taken for rectifying this. These are all very pertinent questions which I would like to pose.

Coming to the amendment proper, the original definition of Indian standard under section 2(c) is as follows:

“‘Indian standard’ means the standard (including any tentative or provisional standard) established and published by the Indian Standards Institution, in relation to any article or process, indicative of the quality and specification of such article or process.”

By this amending Bill, we seek to add the following words:

“and includes any standards recognised by the Institution under clause (aa) of section 3”.

Clause (aa) of section 3 is really clause 4 of the amending Bill, which reads:

“(aa) recognise as an Indian Standard, in such manner as may be prescribed, any standard estab-

lished by any other Institution in India or elsewhere, in relation to any article or process.”

On this point, there has been some discussion in the other House. One hon. Member felt that we are giving powers to another third party to say what will be the proper standard. It was clarified later on by another hon. Member and by the Minister also that the absolute power is given to the ISI. I would like to know from the Minister whether he is in a position to give us the names of the institutions which are specifying the standards which will be accepted by the ISI.

In other words, I would like to know what are those institutions, whether they are institutions in India or whether they are institutions in the Commonwealth countries or they are institutions in the importing countries, what is the nature of the specifications and what is the nature of the standards, and what is the nature of the articles which are really included in this. I am not going into the details although I have been instructed to raise one or two points in this connection, but in general terms I would like to have more information if we are to accept such an amendment. He has made it clear to some extent that this is warranted because there are certain other institutions and the standards accepted by those institutions will have to be incorporated by the Indian Standards Institution. But the point is whether those are the standards and the manufacture of the articles according to those standards will lead to expanded export from this country, because otherwise I do not think there is any purpose in having an amendment and the original definition clause itself was sufficient. Therefore, he must be able to tell us also how far the national interest is served by giving more powers to the Indian Standards Institution inasmuch as they will be able to accept standards which are specified by the other institutions also.

Although, as I have said, I have great material with me I do not propose to say anything more on this as I would certainly like the hon. Minister to throw some light on the points raised, and if you will allow me, Madam, I may have something to say during the Third Reading on this Bill.

Coming to the next point, about the powers of inspectors, of course, that is a welcome thing. But I am really surprised to find that there has not been a single prosecution. Is it because the inspector was not considered as a public servant under the Indian Penal Code that there has been no prosecution?

**Shri Kanungo:** It is not power that is given, it is protection.

**Shri Tangamani:** What I am saying is, there has been no prosecution at all for nine years. If there are no prosecutions, probably this officer thought....

**Shri Naushir Bharucha** (East Khadesh): That does not affect his rights. The right to prosecute is not involved.

**Shri Tangamani:** But somehow I find that there has been no prosecution at all. Anyway, an inspector who is given certain powers will have to be protected as a public servant who gets protection under the Indian Penal Code. In this connection also it will be helpful if the hon. Minister, at least later on, undertakes to supply us information, though not under this Act, not only about violation of certain provisions under this Act but about other things which are probably directly or indirectly connected with this Act, where the articles supplied were not according to specifications or where there was a question of breach of contract etc. When such things happen they may not come directly under the provisions of this Act. But if the hon. Minister could supply that information to us, it would be helpful.

Having said this, I would merely like to mention about certain articles which we ourselves get here. Although there are certain articles which are according to specifications, new and new standards are coming up and unless there is a proper check my fear is that articles will not be up to the required specifications. An hon. Member mentioned about ink. There are so many other things. There was a case—Madam, you were also here when that question was raised here—of a very highly developed industry responsible for maintaining the health of the nation, and in that case although the stuff was according to specification flies or something of that sort were found. Such instances have come to our notice. That is why I say that we will be grateful if some details are given to us about these matters.

Further, I would like to know whether the Government is satisfied with the checks that are provided in the Act itself. My submission is that there should be greater checks if we are really to accede to the 1500 standards which we are going to introduce during the Third Five Year Plan period.

With these observations, Madam, I certainly consider that the Indian Standards Institution has done a good piece of work, and the principle underlying this certification of marks is a very salutary one and that should not be clouded by giving these extraordinary powers to other institutions which do not come directly under the Indian Standards Institution. The Indian Standards Institution should not be merely a body which will say O.K. as soon as some specification is given by another institution. That is why I was very anxious to know what are the institutions in this country and in other countries which will be recognised by the I.S.I. for the purpose of this Act. With these remarks, I offer my qualified support to this amendment.

**Shri Naushir Bharucha:** Madam Chairman, I rise to give my support



[Shri Naushir Bharucha]

to the amending Bill which has been placed before the House. I think the House will agree largely with the hon. Minister-in-charge in paying a tribute to the work which the Indian Standards Institution has been doing, and if the previous speaker has expressed certain misgivings I am of the opinion that gradually as experience is gained not only the *modus operandi* would be improved but any defects or difficulties observed in the working of the I.S.I. would be tackled effectively.

Quality control is a very important thing particularly in a country which is rapidly growing in industry, and especially in the case of this country which, unfortunately, in the matter of its exports has acquired rather an odious reputation, quality control is a matter which cannot be light-heartedly dealt with. The present Bill only seeks to remedy a particular loophole which has crept into the main Act, namely, that where the Indian Standards Institution has not developed or prescribed a particular standard for a particular commodity or process and an application is made the Indian Standards Institution may follow the standards laid down by any other institution whether in India or elsewhere, adopt their standards and on the basis of their standards grant the applicants certification marks.

But a difficulty is likely to arise in the application of standards specified by different institutions. I have got in mind the experience which I had when I was in the Bombay Municipal Corporation. There the question came up whether the water pipes were of the prescribed strength. The hydraulic engineer stated that in England it was prescribed that for the stresses and strains there the water pipes should be able to stand up to the pressure of so many pounds per square inch. He said that the standard in Europe is much higher than it should be in India because

water in pipes in Europe tends to freeze during winter and frozen water expands naturally in volume with the result that the pipes crack. Such conditions are not encountered in India. Therefore, the standard required is much lower here, and a difficulty is likely to arise if British standards and specifications are adopted in certain matters. The Indian Standards Institution might be prescribing a much higher standard than actually required for a particular commodity, with the result that the application of the manufacturer might be rejected whereas that type of manufacture could be all right so far as Indian conditions are concerned. Therefore, I am of the opinion that not merely powers should have been taken, as it has been done in this Bill, for adopting standards prescribed by other standards institutions but also for enabling the Indian Standards Institution to evolve *ad hoc* standards. Take, for example, the instance which I gave in the matter of water pipes. Suppose the European conditions require on account of climatical conditions that water pipes should be tested up to a pressure of, let us say, 100 pounds per square inch, whereas the Indian conditions need only a pressure of not less than 50 pounds, it should be left open to the Indian Standards Institution, while adopting the foreign standards or other standards than its own, to so modify or qualify that standard in the light of expert opinion as it thinks fit. The power in that respect should be clearly taken under this Bill. I do not know whether it would be possible to do so as a result of amending the rules. Perhaps it might be possible; perhaps, the rule may be declared *ultra vires* because it may be beyond the scope of the Bill itself; I am not sure of that. But the fact does remain that merely blindly transporting standards from different countries is likely to create more difficulties than solve the difficulties which have been experienced by the Indian Standards Institution and the only way out is to

give power to the Indian Standards Institution to provide *ad hoc* standards. If that is done, the manufacturers would not find unnecessary difficulties created as a result of higher standard prescribed by foreign standards institution on account of climatic or other conditions. It should be appreciated that the result of having this particular clause in this Bill is not that we want to have a sort of reciprocity of standards. That is not the intention behind this Bill. It is not that if our standard is recognised by foreign standards institutions then their standards would automatically be recognised by us. No. This Bill is only to solve a particular difficulty when the Indian Standards Institution has not got its own standard as to what should be the standard that should be followed.

Coming to section 21 of the Indian Penal Code, I am afraid the previous speaker seems to be labouring under some misapprehension. When a particular officer is designated as a public servant under section 21 of the IPC, it does not give that officer any extra powers. The powers which that officer has got to make surprise visits, make test checks etc. are powers which are given by this statute; merely designating him as a public servant under section 21 of the IPC does not enlarge his powers. That provision is there, not for giving protection to the servant as stated by the hon. Member, but, in fact, for making him more liable as a public servant. There are several sections in the Indian Penal Code under which a public servant incurs greater penalty by reason of the fact that he is a public servant. Also, it may be that protection is given in the case of certain public servants by providing that no prosecution can be launched without previous sanction. But, barring that, what the Bill does is merely to designate the inspectors and other officers as public servants and not enlarge their powers. I think, on the whole, this Bill has become necessary. But I am also of the opinion that the difficulty which I have pointed out, the difficulty which

manufacturers are likely to experience in applying for standard marks, this will have to be carefully examined and if by rule-making powers that can be overcome, I would appeal to the Government to formulate certain rules so that the work of the Indian Standards Institution should not be handicapped.

With regard to the adequacy and efficiency of work of the Indian Standards Institution, the only remark that can be made against them is that perhaps the work is not proceeding as rapidly as we would like it to proceed. I think a time may come when the Government should come with legislation compelling manufacturers of certain commodities and certain articles to subject themselves to Indian Standards Institution certification marks. That time may come later on for that type of legislation but, till then, I think what the Indian Standards Institution can do is to see that the conditions on which the certification marks granted to manufacturers are strictly observed and that the standard of examination before granting is stepped up and there is constant vigilance.

I do hope that the House will welcome this Bill because, after all, it does nothing more than remove immediately a big defect, a lacuna, which has been observed in the main Act.

**Shri Aurobindo Ghosal (Uluberia):** I support this amending Bill because the time has come when the Indian Standards Institution should accept the standards set up by other institutions. Because, in our State we are feeling difficulties for some time past in regard to the specifications of butter and ghee, as the standards that have been set up by the Indian Standards Institution are not being observed, it is alleged by the Corporation, by the butter dealers. The Indian Standards Institution have fixed some standards, some percentages of properties for butter and ghee prepared in the different regions. But those properties

[Shri Aurobindo Ghosal]

are really absent in the butter and ghee preparations in different zones. In Bengal, in the butter which is prepared from the milk of cows, the properties differ.

**Shri Kanungo:** I may mention that food articles and drugs are governed by separate legislation.

**Shri Aurobindo Ghosal:** We are feeling difficulty in the case of some other specifications which have been set up locally by some institutions but which have not been accepted by the ISI. For that purpose, this Bill has been brought up. The ISI may recognise the specifications laid down by recognised institutions. The only fear or apprehension in my mind is whether those institutions whose specifications will be recognised by ISI are responsible institutions which can be relied upon. I agree with Shri Tangamani that the ISI should specify as to whose specifications may be accepted without hesitation. Otherwise, the standards and specifications laid down by ISI in our vast country may differ from region to region, as that depends upon the climatic and other conditions. Therefore, taking all these factors into consideration, the ISI should accept the specifications of only those institutions which can be relied upon and also conform to the climatic conditions of different regions and accommodate these specifications with the differences that obtain in different regions. With these words, I support the Bill.

**Shri Kanungo:** I am grateful to the hon. Members who have participated in the discussion on this Bill for supporting the Bill as such and, particularly, for offering their appreciation of the work which the Indian Standards Institution has been doing. It will be my pleasant duty to convey the sense of the House to the Institution by which I hope the Director and other members of the Institution will feel encouraged.

Most of the details which Shri Tangamani wanted from me, it is not pos-

sible for me to give. But if he goes through the annual reports of the Institution which are placed before this House and which sometimes come up at the request of hon. Members for discussion, he will find that they give all the information in all its details every year.

**Shri Tangamani:** Briefly he could tell us whether there were any prosecutions. I want to know whether there were any prosecutions.

**Shri Kanungo:** I suppose my hon. friend is rather keen on witch-hunting. The very background of the Institution is that prosecutions should be avoided. It is not a penal one. The whole structure of the policy is that standards should be laid down and left to the voluntary acceptance of the party. It is for a particular manufacturer to register himself for the mark. It is possible that for the same commodity there might be 20 manufacturers out of which 15 may apply for using the mark and the other five may not use it. The penal provisions would not be attracted to the five. It is possible that the other five are so sure of their own reputation that they do not come up for using the mark of the Institution. I am merely giving the background.

Our experience has been that by and large the use of the mark of the Institution has been appreciated. There has been more or less an increasing desire on the part of the manufacturers to use the mark. The very fact that there has been no prosecution proves the alertness of the inspecting machinery of the Institution which I have described in detail in my opening speech.

**Shri Naushir Bharucha:** Not necessarily.

**Shri Kanungo:** At least I hope that it is so because, as I have mentioned, the inspection is not only at the finished products stage but there is random sampling all along the line right

from the raw materials stage to the processes. Therefore I am not in the least worried about the lack of prosecutions. In fact, I would be happy if the use of the marks of the Institution is extended and there is no prosecution at all. It will show the responsibility of the Institution while allowing licences and the responsibility of the licensees to live up to the expectations of using the mark.

I have just had a cursory glance at the nature of the few instances where complaints have been received. Mostly I find that the complaints are of a not very serious nature. For example, there were complaints about tea chests. In one case the manufacturer had used boric acid in tea chests. For abundant caution he had used it, that is, for preventing white ants and other insects from coming in and damaging the boards. That is not a part of the standards. Under the licence he was not compelled to do that. In the interest of the customer he had done that. When the customer saw the white marks he complained about it. It cannot be said that the party was infringing any of the conditions of the licence.

In another case the consumer complained about the use of a particular wood in the ply. Now those particular kinds of wood have been certified by the Institution. They can be used in the plys. It is a question of personal predilection of the particular consumer. He might like plys made of a particular wood or might not like that particular wood. So there was no infringement of the terms of the licence.

There were minor cases where there were complaints. It was found on enquiry that the matter had been misused. There was no manufacturing defect. There were some defects also in some cases, but considering the number of complaints covering a few hundreds of rupees and the total volume of hundreds of crores of rupees covered by the mark, I think

it is very negligible. The annual reports give the number of cancellations but I might mention that the number depends not necessarily upon the complaints but upon the vigilance of the inspection staff. If they find that the processes or controls are not properly used, they revoke the licence.

Coming to the question of the institutions whose standards will be adopted, I might say that there are very well known institutions functioning for many years in various parts of the world. To name, the British Standards Institution and the American Standards Institution have a long tradition of setting up standards. As I have explained, to establish standards is a very lengthy process and to cover all products by the standards of the Institution will take many many years. Apart from the paucity of staff, the very process of it will take a very long time. Therefore it is meant under this Bill that where no specification is prescribed yet, specification prescribed by another institution will be adopted.

As Shri Bharucha pointed out, if you adopted a particular standard it may not be as useful in India as it is in the other country. For that the main Act provides that Indian standard means a standard including any tentative or provisional standard. That means that where the Indian Standards Institution has not evolved a standard and the foreign institutions' standards are not applicable and suitable to Indian conditions....

**Shri Naushir Bharucha:** Provisional standards are of their own creation and not something which we adopted from somewhere.

**Shri Kanungo:** Where that situation arises, the answer to that will be to issue provisional standards till final standards are issued because in adopting a standard they have to examine whether it is useful to Indian conditions or not. If it is not useful to Indian conditions, it will not be adopt-

[Shri Kanungo]

ed and the alternative will be to use, what Shri Bharucha says, *ad hoc* standards for which the provision is there. Necessarily it does not mean foreign institutions' standards. It all depends upon the nature of the institutions, the traditions which the institutions have built up and the procedures by which they establish standards. It is quite possible that other institutions in India, for example, the Railway Standards Institution and the Defence Ministry Standards Institution, find in cases where they have established standards of the Indian Standards Institution that without going through the same process again they can conveniently adopt them, they will adopt them. The main merit of the amendment is that many other standards can be used for the licensing of the marks as long as the Institution is satisfied that the standards are all right for Indian conditions.

As Shri Tangamani has said, standards require revision from time to time. I have indicated in my speech that it is one of the functions of the Indian Standards Institution, namely, to revise the standards from time to time with the change and improvement in technology. They are doing so. Unfortunately, leaving aside the processes and methods, the number of articles which are now used in trade and in industry and by consumers is so vast that I suppose, if ever, even after many years, the Standards Institution will be able to cover all. I hope they will be able to cover in course of time provided Parliament is gracious enough to provide them with adequate funds and adequate technical personnel is available. In course of time, they will be able to cover. As some of the Members have indicated and appreciated the services of the Institute, I may say that the reputation of the institution has been growing and I hope it will continue to grow.

I move that the motion be accepted.

14 hrs.

**Mr. Chairman:** The question is:

"That the Bill further to amend the Indian Standards Institution (Certification Marks) Act, 1952, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

**Mr. Chairman:** There are no amendments. I will put all the clauses to the vote of the House.

The question is:

"That Clauses 1 to 7, the Enacting Formula and the Title stand part of the Bill."

*The motion was adopted.*

*Clauses 1 to 7, Enacting Formula and the Title were added to the Bill.*

**Shri Kanungo:** I move:

"That the Bill be passed."

**Mr. Chairman:** The question is:

"That the Bill be passed."

*The motion was adopted.*

14.02 hrs.

FOREIGN AWARDS (RECOGNITION AND ENFORCEMENT) BILL

**Shri Kanungo:** I move:

"That the Bill to enable effect to be given to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York, on the tenth day of June, 1958, to which India is a party and for purposes connected therewith, as passed by Rajya Sabha, be taken into consideration."

The last legislation on the subject which is operating now is the Foreign Arbitration Act of 1937, which was passed by the Legislative Assembly