

**TO BE PUBLISHED IN THE GAZETTE OF INDIA  
EXTRAORDINARY, PART-II, SECTION-3, SUB-SECTION –(ii)  
Ministry of Consumer Affairs, Food and Public Distribution  
(Department Of Consumer Affairs)**

**ORDER**

New Delhi, the \_\_\_\_\_, 2006

SO (E) In exercise of the powers conferred by section 14 of the Bureau of Indian Standards Act, 1986 (63 of 1986), 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 Clinical Electrical Thermometers (Quality Control) Order, 2006.  
(2) It shall come into force six months after the date of its publication in the Official Gazette.
2. Definitions - 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 an officer not below the rank of an Under Secretary to the Government of India or an officer not below the rank of a General Manager, District Industries Centre of a State Government as may be appointed by the Central Government or the State Government by a notification published in the Official Gazette to implement the provisions of this Order;
  - (c) “Bureau” means the Bureau of Indian Standards;
  - (d) “Clinical Electrical Thermometer” means a contact thermometer comprising a temperature probe and an indicating unit, and that is designed to measure human or animal body temperature;
  - (e) “dealer” or “seller” in relation to Clinical Electrical Thermometer, means a person who, or a firm or a Hindu Undivided Family which, carries on directly or otherwise, the business of buying, selling, supplying or distributing Clinical Electrical Thermometers, whether in cash or for deferred payment or for commission, remuneration or other valuable consideration;
  - (f) “manufacturer” in relation to Clinical Electrical Thermometer, means a person who, or a firm or a Hindu Undivided Family which produces, makes or manufactures Clinical Electrical Thermometers and includes a person who, or a firm or a Hindu Undivided Family which claims such Clinical Electrical Thermometers to be produced, made or manufactured by such person or firm or a Hindu Undivided Family, as the case may be;
  - (g) “Specified Standard” means the Indian Standard Specification IS 15113 ‘Clinical Electrical Thermometers With Maximum Device – Specification’, specified by the Bureau of Indian Standards;
  - (h) “State Government”, includes a Union Territory Administration also;

(i)“Standard Mark” means the Bureau of Indian Standards Certification Mark specified by the Bureau to represent a particular Indian Standard and also includes any Indian Standards Institution Certification Mark specified by the Indian Standards Institution;

(j)“Licence” means licence granted under Section 15 of Bureau of Indian Standards Act 1986 to use the Indian Standards Certification Mark;

(k)All other words and expressions used but not defined in this Order shall have the meanings respectively assigned to them in the Act.

3. Prohibition regarding manufacture, sale and distribution etc -

(1) No person shall by himself or through any person on his behalf, manufacture or store for sale, sell or distribute Clinical Electrical Thermometers which do not conform to the Specified Standard and do not bear the Standard Mark of the Bureau after obtaining Bureau’s Certification Marks licence;

Provided that nothing in this order shall apply in relation to Clinical Electrical Thermometers which are manufactured and dispatched for export purposes and are as per the Overseas Standards or as per Overseas Buyer’s Specifications and do not coincide with the corresponding requirements of the Indian Standard.

(2) The Clinical Electrical Thermometers which do not conform to the Specified Standard shall be deformed by the manufacturer beyond use and disposed of as scrap within three months.

4. Obligation for Certification -

(1) The manufacturer of Clinical Electrical Thermometers shall make an application to the Bureau for obtaining licence for use of the Standard Mark, within forty five days of the issue of this Order, if not already obtained.

(2) The grant of licence by the Bureau for use of the Standard Mark shall be as per the provisions of the Act and the rules and regulations made thereunder.

(3) When any person by himself or through any person on his behalf proposes to manufacture Clinical Electrical Thermometers, he shall make an application to the Bureau before the commencement of production.

(4) Information relating to expiry or cancellation of any licence or rejection of application for grant of licence by the Bureau for manufacture of Clinical Electrical Thermometers shall be put on Bureau of Indian Standards website.

5. Power to call for information etc: - The Appropriate Authority may, with a view to secure compliance with this Order -

(1) require any person engaged in the manufacture, storage for sale, sale or distribution of Clinical Electrical Thermometers to give such information as it deems

necessary in relation to the manufacture, storage for sale, sale or distribution of clinical electrical thermometers for the implementation of this Order or require any such person to furnish to it samples of such clinical electrical thermometers;

(2) inspect or cause to be inspected any books or other documents and Clinical Electrical Thermometers kept by or belonging to or in possession or under the control of any person engaged in the manufacture, storage for sale, sale or distribution of Clinical Electrical Thermometers;

(3) enter and search any premises and seize Clinical Electrical Thermometers in respect of which it has reason to believe that a contravention of this Order has been committed or the said Clinical Electrical Thermometers are not of the Specified Standard; and

(4) 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 search and seizure under this clause.

6. Testing of samples - Samples of Clinical Electrical Thermometers bearing the Standard Mark and drawn by the Appropriate Authority, for ascertaining whether they are of the Specified Standard, shall be tested in the laboratory approved by the Bureau and in the manner as may be determined by the Bureau.

7. Power to issue direction to manufacturers and dealers or sellers - the Appropriate Authority may issue such directions to manufacturers and dealers or sellers, consistent with the provisions of the Act or this Order, as may be necessary for carrying out the purposes of this Order.

8. Compliance of directions - Every person engaged in the manufacture, storage for sale, sale or distribution of Clinical Electrical Thermometers, to whom any direction is issued under this Order shall comply with such directions.

9. Obligation to furnish information:- No manufacturer, dealer or seller shall, with intent to evade the provisions of this Order, refuse to give any information lawfully demanded from him under clause 5 or conceal, destroy, mutilate or deface any books or documents or any Clinical Electrical Thermometer kept by, or in the possession or control of such person.

[F. No. \_\_\_\_\_ ]

(Name and designation of Authority)