

**DRAFT FOR PUBLICATION IN THE GAZETTE OF INDIA
EXTRAORDINARY**

ORDER
New Delhi, 2006

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:- (i) This Order may be called the Protective Headgears (Quality Control) Order, 2006.
ii) It shall come into force 6 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) "Protective Headgear" means a helmet which –
 - (i) by virtue of its shape, material and construction, could reasonably be expected to afford to the person driving or riding on a motorcycle a degree of protection from injury in the event of an accident; and
 - (ii) is securely fastened to the head of the wearer by means of straps or other fastenings provided on the headgear.
 - (e) "dealer" or "seller" in relation to helmet, means a person who, or a firm or Hindu Undivided Family which, carries on directly or otherwise the business of buying, selling, supplying or distributing helmets, whether in case or for deferred payment or for commission, remuneration of other valuable consideration;
 - (f) "manufacturer" in relation to helmet, means a person who, or a firm or Hindu Undivided Family which, produces, makes or manufactures helmet and includes a person who, or a firm or Hindu Undivided Family which, claims such helmet to be produced, made or manufactured by any such person or firm or Hindu Undivided Family, as the case may be;
 - (g) "Specified Standard" means the Indian Standard Specification IS 4151 'Protective helmets for motorcycle riders - 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.

(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, distribution etc:-

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

Provided further that nothing in this order shall apply in relation to helmets 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 helmets which do not conform to the Specified Standard shall be deformed by the manufacturer beyond use and disposed off as scrap within three months.

4. Obligation for Certification:-

(1) The manufacturer of helmets 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 provisions of the Act and the rules and regulations made there under.

(3) When any person by himself or through any person on his behalf proposes to manufacture helmets, 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 helmets shall be put on BIS 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 helmets to give such information as it deems necessary in relation to the manufacture, storage for sale, sale or distribution of helmets for the implementation of this Order or require any such person to furnish to it samples of such helmets;

(2) inspect or cause to be inspected any books or other documents or helmets 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 such helmets;

(3) enter and search any premises and seize helmets in respect of which it has reason to believe that a contravention of this Order has been committed or the said helmets 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 searches and seizures under this clause.

6. Testing of samples:- Samples of helmets 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 any helmet, to whom any direction is issued under this Order shall comply with such direction.

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 helmet kept by, or in the possession or control of such person.

10. Penalty: - Any person who contravenes the provisions of clause 3 of this order shall be liable for punishment under Section 33 of Bureau of Indian Standards Act, 1986 and the property in respect of which the order has been contravened, shall be liable to forfeiture.