

MOST IMMEDIATE

F. No.10(1)/2010-LR
Government of India
Ministry of Commerce & Industry
Department of Industrial Policy & Promotion
(LR Section)

Udyog Bhavan, New Delhi.
Dated: 11th February, 2010

To
All the Commissioners/
Secretaries of the States/UTs,
Department of Road Transport.

Subject: Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) order 2009.

Sir,
I am directed to say that a Notification has been issued on 19.11.2009 titled "Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) order 2009", a copy of which is enclosed for ready reference.

2. The Notification inter-alia, prohibits that "no person shall be himself or through any person on his behalf, manufacture, import, store for sale, sell or distribute Pneumatic Tyres which do not conform to the Specified Standard by the Bureau of Indian Standards and which do not bear the Standard Mark of the Bureau on obtaining Certification marks licence;". The prohibition is, however, subject to the provisions contained in clause (a) to (f) under para-3 of the order. The Quality Control Order shall come into force immediately on completion of 180 days from the date of its publication in the Official Gazette i.e. 19.11.2009.

3. The above Order needs be given wide publicity as there may be several small manufacturers who are not aware of this Quality Order. It is, therefore, requested that wide publicity may please be given to the Order through the concerned agencies of the State Government/UT.

Yours faithfully,


(Babu Lal)

Dy. Secretary to the Govt. of India

Copy to:

- RRS*
4.4.02
- (i) Shri Alok Rawat, Jt. Secretary, Deptt. of Road Transport & Highways, Transport Bhawan, 1 Parliament Street, New Delhi-110001 with a request to give wide publicity to the order.
 - (ii) Secretary General FICCI, Director General CII and President ASSOCHAM for giving wide publicity to the order.
 - (iii) Shri R.R.Singh, Scientist, BIS with the request that the said Quality Control Order may be put on BIS website.

HID

16/2/10

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Industrial Policy and Promotion)

ORDER

New Delhi, the 19th November, 2009

S.O. 2953(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 Pneumatic Tyres and Tubes for Automotive Vehicles (Quality Control) Order, 2009.

(2) It shall come into force immediately on completion of 180 days 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 in the Department of Industrial Policy and Promotion (DIPP) or an Under Secretary in the Ministry of Shipping, Road Transport and Highways, Government of India or an officer not below the rank of a General Manager, District Industries Centre of a State or Union Territory Government;
 - (c) "Bureau" means the Bureau of Indian Standards;
 - (d) "Pneumatic Tyres and Tubes for Automotive Vehicles" mean the items specified in column (2) of the Schedule;
 - (e) "Pneumatic Tyres" includes "Pneumatic Tubes" also;
 - (f) "Schedule" means the Schedule annexed to this Order;

- (g) "dealer" in relation to Pneumatic Tyres means a person who, or a firm or any other legal entity which carries on, direct or otherwise, the business of buying, selling, supplying or distributing Pneumatic Tyres whether in cash or for deferred payment or for commission, remuneration or other valuable consideration;
- (h) "manufacturer" in relation to Pneumatic Tyres for Automotive Vehicles, means a person who, or a firm or any other legal entity which, produces, makes or manufactures Pneumatic Tyres for Automotive Vehicles and includes a person who, or a firm or any other legal entity which, claims such Pneumatic Tyres for Automotive Vehicles to be produced, made or manufactured by any such person or firm or any other legal entity as the case may be;
- (i) "Original Equipment Manufacturer (OEM)" in relation to Automotive Vehicles, means a person who, or a firm or any other legal entity which, produces, makes or manufactures Automotive Vehicles and includes a person who, or a firm or any other legal entity which, claims such Automotive Vehicles to be produced, made or manufactured by any such person or firm or any other legal entity as the case may be;
- (j) "Specified Standard" means the Indian Standards as specified in the corresponding entry in column(3) of the Schedule;
- (k) "State Government", includes a Union Territory Administration also;
- (l) "Standard Mark" means the Bureau of Indian Standards Certification Mark specified by the Bureau to represent a particular Indian Standard;
- (m) "Importer" means a person, a firm or any other legal entity that imports pneumatic tyres or causes its imports from a foreign country into customs territory of India;
- (n) "Exporter" means a person, a firm or any other legal entity that exports pneumatic tyres from India to another country;
- (o) 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, import, store for sale, sell or distribute Pneumatic Tyres which do not conform to the Specified Standard and which do not bear the Standard Mark of the Bureau on obtaining Certification marks licence;

42-9-68/69-3

Provided that nothing in this Order shall apply in relation to Pneumatic Tyres for the following:

- (a) Pneumatic tyres manufactured in India for exports ;
- (b) Pneumatic tyres imported by Original Equipment Manufacturers (OEM) and/or their authorized companies for fitment on vehicles or after sales, meant for exports;

Note:

- (1) In both cases, exports may be either directly as individual components or as part of a vehicle completely built or in drive away chassis form or in Completely Knocked Down (CKD) or Semi-Knocked Down (SKD) condition.
 - (2) Provided that nothing in this Order shall apply in relation to export of pneumatic tyres required for export, which conforms to any specification required by the foreign buyer.
- (c) Pneumatic tyres imported as part of Completely Built Unit (CBU), irrespective of the value of the CBU, so long as such pneumatic tyres meet the requirements of specified standard. In such cases self-declaration by CBU manufacturers in the vehicle manual to the effect that the tyres fitted in the vehicles meet the requirements of the BIS and they comply with the requirements under the Central Motor Vehicles Rules (CMVR), 1989, would suffice. If vehicles are already exempted by Director General of Foreign Trade (DGFT) notifications for homologation in India, self-declaration will not be required;
 - (d) Pneumatic Tyres imported or manufactured for research and development purposes;
 - (e) Pneumatic tyres imported by Original Equipment Manufacturers (OEM) for fitment on vehicles manufactured in India for domestic market (completely built or drive away chassis form). In such cases, self-declaration by the OEM in the vehicle manual to the effect that tyres fitted in the vehicles meet the requirements of BIS and that they comply with the requirements under the Central Motor Vehicles Rules (CMVR), 1989, would suffice;
 - (f) Pneumatic tyres not manufactured domestically and imported by Original Equipment Manufacturers (OEM) or manufacturers for selling in replacement market through their authorized dealers. The list of pneumatic tyres not manufactured domestically and imported would be reviewed every three months by a Committee chaired by an officer of the Department of Industrial Policy and Promotion and having members from Ministry of Shipping, Road Transport and Highways, Central Institute of

Road Transport (CIRT), Automotive Research Association of India (ARAI), Automotive Tyre Manufacturers Association (ATMA), Society of Indian Automobile Manufacturers (SIAM) and Bureau of Indian Standards (BIS). The Committee will consider the issues/problems faced by the stakeholders, finalize the list of pneumatic tyres to be exempted and make suitable recommendations.

4. **Obligation for Certification:-** (1) All manufacturers of Pneumatic Tyres and Tubes shall make an application to the Bureau for obtaining licence within 45 days of the issue of this Order, for use of the Standard Mark 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 other person on his behalf proposes to manufacture Pneumatic Tyres, he shall commence production only after obtaining a valid licence from the Bureau for the use of Standard Mark.
 - (4) Information relating to expiry or cancellation of any licence by the Bureau for Pneumatic Tyres shall be intimated to the appropriate authority and displayed 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, import, storage for sale, sell or distribution of Pneumatic Tyres to give such information as it deems necessary relating to the manufacture, import, storage for sale, sell or distribution of Pneumatic Tyres or require any such person to furnish to it samples of such Pneumatic Tyres;
 - (2) inspect or cause to be inspected any book or other document or Pneumatic Tyres for Automotive Vehicles kept by or belonging to or in possession or under the control of any person engaged in the manufacture, import, storage for sale, sell or distribution of such Pneumatic Tyres.
6. **Testing of samples:-** Samples of Pneumatic Tyres bearing the Standard Mark or without standard mark imported by the OEM and with self declared conformation 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 or Appropriate Authority.

7. Power to issue directions to manufacturers and dealers:- The Appropriate Authority may issue such directions to manufacturers and dealers 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, import, storage for sale, sell or distribution of any Pneumatic Tyre to whom any direction is issued under this Order, shall comply with such direction.
9. Obligation to furnish information:- No manufacturer or dealer or importer 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 book or document or any Pneumatic Tyres kept by, or in the possession or control of such person.

SCHEDULE
(See clause 2 (f))

Sl. No.	Item	Indian Standard
(1)	(2)	(3)
1	Automotive vehicles - Pneumatic tyres for two and three-wheeled motor vehicles - Specification	IS 15627
2	Automotive vehicles - Pneumatic tyres for passenger car vehicles - Diagonal and radial ply - Specification	IS 15633
3	Automotive vehicles - Pneumatic tyres for commercial vehicles - Diagonal and radial ply - Specification	IS 15636
4	Automotive vehicles - Tubes For Pneumatic Tyres - Specification	IS 13098

[F. No. 16(72)/2005-LR]

RENU SHARMA, Jt. Secy.