

BUREAU OF INDIAN STANDARDS
(CENTRAL MARKS DEPARTMENT - I)

Our Ref: CMD-I/2:12:2 (Part 2)

13 May 2024

Subject: Guidelines for dealing with unsatisfactory performance (other than matters related to non-conformity of the product) during operation of licence under Scheme - I of Schedule - II of BIS (Conformity Assessment) Regulations, 2018 - reg.

Section I : Introduction

Available provisions

1. This document stipulates the guidelines for dealing with unsatisfactory performance (other than matters related to non-conformity of the product) including submission and verification of corrective action, imposition of Suspension (SUS), Revocation of Suspension (RoS) and cancellation or special situations. These are to be read in conjunction with the BIS Act 2016 and Rules, Regulations framed thereunder. In particular, the provisions for SUS and RoS of a licence are addressed in Regulation 10 and Paragraph 11 of Scheme - I, Regulation 11 and Paragraph 12 of Scheme - I of the BIS (Conformity Assessment) Regulations, 2018 respectively. Any situation, in general, not covered in these guidelines are to be dealt with as per provisions of the said Act, Rules and Regulations by the Regional Offices (ROs) and Branch Offices (BOs).

Objective of factory surveillance

2. BIS carries out factory surveillance on the licensed manufacturer to monitor and review that they continue to manufacture the products as per the relevant Standard(s) on a regular basis. During the factory surveillance, the major activities carried out to achieve this objective are as below:
 - (i) To verify operation of licence as per the quality assurance plan declared by the manufacturer or scheme of inspection and testing notified by BIS (accepted by the manufacturer) including competence of relevant manpower.
 - (ii) To witness testing on a random sample in the factory for compliance to relevant Indian Standard, if in-house/cluster/shared testing facilities are available.
 - (iii) To draw a random sample from the factory for getting it tested at a BIS/BIS recognised/empanelled laboratory.

Section II : Handling inspection reports and documentary compliances

Outcomes of inspections

3. The outcome of a surveillance inspection carried out by BIS could be
 - (i) Performance adjudged satisfactory
 - (ii) Performance adjudged as unsatisfactory with reason or combination of reasons as detailed in section III / para 5.

- (iii) Visit proved to be infructuous, i.e. none of the three objectives (section I / para 2) could be achieved.
 - (iv) Visit proved to be partially infructuous, i.e. sample could not be drawn for testing in third party laboratory or sample could not be tested in factory for products being operated on FT basis.
4. (i) For inspection visits where performance has been adjudged as unsatisfactory, further action may be taken as per section IV / para 8.
- (ii) For infructuous or partially infructuous visits, another surveillance shall be planned within one month where information is available that the manufacturer is carrying out regular production. However for manufacturers where visit is infructuous or partially infructuous due to irregular/ seasonal production, BO through appropriate communication should ascertain the production schedule and align the visit accordingly.

Section III : Typical situations of unsatisfactory performance

Listing of typically encountered situations

5. Performance of a licence shall be treated as unsatisfactory in case of discrepancies observed in the operation of the licence during the inspection. Such situations are not limited to, but may include one or a combination of the following:
- (i) Use of Standard Mark on non-conforming products
 - (ii) Major modification(s) in the manufacturing process without prior evaluation of the Bureau
 - (iii) Unsatisfactory hygienic conditions in case of food products
 - (iv) Non-availability of manufacturing machinery declared by the manufacturer
 - (v) Non-submission of consignee details supplied with product bearing Standard Mark for surveillance purposes
 - (vi) Standard Mark is being used on the product without any supervisory control of quality control personnel
 - (vii) Deviations observed in the implementation of Quality Assurance Plan (QAP) or scheme of inspection and testing (SIT)
 - (viii) Non-availability of test equipments or test equipment found out of order (without any alternate arrangement, if applicable) declared by the manufacturer
 - (ix) Relocation of manufacturing unit to a new address without intimation to BIS
 - (x) Non-implementation of revision/amendment to Standard
 - (xi) Standard Mark has been used/applied in relation to variety outside the scope of licence

- (xii) Standard Mark has been used/applied during the period of deferment or dormancy or suspension which comes to notice at a later date after renewal or RoS
- (xiii) Non-cooperation with BIS certification officer(s) or agent(s) is reported
- (xiv) Closure of manufacturing unit for more than 6 months without intimation
- (xv) Non-payment of fees/dues

Section IV : Review of performance

Reporting unsatisfactory performance

6. (i) In case of unsatisfactory performance observed during the inspection visit, the inspection report along with the DAR shall be submitted with necessary information and details in the IT portal during the inspection itself.

(ii) The discrepancies listed above may also come to the notice of BIS based on information shared by the manufacturer through ManakOnline.

(iii) In both the cases, the Review of Performance (RoP) of the manufacturer shall be put up.

Review of performance (RoP)

7. (i) The Review of Performance (RoP) shall cover the past performance of 2 years and also determine whether it is a case of first instance of unsatisfactory performance or consecutive instances of unsatisfactory performance.

(ii) The BO level decision making on RoP shall normally be completed preferably within five working days from the date of reporting of unsatisfactory performance.

8. For facilitating the decision-making at BOs for various reasons listed above in section III / para 5, the BOs shall follow the details given below:

(i) Use of Standard Mark on non-conforming products - To be dealt as per Part 1 procedure for dealing with non-conformity of products

(ii) Major modification(s) in the manufacturing process without prior evaluation of the Bureau -

(a) The manufacturer is required to intimate BIS about any major modification in manufacturing process before commencing production through ManakOnline portal. BIS shall evaluate the information provided by the manufacturer for approval of modified manufacturing process based on desk assessment or decide for carrying out evaluation at the site within 15 days. Such inspection shall be considered as special inspection.

(b) For this BIS may seek any clarification from the manufacturer, if required.

(c) Decision of BIS shall be communicated to the manufacturer through ManakOnline portal.

(d) Notice for suspension may be issued at 1st instance, if the manufacturer has not intimated BIS or has commenced the production despite pending query from BIS or within 15 days of submitting his request. For issuing notice for suspension, procedure details at section VI shall be followed.

(iii) Unsatisfactory hygienic conditions in case of food products -

(a) Normally corrective actions shall be sought from the manufacturer as per section V. However, in case, in the inspection report complete lack of hygienic conditions has been substantiated and reported, suspension through issuance of notice may be initiated as per section VI.

(iv) Non-availability of manufacturing machinery declared by the manufacturer -

(a) Inspection report should substantiate that varieties within scope of licence with required quality cannot be manufactured in absence of these machinery which were earlier available. Suspension through issuance of notice may be initiated as per section VI.

(v) Non-submission of consignee details supplied with product bearing Standard Mark for surveillance purposes -

(a) In the 1st instance, corrective actions shall be sought from the manufacturer and consignee details updation done by the manufacturer shall be reviewed. The manufacturer shall be advised for updation of consignee details in ManakOnline portal within 15 days.

(b) If the consignee details are still not updated, suspension of licence through issuance of notice may be initiated as per section VI.

(c) However, if market surveillance for a manufacturer is not getting affected adversely due to delay or lack of proper information in updating of consignee details, then the suspension due to this ground may not be considered.

(vi) Standard Mark is being used on the product without any supervisory control of quality control personnel - the manufacturer shall be advised to take corrective actions as per section V.

(vii) Deviations observed in the implementation of quality assurance plan declared by the manufacturer or scheme of inspection and testing (SIT) (in

case accepted by manufacturer) - the manufacturer shall be advised to take corrective actions as per section V.

(viii) Non-availability of test equipments or test equipment found out of order (without any alternate arrangement, if applicable) declared by the manufacturer - the manufacturer shall be advised to take corrective actions as per section V.

(ix) Relocation of manufacturing unit to a new address without intimation to BIS -

(a) The manufacturer is required to intimate BIS about relocation of the manufacturing unit.

(b) In case of violation of paragraphs 11 (3) and 11(4) of Scheme-I, Cancellation proceedings may be initiated with suspension.

(x) Non-implementation of revision/amendment to Standard -

(a) In case of non-implementation of revised Indian Standard, amendment to Indian Standard within the specified time, proceedings for suspension may be initiated as per section VI, if-

A. Additional testing facilities are required and the licensee fails to make necessary arrangements within the stipulated time;

B. Non-submission of evidence of conformity to the revised provisions where it is a requirement as per the relevant product specific guidelines, if applicable.

C. Any other changes which require confirmation of compliance by manufacturer

(xi) Standard Mark has been used/applied in relation to variety outside the scope of licence or Standard Mark being used during period of suspension or deferment or dormancy -

(a) BO Head should ensure that adequate evidence is available to establish that the Standard Mark has been applied on a variety outside the scope of licence.

(b) For the same, if required, BO Head may arrange special surveillance at the factory or at the consignee end to gather adequate evidence.

(c) Cancellation proceedings (without suspension) may be initiated as per para 19 and para 20.

(xii) Standard Mark has been used/applied during the period of deferment or dormancy or suspension which comes to notice at a later date after renewal or RoS -

(a) Cancellation proceedings (without suspension) through DDGR may be initiated as per para 19 and para 20.

(xiii) Non-cooperation with BIS certification officer(s) / agent(s) is reported -

(a) Cancellation proceedings (without suspension) through DDGR may be initiated as per para 19 and para 20.

(xiv) Closure of manufacturing unit for more than 6 months without intimation -

(a) Suspension proceedings may be initiated with 21 days notice as per section VI.

(xv) Non-payment of fees/dues

(a) Suspension proceedings may be initiated with 21 days notice as per section VI.

Section V : Corrective actions for unsatisfactory performance

***Communication
to the licensee for
corrective actions***

9. (i) In case of reasons requiring corrective actions, such reasons for unsatisfactory performance shall be communicated to the licensee through IT portal and may be followed by speed post/email. The licensee shall be advised to take corrective actions and submit its reply within 30 days (one month) from the date of communication. (template of the letter attached as ***Annexure - I***)

(ii) When the corrective actions are received within 30 days (one month), the case shall be put up to the Head BO for verification of implementation of corrective actions preferably within 30 days through a surveillance visit. Head BO shall arrange for an early surveillance either by BIS officer or through Technical Auditors of the empanelled agencies through CSMD. This surveillance visit shall be carried out by the certification officer of the BO to the extent possible.

(iii) The onus of taking corrective actions rests with the manufacturer. If corrective actions are not received within 30 days, then it shall be presumed

that the manufacturer has taken the corrective actions. Early surveillance within one month shall be planned. Head BO shall arrange for an early surveillance either by BIS officer or through Technical Auditors of the empanelled agencies through CSMD. This surveillance visit shall be carried out by the certification officer of the BO to the extent possible.

Section VI : Notice and imposition of suspension

Notice for suspension

10. (i) For reasons where suspension notice is required to be issued, Head BO shall issue the notice seeking explanation from the licensee giving 10 days (21 days, as applicable for specific cases mentioned in section IV) time. (template attached as *Annexure - II*)
 - (ii) In case no reply is received towards the notice for suspension within stipulated time, the suspension may be imposed.
 - (iii) In case reply is received within stipulated time, it shall be examined and reviewed by the Head BO.
 - (a) For cases where the requisite corrective actions along with inspection charges have been received, the case may not be processed for suspension. The case shall be further taken up for verification of corrective actions within the next 20 days through special inspection visit. In case, this inspection visit is unsatisfactory, the case may be processed for suspension without any further notice.
 - (b) For cases where the Head BO is satisfied that it is necessary to impose suspension, she/he shall record the reasons while taking decision for imposition of suspension.

Section VII : Shifting of factory premises

Shifting of factory premises

11. (i) When a licensee informs about shifting of the manufacturing facilities to a new premises, suspension shall be imposed. The decision on suspension shall be communicated to the licensee which shall also include an advise to inform the following:
 - (a) The proposed new address to which the manufacturing facilities are being shifted,
 - (b) Document for authentication of the new premises of manufacture,
 - (c) Location map for the new premises,
 - (d) The probable date for completion of the shifting process.
 - (e) All other relevant documents as taken during Grant of Licence.
 - (f) Any other changes w.r.t. establishment, constitution of the firm, quality

control setup, contact details (address/phone/email) etc.

(ii) The licensee shall also be obliged to self-impose the suspension under intimation to BIS during the shifting of its factory premises.

(iii) The RoS shall only be processed by BIS after verification of the old premises and verification of the production process at new premises.

(iv) On receipt of information from the licensee about completion of shifting process, inspection shall be carried out at the old as well as the new premises to verify the same. During the inspection at the new premises, among other things, the certification officer shall –

(a) verify the manufacturing machinery, test equipment, plant layout and, if applicable hygienic conditions. If the Quality Control In-charge (QCI) has changed, the competence of QCI shall also be checked.

(b) verify the working condition of the manufacturing machinery and test equipment, a sample may be subjected to testing to ascertain the workability of manufacturing and testing equipment.

(c) in case of Packaged Drinking Water (PDW) and Packaged Natural Mineral Water (PNMW), draw a product sample for complete TPL testing including radioactive residues, as change of source of water is involved. For other similar products product specific guidelines shall be followed, if any.

(v) The process for RoS shall be completed preferably within 3 weeks from the date of receipt of information from the licensee about completeness of the shifting process. However, shifting of premises in case of PDW and PNMW, the process for RoS shall be completed preferably within 7 days from the date of receipt of satisfactory test report. The new address shall be endorsed in the licence as per the template attached as *Annexure - IV*.

(vi) In case the licensee does not confirm completion of shifting process for more than 90 days, a visit may be organised to both the new and existing premises to check any violation of the provisions of the BIS Act 2016 and Rules, Regulations framed thereunder.

Section VIII : Non-payment of fees / dues

- Non-payment of fees***
12. (i) In case of non-payment of fee as specified in the BIS (Conformity Assessment) Regulations 2018, suspension shall be imposed after giving 21 days' notice to the manufacturer.

(ii) Revocation of suspension shall be considered as soon as the requisite fee is received by BIS.

Section IX: Communicating suspension and checking compliance of suspension order

Communication of suspension and visit to check compliance

13. (i) The decision of suspension shall be promptly communicated to the licensee through IT portal and may be followed by speed post/email seeking its response (template of the letter attached as *Annexure - III*). If requisite response is received, then further action shall be initiated for processing revocation of suspension.

(ii) The BOs may arrange visit(s) as given below to check compliance with suspension orders and any possible violation of the BIS Act, 2016 and Rules, Regulations framed thereunder:

(a) Products notified by the Central Government for compulsory BIS certification: No response received from the manufacturer within 15 days - Visit within next 15 days.

(b) Products under voluntary certification: No response received from the manufacturer within 30 days - Visit within next 15 days.

(iii) In case of detection of misuse or any violation of the provisions of the BIS Act, 2016 and Rules, Regulations framed thereunder, further necessary action shall also be taken.

Section X : Revocation of suspension (RoS) /

Continuation of normal operation of licence after issuance of notice for suspension

Inspection for RoS / Verification of corrective actions (after issuance of notice for suspension)

14. (i) On receipt of corrective actions, an inspection shall be organised by the Head BO preferably within 15 days. In case it is not possible to do so, the reasons for the same shall be recorded. Wherever it is necessary for verification of corrective actions, sample from one lot shall be tested in the factory for all possible tests in a day.

(ii) In case of para 14 (i), the case shall be processed for RoS or continuation of normal operation of licence preferably within 7 days after the inspection. However, if the corrective actions are found to be insufficient, or if the sample shows non-conformity in FT (where applicable), the licensee shall be advised to take corrective actions again which shall be verified through another special inspection visit.

Inspection - due to major modification in

15. (i) On receipt of corrective actions, an inspection shall be organised by the Head BO preferably within 15 days. In case it is not possible to do so, the reasons for the same shall be recorded. Wherever it is necessary for

***manufacturing
process***

verification of corrective actions, sample from one lot shall be tested in the factory for all possible tests in a day.

(ii) In case of major modification(s) in the manufacturing process without prior evaluation of the Bureau, sample shall be drawn for complete testing.

(iii) In case of para 15 (i), the case shall be processed for RoS / continuation of normal operation after issuance of notice for suspension preferably within 7 days after the inspection. However, if the corrective actions are found to be insufficient, or if the sample shows non-conformity in factory-testing (where applicable), the licensee shall be advised to take corrective actions which shall be verified through another special inspection visit.

(iv) In case of para 15 (ii), the action for processing RoS / continuation of normal operation after issuance of notice shall be completed within 7 days from the date of receipt of test report indicating conformity of the sample. However, if the sample shows non-conformity in TPL or FT for products certification operated on FT basis, the licensee shall be advised to take corrective actions which shall be verified through another special inspection visit.

***Non-implementation of revision/
amendment to
Standard***

16. In case of suspension due to non-implementation of revision/ amendment to Standard:

(i) Where the licensee has to make necessary arrangements for the additional testing facilities, RoS shall be permitted on confirmation of additional testing facility.

(ii) Where evidence of conformity to the revised Indian Standard is required as per product specific guidelines, RoS shall be permitted on receipt of appropriate evidence mentioned in such product specific guidelines.

Section XI : Cancellation of licence

***Provisions for
cancellation***

17. **(i)** The cancellation of a licence shall be done as per Regulation 11 of the BIS (Conformity Assessment) Regulations, 2018.

(ii) In cases where suspension of licence is due to complete one year, a prior cancellation notice shall be served by the DDGR (preferably 30 days before completion of one year) before considering cancellation of licence.

(iii) When the cancellation proceedings are considered against a licensee, the licence may also be put under suspension by DDGR provided justified reasons are available for imposing suspension. The matter regarding imposition of suspension along with the reasons shall be mentioned in the cancellation notice.

Proceedings for cancellation

18. (i) Before cancelling a licence, a cancellation notice of not less than twenty one days shall be given to the licensee (template attached ***Annexure - V***). Before issuing cancellation notice, the DDGR shall satisfy herself/himself about completeness of information and facts of the case. Where DDGR is satisfied that it is necessary to issue cancellation notice, she/he shall mention the reasons in the cancellation notice.

(a) In case no reply is received within stipulated time, the licence may be cancelled.

(b) In case reply is received within stipulated time, it shall be examined and reviewed by the DDGR.

(ii) The competent authority shall take into account merits of the case and facts presented by licensee during personal hearing, and shall pass speaking orders for the final decision taken.

(iii) The decision to cancel the licence shall be communicated to the licensee (template of the letter attached as ***Annexure - VI***).

Cancellation notice without suspension (specific cases)

19. For the following cases, the licence may not be put under suspension during the issuance of cancellation notice:

(i) Cases where the Standard Mark has been used/applied in relation to variety outside the scope of licence

OR

Cases where the Standard Mark has been used/applied during the period of deferment or dormancy or suspension which comes to notice at a later date after renewal or revocation of suspension.

(ii) Cases where non-cooperation with BIS certification officer(s) or agent(s) is reported.

Proceedings for cancellation (specific cases)

20. (i) For cases as stated at 19 (i) above, if the licensee can establish that there is no evidence of commercial activity with the usage of Standard Mark, the licence may not be cancelled. Otherwise, DDGR may take a decision taking into account merits of the case and facts presented by licensee during personal hearing and shall pass speaking orders covering following aspects:

(a) BIS normally processes the misuse cases for cancellation of licence of certified manufacturer. However, for similar violations by a non-licensee manufacturer, BIS takes up action as per provision of the BIS Act, 2016 through launch of prosecution in the Court of Law. Further, as per section 33 of the BIS Act, 2016, the provision for compounding will also apply.

(b) Accordingly, as the BIS certified manufacturer who doesn't hold a valid licence like

- A.** for variety outside the scope of licence (For example IS 303 licence with scope only for MR grade, but also found marking on BWR grade) or
- B.** during period of suspension or deferment,

the option of taking action for violation of the BIS Act, 2016 through launch of prosecution in the Court of Law should also be made available to the certified manufacturers. An opportunity to the manufacturer for exercising the option of taking action by way of prosecution in the Court of Law or cancellation of licence shall be taken into account.

(c) Accordingly, during the cancellation proceedings, the provision for launching prosecution in the Court of Law for violation of the provisions of the BIS Act, 2016 shall also be informed to the licensee. If the licensee is eligible for compounding, the provision under section 33 of the BIS Act, 2016 and applicable Rules shall also be explained.

(d) If a manufacturer during the cancellation proceedings (like personal hearing) opts for action as per the BIS Act, 2016, the licence shall not be cancelled. As a result of this option for launching prosecution in the Court of Law, provision for compounding of first offence may also apply. If the compounding gets materialised, then also the licence shall not be processed for cancellation.

(e) For cases where it is necessary to cancel the licence, DDGR shall record the reasons while taking decision for cancellation of licence including the option of cancellation indicated by the manufacturer. In such cases, the matter shall not be taken up for launching prosecution in the Court of Law.

(f) If the licence is not cancelled, the matter shall be taken up for corrective actions and its verification as per applicable provisions of this document.

(g) If the licensee is found using Standard Mark for product outside the scope of Standard itself, i.e. a different product (For example IS 303 licensee also found marking on block board without licence as per IS 1659), then the case shall be taken up for launching prosecution against the manufacturer treating it as a non-licensee for that concerned product.

(ii) For cases as stated at 19 (ii) above, generally, a chance may be given to the manufacturer subject to submission of an undertaking for cooperation with BIS certification officer(s) or agent(s) in future. However, in exceptional cases of serious non-cooperation, DDGR may take a decision for cancellation of licence.

21. (i) For cases as at 19(i) above where the validity date of licence has crossed, then proceedings for expiry of licence / issuance of expiry notice shall be processed through DDGR.

Section XII : Miscellaneous general provisions

Product specific guidelines

22. In addition to these guidelines, any product specific guidelines issued by CMDs shall be followed, as applicable.

Inspection fee

23. All inspections other than surveillance inspections or inspections carried out for complaint investigation shall be chargeable, in advance, as per provisions of BIS (Conformity Assessment) Regulations, 2018.

Testing fee

24. The testing fee of samples other than those, which may be drawn during surveillance or complaint investigation, shall be borne by the licensee.

Provision for self-suspension

25. (i) The licensee on its own shall suspend the use of the Standard Mark under intimation to BIS if, at any time, there is difficulty in maintaining the conformity of the product to the Indian Standard or situations like natural calamities such as flood, fire, earthquake, lock out declared by the management, closure of operations directed by a competent court or statutory authority.

(ii) The RoS may be done as soon as the deficiencies are removed and information shall be sent to the Bureau immediately but not later than seven days from the date of revocation.

Provision for appeal

26. For cases in which the manufacturer submits an appeal to the Director General, the brief history of the case shall be communicated by RO/BO to concerned CMD (template as per *Annexure - IX* of grant of licence guidelines).

Discreet visit

27. To check for compliance towards any instructions issued to the licensee (For example, cancelled/expired/dormant licences), the ROs/BOs may arrange discreet visit(s) to check any possible violation of the BIS Act, 2016 and Rules, Regulations.

Annexure - I


Our Ref: BO/CML-

Date:

**Subject: Unsatisfactory performance pertaining to Licence CM/L for
..... (Product name) as per (Indian Standard)**

M/s

Madam/Sir,

- 1) This has reference to the BIS Certification Marks Licence No. CM/L granted to you for use of BIS Standard Mark () on..... (Product name) according to IS..... which is valid up to
- 2) A surveillance inspection was carried out at your factory premises on..... During the visit, following discrepancies in the operation of the licence were observed and communicated to you (Ref. Discrepancy-cum-Advisory Report issued during the visit, can be viewed by logging into ManakOnline portal):
- 3) You are advised to take appropriate corrective actions to avoid such discrepancies in future and intimate BIS the details of actions taken along with applicable supporting evidence within one month from the issuance of this letter.
- 4) Kindly note that in case, complete/satisfactory reply is not received within the stipulated period or performance during next surveillance visit is also found unsatisfactory, suspension may be imposed in accordance with clause (a) of sub-paragraph (5) of Paragraph 11 of Scheme - I of Schedule - II under the BIS (Certification) Regulations, 2018.
- 5) Kindly acknowledge the receipt and ensure compliance.

Thanking you

Signature of designated authority
(Name of designated authority)

Encl: As above

Annexure - II

Our Ref: BO/CML-


Date:

Subject: Notice for suspension of licence CM/L for..... (Product Name) as per(Indian Standard)

M/s

Kind Attn: (Name of the CEO/MD)

Madam/Sir,

- 1) This has reference to the BIS Certification Marks Licence No. CM/L granted to you for use of BIS Standard Mark () on..... (Product name) according to IS..... which is valid up to
- 2) The following discrepancies have been observed with regard to the operation of the above licence which is a violation of the provision of Regulation 10 of the BIS (Conformity Assessment) Regulations, 2018.

(BO to give the reasons for proposed suspension in this space)

- 3) Further, reference is invited to our earlier letter of even number dated informing about discrepancies for which corrective actions were taken by your firm as informed vide letter dated
- 4) A sum of ₹..... (plus applicable taxes) shall be payable to BIS in advance towards a special inspection visit.
- 5) In view of the above, it is proposed to suspend the licence CM/L- held by you in accordance with the provisions under Section 13 of the BIS Act, 2016 read in conjunction with the provisions of Regulation 10 of the BIS (Conformity Assessment) Regulations, 2018.
- 6) In case you have anything to say in this matter, you may submit your explanation to the Bureau within 10 days from the date of issue of this notice, failing which your licence will be put under suspension without any further reference to you. This notice is being issued without any prejudice to the right of this Bureau to take any legal action under section 29 of the BIS Act, 2016.
- 7) Kindly acknowledge the receipt and ensure compliance.

Thanking You,

Encl.: As above

Signature of designated authority
(Name of designated authority)

Annexure - III

Our Ref: BO/CML-


Date:

Subject: Suspension of Licence CM/L for (Product name) as per (Indian Standard)

M/s

Kind Attn: (Name of the CEO/MD)

Madam/Sir,

- 1) This has reference to the BIS Certification Marks Licence No. CM/L granted to you for use of BIS Standard Mark () on..... (Product name) according to IS..... which is valid up to
- 2) Further, reference is invited to suspension notice dated giving you 10 days time to submit an explanation response.
- 3) Due to the (BO to mention reasons, details of discrepancies) and in accordance with the provisions of clause (a) of sub-paragraph (5) of Paragraph 11 of Scheme-I of Schedule-II under the BIS (Conformity Assessment) Regulations, 2018, it has been decided to put your licence under suspension with immediate effect.
- 4) You are not permitted to mark and dispatch (including stock in hand) the above mentioned product with Standard Mark. You are, therefore, advised to ensure stoppage of marking on the product with immediate effect & confirm the same immediately preferably by return speed post/IT portal/e-mail. You are also advised to submit us the following details as on the date of receipt of speed post/IT portal/email communication:
 - i) Quantity of material with Standard Mark held in stock:
 - ii) a) Batch No(s). and date(s) of manufacture;
b) Brand;
c) size/type/grade/variety;
 - iii) Packing details; and
 - iv) Pending Orders for material with Standard Mark, if any with purchasers' names and addresses
- 5) Your reply with above stated details must reach us within 15/30† days of the issuance of this letter failing which it will be presumed that you do not have such material in stock. In case it is subsequently found that you have sold the material with Standard Mark after receipt of BIS instructions to suspension, it will be construed that the material so sold has

been marked subsequently contravening provisions of the BIS Act, 2016. In such an eventuality, the Bureau will reserve the right to take such action against you as envisaged in the BIS Act, 2016, Rules & Regulations framed there under.

- 6) Kindly note that, according to Paragraph 5 of Scheme-I of Schedule-II under the BIS (Conformity Assessment) Regulations, 2018, the minimum marking fee of above mentioned licence is payable by you even during the period the licence is not in operation due to suspension.
- 7) You are required to take necessary corrective action in the context of the reasons for suspension as stated in paragraph 2 above and submit complete details of compliance with all supporting evidence, as applicable, for examination and verification. *You are advised to produce a fresh batch/lot/control-unit after taking corrective actions and confirm your readiness for the visit by BIS to consider revocation of suspension.
- 8) A sum of ₹..... (plus applicable taxes) shall be payable to BIS in advance towards this special inspection visit.
- 9) The reply with information sought should be sent immediately by return speed post/IT portal/e-mail/ but not later than 15/30† days from the issuance of this letter failing which your licence will be considered for cancellation as per the Regulation 11 of BIS (Conformity Assessment) Regulations, 2018.
- 10) Kindly acknowledge the receipt and ensure compliance.

Encl. As stated

Signature of designated authority
(Name of designated authority)

Copy to: Quality Control In-charge
(Licensee Name & Address)

** Strike off where not applicable*

† 15 days for products notified for compulsory BIS certification. Other cases, 30 days.

Annexure - IV

Attachment to Licence No. CM/L-

CM/L-	Name of the Licensee with the Factory Address	Name of the Product	Indian Standard No.

Endorsement No. Dated

Consequent to the shifting of the factory, the address of the licensee mentioned in the Licence has been changed to with effect from

Other terms and conditions of the Licence remain the same.

Signature of designated authority
(Name of designated authority)

Annexure - V

Our Ref: BO/CML-


Date:

Subject: Notice for Cancellation of Licence CM/L for..... (Product Name) as per(Indian Standard)

M/s

Kind Attn: (Name of the CEO/MD)

Madam/Sir,

- 1) This has reference to the BIS Certification Marks Licence No. CM/L granted to you for use of BIS Standard Mark () on..... (Product name) according to IS..... which is valid up to
- 2) The following discrepancies were observed with regard to the operation of the above licence which is a violation of the provision of Regulation of the BIS (Conformity Assessment) Regulations, 2018.

(RO/BO to give the reasons for proposed cancellation in this space and earlier notices served to the licensee)

- 3) In view of the above, it is proposed to cancel the licence CM/L-held by you in accordance with the provisions under Section 13 of the BIS Act, 2016 read in conjunction with the provisions of Regulation 11 of the BIS (Conformity Assessment) Regulations, 2018.
- 4) **(A)*** Your licence is already under suspension w.e.f. as communicated vide our letter dated It is to reiterate that during the suspension, you are not permitted to use and apply the Standard Mark and dispatch (including stock in hand) the above mentioned product with Standard Mark. You are advised to re-confirm that you have stopped using and applying Standard Mark by suitable means like speed post/IT portal/e-mail. You are also advised to submit us the following details as on the date of receipt of communication:
(B)* Further, you are henceforth, not permitted to use and apply Standard Mark and dispatch (including stock in hand) the above mentioned product with Standard Mark. Your licence is, therefore, put under suspension with immediate effect & you are advised to confirm that you have stopped using and applying Standard Mark immediately preferably by returned speed post/IT portal/e-mail.

- 5) *You are also advised to submit us the following details as on the date of receipt of speed post/IT portal/email communication:
- i) Quantity of material with Standard Mark held in stock
 - ii) a) Batch No(s) and date(s) of manufacture;
b) Brand;
c) size/type/grade/variety
 - iii) Packing details; and
 - iv) Pending Orders for material with Standard Mark, if any with purchasers' name and address
- 6) In case you have anything to say in this matter, you may submit your explanation to the Bureau within 21 days from the date of issue of this notice, failing which, it will be presumed that you are no longer interested in continuing the said licence and as such the licence will be processed for cancellation without any further reference to you.
- This notice is being issued without any prejudice to the right of this Bureau to take any legal action under section 29 of the BIS Act, 2016.
- 7) If you desire to be heard in person or through a representative authorised by you on your behalf, you may seek an appointment for such a hearing with the undersigned, after submitting your written explanation.
- 8) Kindly acknowledge the receipt and ensure compliance.

Thanking You,

Signature of designated authority
(Name of designated authority)

Encl.: As above

** Strike off where not applicable*

Annexure - VI


Our Ref: BO/CML-


Date:

**Subject: Cancellation of BIS Certification Marks Licence No. CM/L for
(Product name) as per (Indian Standard)**

M/s

Madam/Sir,

- 1) This has reference to the BIS Certification Marks Licence No. CM/L granted to you for use of BIS Standard Mark () on..... (Product name) according to IS..... which was valid up to
- 2) Further, reference is invited to cancellation notice dated, your reply dated and personal hearing held on
- 3) It has been decided to cancel your Licence after as per the provision of Regulation of the BIS (Conformity Assessment) Regulations, 2018 due to the following reasons:

(BO to mention the reasons)
- 4) Your above mentioned licence, therefore, stands cancelled w.e.f.....You are therefore not entitled to mark/ dispatch your product (Product name) as per IS with BIS Standard Mark after or to claim in your advertisements or in any other publicity material that you are a licensee to use the  Mark on your product after
- 5) Any publicity material such as handbills, pamphlets, letterheads, etc. claiming that you hold BIS Product Certification Licence for your above mentioned product should be destroyed or such markings obliterated/defaced immediately. This should be confirmed by you at the earliest, positively within 15 days.
- 6) Further, you are advised to furnish a statement of (Product Name) with Standard Mark as follows:
 - i) Quality held in stock:
 - a) Type or Grade
 - b) Variety
 - c) Brand, if any
 - ii) Batch/Control Unit (C.U.)/Lot No.
 - iii) Packing

- iv) Pending order for ISI certified material, if any and purchaser's name and address
- 7) Please note that any material found marked with BIS Standard Mark after, will be deemed to be the violation of the provisions of the BIS Act 2016, and Rules and Regulations framed thereunder and action will be taken as per the BIS Act 2016, and Rules and Regulations framed thereunder.
- 8) You are advised to surrender the original licence along with all the attachments/endorsements sheets, etc. and also submit an undertaking to the fact that you have not retained photocopy of the said licence document and shall not produce it anywhere under any circumstances subject to prior permission from BIS in this regard.
- 9) If you are aggrieved by the above order, you may prefer an appeal to the Director General, Bureau of Indian Standards within ninety days from the date of the order with a fee of two thousand rupees as per provisions of section 34 of the the BIS Act 2016 read along with Rule 37 of the BIS Rules 2018.
- 10) Please acknowledge the receipt and ensure compliance.

Signature of designated authority
(Name of designated authority)

CORRIGENDUM

Our Ref: CMD-I/2:12:2 (Part 2)

27 June 2024

Subject: Guidelines for dealing with unsatisfactory performance (other than matters related to non-conformity of the product) during operation of licence under Scheme-I of Schedule-II of BIS (Conformity Assessment) Regulations, 2018 - reg.

- 1) With regard to clause 21 (i), the words “processed through DDGR” mentioned in the last line to be read as “processed by DDGR”.**