

**AMENDMENT No. 1 JULY 2005 TO
OPERATING MANUAL FOR PRODUCT CERTIFICATION 2004**

[Annex 9, Page 96, clause 1.1(a)] – substitute “seven days” by “preferably the same day and in no case later than 3 days”

[Annex 9, Page 96, clause 1.1(d), line 1] – substitute “CAD” by “SP&CAD”.

[Annex 9, Page 96, clause 1.2, line 1] – substitute “CAD” by “SP & CAD”.

[Annex 9, Page 96, clause 2.2] – substitute the existing text:

“Complainant end investigation shall be completed by the concerned BO within 7 days of registration of the complaint. Licensee end investigation shall be completed by the concerned BO within 7 days of receipt of complainant end investigation report”.

***Page 99 of 154, clause 3.2)* – substitute the existing text:**

“If necessary, ADG may re-open any complaint which has been closed for actions as considered necessary. Efforts shall be made to complete all actions on the complaints within a period of one month of their receipt. Where testing of complaint sample is involved, efforts shall be made by BO who has drawn the sample under complaint to get the same tested on priority and within a maximum period of one month. Sample under complaint can be tested only for the requirements against which it has been reported to be deficient /failing.

In case the complaint sample takes more than one month of testing, approval of concerned DDGR may be taken in such cases.

SP & CAD shall put up all complaints pending for more than one month to ADG/DG for review and direction every month”.

**AMENDMENT NO.2 DECEMBER 2005 TO
OPERATING MANUAL FOR PRODUCT CERTIFICATION 2004**

Clause No	Existing Matter	Amendment
Clause 1.8.2, Page 10	New Clause	<p>– Insert the following new clause 1.8.2 :</p> <p><i>“1.8.2 In case of First application of a product on All India basis, an officer from CMD or any other department may also be associated in Preliminary Inspection, preparation of proper STI, proposals for any specific Certification related issues. Concerned RO/BO in such cases shall send a proposal to DDGM for deputing an officer.”</i></p>
Existing clause 1.8.2, Page 10	Renumber existing clause	<i>Renumber existing clause 1.8.2 as 1.8.3</i>
Clause 3.8.1, Page 41	<p>Samples of certified products should be purchased from market or procured from organized consumers since the tests on market samples give additional evidence whether the BIS Certification Scheme is operating satisfactorily or otherwise. It shall be the responsibility of the concerned BO, to make arrangements for the purchase of market samples. As far as possible, a list of regular retailers/consumers of the product should be maintained by the BO, which would help in obtaining the market samples in a regular manner. In case, it is not possible to keep the list, action should be initiated immediately after carrying out the surveillance visit. Where products are made against specific order, sample from consumer end may not be available. In such cases opinion of the consumer must be obtained</p>	<p>Replace the last sentence with the following text :</p> <p><i>“For procurement of market samples of such products which are not available openly in the market such as ACSR, heavy duty cables etc. BOs can write to organized purchasers like DGS&D, Electricity Boards etc. to place order for additional quantity required by BIS as market sample and which on receipt by them could be forwarded to concerned branch office as market sample. Branch offices, of course, shall pay the cost of the market samples to the organization against sample so received. Where it is not possible to draw the Market Sample, opinion of the consumer must be obtained.”</i></p>

<p>Clause 3.8.1.4, Page 42</p>	<p>New clause</p>	<p>Insert the following new clause 3.8.1.4 : <i>“3.8.1.4 For the purchase of market samples, arrangements can even be made with reputed NGOs, consumer organizations and State Govt. departments who could assist them in purchase of market samples.”</i></p>
<p>Clause 3.8.2.2 & 3.8.2.3, Page 42 –</p>	<p>New Clauses</p>	<p>Insert the following new clauses 3.8.2.2. and 3.8.2.3 <i>3.8.2.2 “At least two market samples must be drawn against each licence. In many of the sensitive products where production volumes are very high, only one or two market samples may not reflect the true picture of the quality of the product. Keeping in view that licensee also pays on unit rate basis for higher production volumes, more market samples shall be drawn in such cases corresponding to the production and their number may be decided by Dealing Officer in consultation with the Branch Head”.</i> <i>3.8.2.3 “It has also been observed during the past that there is a tendency to meet the targets of market samples at the fag end of the year. As per the principles of certification, market samples need to be tested out of the recent production of licensee so that reports are available in time and immediate corrective actions are advised to the licensee wherever required. It is, therefore desired that drawl of market samples should be equally spread over the year and as far as possible, out of latest batches of production.”</i></p>

<p>Clause 3.12.10, Page 56</p>	<p>Suspension of licence</p>	<p>Insert the following at the end of the clause: <i>“The marking fee shall be payable during suspension of licence.”</i></p>
<p>Annex II, Page 79, Row 1 g), Col. 3 –</p>	<p>New Sentence</p>	<p>Insert the following sentence after the second sentence : <i>“Approval of DDGM for testing in applicant’s factory for licence to be granted by DDGM.”</i></p>
<p>Annex II, Page 81, Row 2 f), Col. 3 Action arising out of Unsatisfactory performance / Failure of samples</p>	<p>However before issuing Stop Marking, Group Leader shall take concurrence of Head BO.</p>	<p><i>However before issuing Stop Marking, Group Leader shall take prior approval of Head of BO.</i></p>

<p>Page 128-CMD/PF 604 Oct 1998- Sl. No. 9 at Page 130 Report of Performance</p>	<p>Authentication by Chartered Accountant or by the Manufacturer by giving an Affidavit/Undertaking (Amendment No 2) (Amendment No. 1)</p>	<p>Delete <i>“or by the manufacturer by giving an affidavit / undertaking.”</i></p>
<p>Annex 18, Page 138, A-2</p>	<p>A-2 Preliminary Factory Evaluation Charges Rs. 4000/</p>	<p>Substitute the following for the existing matter : <i>“A-2 Preliminary Factory Evaluation Charges - Rs. 4000/-“</i> [Note - Where an officer from HQ/ any other BO is required to be associated for inspection (see clause 1.8.2), the preliminary factory evaluation charges shall be Rs. 8000/-]”</p>

**AMENDMENT NO. 3, MARCH 2006
TO
OPERATING MANUAL FOR PRODUCT CERTIFICATION 2004
(Fifth Revision) (November 2004)**

Clause No.	Existing Matter	Amendment
3.8.1.4(also see Amendment No.2)	“3.8.1.4 For the purchase of market samples, arrangements can even be made with reputed NGOs, Consumer Organizations and State Govt. Departments who could assist them in purchase of market samples.”	Add following text at the end of the Clause 3.8.1.4 : “The expertise and human resource available with Engineering Colleges including IITs & RECs in the form of students and faculties should be utilized in the surveillance activities as well as procurement of market samples.”
3.8.2.2 (also see Amendment No.2)	First sentence: “At least two market samples must be drawn against each licence.”	Replace first sentence with the following text: “At least four market samples shall be drawn against each Packaged Drinking Water licence and two market samples for other licences except for bulky products.”
1.8.3 (also see Amendment No.2)	-	Re-number existing clause 1.8.3 as 1.8.4
1.8.3 (also see Amendment No.2)	New Clause	Insert the following new Clause, 1.8.3 : “1.8.3 For processing applications in BOs where there is lot of pendency, DDGRs may depute officers from other BOs and TA/DA expenditure may be debited to Head Quarter. Such proposals may be sent to DDGM, if required.”
3.13.3	New Clause	Insert the following as new Clause, 3.13.3: “3.13.3 Wide publicity shall be given for the expired/cancelled licences through local newspapers in addition to BIS website for the benefit of consumers.”
Annexure 21, Page 143	Existing Clause No.3, 3.1 and 3.2	Re-number existing Clause 3 as Clause 4, Clause 3.1 as Clause 4.1 and Clause 3.2 as Clause 4.2.

Annexure 21, Page 143	New Clause	Insert the following as new Clause 3: “3. A Show-cause notice shall be given in the case of products under mandatory certification as stoppage of marking in such products would lead to closure of factory.”
Annexure 22, Page 144	Re-name Existing Note (below the table)	Re-name existing “Note” as “Note 1”.
Annexure 22, Page 144	New addition under “Note 1”	Add “Note 2” below existing “Note 1”: “Note 2: A Show-cause notice shall be given in the case of Food Products under mandatory certification as stoppage of marking in such products would lead to closure of factory.”
3.12.8 (a)	Last line: “may be deferred for not more than one month after which the licence shall expire.”	Replace last line with the following text: “may be deferred for not more than three months after which the licence shall expire.”
3.12.10 (also see Amendment No.2)	Last line “The marking fee shall be payable during suspension of licence.”	Add following text at the end of last line: “Although, no specific time limit has been provided in the Regulations for suspension of licence, it may be taken as maximum one year.”

**AMENDMENT NO. 4, APRIL 2006 TO
OPERATING MANUAL FOR PRODUCT CERTIFICATION, 2004
(Fifth Revision) (November 2004)**

Clause No.	Existing Matter	Amendment
6.1.5 (Section VI)	New Clause	Add the following as new clause: “6.1.5-ROs/BOs may outsource the work for updation of annual accounts to Chartered Accountants as per time schedule circulated by the Finance Department.”
3.12.11.1.1 (Section III)	New Clause	Add the following as new clause: “3.12.11.1.1- Inclusion of new varieties in the existing licence may be agreed without testing if : a) the performance of the licence is satisfactory for the last two years. b) no failure has been observed during the period. c) there is no requirement of additional manufacturing or testing facilities. d) the product is similar to the product already covered in the licence. e) test report from approved OSL for the new variety is furnished. Soon after inclusion, FS/MS to be drawn for evaluation of conformance.”
2.10.4 (Section II)	“2.10.4 Marking of Licence Number- Irrespective of whether the manufacturer’s name or the Brand is appearing on the product, the Licence Number shall invariably be marked on the product/package along with other markings’.	Modify clause 2.10.4 as under: “2.10.4: Marking of Licence Number and Manufacturer’s Name- Irrespective of whether the brand name is appearing on the product, the licence number shall invariably be marked on the product/package along with other markings. It shall also be necessary to mark manufacturer’s name on the product which shall also be included in relevant STI where such provision is not provided”.
2.8.7.3.1 (Section II)	New Clause	Add the following as new clause: “2.8.7.3.1- After scanning the BIS intranet, the inspecting officer shall

		invariably endorse the test request as ‘Status Report verified as on (date may be given)’, before sending the samples to concerned laboratory. If this endorsement is available, sample shall not be returned by CL or any other BIS laboratory.”
3.7.1(Section II)	New Clause	Add the following as new clause: “(i) Check latest status of testing of samples in various laboratories of BIS for the related product/ISS to ensure dispatch of samples to right laboratory in the first instance for expeditious testing.”
3.7.2 (Section II)	---	Add following text after “---- independent testing.” in the sixth line of clause 3.7.2 (g): “After scanning the BIS intranet, the inspecting officer shall invariably endorse the test request as ‘Status Report verified as on (date may be given)’, before sending the samples to concerned laboratory. If this endorsement is available, sample shall not be returned by CL or any other BIS laboratory.”
2.9.5(Section II)	First sentence: “ In case, the samples sent to BIS or other ----- after obtaining prior approval from DDGR”	Replace the first sentence with the following: “ In case, the samples sent to BIS or other recognized laboratories for independent testing are likely to be held up inordinately and when grant of licence is required to be considered urgently in view of public interest, like products required with BIS Standard Mark to meet the requirements of Projects being undertaken for Public and where the availability of such Standard Marked material is inadequate etc, the samples may be tested in the laboratory of the applicant provided complete testing facilities exist, after obtaining prior approval from DDGR.”

**AMENDMENT NO.5, SEPTEMBER 2006 TO OPERATING MANUAL
FOR PRODUCT CERTIFICATION, 2004
(Fifth Revision) (November 2004)**

Clause No.	Existing Matter	Amendment
2.2.2.1.6 (renumber existing Clause 2.2.2.1.6 as 2.2.2.1.7)	New Clause	Add the following as new clause: “2.2.2.1.6 – In the cases where BIS Standard Mark is misused in a particular application/licence and party has several other applications/ licences, legal action as per BIS Act/Rules/ Regulations may proceed in respect of that particular application/licence only (see Enforcement Manual). The case may be forwarded to HQs in respect of processing of other applications and operation of other licences along with the recommendations. CMD will put up the same through DDGM/ADG to DG for specific orders on case to case basis considering the merit of the case.”
4.7.2 (renumber existing Clause 4.7.2 as 4.7.3)	New Clause	Add the following as new clause: “4.7.2 – In the cases where BIS Standard Mark is misused in a particular application/licence and party has several other applications/ licences, legal action as per BIS Act/Rules/ Regulations may proceed in respect of

		that particular application/licence only (see Enforcement Manual). The case may be forwarded to HQs in respect of processing of other applications and operation of other licences along with the recommendations. CMD will put up the same through DDGM/ADG to DG for specific orders on case to case basis considering the merit of the case.”
(*)3.12.9.2	Existing text: “ 3.12.9.2 : In cases of cancellation/non renewal due to misuse of Standard Mark, DDGR/BO issuing the cancellation/non renewal order should state in the order the minimum waiting period between six to twelve months from date of cancellation/non-renewal before a fresh application can be made.”	Replace the existing text with the following text: “3.12.9.2: In cases of cancellation/non-renewal due to misuse of Standard Mark, DDGR/BO issuing the cancellation/non-renewal order state in the order the waiting/cooling period. This period may be upto one year depending on gravity of misuse. This will enable Competent Authority to impose shorter cooling period in cases of genuine error/unintentional misuse.”

(*)**Justification for waiving-off cooling period:** The cooling period specified in BIS Regulations is applicable in cases where there is conviction for misuse under Section 33 of BIS Act. Section (1A) of the Regulations stipulates that “where the application for a licence is made by a person, who has been convicted under section 33 of the Act, he shall not be eligible to apply for a period of six months from the date of such conviction. The period of disqualification shall be determined by the Bureau having regard to the facts and circumstances of each case and it shall not exceed a period of one year.” Although, cooling off period is not applicable where

the licensee has not been convicted and where only the licence has been cancelled, it was introduced in OMPC through 3.12.9.2 to ensure that the licensee undergoes some punishment for misuse and is not able to submit fresh application next day of cancellation. However, it was felt that the provision of OMPC with respect to cooling off period from 6 to 12 months was hampering industrial activity. Even in cases where there was genuine error and there was unintentional misuse of the Standard Mark by existing licensees, Competent Authority was unable to wave off cooling period based on the merit of the case. Accordingly, the matter was reviewed and cooling off period upto 1 year in place of 6 to 12 months has been decided.

**AMENDMENT NO.6, DECEMBER 2006 TO OPERATING MANUAL
FOR PRODUCT CERTIFICATION, 2004
(Fifth Revision) (November 2004)**

3.12.11 INCLUSION OF ADDITIONAL TYPES, GRADES, SIZES OR VARIETIES

3.12.11.1 The criteria to determine whether the sample should be tested before the type or grade could be included is that the new type or grade should be distinctly different and not covered under grouping of the already covered varieties in the licence. In case of doubt, the matter should be referred to CMD.

3.12.11.2 In case the licensee intends to cover new types, grades, varieties etc. in the licence which are not already covered, his request for inclusion shall accompany the following:

- a) Satisfactory Test Report(s) from BIS approved laboratories for the new varieties along with raw material test reports, where ever applicable.
- b) Declaration of additional resources required i.e. raw materials, process controls, manufacturing and testing facilities, technical skills etc. Details of additional manufacturing and testing facilities, if required shall be furnished in CMD/PF 305 and 306. Verification of such additional resources shall be done during subsequent surveillance visits and reported.

3.12.11.3 If the licensee is unable to furnish any or both of the documents indicated above, BIS shall pay visit for drawal of samples including raw materials, as applicable for testing in BIS approved laboratories and/or verification of additional resources including manufacturing and testing facilities. Special Inspection charges for such visits shall be payable by the licensee.

3.12.11.4 After ensuring satisfactory compliance to the requirements indicated at clause 2&3 above (as applicable), the case should be put up to the Head of BO by the group leader for orders in proforma (CMD/PF-603) known as 'Yellow Form'. For long duration tests, the provisions applicable to grant of licence shall apply.

3.12.11.5 In case partial test report is received from the laboratory/firm, the remaining tests may be carried out in the factory of the licensee, under permission from the Head (BO), to expedite processing of Yellow Form. Such visits shall be charged at the rate of Special Visit Charges. However, testing charges for test(s) not carried out shall be refunded/ adjusted, as applicable.

3.12.11.6 Testing may also be carried out in the factory for considering inclusion of varieties provided firm has got complete testing facilities and prior approval of DDGR has been obtained. The licensee shall be required to pay special inspection charges for such visits. In such case, where the inclusion of variety is to be recommended based of factory testing, samples for independent testing need not be drawn for conformity test. However, such variety shall invariably be drawn for independent testing during immediate next surveillance visit, if available, failing which in subsequent visits, whenever available.

3.12.11.7 Endorsement for inclusion of additional varieties should give a complete and clear description of items covered under the licence so that there is no scope for misinterpretation or misrepresentation by the licensees in this regard.

