

Policy Guideline No. - 21
CENTRAL MARKS DEPARTMENT – II

Our Ref: CMD-II/16:14543

12 07 2005

Subject: Flexible pouches for Packaged drinking water

Kindly refer our earlier circular No. 12 dated 7/8 October 2004 on the decision of EC taken during 64th meeting held on 8 September 2004 on flexible pouches which is reproduced below:

“Fresh Licences for Packaged Drinking Water in Pouches may not be granted and existing licences may not be renewed.”

In 65th meeting of EC held on 10 March 2005 decided that :

- a) The concerned Technical Committee be advised to formulate the standard for Pouches for Packaged Drinking Water.
- b) In all such cases where courts have granted stay orders be approached for vacation of stay orders on the grounds that the manufacturers would be permitted as soon as a Standard for Pouches is formulated with additional safeguards such as labeling and guidelines on safe handling and storage.
- c) Existing licences not to be renewed where stay orders are not applicable.
- d) Fresh licences not to be granted.
- e) In case the Technical Committee decides with due justifications that standards for such pouches can not be formulated, the matter may be referred to Ministry of Health for further necessary action for amendment to PFA Rules.

A number of licensees had taken stay order from different courts for use of Standard Mark on pouches. The Gujarat High Court in one of the case has held “that action of BIS in not allowing the petitioners to use BIS marking in respect of flexible pouches and/or not to renew the licence for using BIS marking in respect of flexible pouches/ sachet is hereby quashed and set aside”. The matter was, therefore, put up to EC during its 67th meeting held on 5 July 2005, who decided to permit the use of pouches as per IS 14543 till the Indian Standard on flexible pouches is formulated and notified in the official gazette(copy the EC decision is enclosed).

All ROs/BOs are requested to take necessary actions and also inform the advocates to take up the matter in High Courts for getting the writ petitions vacated.

Sd/-

(O.N. Srivastava)
D&H(CMD-II)

DDGM
To all ROs/BOs

**BUREAU OF INDIAN STANDARDS
(Bureau Secretariat)**

**Extract from the Proceedings of 67th Meeting (Emergency)
Of the Executive Committee held on 5 July 2005**

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Item 5. PROHIBITION OF THE USE OF FLEXIBLE POUCHES FOR PACKAGED DRINKING WATER AND STAY ORDERS BY VARIOUS HIGH COURTS – Having considered item 6 of the addenda to the agenda, EC APPROVED the proposal of permitting use of pouches as per the requirement of IS 14543 till the Indian Standard on flexible pouches is formulated and notified, and which would also help resolve the pending 120 litigations in various courts.

(K.K. BHOJWANI)
SECRETARY