

Government of India
Ministry of Consumer Affairs, Food and Public Distribution
Department of Consumer Affairs

LOK SABHA
UNSTARRED QUESTION NO. 2731
TO BE ANSWERED ON 01.08.2017

MISUSE OF BIS MARKING

2731. SHRI BHARTRUHARI MAHTAB: SHRI SUNIL KUMAR MONDAL:

Will the Minister of CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्री be pleased to state:

- (a) whether the cases of improper use of standard ISI and BIS marks as envisaged in the BIS Act, 1986 have come to the notice of the Government during each of the last three years and the current year;
- (b) if so, the details thereof, State/ UT-wise and the reasons therefor along with the details of the fine or imprisonment or both imposed on persons found involved in such cases during the said period, State/ UT-wise;
- (c) whether the Government has cancelled licence of any of the manufacturers who have violated the BIS Act during the said period, if so, the details thereof, State/UT-wise and if not, the reasons therefor;
- (d) the existing mechanism to monitor the compliance of the BIS Act, 1986 by the manufacturers in the country; and
- (e) the other steps taken/being taken by the Government to curb violation of the BIS Act and its strict compliance by the manufacturers across the country?

ANSWER

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण राज्य मंत्री
(श्री सी. आर. चौधरी)

THE MINISTER OF STATE

CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(SHRI C. R. CHAUDHARY)

(a) & (b) : Yes Madam. Bureau of Indian Standards (BIS) from time to time receives complaints on misuse of BIS Standard Mark.

Based on investigation of complaints regarding misuse of BIS Standards Mark (ISI) mark, raid are conducted. The details of raids carried out in the last three years and the current year (upto 30 June 2017) are given below:

Year	Raids conducted
2014-15	70
2015-16	128
2016-17	114
2017-18	27
(upto June'17)	

State/UT wise details of cases filed and decided in the different courts of law during the last three years and the current year is enclosed at **Annexure-I**.

The fines imposed by the Hon'ble Courts in different cases ranges from Rs 10000/- to Rs. 50000/- In two cases, Hon'ble Court has awarded rigorous imprisonment of six months and a fine of Rs. 20000/-. In three cases, besides fine, Hon'ble court has also awarded imprisonment 'Till rising of Court'.

(c): State-wise data of cancellation of BIS licences is given at **Annexure II**. The cancellation were due to non-compliance of the terms and conditions of the licence, misuse of Standard Mark and unsatisfactory performance.

(d): When BIS standard mark is applied to sub-standard products under the licence, BIS takes action, such as, stop marking and cancellation of licence as per BIS (Certification) Regulations, 1988 made under the BIS Act, 1986. In case of misuse of BIS standard mark by non-licensees, search and seizure is done by BIS and subsequent prosecution launched under the BIS Act, 1986.

(e): In order to curb violation of the BIS Act, 1986 and the Rules and Regulations framed thereunder, BIS organizes Awareness Programmes for industries, consumers and other stakeholders. In addition, publicity through mass media is also undertaken by BIS.

ANNEXURE-I**STATEMENT REFERRED IN REPLY TO PARTS (a) & (b) OF LOK SABHA UNSTARRED QUESTION NO.2731 FOR 01.08.2017 REGARDING MISUSE OF BIS MARKING.****Case filed and decided in various court of law regarding misuse of BIS Standard mark as on 30 June 2017**

State	2014-15					2015-16					2016-17					2017-18 (up to 30 June 2017)				
	Total No. of cases filed	Total No. of cases decided	No. of cases decided in favour of the Bureau	Number of person found guilty/convicted	No. of case decided against BIS	Total No. of cases filed	Total No. of cases decided	No. of cases decided in favour of the Bureau	Number of person found guilty/convicted	No. of case decided against BIS	Total No. of cases filed	Total No. of cases decided	No. of cases decided in favour of the Bureau	Number of person found guilty/convicted	No. of case decided against BIS	Total No. of cases filed	Total No. of cases decided	No. of cases decided in favour of the Bureau	Number of person found guilty/convicted	No. of case decided against BIS
Andhra Pradesh	5	3	3	6	-	2	11	11	23	-	3	1	1	1	-	-	-	-	-	-
Assam	1	1	--	-	1	-	1	1	2	-	1	1	-	1	-	-	-	-	-	-
Bihar	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Chhatis garh	--	-	-	-	-	1	-	-	-	-	2	-	-	-	-	1	1	1	1	-
Daman Diu	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-
Delhi	3	6	6	6	-	14	10	10	10	-	6	10	8	8	2	5	-	-	-	-
Gujarat	1	2	2	2	-	4	-	-	-	-	3	1	1	3	-	4	-	-	-	-
Haryana	2	3	3	3	-	5	4	4	9	-	9	6	6	6	-	4	-	-	-	-
Himachal Pradesh	--	-	-	-	-	1	-	-	-	-	-	1	-	-	1	-	-	-	-	-
Jharkhand	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	1	-	-	-	-
Karnataka	-	-	-	-	-	2	3	3	6	-	16	2	2	6	-	-	3	3	4	-
Kerala	3	-	-	-	-	3	2	2	7	-	3	4	4	25	-	1	-	-	-	-

Mahara shtra	2	2	2	3	-	5	4	4	9	-	7	5	5	5	-	2	1	1	2	-
Madhya Pradesh	3	4	4	8	-	-	4	4	9	-	5	1	-	-	1	4	-	-	-	-
Orissa	-	-	-	-	-	-	-	-	-	-	5	3	3	5	-	-	-	-	-	-
Punjab	1	3	3	4	-	2	2	2	6	-	-	2	-	-	2	-	1	1	1	-
Rajasth an	-	-	-	-	-	15	-	-	-	-	20	11	11	21	-	2	2	2	6	-
Tamil Nadu	3	1	1	3	-	15	9	9	21	-	9	-	-	-	-	3	-	-	-	-
Telanga na	13	-	-	-	-	11	1	-	-	1	8	6	6	13	-	-	1	1	2	-
Uttrakh and	-	-	-	-	-	-	-	-	-	-	6	1	1	1	-	-	--	-	-	-
Uttar Pradesh	1	-	-	-	-	5	1	1	1	-	6	1	1	1	-	-	--	-	-	-
West Bengal	1	-	-	-	-	5	-	-	-	-	4	1	1	1	-	-	-	-	-	-
Total	39	25	24	35	1	92	52	51	103	1	114	57	50	96	7	27	9	9	16	-

Note: Cases decided by the Court may not necessarily pertain to that year, i.e. cases filed in previous years, are decided in subsequent years.

STATEMENT REFERRED IN REPLY TO PART (c) OF LOK SABHA UNSTARRED QUESTION NO.2731 FOR 01.08.2017 REGARDING MISUSE OF BIS MARKING.

State wise Data of licences cancelled for the violation of the BIS Act during the last three years and the current year upto 30 06 2017

Sl No.	State	No. of Licences cancelled
1.	Andaman & Nicobar	0
2.	Andhra Pradesh	47
3.	Arunachal Pradesh	11
4.	Assam	0
5.	Bihar	5
6.	Chandigarh	0
7.	Chhattisgarh	0
8.	Dadra and Nagar Haveli	0
9.	Daman & Diu	0
10.	Delhi	75
11.	Goa	0
12.	Gujarat	125
13.	Haryana	107
14.	Himachal Pradesh	41
15.	Jharkhand	0
16.	JK	0
17.	Karnataka	15
18.	Kerala	16
19.	Madhya Pradesh	32
20.	Maharashtra	141
21.	Manipur	0
22.	Meghalaya	0
23.	Mizoram	0
24.	Nagaland	0
25.	Orissa	6
26.	Pondichery	0
27.	Punjab	45
28.	Rajasthan	79
29.	Sikkim	0
30.	Tamil nadu	69
31.	Telangana	51
32.	Tripura	0
33.	Uttar Pradesh	36
34.	Uttarakhand	36
35.	West Bengal	16
Total		953
