

भारतीय मानक ब्यूरो
(केन्द्रीय मुहर विभाग - I)

हमारा सन्दर्भ: सीएमडी-I/ईएनएफ/जीईएन/5

25 नवम्बर 2024

विषय: शिकायतों को बंद करने की दिशा में शक्तियों के प्रत्यायोजन हेतु प्रवर्तन गतिविधि के दिशा-निर्देशों में संशोधन - हेतु।

प्रवर्तन गतिविधि दस्तावेज के लिए दिशा-निर्देशों के अनुलग्नक-II को संशोधित किया गया है तथा सभी संबंधितों द्वारा कार्यान्वयन हेतु संलग्न किया गया है।

(मोहित जनोहिया)
वैज्ञ-डी/सीएमडी-I

प्रमुख, सीएमडी-I

उपमहानिदेशक (प्रमाणन एवं सीएसएम)

Bureau of Indian Standards
(Central Marks Department - I)

Our Ref: CMD-I/Enf/Gen/5

25 November 2024

Subject: Amendment to the guidelines for enforcement activity for delegation of powers towards closure of complaints - reg.

The Annex-II of the guidelines for enforcement activity document has been revised and attached herewith for implementation by all concerned.

(Mohit Janoiya)
Sc.D/CMD-I

Head, CMD-I

DDG (Certification & CSM)

परिचालित/circulated to:

सभी क्षेत्रीय कार्यालयों/ शाखा कार्यालयों
All ROs/BOs

प्रमुख, सीएसएमडी
Head, CSMD

सभी उपमहानिदेशक (क्षेत्रीय)
All DDGRs

अन्य सभी संबंधित पक्ष - बीआईएस इंटरनेट के माध्यम से
All other concerned - through BIS intranet

Annex II

Guidelines for Dealing with Violations of BIS Act 2016					
Sl. No.	Type of Complaint/Violation	Section violated of BIS Act, 2016	Action to be taken	Department responsible for actions	Competent Authority for Closure of Complaint
SECTION 11					
1	Publish, reproduce or record any Indian Standard or part thereof, or any other publication of the Bureau, in any manner or form, without authorization by Bureau.	Section 11(1)	(i) Investigation and collection of Evidence (ii) Search & Seizure (iii) Compounding/ Prosecution (iv) Follow-up	BOs BOs DDGRs/BOs BOs	Activity Head of Enforcement
2	Issuing a document that creates, or may create the impression that it is or contains an Indian Standard, as contemplated in BIS Act, 2016 except for any individual making a copy of Indian Standard for his personal use.	Section 11(2)	(i) Investigation and collection of evidence (ii) Search & Seizure (iii) Compounding/ Prosecution (iv) Follow-up	BOs BOs DDGRs/BOs BOs	Activity Head of Enforcement
SECTION 26					
3	Without previous permission of Bureau a) Use of names resembling the name of the Bureau or which contains the expressions “Indian Standard” or any abbreviations thereof, to deceive or likely to deceive the public. b) Use the expressions “Indian Standard” or “Indian Standard Specification” or abbreviation thereof in the title of any patent or mark or trade mark or design in relation to any goods, article, process, system or service.	Section 26(1)	(i) Investigation and collection of evidence (ii) Compounding/ Prosecution (iii) Follow-up	BOs DDGRs/BOs BOs	Activity Head of Enforcement

Guidelines for Dealing with Violations of BIS Act 2016

Sl. No.	Type of Complaint/Violation	Section violated of BIS Act, 2016	Action to be taken	Department responsible for actions	Competent Authority for Closure of Complaint
SECTION 14 (6)					
4	a) Misuse of Hallmark/ Standard Mark or its colourable imitation or making any claim in relation to the use and application of Standard Mark or Hallmark through advertisements, sales promotion leaflets, price lists or the like by unrecognized Assaying and Hallmarking Centre.	Section 14(6)	(i) Investigation and collection of evidence (ii) Search & Seizure (iii) Compounding/ Prosecution (iv) Follow-up	BOs/HMO(R)/ROs BOs DDGRs/BOs BOs	DDGR/Activity Head of Hallmarking /Activity Head of Enforcement
	b) Misuse of Hallmark/ Standard Mark or its colourable imitation or making any claim in relation to the use and application of Standard Mark or Hallmark through advertisements, sales promotion leaflets, price lists or the like by recognized Assaying & Hallmarking Centre.		(i) Investigation and collection of evidence (ii) Action as per Hallmarking Regulations	BOs/HMO(R)/ROs BOs/HMO(R)/ROs	DDGR/Activity Head of Hallmarking /Activity Head of Enforcement
SECTION 14 (8)					
5	Use of Hallmark/Standard Mark on sub-standard precious metal articles or other goods or article by recognized Assaying and Hallmarking Centre.	Section 14(8)	(i) Investigation and collection of evidence (ii) Action as per Hallmarking Regulations	BOs/HMO(R)/ROs BOs/HMO(R)/ROs	DDGR/Activity Head of Hallmarking /Activity Head of Enforcement

Guidelines for Dealing with Violations of BIS Act 2016

Sl. No.	Type of Complaint/Violation	Section violated of BIS Act, 2016	Action to be taken	Department responsible for actions	Competent Authority for Closure of Complaint
SECTION 15 (2)					
6	(a) Sell or display or offer to sell articles notified under Section 14(3) with Hallmark or making any claim in relation to the Standard Mark/Hallmark through advertisements, sales promotion leaflets, price lists or the like by unregistered jeweller.	Section 15(2)	(i) Investigation and collection of evidence (ii) Search & Seizure (iii) Compounding/ Prosecution (iv) Follow-up	BOs/HMO(R)/ROs BOs DDGRs/BOs BOs	DDGR/Activity Head of Hallmarking /Activity Head of Enforcement DDGR/Activity Head of Hallmarking /Activity Head of Enforcement
	(b) Sell or display or offer to sell articles notified under Section 14(3) with hallmark by registered jeweller which are not covered under the scope of Registration.		(i) Investigation and collection of evidence (ii) Search & Seizure (iii) Compounding/ Prosecution (iv) Follow-up	BOs BOs DDGRs/BOs BOs	
SECTION 15 (3)					
7	Sale or display or offer to sell articles notified under Section 14(3) without Hallmark by registered jeweller in districts where Hallmarking is mandatory.	Section 15(3) to be read in conjunction with Hallmarking of Gold Jewellery and Gold Artefacts Order, 2020 (With all Amendments)	(i) Investigation and collection of evidence (ii) Search & Seizure (iii) Compounding/ Prosecution (iv) Follow-up	BOs BOs DDGRs/BOs BOs	DDGR / Activity Head of Hallmarking /Activity Head of Enforcement

Guidelines for Dealing with Violations of BIS Act 2016

Sl. No.	Type of Complaint/Violation	Section violated of BIS Act, 2016	Action to be taken	Department responsible for actions	Competent Authority for Closure of Complaint
8	<p>Manufacture, import, distribute, sell, hire, lease, store or exhibit for sale goods, article, process, system or service which is under mandatory certification without a Standard Mark (with or without a valid license or license under suspension/ deferment /dormancy):</p> <p>a) Where BIS is the Enforcing Authority.</p> <p>b) Where BIS is not the Enforcing Authority</p>	Section 17(1)(a)	<p>(i) Investigation and collection of evidence</p> <p>(ii) Search & Seizure</p> <p>(iii) Compounding/ Prosecution</p> <p>(iv) Follow-up</p> <p>Inform enforcing authority</p>	<p>BOs</p> <p>BOs</p> <p>DDGRs/BOs</p> <p>BOs</p> <p>BOs</p>	DDGR/ Concerned Activity Head/Activity Head of Enforcement
SECTION 17 (2)					
9	Make public claim through advertisement, sales promotion leaflets, pricelists or the like that goods, article, process, system or service conforms to an Indian Standard or make such a declaration on the goods or article without having a valid CoC or license.	Section 17(2)	<p>(i) Investigation and collection of evidence</p> <p>(ii) Search & Seizure</p> <p>(iii) Compounding/ Prosecution</p> <p>(iv) Follow-up</p>	<p>BOs</p> <p>BOs</p> <p>DDGRs/BOs</p> <p>BOs</p>	DDGR/ Concerned Activity Head/Activity Head of Enforcement

Guidelines for Dealing with Violations of BIS Act 2016

Sl. No.	Type of Complaint/Violation	Section violated of BIS Act, 2016	Action to be taken	Department responsible for actions	Competent Authority for Closure of Complaint
SECTION 17 (3)					
10	Use or apply or purport to use or apply a Standard Mark or any colourable imitation thereof, without a valid license in manufacture/ distribution/ sale/ hire/ lease/ exhibition/offering for sale, on any goods, article, process, system, service or in the title of patent or any trade mark or design.	Section 17(3) (For products under mandatory certification, Section 17(1)(a) also applies)	(i) Investigation and collection of evidence (ii) Search & Seizure (iii) Compounding/ Prosecution (iv) Follow-up (For violation by licensee by marking on variety outside the scope of license or license under suspension/deferment/dormancy, action shall be taken as per BIS (Conformity Assessment) Regulations, 2018)	BOs BOs DDGRs/BOs BOs	DDGR/ Concerned Activity Head /Activity Head of Enforcement
SECTION 468 of IPC					
11	Forging of any document or providing false information in relation to application for grant of license/ certificate of conformity/ registration (CRS)/ registration for Hallmark or related matters	Section 468 of IPC / Section 336 of BNS	(i) Investigation and collection of evidence (ii) Rejection of application (iii) File FIR	BOs BOs BOs	DDGR/Concerned Activity Head /Activity head of Enforcement
12	Tampering/ Forging of license document or endorsement or any other document by: a) Licensee	Section 468 of IPC / Section 336 of BNS	(i) Investigation and collection of evidence (ii) Action as per relevant	BOs BOs	DDGR/Concerned activity Head/ Activity Head of

	b) Non-licensee		Regulations (iii)File FIR (i) Investigation and collection of evidence (ii) File FIR	BOs BOs BOs	Enforcement DDGR / Concerned Activity Head /Activity Head of Enforcement
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Note: In general, complaints shall be closed by DDGR. In any particular case, if felt necessary, the case may be forwarded to the relevant activity head or the activity head of enforcement for closure, along with justification by DDGR.