

[May 2018 (v1)]

Modified Surveillance Process
under
Electronics and Information Technology Goods
(Requirement for Compulsory Registration) Order, 2012

1. INTRODUCTION

1.1 The growth of the IT and ESDM industry in the country has seen a surge in new products arriving at the domestic market. The commercial availability of these IT and Electronic products has also increased proportionately which in turn, calls for having scrupulous practices in place to assess the safety and security of consumers.

1.2 The Government has notified the "Electronics and IT Goods (Requirement for Compulsory Registration) Order, 2012" mandating Indian Safety Standards for the notified goods under the ambit of Registration Scheme notified by BIS under the BIS Act, 1986. As per the provisions of the Order, MeitY is responsible for executing surveillance of the notified goods.

2. MODIFIED SURVEILLANCE PROCESS

The modified CRS process is a step forward in this direction as it intends to have a wider outreach in terms of scalability and accountability. The effective surveillance is an integral part of the Compulsory Registration Order. The surveillance comprises of random surveillance of registered manufacturer and market surveillance to curb the sale of non registered/non-compliant notified goods being sold in the market. MeitY has revamped the surveillance process wherein STPI has been entrusted with the administration of the surveillance. STPI shall be performing the surveillance activities like collection/storage/delivery of the test samples to the BIS recognized labs, review of test reports and collection of charges (as notified by MeitY) for implementation of "Electronics and Information Technology Goods (Requirement for Compulsory Registration) Order, 2012" notified on 03.10.2012. MeitY shall be the nodal point for the labs for any clarification relating to surveillance.

3. STANDARD OPERATING PROCEDURE FOR RANDOM SURVEILLANCE

3.1 Initiation of Surveillance: MeitY will initiate the surveillance process for notified goods through the portal.

3.2 Undertaking Surveillance of Items as Initiated by MeitY: Once the surveillance is initiated by MeitY, request will reach STPI for executing the surveillance. The STPI shall ensure completion of the surveillance process and proper fulfillment of norms and standards as laid under the BIS Act, 1986 and BIS Rules, 1987.

3.3 Collection of Fees and Related Charges as Deposits: As per the provisions of the Section 16 G (2) of the Registration Scheme notified by BIS, the cost of samples, whether drawn from the registered user or from the market shall be borne by the registered user. For effective and hassle-free implementation of the surveillance process, various charges associated with the surveillance process

shall be collected as advance deposits (all deposits will be interest free) from the manufacturer/local representative already registered with BIS. The deposit amount shall be calculated to cover the maximum surveillance cost for one surveillance. The Surveillance cost includes maximum retail price of required quantities of the test and counter samples (the number of samples would be as required for testing as per notified IS standards), Logistics/ Packaging charges, Lab test charges and charges for storage of counter samples.

The manufacturer/local representative is required to submit the said surveillance charges as interest free deposit with STPI in the bank account. The details are as follows:

1	Name of Account Holder	Software Technology Parks of India
2	Account No.	05860100024530
3	Location/Station	Sansad Marg
4	Bank	BANK OF BARODA
5	Branch Address	Sansad Marg, New Delhi
6	Type of Account	SAVING ACCOUNT
7	IFS Code of Bank	BARBOPARLIA [Fifth character is zero]

- 3.4 Upon completion of procurement, packaging/transportation and submission of Goods to lab for testing, actual invoice(s) shall be raised to the manufacturer/local representative against whom the payment has to be made by the manufacturer/ local representative to replenish the amount already spent against the deposits to perform future surveillances.
- 3.5 In case, the manufacturer has not deposited the advance payment, the manufacturer/local representative has to pay the cost toward picking up the sample whenever the surveillance is initiated. This provision exists for only initial three months from the date of award of surveillance activities to STPI. Further, all other charges have to be paid within stipulated time of picking up of sample, failure in which shall be considered as violation of the Order.
- 3.6 In the event of expiry/cancellation/ withdrawal/lapse of all registration no. for a particular product of a given manufacturer, the manufacturer/local representative may raise a refund request for claiming the outstanding balance deposits (interest free), if any, and STPI shall refund the same subject to verification of the said request within 30 days time period under intimation to MeitY.
- 3.7 The surveillance charges are subject to revision by MeitY as and when notified, however, presently, there is no change in the existing charges for surveillance.
- 3.8 Collection of Sample and Storage: STPI would collect the sample(s) for testing and counter sample(s) for storage as per the provisions of Para 5 of the CRO. The process for collection of sample is as follows:

- 3.8.1 STPI shall pick up new sample(s) from local market for testing and a counter sample(s) of same model of the product (the no. of samples would be as required for testing as per notified IS standards) for surveillance.
- 3.8.2 STPI shall inform the manufacturer/local representative about the sample pickup date, time and location from the market. The sample(s) so pickup should in presence of an authorized personnel of the manufacturer/local; representative.
- 3.8.3 In case the local representative /manufacturer submits a declaration expressing his inability in accompanying STPI for picking up the sample, STPI may go ahead and pick up sample(s) from the market. In case the declaration is not received from the manufacturer/local representative within a stipulated time, it shall be considered as a declaration from the manufacturer/local representative.
- 3.8.4 The counter sample(s) is picked up for use in case of any subsequent dispute, in case, the manufacturer expresses disagreement on picking up the required counter sample(s), for the purpose of surveillance, manufacturer shall provide declaration to this effect.
- 3.8.5 The STPI shall upload the declarations from manufacturer on portal.
- 3.8.6 In case the product is not available in the market, STPI representative shall get in touch with the manufacturer/ local representative of the product in India to enquire about the authorized locations/channels where the product is available. Based on the information, STPI shall pickup the sample(s) for surveillance from:
- Such authorized location/channel such as e-Commerce websites including Government e-Marketing (GeM) portal
 - Manufacturer's premise/warehouse/storage facility
- In case the information/sample is not made available to STPI within stipulated time, it will be considered as violation of the Order. STPI shall pickup samples for surveillance within a maximum of 10 working days.
- 3.8.7 The location of the sample pickup should be different during each surveillance.
- 3.8.8 In case of unavailability of the required sample, the manufacturer shall give a declaration that the product against which the surveillance has been initiated is made to order/custom built etc. Thereafter, the manufacturer shall deliver a made to order sample within the lead time of 30 working days. In case the sample is not made available to STPI within the stipulated time, it will be considered as violation of the Order.
- 3.8.9 The sample so drawn shall be properly packed, labeled, temper proof sealed as per the standard practice of sealing shall be signed by the manufacturer/local representative and STPI officials (along with their names and designation) indicating the registration number, the date of drawl of sample, location of sample pick source of picked up sample.

3.8.10 The counter sample(s) shall be stored/secured within STOI's premises.

3.9 Identification of lab and Submission of sample for testing: Before allocating the surveillance job, STPI shall ensure that:-

3.9.1 The lab is empanelled under the surveillance process by MeitY.

3.9.2 The recognition of the lab is not suspended/cancelled by BIS.

3.9.3 Test charges to be levied should be less than or equal to STQC test charges.

3.9.4 The sample should be given to the labs which are nearest to the STPI centre from where the sample has been collected and have the requisite facility for testing the products.

3.9.5 Preference to be given to Government labs.

3.9.6 The test charges should be submitted to the BIS recognized and the STPI should ensure that the status is updated on the portal within a day from the date of submission of the product.

3.9.7 The chosen lab should also be different from the one where the earlier testing was done.

3.9.8 For the purpose of surveillance, the notified labs under the same management should be treated as single entity.

4. FINAL STAGE OF SURVEILLANCE

4.1 **Review of test reports:** Once the test reports are uploaded by the representative labs, STPI shall review the test reports within a time period of 10 days and the reviewed reports with comments in the prescribed format shall be sent to MeitY for through the portal for consideration and necessary action.

4.2 **Scrutiny of review reports:** In case of complaint test reports, MeitY shall notify through the portal to manufacturer/Local representative to collect the submitted samples. In case a failure is reported by the BIS recognized Lab in the test report or MeitY notices a non compliance to the notified standard/registration scheme/other regulatory requirements of India during surveillance, MeitY will issue a call for explanation to the manufacturer/local representative giving them a stipulated time period for submitting explanations, failing which it would be presumed that the manufacturer/local representative is no longer interested in continuing the said registration and the registration would be forwarded to BIS for necessary action as per the provisions of BIS Act/Rules. Based on the analysis of documentary evidence provided by the manufacturer/authorized representative, MeitY will take a view on the non-compliant test report. In case MeitY is convinced that the product in question does not conform or is non-compliant to the standards/ provisions of registration scheme /regulatory requirements of the India, then subject to the approval of the competent authority, the case shall be forwarded to BIS for necessary as action as per the provisions of BIS Act 1986 and BIS Rules 1987.

4.3 **Disposal of Counter Sample:** The test sample and counter sample, if collected, shall be released upon completion of the surveillance process.

4.3.1 In case, the sample is not collected by the manufacturer in stipulated time period, the lab may dispose the sample as per its disposed policy.

4.3.2 In case, the counter sample is not collected by the manufacturer in a stipulated period, STPI may dispose of the sample as per its disposal policy.
