

AC

File No. J-25/77/2021-CCPA
Central Consumer Protection Authority

Krishi Bhawan, New Delhi
Dated 6th December, 2021

Subject: Safety Notice in terms of Consumer Protection Act, 2019 alerting consumers against buying goods which do not conform to BIS standards

Whereas, the Central Consumer Protection Authority (CCPA) has been established to regulate matters relating to violation of rights of consumers, unfair trade practices and false or misleading advertisements which are prejudicial to the interest of public and consumers and to promote and enforce the rights of consumers as a class.

2. Whereas, under **Section 18(2)(j)** of the Consumer Protection Act, 2019, CCPA is empowered to issue safety notices to alert consumers against dangerous or hazardous or unsafe goods or services.

3. Whereas, as part of celebrations of 75 years of Independence - 'Azadi ka Amrit Mahotsav', CCPA has initiated a country-wide campaign to prevent sale of spurious and counterfeit goods that violate Quality Control Orders (QCOs) published by the Central Government and raise awareness and consciousness among consumers to purchase goods that conform to BIS Standards.

4. Whereas, under the BIS Act, QCOs are published by the Central Government to ensure conformity to a standard with respect to a good or article, where it is necessary to do so in the public interest or for the protection of human, animal or plant health, safety of the environment, or prevention of unfair trade practices, or national security. QCOs have already been published for various goods including cement, sewing machines and electric toys.

5. Whereas, daily use goods, which are commonly available in most households have been identified by CCPA as part of the campaign. Violation of compulsory standards for such goods endangers public safety putting consumers at the risk of suffering severe harm or injury. The identified goods are **Helmets, Pressure Cookers and Cooking Gas Cylinders**.

6. Whereas, 'Consumer Rights' enshrined under **Section 2(9)** of the Act include the Right to be protected against the marketing of goods, products or services which are hazardous to life and property and the Right to be informed about the quality,

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quantity, potency, purity, standard and price of goods, products or services, as the case may be, so as to protect the consumer against unfair trade practices.

7. Whereas, CCPA has already issued directions to District Collectors across the country to investigate unfair trade practices and violation of consumer rights concerning manufacture or sale of above three identified goods that violate compulsory standards and submit Action Taken Report. CCPA has also written to Director General, BIS to duly notify all the regional branches and take immediate cognizance of offence and take necessary action in accordance with law.

8. Whereas, under **Section 2(47)** of the Act, unfair trade practice means and includes promoting the sale, use or supply of any goods by adopting any unfair method or unfair or deceptive practice by making any statement, whether orally or in writing or by visible representation including by means of electronic record, which falsely represents that the goods are of a particular standard, quality, quantity, grade, composition, style or model. It also includes permitting the sale or supply of goods intended to be used, or are of a kind likely to be used by consumers, knowing or having reason to believe that the goods do not comply with the standards prescribed by the competent authority relating to performance, composition, contents, design, constructions, finishing or packaging as are necessary to prevent or reduce the risk of injury to the person using the goods.

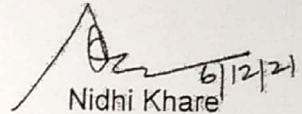
9. Whereas, **Section 17** of the BIS Act, 2016 prohibits any person to manufacture, import, distribute, sell, hire, lease, store or exhibit for sale any such goods or article for which direction of compulsory use of Standard Mark has been published by the Central Government under **Section 16(1)** of the Act. Further, **Section 29 (3) and (4)** of the Act, stipulate the penalty for contravention of **Section 17** and designate it as a cognizable offence.

10. Whereas, any person found selling the aforementioned items without conforming to compulsory standards and holding valid license as prescribed by BIS shall be liable for violation of consumer rights and unfair trade practices and face action under the Consumer Protection Act, 2019.

11. Hence, consumers are hereby cautioned against purchasing the aforementioned goods which are Helmets, Pressure Cookers and Cooking Gas Cylinders without valid ISI mark. Industry associations, consumer organizations and legal service authorities are requested to give wide publicity to this notice for spreading awareness among consumers to check conformity to BIS standards before purchasing the goods.

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12. If any consumer finds any person selling or manufacturing such goods in violation to BIS standards, a complaint may be sent to BIS using the BIS Care mobile or the Consumer Engagement Portal at https://www.services.bis.gov.in:8071/php/BIS_2.0/. Alternatively, complaint may also be sent to CCPA by e-mail at com-ccpa@nic.in.


Nidhi Khare

Chief Commissioner, CCPA

- To
- All Consumer Organizations
 - All Industry Associations
 - All Legal Service Authorities
 - All States / U.T.s
 - All Law Chairs