

Product Recall Process

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1. Purpose and Scope of this Product recall process

The Process is being framed in compliance of Rule 127D (1) of the Rules, inter alia, regulating the measures and procedures for recall upon identification of Defect by the Company or is reported which puts or is likely to put the safety of end users or third parties at risk.

The purpose of this product recall process is to facilitate smooth decision making and implementation of Recall process with collaboration of respective teams responsible for undertaking their designated functions/operation within the Company. This Process is subject to regulations and policies issued by the Government from time to time.

2. Definition

In this Procedure, unless the context otherwise requires:

- (a) 'Act' means Motor Vehicles Act, 1988.
- (b) 'Component' means any part, assembly, fitted in the vehicle or supplied along with the vehicle by the Company.
- (c) 'Dealer(s)' shall mean authorized dealer(s) of the Company.
- (d) 'Defect' shall have the same meaning as provided under Rule 127C of Rules.
- (e) 'Designated Officer' means the officer appointed under Rule 127C of Rules.
- (f) 'Product' or 'Motor Vehicle' means POLARIS brand motor vehicle, sold or supplied by the Company to the Indian Market.
Provided that the Recall campaign(s) initiated by the Company shall only be applicable to vehicles which are less than seven (7) years old from the date of manufacturing or import, as the case may be.
- (g) 'Recall' means process/the activity undertaken by the Company to (i) recall the Motor Vehicle, which in its opinion, has a Defect, (ii) inspect such vehicle and (iii) upon inspection rectify the Defect in such vehicle free of cost.
- (h) 'Recall Product' shall mean a Product wherein a Defect has been identified and confirmed post due investigation.
- (i) 'Recall Activity' in relation to a Recall means, the inspection of potentially affected Product and rectification or, where necessary, replacement of a defective constituent, part or software if the Recall Product is found to have a Defect in respect of which the Recall is being conducted. Recall Activity shall not necessarily require replacement of Product.

- (j) 'Recall Start Date' is the date on which the Company shall make the registered owner of the defected vehicle aware of the Recall initiatives through call, email, website and electronic or print media.
- (k) 'Rules' shall mean Central Motor Vehicles Rules, 1989. 'Vehicle Recall Portal' means the database of the safety recalls or the recalls created, uploaded and maintained by or on behalf of the Ministry of Road Transport and Highways or the Designated Officer (referred to in rule 127C of Rules).

3. Responsibilities

3.1 Department responsible for enforcement of Product recall process in Polaris India

- (a) Overall Customer Support (Technical Support in particular) of the Company shall be responsible for the initiation, conduct and supervision of any recall initiated and all recall related activities.
- (b) The Sales function of the Company who also take cares of compliance of Homologation, shall be responsible for (i) monitoring the complaints registered by product owner(s) on the portal/website of Ministry of Road Transport and Highways and (ii) communicate with the Designated Officer on behalf of the Company.
- (c) Other functions, like legal :- India CS & Legal Counsel and Marketing & sales manager shall provide all necessary support for smooth conduct and implementation of Recall initiatives. Any other function will be called in case of requirement.

4. Identification of Defect(s)

If the Company has reason to believe that a Defect(s) exist or may exist in any model, type or category of a Product, or for the purpose of complying with the directions of Designated Officer under Rule 127 C of Rules, it shall follow the below mentioned steps:

- (a) Data Collation- The data gathered with respect to the registered complaints from the portal/website of Ministry of Road Transport shall be analysed.

- (b) Investigation of Product(s) - The Company shall immediately carry out a proper risk assessment and investigation based on factors such as Product malfunctions, failure causes, failure effects, failure boundaries, probability of occurrence of failure, severity of consequences of a potential failure as well as controllability by the driver of the vehicle to determine whether Defect exists. In carrying out the investigation, the Company shall also consider:
- (i) the information or advice received, the incident or incidents which may point to the existence of a defect and the reported number and frequency of the incidents.
 - (ii) when, and under what circumstances, the incidents have occurred.
 - (iii) the consequences of the incidents resulting from the defect, and
 - (iv) any other relevant facts and circumstances directly related to incident indicating the defect.

(c) Analysis

- (i) Any decision for Recall shall be taken post due and thorough investigation and analysis conducted by the Company.
- (ii) Investigation shall be carried out expeditiously and, in a manner, to determine properly whether the Defect(s) exists and, if so, the nature of the defect and the Product(s) potentially affected by the Defect(s).
- (iii) The standard applicable to the Motor Vehicle shall be the standard in force at the time of manufacture, import of such product.

(iv) Defect(s) exist - In the event, Defect(s) are identified or in case, basis information available, the Company is of the opinion that Defect(s) may exist in any model/type/ category product, the Company shall ascertain appropriate remedies to rectify such Defect(s), as stated in point 5 below.

(v) Defect(s) does not exist – If the investigations and considerations do not lead to a conclusion that the safety Defect(s) exist, the Company may decide

the Motor Vehicle to be ineligible for Recall Action and shall continue to monitor the Product.

5. Procedure of Recall post identification of Defect(s)

5.1 Procedure as per Polaris India Regulatory Requirements

a. Identification of Recall products and determination of manner of rectification

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The Company shall, without undue delay,

- (i) identify the Recall Products by unique number(s), Vehicle Identification Number, serial number or other such number, date of manufacture and/or by such other identifying particulars as are available or as can reasonably be obtained; and
- (ii) determine the way the Recall Products are to be rectified (if rectification is required) so as to eliminate the safety Defect(s) therefrom.

b. Preparation and publication for safety Recall

After the Company has identified the Recall Products and determined the way the Recall Products are to be rectified, the Company shall intimate-

(i) Registered owners of Recall Product

1. The Company shall prepare from the records and sources as available, a list containing the names, addresses and other required details of the registered owners of Recall product.
2. Having regard to the nature of the Defect(s) and/or urgency for rectification, the Company shall notify registered owners of the Recall Product about the Recall campaign, via its website, registered post/ email (as may be decided by the Company), informing them regarding the existence of defect, evaluation of its risk to the safety of occupants and road users, their rights and the actions they need to take for rectification of Defect(s) and support of Recall.
3. The communication to registered owners of Recall Product shall include instructions regarding available remedies and modalities available from the Company.
4. If a registered owner of a Recall Product fails to respond to the first notice or fails to bring back the Recall Product for inspection and, where appropriate, rectification, within a period of ninety days from the issue of first notice, the Company, shall send a final notice to the owner within next thirty days and monitor the progress as prescribed in the rules.

5. If such registered owner does not respond or act even after receiving final notice, the Company shall not be held liable for failure to complete the Recall Process in such cases.
6. Further in cases where the registered owners are not traceable, even after concerted efforts by the Company, the Company shall not be liable for failure to complete the recall process.
7. If the nature of the Defect(s) and/or urgency for rectification of the Recall Product requires immediate action, the Company, shall make the registered owners of the relevant Product aware of the safety Defect(s) through electronic and or print media, disseminating such information as is necessary to inform owners of the Recall Products and the actions which such owners would need to take immediately.

(ii) Dealers

Issue a notice to the authorized dealer(s) informing them of the Recall campaign and details of the actions which the Company and their Dealers would need to take for initiating and conducting Recall.

(iii) Designated Officer

The Company shall, within seven working days of starting a voluntary Recall, give notice in writing in paper or in electronic form to the Designated Officer in the format given in Form A of Rules and in doing so, shall share the Recall progress data with the Designated Officer, as required.

(c) Availability of replacement items & Recall Activity instructions -

When the Company has identified the nature of the Defect(s) and the Recall Products and determined the way the defect will be rectified, the Company shall take such actions as are necessary to ensure that the Dealers have the parts, assemblies and/or material including software, and the technical and other instructions required to rectify the Defect.

(d) Responsibility of the third-party suppliers of Products having Defect(s) –

- (i) If a Product having safety Defect was sourced from a third party supplier, the Company shall immediately intimate such third party and seek assistance of that third-party supplier in determining the nature of the safety Defect(s) and the way it would need to be rectified.

- (ii) Once the decision to Recall is taken by the Company, the Sales Function of the Company shall inform the third-party supplier about the decision.
 - (iv) If it is ascertained that the safety Defect(s) is a result of an act or omission or non-conformity with the specifications and standards for compliance, as provided by the Company, as the case may be, of the Motor Vehicle to the third party supplier, the said third party supplier shall be liable for all such acts necessary for rectification of Recall Products, including but not limited to continuing to keep the Company indemnified for such loss or damage or third party claims that may arise in connection with the safety defects and for any proceedings initiated by a statutory authority against the Company, or fines imposed on it for non-compliance with Rule 127 (9) (e) of Rules.
- (e) Rectification of Recall Product(s) - The Company or its Dealers shall carry out, as soon as is practical, the Recall Activity on each Recall Product, free of cost. The Company shall record the rectification information regarding the Recall Product. Based on the nature of Defect, the Company shall exercise its discretion and take necessary actions as mentioned in Section 110A(3) of the Act.
- (f) Destruction of defective part(s) - The Company shall provide necessary instructions to Dealers or suppliers, as the case maybe, for the secure retrieval of defective parts and shall ensure that all parts having a Defect(s) are destroyed or rendered incapable of use or reuse unless they are reworked and made safe.
- (g) Completion of Recall - The Company shall continue to monitor the Recall progress data and share it with Designated Officer, as and when required. The Company shall monitor cases of Recall even after the final notice to registered owners of Recall Product through its Dealers or any relevant database. It shall inform the Designated Officer before closure of recall, on completion or otherwise. The Company shall have an option of closure of recall after one year from recall release date. However, on completion of three years from the Recall release date, the Recall may be deemed automatically inactive.

6. Exceptions when Company shall not be under obligation to conduct a Recall -

- (a) Upon investigation if the Company is of the view that:
 - (i) Defect(s) is identified before the delivery of the Product to the customer; or
 - (ii) the timely repairs, maintenance and good upkeep of the vehicle, as advised in owner's manual or handbook, have not been done by the vehicle owner; or
 - (iii) the vehicle has been used for a purpose other than the purpose for which it was designed and approved; or
 - (iv) any fitment or alteration has been carried out by the vehicle owner or any agency that has not been authorized by the Company, or the legal provisions of Act, which affects the performance and has led to a Defect(s) during the usage of the vehicle.

then the Company shall not be under obligation to conduct a Recall.

- (b) The vehicle has developed Defect(s) because of 'force majeure' including but not limited to vandalism during civil disturbances, or natural disasters or acts of terrorism shall not be eligible for Recall .

7. Miscellaneous Obligations of the Company

- (a) Substantial change in recall - The Company shall further notify the Designated Officer, if there is any substantial change in the nature or scope of Recall.
- (b) Records of recall - The Company shall maintain the records, as per Forms A and B relating to each Recall conducted by them up to a period when the Recall becomes inactive and thereafter submit the said forms to the Designated Officer.
- (c) Notification of Existing Recalls - The Company shall, unless directed by the Central Government or the Designated Officer, provide to the Designated Officer within thirty days, details of all ongoing recalls being conducted by them in the format at Form-B.

- (d) Cooperation with authorities - In relation to Recall activity, at all given time, the Company shall extend its full co-operation and support with the Governmental authorities.
- (e) Legal Support - All actions of the Company shall be supported by legal requirement and if required external consultants may be involved in process for smooth implementation.

FORM- A NOTIFICATION REGARDING "RECALL" INFORMATION					
To Government of India			Date:		
			Reference No.		
Manufacturer's /importer/ retrofitter Contact Details:					
Manufacturer's/importer/ retrofitter Name					
Address & Telephone Number					
Product Details:					
Vehicle Name	Vehicle Category (ex. 2 -wheeler/4 Wheeler)	Vehicle Variant	Manufacturing Period (DD/MM/YYYY)		Remarks
			(FROM)	(TO)	
VIN Numbers Range (Vehicle Identification No.) of target 'Recall' vehicles (for Domestic Market):					
Total number of target 'Recall' vehicles:					
Description of defect:					
Remedial Actions:					
Proposal of Date of 'Recall' Announcement:					
Campaign End Date:					
Any other relevant information:					
-					
Authorized Signatory			Date:		

FORM-B (Details of Recall)

- A. The number of recall products involved in each recall: _____

- B. The number of vehicles on which the recall Activity under each has been carried out during the previous period : _____

- C. Expected date for completion of recall activity : _____

- D. Any other relevant information as required by Designated officer : _____