

[To be published in the Gazette of India, Extraordinary/ Part II/ Section 3/ Sub-section (1)]

GOVERNMENT OF INDIA .
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(DEPARTMENT OF CONSUMER AFFAIRS)

NOTIFICATION

New Delhi the _____, 2011.

GSR.....In exercise of the powers conferred by sub-section(1) read with clause (n), (o) & (p) of sub-section (2) of section 52 of the Legal Metrology Act, 2009 (1 of 2010), the Central Government hereby makes the following rules, namely:-

CHAPTER I PRELIMINARY

1. Short title and commencement.- (1) These rules may be called The Legal Metrology (Government Approved Test Centre) Rules, 2011..

(2.) These shall come into force from 1st January, 2012 after publication in the Official Gazette.

(3) These rules may extend to whole of India.

2. Definitions.-(1). In these rules, unless the context otherwise requires;-

(a) "Act means- the Legal Metrology Act, 2009 (1 of 2010);

(b) "Government Approved Test Centre" (GATC) means a person who has been approved by the Central Government to undertake verification of weight or measure specified in these rules.

(c) "Principal Officer" means the officer who is In-charge of Government Approved Test Centre (GATC).

(2) Words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

CHAPTER II

Recognition of Weights & Measures for Verification through GATC

3. Weights or Measure for verification by a GATC: - GATC may verify following weight or measure:-

1. Measuring system for liquids other than water
2. Water meter
3. Electricity meter
4. Sphygmomanometer
5. Clinical Thermometer
6. Glucometer
7. Compressed Natural Gas Dispenser
8. Weighbridges
9. Automatic Rail Weighbridges

CHAPTER III

Approval of GATC

4. General provisions relating to GATC.-

(1) The list of recognized Government

Approved Test Centres shall be notified from time to time.

(2) A GATC recognized under these rules shall carry out verification of weight or measure as specified in these rules and according to the specifications given in the Legal Metrology (General) Rules, 2011 and on the basis of OIML recommendations as advised by the Director, Legal Metrology time to time.

(3) GATC shall maintain Standard Weight or Measure as specified in the Legal Metrology (General) Rules, 2011 and other instruments and equipments as advised by the Director Legal Metrology.

(4) A person may apply for GATC of one or more than one weight or measure at the time after complying the terms and conditions given under the Rules.

5. Recognition of GATC.- (1) Every person desirous of obtaining recognition under these rules for carrying out verification of weight or measure specified in these Rules, shall make an application to the Director, Legal Metrology, in the form as prescribed in the first schedule.

(2) Every application referred to in sub-rule (1) shall be made by tile Principal Officer of the GATC.

(3) When an application is made under sub-rule (1) for the approval of a GATC, the Director shall, before making any recommendation for the approval of the said person, Send one or more of his officers to the said applicant and obtain a report whether the laboratory/person,-

- (a) has the necessary measuring equipment and instrument, testing facilities and buildings maintained in a proper conditions;
- (b) has the necessary qualified staff with degree in physics or electronics or any branch of engineering/ technology or diploma in engineering of three years from a recognized institution to undertake the tests for verification of weight and measure;
- (c) is situated in an appropriate environment;
- (d) has adequate recording system;
- (e) is likely to give expeditious efficient and adequate service; and
- (f) is ready and willing to get its equipment verified periodically by such other Appropriate laboratory, as may be specified by the Director.
- (g) Whether applicant is having a certificate issued by Director of National Accreditation Board of Laboratories (NABL) or NPL, New Delhi or FCRI, Palakkad for liquid and gas measurement or any NMI recognized by OIML in the parameter or field in which the weight or measure is proposed to be verified, may be given preference.

(4) The Director shall, after considering the information supplied to him by his officer, or officers referred in sub-rule (3) and if necessary, after a visit to the applicant premises, shall recommend to the Additional Secretary or Special Secretary, Govt. of India for approval of said applicant to carry out verification of weight or measure specified in the said rule complying with certain terms and conditions to which cognition is to be granted for a period of one year along with jurisdiction of area, which may be further extended for one more year. Director, Legal Metrology will issue the certificate to the said person after giving a code number to verify the weight: or measure.

Where applicant is not meeting the requirement, the applicant shall be informed accordingly.

Where the person/laboratory is a manufacturer of weight or measure to verify weight and measure to which it is seeking approval as a test centre or is a utility service

provider, the functioning of the test centre must be independent of the enterprise in terms of management and if any dispute arises, Director, Legal Metrology will be final.

(5) The certificate of recognition granted to laboratory may be suspended by the Director in the event of the failure on the part of the laboratory to observe the terms and conditions specified under sub-rule (4):

Provided that no such suspension shall be made except after giving to the laboratory a reasonable opportunity of showing cause against the proposed action.

(6) Where any certificate of recognition to a GATC is suspended under sub-rule (5) the order of suspension shall not be vacated unless the omission or failure of compliance of terms-ns and conditions for which such suspension was made has been complied.

(7) The Director or his authorised officer may visit the person/laboratory as and when required and the Principal Officer will permit inspections and render all assistances for the purpose including the production of records with regard to model testing.

(8) The Principal Officer shall submit annually to the Director a report in respect of the Models tested by them, the fee collected, time taken for each testing and such other relevant particulars.

(8) The Principal Officer, while testing the models adopt such procedures as may be prescribed by the Director from time to time..

(9) The certificate of recognition granted to a person may be cancelled by the Director If the circumstances of the person are such that it cannot be reasonably expected to function properly as a GATC or if there are sufficient reasons to suspect that the laboratory has been guilty of corrupt practices.

Provided, that no certification of recognition shall be cancelled except after giving to the concerned laboratory a reasonable opportunity of showing cause against the proposed action.

CHAPTER IV

Certificate of GATC

6. Duties of the person responsible for the test centre

The person responsible for the test centre has the following responsibility

- i) to establish and maintain the test centre as an organizationally independent unit if required under these rules and to ensure its proper operation.
- ii) to ensure that the staff of the test centre carry out their duties independently.
- iii) to inform the competent authority in the Government of cessation of operation of test centre as well as beginning and termination of employment of persons appointed as head or deputy head.

7. Fee for verification or re-verification

- i) The fee payable to test centre for verification or re-verification of weight or measure shall be same as prescribed in the Legal Metrology (Enforcement) Rules of that state where the GATC is situated.
- ii) if a weight or measure is presented for re-verification after the expiry of validity of the stamp, an additional fee at half the rates shall be payable for every quarter or part thereof.
- iii) Any weight or measure rejected on verification shall be returned to the user for necessary repair. After repair the weight or measure may be accepted for verification on payment of verification fee afresh.

8. Mark of verification

- 1) GATC after carrying out metrological evaluation of weight or measure and on being satisfied that the same conforms to specification laid down under the Act shall stamp the same and also issue a certificate of verification.
- 2) The verification mark shall contain the following particulars
 - i) The legend "IND" and the code number assigned to the test centre in the upper half of semi circle.
 - ii) code letter for the quarter of the year and two digits for the year in the lower half of semi circle.
- 3) The verification stamp for the test centre shall be supplied by the competent authority approving it and shall be returned to him within three months of expiry of its validity..
- 4) A certificate of verification shall also be issued by the test centre as a proof of verification.

9. Inspection of records

The test centre has to keep and retain for one calendar year records of metrological evaluation of weight or measure carried out by them. These records shall be produced by the head or deputy head of the test centre to the competent authority or any officer authorized by him.

10. Responsibility of the test centre head

It shall be the responsibility of the head of the test centre and in his absence the deputy to ensure in particular that

- i) Only weight or measure conforming to specification are stamped
- ii) Verification stamps are adequately protected against wrongful use.

11. Place of verification

The test centre shall undertake verification of weight or measure at its premises only.

Provided that for the following weight or measure, which cannot or should not be removed from its location on installation, the verification shall be undertaken in-situ.

No additional fee shall be payable for undertaking in-situ verification of,-

- i) Weigh-bridge
- ii) Measuring systems for liquids other than water
- iii) Compresses Natural Gas
- iv) Automatic Rail weighbridges.

12. Supervision of GATC.

The Director or any other authorized legal metrology officer by him may visit the test centre at least: once on a period of one calendar year to ensure the following:

- i) The standard and other equipments maintained by the centre are in proper condition
- ii) The records of Metrological evaluation of weight or measure are maintained properly
- iii) The weight or measure already verified and stamped by the test centre indeed conforms to the specification for such weight or measure as laid down under the Act.

The Director or the legal metrology officer shall make an inspection report and endorse a copy to the test centre.

13. Liability

If an employee of a GATC violates his official duties, the Principal Officer responsible for the test centre shall be liable to the Government whose authority has approved the test centre for any resulting damage including the court and out of court expenses incurred by the defence against asserted claims.

The competent authority in the Central Government may require the enterprise responsible for the test centre to take out third party liability insurance sufficient to cover any claim for damage and to furnish a copy of the same.

14. Contents of a certificate of GATC. –

- (1) The certificate of approval shall also contain the following information's namely: -
- (a) the number of the certificate.;
 - (b) the name of weights and measures for which certificate has been approved.
 - (c) the mark assigned to the GATC;
 - (d) a brief statement about GATC;
 - (e) the special conditions, if any;
 - (f) period for which GATC approved
 - (g) range for verification of weight or measure.
- (2) The certificate of approval shall become effective on and from the date of its publication in the Official Gazette.
- (3) Where any weight or measure is intended for a special use, the certificate of approval in relation to such weight or measure shall indicate the special use.
- (4) The Director shall cause the necessary GATC certificate to be published in the official Gazette.
- (5) The Director may also cause the information referred to in the forgoing sub-rules to be published in the journal, if any, published by the Central Government.

15. Mark to GATC:--

The mark assigned to the model shall contain the national identification letters, namely, IND, the last two digits of the year of the issue (for example, 11), the code number assigned to the GATC;

16. Revocation of certificate of GATC: –

- A certificate of GATC may be revoked if the Central Government is satisfied that; -
- (a) The GATC approved is no longer complies with the provisions specified in the rules made under the Act, or
 - (b) not following the instruction given by the Director (Legal Metrology) time to time;
 - (c) not following the terms and condition given in the certificates;

(d) where the manufacturer does not following either wholly or partly, the conditions specified in the certificate;

(e) where the GATC is issuing verification certificates other than the approval given to him..

Provided that no such certificate shall be revoked unless the holder of such certificate Has been given a reasonable opportunity of showing cause against the proposed action.

(2) Where the certificate of GATC has been revoked, the verification of weight or measure shall be stopped on and from such date as may be specified in such order of revocation and every weight or measure verified at any time between the date of revocation and the specified date shall notwithstanding such revocation be subject to verification in accordance with the provisions of the Act and the rules in force on the date of such revocation.

Provided that where, on such verification, it is found that the verification of any such Weight or measure is conducted, the Director may by order, prohibit the use of ;such weight or measure.

17. Suspension of certificate of GATC. –

(1) A certificate of GATC for verification of specified weights and measures may be suspended by the Director in the event of the omission or failure on the part of the holder of such certificate;

(i) to verify the weights or measures in accordance to which the certificate relates, or

(ii) verification not conforming to the rules or standards specified in the Act: or the Rules made thereunder, or

(iii) not complying with the conditions specified in the certificate:

Provided that no such suspensions shall be made except after giving to the holder of \he certificates a reasonable opportunity of showing cause against the proposed action.

(2) Where any certificate has been suspended under sub-rule (1), the order of suspension shall not be vacated unless the omission of failure for which such suspension was made has been made good.

18. Revocation and suspension of certificates to be published. -

Every order of revocation or suspension of certificate of approval shall be published, as far as may be, in the manner specified in rule 6.

19. Renewal of Certificate:

The approval granted to GATC by Central Government may be renewed after satisfactorily functioning for a period of two years.

20. Fees for applying for GATC of weight or measure to be deposited.-

A fee of rupees ten thousand for applying GATC of one weights and measures shall be deposited in the form of demand draft drawn in favour of " Pay and Accounts Officer, D/O of Consumer Affairs" and the same is also applicable at the time of renewal.

[F No WM 9(6)/2010-Pt.]

RACKESH KACKER, Addl. Secy.

First Schedule

(See rule 5)

Application for Approval of Government Approved Test Centre

1. Full name and complete address of the person/applicant;
2. Name of the weight or measure for which GATC has been applied;
3. The detail and complete function of the applicant;
4. NABL and Director, Legal Metrology certificate or certificate provided by any other institutions specified in the rules;
5. Experience detail in the relevant field of the applicant;
6. No. of persons employed and their particulars;
7. Total area of the organization including the detail of GATC proposed.
8. Every application shall be in duplicate accompanied by complete documents and terms and conditions;
9. The qualification of Principal Officer and his deputy-----;
10. Detail of the standards available with the institutions and other testing facilities
11. Are the officers of the applicant have acquired the training in respect of quality management system (ISO/IEC 17025) and measurement of uncertainty from any recognized laboratory in India and abroad;

12. Copy of the Quality management system of the laboratory;
13. Experience in the field for testing of the weights or measure specified in the rules;
14. Any other information which the applicant may consider to be useful for assessing the performance of the applicant;
15. Details of the Demand Draft
- 1.6. Undertaking that person/applicant will abide by the provisions of the Legal Metrology Act, 2009 and the rules made there under.