

The Legal Metrology (Government Approved Test Centre) Rules, 2013

UNION OF INDIA

India

The Legal Metrology (Government Approved Test Centre) Rules, 2013

Rule

THE-LEGAL-METROLOGY-GOVERNMENT-APPROVED-TEST-CENTRE of 2013

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The Legal Metrology (Government Approved Test Centre) Rules, 2013Published vide Notification New Delhi, the 5th September, 2013Ministry of Consumer Affairs, Food And Public Distribution(Department of Consumer Affairs)G.S.R. 593(E). - In exercise of the powers conferred by sub-section (1) read with clauses (n), (o) and (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, 2013.(2)They shall come into force on the date of their publication in the Official Gazette.

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" 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;(d)"Schedule" means a Schedule appended to these rules.(2)Words and expressions used herein and not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in that Act.

Chapter II

Verification of Weights and Measures in Government Approved Test Centre

3. Verification by Government Approved Test Centre.

(1)The weights and measures specified in the First Schedule shall be verified by Government Approved Test Centre.(2)Any person can apply for one or more kinds of weights and measures for verification.

Chapter III

Approval of Government Approved Test Centre

4. General provisions relating to Government Approved Test Centre.

(1)The list of recognized Government Approved Test Centres shall be notified from time to time.(2)A Government Approved Test Centre recognized under these rules shall carry out verification of weights or measures as specified in these rules and according to the specifications given in the Legal Metrology (General) Rules, 2011 and on the recommendations of International Organization of Legal Metrology, as the case may be, as advised by Director, Legal Metrology from time to time.(3)Government Approved Test Centre shall maintain Standard Weights or Measures as specified in the Legal Metrology (General) Rules, 2011 and other instruments and equipments as advised by the Director, Legal Metrology.

5. Recognition of Government Approved Test Centre.

(1)Any person desirous of obtaining recognition under these rules for carrying out verification of weights or measures specified in these rules, shall make an application to the Director, Legal Metrology in the form as specified in the Second Schedule.(2)The application shall be made only by the Principal officer of the said laboratory.(3)While making recommendation for approval of a Government Approved Test Centre, the Director, Legal Metrology shall consider the following:-(a)availability and accessibility of land and building;(b)adequacy of measuring equipments, testing facilities and other infrastructure;(c)availability of technically qualified man power;(d)capacity for efficient and timely service to customers;(e)willingness to get equipment periodically verified by secondary standard laboratory or any other agency determinable by Director, Legal Metrology;(f)willing to train its employees in institutions nominated by Director Legal Metrology;(g)any other factor, which in the opinion of Director, Legal Metrology will affect

proper functioning of Government Approved Test Centre;(h)conditions to set up;(i)Qualifications.- The qualification of the principal officer or any of the employee of the Government Approved Test Centre shall be equivalent to the qualification as specified in the Legal Metrology (General Rules), 2011 for a Legal Metrology Officer;(j)Experience.- The principal officer or any of the employees of the Government Approved Test Centre shall have working experience of at least three years in the field of legal metrology.(4)The Joint Secretary, Department of Consumer Affairs shall be the Competent Authority to approve the Government Approved Test Centre who shall give such approval on the recommendation of Director.(5)The competent authority shall grant approval under sub-rule (4), for one year and thereafter the same shall be renewed for a period not exceeding five years at a time.(6)The Director of Legal Metrology will issue a specific code number to each Government Approved Test Centre for easy identification and records.(7)In case of non-fulfilling of eligibility conditions the Director of Legal Metrology shall reject the application and send a written communication to the applicant.(8)Any person aggrieved by orders under sub-rule (7) may appeal to secretary of the Department of Consumer Affairs whose decision thereon shall be final.(9)Certificate of approval granted to any Government Approved Test Centre may be suspended by Director of Legal Metrology in case of Government Approved Test Centre fails to comply with any terms and conditions specified in these rules:Provided that no such suspension shall be made except after giving to the Government Approved Test Centre an opportunity of showing cause against the proposed action:Provided further that the suspension shall be revoked on compliance of such terms and conditions.(10)The Director or his authorised officer may visit the Government Approved Test Centre as and when required and the Principal Officer shall permit inspections and render all assistance for the purpose including the production of records with regard to verification of weights and measures.(11)The Principal Officer shall submit a quarterly report to the Director in respect of the weights and measures verified by them, the fee collected, time taken for each testing and such other relevant information, as required.(12)The Principal Officer, while verifying the weights and measures shall adopt the procedure laid down in the Legal Metrology (General) Rules, 2011.(13)The certificate of approval granted may be cancelled by the Director if the Circumstances are such that it cannot be reasonably expected to function properly as a Government Approved Test Centre:Provided that no certificate of recognition shall be cancelled except after giving an opportunity of being heard.(14)Where the certificate of approval has been granted under sub-rule (4) or suspended under sub-rule (9) or cancelled under sub-rule (13), the Director of Legal Metrology shall ensure that the information of such action has been given to the concerned Controller of Legal Metrology of the State immediately.(15)The competent authority may require Government Approved Test Centre to take out third party liability insurance sufficient to cover any claim for damage due to any lapses or violation of government instructions by such Government Approved Test Centre.(16)All the Regional Reference Standard Laboratories working under the administrative control of the Department of Consumer Affairs function as deemed Government Approved Test Centre on the date of publication of these rules in the Official Gazette and the provisions of these rules shall apply to such Regional Reference Standard Laboratory as if they were Government Approved Test Centre.

Chapter IV

Certificate of Government Approved Test Centre

6. Duties of the Principal Officer.

- The principal officer of the test centre has the following responsibilities, namely -(i)to establish and operate the test centre as an independent unit;(ii)to ensure that the staff of the test centre carry out their duties independently;(iii)to inform the Director, Legal Metrology in the Department of Consumer Affairs of cessation of operation of test centre;(iv)to maintain the accuracy of testing equipment as per rules and directions issued from time to time;(v)to maintain proper record of testing and certificates issued by Government Approved Test Centre;(vi)to record and redress grievances of customers in appropriate manner;(vii)to abide by the directions issued by Director (Legal Metrology) from time to time,(viii)only weights or measures conforming to specification are stamped;(ix)verification stamps are adequately protected against fraudulent use;(x)the weights and measure received for verification and stamping should be returned by Government Approved Test Centre after due verification within fifteen days.

7. Fee for verification or re-verification.

(1)The fee payable to test centre for verification or re-verification of weights or measures shall be the same as specified in the Legal Metrology (Enforcement) Rules of that State where Government Approved Test Centre is situated.(2)Any weight or measure rejected on verification shall be returned to the user for necessary repair and after repair the weight or measure may be accepted for verification on payment of verification fee afresh.

8. Mark of verification.

(1)The Government Approved Test Centre after carrying out metrological evaluation of weight or measure and on being satisfied that the same conforms to specification laid down under the Act and rules made thereunder shall stamp the same and also issue a certificate of verification.(2)The verification mark shall contain the following particulars; namely:-(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)A certificate of verification shall also be issued by the test centre as a proof of verification.

9. Inspection of records.

- Every Government Approved Test Centre shall keep and retain records for five calendar years of evaluation of weight or measure carried out by them. These records shall be produced by the test centre before the Director (Legal Metrology) or any officer authorized by him, as and when directed.

10. Place of verification.

- The test Centre shall undertake verification of weights or measures either in its authorized premises or within the limit of the district where the Government Approved Test Centre operates.

11. Supervision of Government Approved Test Centre.

- The Director or any other authorized legal metrology officer may visit the test centre from time to time to examine whether the Government Approved Test Centres are run as per laid down procedures and instructions issued by the Government.

12. Liability.

- The Principal Officer responsible for the test centre shall be liable to the Government for any loss, damage, Legal claims.

13. Contents of Government Approved Test Centre certificate.

(1) Every certificate of approval issued by Government shall contain the following information-(a) the number of the certificate; (b) name of weight and measure for which Government Approved Test Centre has been approved. (c) the mark or code assigned to the Government Approved Test Centre; (d) a brief statement about Government Approved Test Centre; (e) the special conditions, if any; (f) period for which Government Approved Test Centre approved; (g) range for verification of weight or measure; (h) contact number for consumer redressal. (2) 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. (3) The Director shall cause the necessary Government Approved Test Centre certificate to be published in the official Gazette. (4) The Director may also cause the information referred to in the foregoing sub-rules to be published in the journal, if any, published by the Central government.

14. Mark to Government Approved Test Centre.

- The mark assigned to the Government Approved Test Centre 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 Government Approved Test Centre.

15. Revocation of certificate of Government Approved Test Centre.

- A certificate of Government Approved Test Centre may be revoked if the Central Government is satisfied on the recommendation of the Director, Legal Metrology that the Government Approved Test Centre approved, no longer complies with the provisions specified in the rules made under the Act, or specifically violates the directions given by Director Legal Metrology from time to time: Provided that no such certificate shall be revoked unless the holder of such certificate has been

given an opportunity of showing cause against the proposed action.(2)Where the certificate of Government Approved Test Centre has been revoked, the verification work shall be stopped by that Government Approved Test Centre immediately:Provided that where, on such inspection, 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 and initiate other appropriate penal action.(3)Every order of revocation or suspension of certificate of approval shall be duly notified.

16. Suspension of certificate of Government Approved Test Centre.

(1)A certificate of Government Approved Test Centre 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 and rules made their under, or(iii)not complying with the conditions specified in the certificate:Provided that no such suspension shall be made except after giving to the holder of the certificate an 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 or failure for which such suspension was made, has been complied and the sum for compounding the offence has been deposited to the Government in the same form as prescribed for applying the Government Approved Test Centre.

17. Renewal of Certificate.

- The approval granted to Government Approved Test Centre may be renewed for a period not exceeding five years at a time subsequently by the Director (Legal Metrology) subject to the satisfactorily functioning of the centre.

18. Fees for applying for Government Approved Test Centre of weights or measures to be deposited.

(1)A fee of rupees ten thousand for applying Government Approved Test Centre shall be deposited in the form of demand draft and the same will be paid at the time of renewal.(2)The same amount of fee shall also be deposited by the applicant at the time of addition of one or more weight or measure for verification in the certificate of Government Approved Test Centre.

19. Expenditure on assessment or re-assessment or inspection of Government Approved Test Centre during the calendar year.

- All the expenses including transportation and accommodation, as per the entitlement of the officer(s) and in providing the facility and co-operation for the assessment or re-assessment or compulsory yearly inspection of Government Approved Test Centre shall be borne by the applicant.

20. Compounding the offences.

- Where it is found that any Government Approved Test Centre has contravenes the provisions specified in sub-section (1) of section 48 may be compounded by a sum of rupees fifty thousand for the first offence and by a sum of rupees seventy five thousand for every subsequent contravention. First Schedule (See sub rule (1) of rule 3) Weights and Measures which shall be verified by Government Approved Test Centre:

1. Water meter

2. Sphygmomanometer

3. Clinical Thermometer

4. Automatic Rail Weigh bridges

5. Tape Measures

6. Non-automatic weighing instrument of Accuracy Class-III/ Class-III (upto 150kg)

7. Load cell

8. Beam Scale

9. Counter Machine

10. Weights of all categories

Second Schedule (See sub-rule (1) of 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 Government Approved Test Centre has been applied; (3) The detail and complete function of the applicant; (4) NABL or 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 Government Approved Test Centre proposed. (8) Qualification of Principal Officer and his deputy -----; (9) Detail of the standards available with the Institutions and other testing Facilities; (10) Are the officers of the applicant has acquired the training in respect of quality management system (ISO/IEC 17025) and measurement of uncertainty from any recognized laboratory in India and abroad; (11) Copy of the Quality management system of the laboratory, if available; (12) Experience in the field for testing of the weights or measure; (13) Any other information which the applicant may consider to be useful for assessing the performance of the

applicant;(14)Details of the Demand Draft(15)Jurisdiction/ area for which application is made.(16)Undertaking that person or applicant will abide by the provisions of the Legal Metrology Act, 2009 and the rules made there under.(17)Consumer complaint number.Note: Every application shall be in triplicate accompanied by complete documents and terms and conditions. A fee of Rs. 10,000/- will be paid in the form of Demand Draft in favour of "Pay and Accounts Officer, Department of Consumer Affairs" payable at New Delhi at the time of applying for Government Approved Test Centre.Third Schedule[See rule 8]Certificate of verificationGovernment Approved Test Centre (Name and Address)NoName of the OfficerI hereby certify that I have this day verified and stamped / rejected the under mentioned weights, measurers, etc.Belonging to Locality

Quantity Denomination		Weighing instruments	Measuring instruments	Verification FeeRs. P.	Carriage conveyance adjusting charges etc.				
Weight	Measures	Capacity	Class	Manufacture	Type				
1	2	3	4	5	6	7	8	9	10

Total Rs deposited vide Money receipt No. dated Repaired by/ Used by..... (Signature)Principal OfficerNext verification due onNote:- In the case of rejected weights, measures, etc. the principal officer shall give separate Certificate of rejection mentioning the reasons of rejection against each item.Fourth Schedule[See rule 14]Certificate of Government Approved Test CentreGovernment of IndiaMinistry of Consumer Affairs, Food And Public DistributionDepartment of Consumer AffairsLegal Metrology DivisionCertificate of Approval of Government Approved Test Centre[Under Section 24 of the Legal Metrology Act, 2009]No. WM-.... (1)/2013Dated New Delhi- 2013Certify that M/s..... (name and address of Government Approved Test Centre) has been approved as Government Approved Test Centre for (name of place/ district) for the verification of following weights and measures with their ranges:(i).....(ii).....(iii).....No: GOI/GOVERNMENT APPROVED TEST CENTRE/..... (two digits of the State Code)/ 2013/Valid up to: 2014Director of Legal MetrologyCopy to: The Controller of Legal Metrology, Government of for kind information.Note: In case of consumer complaint please contact"