

インド 型式承認手順

—The Legal Metrology (Approval of Models) Rules, 2011 より抜粋

5. Application for the approval of models.-(1) An application for the approval of model shall be made to the Director and shall contain.-

(a) the full name and address of the applicant or where the model is imported from other countries, the name and address of the manufacturer as well as the dealer in India.

(b) a brief description of the weight or measure the class to which it belongs and the probable uses for which the weight or measure is intended to be produced;

(c) data regarding metrological and technical characteristics and qualities of the weight or measures;

(d) test procedure followed by the manufacturer;

(e) trade name or brand name and type of the weight or measure, and

(f) the requisite fees specified in rule 19.

(2) Every application shall be accompanied by not less than two copies of, –

(a) a sketch and section-wise drawings of general arrangements and installation of such weight or measures including therein the details of construction of the weight or measure in such manner as to enable the visualization of the weight or measures in its finished form, and;

(b) a document describing the following namely:-

(i) the principles of construction and the method of operation of the weight or measure;

(ii) the safety devices provided to prevent any fraudulent or inaccurate operation of the weight or measure;

(iii) the manner in which and the extend to which the weight or measure may be adjusted or corrected;

(iv) the place where the verification stamp or seal, or both, may be affixed;

(v) plans of general arrangements and installations drawings of the weight or measure and, where necessary detailed installation instructions;

(vi) two photographs of the model clearly indicating the mandatory declarations to be included as a part of the certificate of approval of the model;

(vii) actual circuit diagram (for digital type);

(viii) place/places on the instrument where the verification stamp or seal or both have to be applied to prevent fraudulent practices;

(ix) copies of the user's manual, printed pamphlets and other literatures;

(x) any other information which the applicant may consider to be useful for assessing the performance, and facilitating the approval of the model;

(3) If the weight or measures is provided with supplementary or additional devices, full information with regard to such supplementary or additional devices, such as drawing, descriptions in relation to the said weight or measures, shall also be given along with the application.

6. Submission of the models of weight or measure.-(1) Every person, who submits any model of weight or measure or weighing and measuring instrument for approval (hereinafter in this rule referred to as, the applicant), shall deposit to the credit of the recognized laboratory, a fee as prescribed in the rule 19 of these rules.

(2) All the documents referred to in rule 5 shall be sent by the Director to the recognized laboratory which carries out the tests for the approval of the model, to enable the laboratory to ascertain whether such documents conform to the details of the results of the tests carried out by it for the approval of that model. "

(3) Where the nature of weight or measure is such that due to its voluminous nature it cannot be submitted to the laboratory for testing, the recognized laboratory may under take the testing of such model at such place as it may deem fit:

Provided that, where the test is undertaken at any premises other than those of a recognized laboratory, the applicant shall pay for the duration of such test, the traveling and daily allowances of the persons deputed for such tests and such allowances shall be payable at such rates as may be admissible to such persons in accordance with the rules in force in the recognized laboratory."

(4) The applicant shall provide such facilities as may be required by the team of persons deputed by the recognized laboratory for the purpose of carrying out the necessary tests for the approval of the model.

(5) The installation, tests and removal of the model shall be done at the cost and risk of the applicant.

(6) The Central Government and the recognized laboratory shall not be responsible for any loss or damage that the model may sustain the course of examination and testing.

(7) Where any model submitted to a recognized laboratory for approval is not removed by the applicant after the expiry of six months from the date on which a certificate of approval was granted or refused in relation to such model, such model Shall become forfeit to the Central Government, and that Government shall dispose of the model in such manner as it may think fit.

(8) The Director may, if he is satisfied that the test for the approval of any model is likely to take more than three months and on receipt of satisfactory preliminary test reports from the laboratory, issue subject to such conditions as may be specified in the certificate,

a provisional certificate to enable the manufacturer, to manufacture at his own risk the weight or measure in relation to which the model has been submitted for approval: Provided that manufacture, distribution or sale of such instrument shall be discontinued immediately when the provisional model approval certificate has been withdrawn by the Director.

Provided further that in case the tested model does not meet the requirements of the model approval test, all instruments covered by the provisional certificate and sold in the market shall be withdrawn with immediate effect at the manufacturer's cost.

7. Tests for the approval of model.- (1) The tests needed for the assessment of the fitness or otherwise of a model submitted for approval shall be carried out under the normal conditions of use, whether actual or stimulated, or the weight or measure and shall be made with a view to –

(a) ascertaining whether such model conforms to the standards established, in relation to such model, by or under the Act and the rules or to the recommendations of the International Organization of Legal Metrology (OIML);

(b) finding out the ability of such model to maintain accuracy and other metrological characteristics and qualities after it has been put to use for such minimum number of times or over such minimum period as the Director, may, by general order, specify in relation to the class of weight or measure to which the model pertains;

(c) determining the performance of such model under varied conditions of use;

(d) determining the metrological and technical characteristics of the model after taking into account the possible incidence of influence factors and their effect on metrological and technical characteristics;

(e) determining whether they carry the mandatory declarations required under the Act and the rules;

(f) determining whether the place or places of sealing 'on the instrument suggested by the manufacturer is sufficient to prevent their fraudulent use;

(g) determining generally, the behaviour of the model, that is to say, its robustness, reliability and susceptibility to fraudulent use;.

(2) Every model shall be tested in accordance with such test procedure as may be laid down by the Director in relation to the class of weight or measure to which such model pertains;

Provided that until the test procedure is laid down by the Director in relation to any class of weight or measure, the test of any model pertaining to such class of weight or measure shall be carried out in accordance with such procedure as would, in the opinion

of the recognized laboratory, enable it to recommend the grant of certificate of approval in relation to such model.

8. Procedure for the issue of certificate of approval. - (1) After the completion of the tests, the recognized laboratory shall send a report of its findings to the Director with its recommendations whether the model satisfies the requirements of the Act and the rules made there under.

(2) The recognized laboratory may in an appropriate case, recommend that the approval may be accorded provisionally to enable it to conduct detailed tests and where in pursuance of such recommendation, provisional approval is granted, test may be carried out on such number of instruments under such conditions of installation and use, as may be specified by the Director, and such tests may also be continued, where the recognized laboratory thinks fit so to do, in the place of use of the weight or measure, and the tests at such place of use shall be detailed ones and of such duration and carried out on such number of weights or measures as may be specified by the Director.

(3) The Director may require the recognized laboratory to send to him the detailed test procedure adopted by that laboratory in approving the concerned model.

(4) On examination of report made by the recognized laboratory, the Director shall, where he is of opinion that no further test is required to be carried out, submit the report to the Central Government and where he is of the opinion that further tests are required, remit the report back to the recognized laboratory for carrying out such further tests; and there upon the recognized laboratory shall, after carrying out further tests, submit a report to the Director.

(5) Where consideration of the report of the recognized laboratory, the Director is of the opinion that a certificate of approval in relation to that model should be issued, it shall recommend to the Central Government the issue of the certificate and shall also forward to that Government a copy of the report submitted to it by the recognized laboratory.

(6) The Central Government may, if the issue of a certificate or provisional certificate of approval has been recommended by the Director, issue such certificate and authorize the Director to authenticate the certificate for and on behalf of the Central Government.

(7) No provisional certificate issued under sub-rule (6) shall remain valid for a period ! exceeding one year from the date of its issue.

Provided that the Central Government may, if is satisfied, on the recommendation of the recognized laboratory, it is necessary in the public interest so to do, extend the period of validity of the provisional certificate for such period as it may think fit;

Provided further that the Central Government may also, on an application made to it by

the concerned manufacturer, extend the period of validity of the provisional certificate for such further period as it may think fit if it is satisfied that the recognized laboratory, having failed to complete the tests before the expiry of the period of validity of the provisional certificate, has unreasonably omitted to recommend the extension of such period.

(8) A code number shall be assigned to each approved model and the code number so assigned shall be indicated in the certificate, or provisional certificate of approval, as the case may be.

(9) Where the model of any weight or measure to which these rules are applied has been approved, the models of different denominations of such weight or measure shall not require any approval of such denominations which are manufactured in accordance with the same principles according to which, and the same material with which the approved model has been manufactured.

9. Procedure where issue of certificate of approval is not recommended. - Where the recognized laboratory does not recommend the issue of a certificate of approval in relation to any model, it shall specify its reasons therefore to the Director who shall communicate such reasons to the applicant with such directions as he may think fit and thereupon the applicant may make a representation to the Director to the effect that the issue of the certificate of approval should have been recommended by the recognized laboratory and on considering such representation, the Director may either reject it or recommend to the Central Government the issue of certificate of approval.

10. Re-submission of disapproved model for approval. - (1) Where any model is not approved, the disapproved model may be re-submitted for approval after carrying out therein such modifications as may be necessary.

(2) Where any disapproved model is resubmitted for approval, it shall be deemed, for the purpose of levy of fees and tests under these rules, to be a fresh application for the approval of that model.

11. Contents of a certificate of approval. - (1) The certificate of approval shall also contain the following information's namely: -

- (a) the number of the certificate;
- (b) a brief description of the model;
- (c) the mark assigned to the approved model;
- (d) the category of weight or measure;

- (e) a brief statement of the results of the tests;
  - (f) the special conditions, if any, to be complied with for the manufacture, verification and use of weights or measures conforming to the model; and
  - (g) the place or places where the verification seal or stamp or both may be affixed.
- (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 model certificate to be published in the official Gazette.
  - (5) 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.

12. Mark of approval. - (1) 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, 77), the code number assigned to the laboratory and the code number assigned to the model.

(2) The mark assigned to the approved model shall be clearly and legibly affixed at such place of the model as may be specified in the certificate of approval and also on each weight or measure produced by the maker or manufacturer in accordance with the approved model:

Provided that if the approved model -of the weight or measure conforming to such model is such that the mark assigned to the approved model cannot be affixed on it (for example, where it is fragile or too small), that mark may be associated with the conditions specified in the certificate of approval:

Provided further that, where the approval is of a limited character, the mark of approval shall be accompanied by a special mark indicating the limitations of the approval and different special marks may be made for different limitations.