GOVERNMENT OF ASSAM
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS(A) DEPARTMENT
DISPUR::::GUWAHATI-6

ORDER BY THE GOVERNOR
NOTIFICATION

Dated Guwahati the 24th July, 2017

No. FSA.170/2016/24 After review of the enforcement and compliance inspection procedures under The Legal Metrology Act, 2009 and rules made thereunder and as recommended by Department of Industrial Policy & Promotion in BRAP 2017, it is felt that the mechanism and quality of inspections under the Act needs to be improved to ensure simplification, transparency and accountability in inspections carried out under the Act.

Hence in suppression of all directions issued at the department level regarding verification of weights & measures and inspections carried out under the Act, an Standardized Inspection System (Annexure I) is hereby notified and shall be effective from **20th July, 2017**. The standard format of inspection report to be filed / uploaded on the Online Inspection System (Annexure II) is also hereby notified and all inspectors are required to comply with the same.

Any willful default or failure by the competent authority in complying with the systematized inspection procedure defined below (vide Annexure-I&II) shall attract penalty and disciplinary action as defined under The Assam Right to Public Service Act.

Enclo: Annexure-I & II

Sd/-

(Shri R.C. Duarah, ACS)
Secretary to the Govt. of Assam
Food, Civil Supplies and Consumer Affairs Deptt.
Dispur, Guwahati-6

Memo No.FSA. 170/2016/24-A

Dated Dispur the 24th July, 2017

Copy to:

1. The Commissioner & Secretary to the Govt. of Assam, FCS & CA Department for kind information.
2. The S.O. to Chief Secretary to the Government of Assam for kind appraisal of the Hon'ble Chief Secretary.
3. P.S. to Addl. Chief Secretary to the Govt. of Assam, Industries & Commerce Department for kind appraisal of the Hon'ble Addl. Chief Secretary.
4. The Controller of Legal Metrology, Assam for information & necessary action.
5. Shri Anil Saraf, Consultant EoDB for information & necessary action.
6. All Offices of Controller of Legal Metrology, for information & necessary action.

Secretary to the Govt. of Assam
Food, Civil Supplies and Consumer Affairs Deptt.
Dispur, Guwahati-6

Annexure-I

GOVERNEMENT OF ASSAM
FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS(A) DEPARTMENT
DISPUR::::GUWAHATI-6

STANDARDIZED INSPECTION SCHEME

Objective: This Inspection scheme aims to achieve the objective of simplifying business regulations and bring in transparency and accountability in Verifications / Inspections under The Legal Metrology Act, 2009. It also envisages objective criteria for selection of business enterprises for inspection and ensures that multiple inspections are done away with.

A. Types of Establishment to which this Online Inspection Scheme relates:

a) Manufacturer of Weights and Measures
b) Repairer of Weights and Measures
c) Dealer of Weights and Measures
d) Manufacturer / Packer / Importer of pre-packed commodities
e) Dispensing Units of Petrol / Diesel
f) Weighbridges

B. Criteria of Inspections

a. Mandatory Inspections:

In the following cases, inspection will be mandatory:

a. Establishments where serious discrepancy has occurred with regards to weights & measures and a verified complaint is received.
b. Establishment where discrepancies are observed in the registers maintained by them and/or renewal applications filed by them.
c. Establishments which has defaulted in obtaining renewal of their license / approval.

b. Optional Inspections:

In the following cases, inspection will be done periodically for which the list will be generated by the Single Window Clearance System using the matrix of pre-defined risk assessment criteria.

a. High Risk Establishments: 50%
b. Moderate Risk Establishments: 35%
c. Low Risk Establishments: 20%

C. Criteria of Risk Assessment

It has been observed that risk in the perspective of Weights & Measures and compliance under The Legal Metrology Act is to be assessed using the following criteria:

a. Risk categorization on the basis of volume of transactions

Establishments wherein the volume of transactions is high i.e. total value of transactions / turnover exceeds Rs. 5 crore annually may be categorized as Low-Risk Establishments, as such establishments usually tend to follow stringent quality checks and have standardized manufacturing / repairing / packaging processes.

Establishments wherein the volume of transactions is moderate i.e. total value of transactions / turnover exceeds Rs. 50 lakh but does not exceed Rs. 5 crore annually may be categorized as Moderate-Risk Establishments, as such establishments follow some level of quality check and have semi-structured manufacturing / repairing / packaging processes.

Establishments wherein the volume of transactions is low i.e. total value of transactions / turnover does not exceed Rs. 50 lakh annually may be categorized as High-Risk Establishments, as such establishments are usually unstructured and do not have standard processes or stringent quality checks.

b. Risk categorization on the basis of history of compliance

Establishments with satisfactory history of compliance i.e. satisfactory compliance report in more than 90% of the past inspections with regards to weights & measures and the registers being maintained by them may be categorized as Low-Risk establishments.

Establishments with moderately satisfactory history of compliance i.e. satisfactory compliance report in 50% - 90% of the past inspections with regards to weights & measures and the registers being maintained by them may be categorized as Moderate-Risk establishments.

Establishments with unsatisfactory history of compliance i.e. satisfactory compliance report in less than 50% of the past inspections with regards to weights & measures and the registers being maintained by them may be categorized as High-Risk establishments.

c. Risk categorization on the basis of volume of consumer complaints

Establishments with a history of low volume of consumer complaints within the immediate past 3 (three) years with regards to discrepancy in weights & measures i.e.

less than 15 or no complaints in the past 3 (three) years may be categorized as Low-Risk Establishments.

Establishments with a history of moderate volume of consumer complaints within the immediate past 3 (three) years with regards to discrepancy in weights & measures i.e. 15 to 30 complaints in the past 3 (three) years may be categorized as Moderate-Risk Establishments.

Establishments with a history of high volume of consumer complaints within the immediate past 3 (three) years with regards to discrepancy in weights & measures i.e. more than 30 complaints in the past 3 (three) years may be categorized as High-Risk Establishments.

The final risk assessment shall be done by the automated online system by assigning weights to the above risk categorization and analyzing risk of each establishment using a matrix of the above criteria.

D. General Instructions:

i. The inspection list with date of scheduled inspection will be generated from the online inspection system by the Controller of Legal Metrology periodically.
ii. All inspection reports must be filed / uploaded online on the online inspection system by the inspecting officer/authority within 48 hours of completing the inspection activity.
iii. Inspections are to be carried out at any reasonable time.
iv. Online Inspection system will auto-allocate the inspecting officer/authority to carry out the inspections.
v. Since there is generally only one inspecting officer/authority in the offices of the Controller of Legal Metrology across the State (except Guwahati City), therefore same establishments may be inspected by same Inspector consecutively.

E. Specific Inspection Procedures and Checklist

a. For Manufacturer of Weights & Measures:

i) The Inspector shall check the weights and measures manufactured by the firm whether these complies with the specification laid down in the Legal Metrology (General) Rules, 2011.
ii) The Inspector shall check whether the weights and measures has been manufactured as per Model Approval Certificate issued by the Govt. of India or not.

iii) The Inspector shall verify and stamp the weights, measures, weighing and measuring instruments presented to him before sale and issue Certificate of Verification accordingly.

Checklist:

i) Whether the License issued by the Controller has been exhibited or not.
ii) Validity of the License.
iii) Whether the Manufacturer is maintaining the Register as per Rule 13 of the Assam Legal Metrology (Enforcement)Rules, 2011.

b. For Repairer of Weights & Measures:

i) The Inspector shall check whether the repairer has skilled/semi-skilled employees or not.
ii) The Inspector shall check availability of required tools & equipment.
iii) The Inspector shall check availability of required duly verified & stamped test weights.
iv) The Inspector shall verify and stamp the weights, measures, weighing and measuring instruments presented to him after repairing and issue Certificate of Verification accordingly.
v) The Inspector also check the Receipt/Bill Book of the repairer to detect whether the repairing charges has been realized at the rate approved by the Controller or not.

Checklist:

i) Whether the License issued by the Controller has been exhibited or not.
ii) Validity of the License.
iii) Whether the Repairer is maintaining the Register as per Rule 13 of the Assam Legal Metrology (Enforcement)Rules, 2011.

c. For Dealer of Weights & Measures:

i) The Inspector shall check the weights and measures imported/purchased by the Dealer for sale complies with the specification laid down in the Legal Metrology (General) Rules, 2011 or not.
ii) The Inspector shall check whether the weights and measures procured by the Dealer for sale has Model Approval Certificate issued by the Govt. of India or not.
iii) The Inspector shall also check purchase invoices of the weights and measures imported/purchased by the Dealer.
iv) The Inspector shall verify and stamp the weights, measures, weighing and measuring instruments presented to him before sale and issue Certificate of Verification accordingly.

Checklist:

i) Whether the License issued by the Controller has been exhibited or not.
ii) Validity of the License.
iii) Whether the Repairer is maintaining the Register as per Rule 13 of the Assam Legal Metrology (Enforcement)Rules, 2011.
iv) Whether the Dealer has issued Cash Memo and handed over Certificate of Verification to the purchaser or not.

d. For Manufacturer/Packer/Importer of pre-packed commodities:

i) The Inspector shall check the whether the Manufacture/Packer/Importer has been registered under Rule 27 of the Legal Metrology (Packaged Commodities) Rules, 2011 or not.
ii) The Inspector shall check whether the declarations on the packages are in conformity with rule 6 (1) of the Legal Metrology (Packaged Commodities) Rules, 2011 or not.
iii) The Inspector may also check the net quantity contained in the packages ready for dispatch.

Checklist:

i) Whether the declarations on the packages comply rule 7 to rule 13 or not.
ii) Whether the commodities have been packed in accordance with the Second Schedule of the Legal Metrology (Packaged Commodities) Rules, 2011 or not.

e. For Verification and Stamping of New Dispending Units of Petrol / Diesel:

i) The Inspector shall check whether the owner of the Dispensing Unit has obtained necessary permission from the Controller.
ii) Whether the Dispensing Unit conforms the specifications detailed in the Model Approval Certificate issued by the Govt. of India.
iii) The Inspector shall verify and stamp the Dispensing Unit as per procedure laid down in the Legal Metrology (General) Rules, 2011 and issue the Certificate of Verification accordingly.

Checklist:

i) The Dispensing Unit must be complete in every respect.

f. For Verification and Stamping of New Weighbridge:

i) The Inspector shall check whether the owner of the Weighbridge has obtained necessary permission from the Controller.
ii) Whether the Weighbridge conforms to the specifications detailed in the Model Approval Certificate issued by the Govt. of India.

iii) Whether there is one ton of duly verified and stamped weights is being maintained in the premises of the Weighbridge.

iv) The Inspector shall verify and stamp the Weighbridge as per procedure laid down in the Legal Metrology (General) Rules, 2011 and issue the Certificate of Verification accordingly.

Checklist:

i) The Weighbridge must be complete in every respect.

Annexure-II

INSPECTION REPORT:

1. Name of the Inspecting Officer	
2. Designation and Office	
3. Date of Inspection	
4. Name and Address of the Establishment inspected	
5. **RESULT OF INSPECTION** a. Weight or measure verified and stamped b. Checked documents pertaining to issue/renewal of licences c. Checked license/ registers maintained by manufacturer /dealer/repairer of weights and measures d. Checked declarations on the packaged commodities e. Conducted Net content checking of Packaged Commodity	Weighbridge ☐ Dispensing Unit ☐ NAWI ☐ Verification Certificate No. ☐ Book No. ☐ Found in order ☐ Not in order ☐ Found in order ☐ Not in order ☐ Complies provisions of the Packaged Commodities Rules (Yes or No) ☐ Registered Prosecution Case (Yes or No) ☐ Accepted the lot ☐ Rejected the lot ☐ and Registered Prosecution Case ☐ or Advised for rectification ☐