

**PROCEDURE FOR ACCREDITATION OF TESTING AGENCIES
FOR NOTIFICATION UNDER RULE 126 OF CMVR**

Comments on the draft Amendment may please be forwarded on email:
comments-morth@gov.in within a period of thirty days.

**[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY
PART II, SECTION 3, SUB-SECTION (i)]**

**Government of India
Ministry of Road Transport and Highways**

New Delhi July 2021.

NOTIFICATION

G.S.R. XXXX(E).— The following draft of certain rules further to amend the Central Motor Vehicles Rules, 1989, which the Central Government proposes to make in exercise of the powers conferred by subsection (3) of section 110B of The Motor Vehicles Act, 1988 (59 of 1988), is hereby published as required by sub-section (1) of section 212 of the said Act for information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules shall be taken into consideration after the expiry of thirty days from the date on which the copies of this notification as published in the Official Gazette, are made available to the public;

Objections and suggestions to these draft rules, if any, may be sent to the Joint Secretary (MVL, Transport & Toll), Ministry of Road Transport and Highways, Transport Bhawan, Parliament Street, New Delhi-110 001 or on the email: comments-morth@gov.in;

The objections or suggestions which may be received from any person in respect of the said draft rules before the expiry of the aforesaid period will be considered by the Central Government.

DRAFT RULES

1. Short Title and commencement.-(1) These rules may be called the Central Motor Vehicles (.....Amendment) Rules, 2021.

(2) Save as otherwise provided in these rules, they shall come into force on the date of their final publication in the Official Gazette.

2. In the Central Motor Vehicles Rules, 1989 (herein after referred as the said rules), in rule 126,

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i. in the first proviso, replace the letters and words “specifically AIS (Automotive Industry Standard)” with the following letters, numbers and words, namely: - “specifically AIS 161 (Automotive Industry Standard)”

ii. in the second proviso, replace the letters “AIS” with the following letters, numbers and words, namely: - “AIS 161”

[No. RT-11036/63/2019-MVL]

(Amit Varadan)
Joint Secretary to the Government of India.

Note.- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide notification number G.S.R. 590(E), dated the 2nd June, 1989 and last amended vide notification number G.S.R. _____(E) dated _____.

FINALIZED DRAFT

AIS-161

**PROCEDURE FOR ACCREDITATION OF
TESTING AGENCIES FOR NOTIFICATION
UNDER RULE 126 OF CMVR**

INTRODUCTION

The Government of India felt the need for a permanent agency to expedite the publication of standards and development of test facilities in parallel when the work on the preparation of the standards is going on, as the development of improved safety critical parts can be undertaken only after the publication of the standard and commissioning of test facilities. To this end, the Ministry of Surface Transport (MOST) has constituted a permanent Automotive Industry Standard Committee (AISC) vide order No.RT-11028/11/97-MVL dated September 15, 1997. The standards prepared by AISC will be approved by the permanent CMVR Technical Standing Committee (CTSC). After approval, the Automotive Research Association of India, (ARAI), Pune, being the secretariat of the AIS Committee, has published this standard. For better dissemination of this information ARAI may publish this document on their Web site.

Under the Government of India initiative to set up state-of-the-art automotive testing and R&D centres across the country National Automotive Testing and R&D Infrastructure Project (NATRiP) was commissioned. The objective of the project was to:

- a) Create core global competencies.
- b) Enhance competitive skills for product development leading to deepening of manufacturing.
- c) Synergize India's unique capabilities in Information Technology with the automotive sector.
- d) Facilitate seamless integration of Indian automotive industry with the world to put India strongly on the global automotive map.

In addition to the existing testing agencies, several testing facilities have been established under NATRiP. These centers provide certification, testing and R&D support to the automotive vehicle and component manufacturers in India.

Laboratory accreditation is a means of determining the technical competence of authorized testing agencies to perform specific types of testing, measurement and calibration. It also provides formal recognition to competent laboratories, thus providing a ready means for customers to identify and select reliable testing, measurement and calibration services able to meet their needs.

Also, laboratory test results impact many areas of automobile testing. Regulators and others rely on the competence of laboratories to deliver the results on which important decisions are made. Accreditation enhances the public confidence in those test results. Increasingly, regulators and suppliers require laboratory test results to be accredited to the ISO/IEC 17025 standard.

Need was felt to develop a documented procedure for accreditation of testing agencies. Sufficient reference has been drawn from EEC directive 2007/46, ISO 17011 and ISO 17012

Composition of the Committee responsible for preparation of this standard is given in Annex V.

AIS-161: PROCEDURE FOR ACCREDITATION OF TESTING AGENCIES FOR NOTIFICATION UNDER RULE 126 OF CMVR	
1.0	SCOPE:
1.1.	This standard specifies the accreditation requirements to be fulfilled by the testing agencies for the purpose of their notification under CMV Rule 126. Also, this standard establishes the conditions according to which the Assessment / Reassessment of the Testing Agencies will be carried out.
2.0	DEFINITIONS: For the purposes of this standard;
2.1	“Competent Authority” means Secretary, Government of India, Ministry of Road Transport and Highways, New Delhi.
2.2	“Testing Agency” means any entity designated as a Testing Agency under section 110 B of Motor Vehicle (Amendment) Act 2019 for certification of compliance to the provisions under CMVR.
2.3	“Accreditation” means a formal and independent approval by the Competent Authority, indicating that the Testing Agency complies with the requirements laid down in AIS-161.
2.4	“Assessment” means a process of evaluation, measurement and document verification regarding the readiness, process, procedures and skill sets of a testing agency.
2.5	“Reassessment” means a process of evaluation, measurement and document verification regarding the readiness, process, procedures and skill sets of a testing agency at defined time intervals.
2.6	“Impartiality” means presence of objectivity. (Objectivity means that conflicts of interest do not exist, or are resolved so as not to adversely influence subsequent activities of the certification body.

	Other terms that are useful in conveying the element of impartiality include “independence”, “freedom from conflict of interests”, “freedom from bias”, “lack of prejudice”, “neutrality”, “fairness”, “open-mindedness”, “even-handedness”, “detachment”, “balance”.)
2.7	“Complaint” means expression of dissatisfaction, other than appeal by any person or organization, to an accreditation body, relating to the activities of that accreditation body or of an accredited conformity assessment body, where a response is expected.
2.8	“Auditor(s)/ Assessor(s)” means a person(s) who conducts an audit or assessment / reassessment on behalf of Competent Authority.
2.9	“Confidentiality” means to not disclose the confidential information to which the assessment team gains privileged access, that is needed for the certification body to assess conformity to requirements, for granting accreditation to a test agency.
3.0	GENERAL REQUIREMENTS :
3.1	The Testing Agency shall carry out themselves or witness the tests required for approval or inspections specified in CMVR, except where alternative procedures are specifically permitted. They may not conduct tests or inspections for which they have not been duly authorised for. They shall have knowledge about vehicles, vehicular systems and parts and components including softwares. They shall follow a system based approach to the extent possible for evaluation purposes.
3.2	The Testing Agency shall demonstrate availability of appropriate infrastructure required to conduct the tests at the respective facility available at the institute level or through common facilities available at the national level, appropriate skills, specific technical knowledge, manpower with suitable technical skills and proven experience to undertake trials / testing under various CMVR provisions and connected regulatory acts.
3.3	The Testing Agency shall show trust and integrity, and shall respect confidentiality at all times.
3.4	The Testing Agency shall maintain a grievance redressal procedure and follow procedures as specified in clause 14.0 of this standard.
3.5	The Testing Agency shall maintain records of testing and their results which are relevant for reference for audit, for a period of five years.
4.0	SPECIFIC REQUIREMENTS :
	Test Agencies notified under CMV Rule 126 shall qualify with IS/ISO/IEC 17025 General Requirements for the Competence of Testing and Calibration Laboratories.
5.0	PRINCIPLES OF ASSESSMENT :

5.1	Assessment shall be characterised by reliance on a number of principles:
	(a) Independence which is the basis for the impartiality and objectivity of the conclusions,
	(b) An evidence-based approach which guarantees reliable and reproducible conclusions.
5.2	Auditors shall show trust and integrity, and shall respect confidentiality. They shall report truthfully, impartially and accurately findings and conclusions.
6.0	SKILL REQUIREMENTS OF AUDITORS :
6.1.	The Assessment / Reassessment shall only be conducted by auditors having the technical and administrative knowledge necessary for such purposes.
6.2	The Auditor(s)/ Assessor(s) shall have the specific knowledge of the scope of audit for which the Testing Agency has applied.
6.3	The auditors (s) / Assessor(s) shall not have any conflict of interest with the activity of the test agency that they are required to audit.
6.4	The Competent Authority for the purpose of Assessment / Reassessment of the Testing Agency, shall review its own policy and the availability of suitable auditors and experts.
7.0	APPLICATION FOR ACCREDITATION :
7.1.	A duly authorised representative of the applicant Testing Agency shall make a formal application as given in Annexure I to the Competent Authority that includes the following:
	(a) Scope of the Testing Agency, including corporate entity, name, addresses, legal status and human and technical resources;
	(b) A detailed description of the personnel in charge of testing and of the managerial staff as evidenced by the skills both educational and professional as per format given in Annexure II;
	(c) In addition to the above, Testing Agency which use virtual testing methods shall provide evidence of their ability to work in a Computer Aided Environment;
	(d) General information concerning the Testing Agency such as its activities, its relationship in a larger corporate entity if any, and addresses of all its physical location(s) to be covered by the scope of accreditation;

	(e) A declaration to fulfil the requirements for accreditation and the other obligations of the Testing Agency as applicable;
	(f) A description of the conformity assessment services that the Testing Agency undertakes in the framework of the applicable regulatory acts and a list of the regulatory acts for which the testing agency applies for accreditation, including limits of capability where applicable;
	(g) A copy of the quality manual of the Testing Agency.
	(h) A copy of the compliance certificate to IS/ISO/IEC 17025 - General Requirements for the Competence of Testing and Calibration Laboratories, for their definite scope of work / activity, if already obtained.
	(i) List of the facility available to conduct tests as per CMVR as per Annexure III.
7.2.	The submission shall be reviewed for adequacy-of-information supplied by the Testing Agency and applicant testing agency will be informed regarding the same within a period of 30 days.
8.0	PREPARATION FOR ASSESSMENT:
8.1.	The Competent Authority shall appoint an assessment team and ensure that the assessment team possesses relevant domain expertise. The Competent Authority shall make clear to its members concerned with their duties, responsibilities and their authority. In particular, the team as a whole:
	(a) Shall have appropriate knowledge of the specific scope for which accreditation is sought, and
	(b) Shall have understanding sufficient to make a reliable assessment of the competence of the Testing Agency to operate within its scope of accreditation.
8.2.	The task of the assessment team is to review the documents collected from the applicant Testing Agency and to conduct the on-site assessment.
8.3.	The Assessment team shall in agreement with the test agency, fix the date and schedule for the assessment
9.0	ON-SITE ASSESSMENT:
	The assessment team shall conduct the assessment of the Testing Agency at the premises of the Testing Agency from which one or more key activities are performed. In case required assessment team may visit test locations from where the testing agency operates.

10.0	ANALYSIS OF FINDINGS AND ASSESSMENT REPORT:
10.1.	The assessment team shall analyse all relevant information and evidence gathered during the document and record review and on-site assessment and follow the reporting procedure outlined below.
10.2.	Reporting procedures
10.2.1.	A meeting shall take place between the assessment team and the Testing Agency prior to leaving the site. An opportunity shall be provided to the Testing Agency to ask questions about the findings, including nonconformities, if any, and their basis.
10.2.2.	A written report on the outcome of the assessment shall be promptly brought to the attention of the Testing Agency. This assessment report must contain comments on competence and Assessment / Reassessment, and shall identify non-conformities, if any, to be resolved in order to conform to all of the requirements for accreditation.
10.2.3	The Testing Agency shall be invited to respond to the assessment report and to describe the specific actions taken or planned to be taken, within a defined time period, to resolve any identified non-conformities.
10.3.	The Assessment Team shall ensure that the responses of the Test Agency to resolve non-conformities are reviewed to see if the actions appear to be sufficient and effective. If the Testing Agency's responses are found to be insufficient, further information shall be requested. Additionally, evidence of effective implementation of actions taken may be requested, or a follow-up assessment may be carried out to verify effective implementation of corrective actions.
10.4.	The assessment report shall include, as a minimum, the following:
	(a) Unique identification of the Testing Agency as per AIS-065;
	(b) Date(s) of the on-site assessment;
	(c) Name(s) of the auditors(s) and/or experts involved in the assessment;
	(d) Unique identification of all premises assessed;
	(e) Proposed scope of accreditation that was assessed;
	(f) A statement on the adequacy of the internal organisation and procedures adopted by the Testing Agency to give confidence in its competence, as determined through its fulfilment of the requirements for accreditation;
	(g) Information on the resolution of all nonconformities;

	(h) A recommendation of whether the applicant should be confirmed as Testing Agency and, if so, the scope of their accreditation.
11.0	GRANTING / CONFIRMING AN ACCREDITATION:
11.1	The Competent Authority shall make the decision on whether to grant, confirm or extend accreditation on the basis of the report(s) and any other relevant information. Competent Authority shall issue certificate of accreditation in the format, as given in Annexure IV.
11.2	The Competent Authority shall provide a certificate to the Testing Agency. This certificate shall identify the following:
	(a) The identity and logo of the competent authority;
	(b) The unique identity of the Testing Agency as per AIS-065;
	(c) The effective date of granting of accreditation (Assessment / Reassessment) and the expiry date;
	(d) A brief indication of or a reference to the scope of accreditation (applicable Act, standards or part of them);
	(e) A statement of conformity and a reference to this standard.
	The validity of the accreditation certificate granted shall be 5 years from the effective date of granting of accreditation. Provided further the interval between on-site assessments / reassessment shall depend on the experience that the testing agency has achieved.
12.0	REASSESSMENT:
12.1	Reassessment is similar to an initial assessment except that experience gained during previous assessments shall be taken into account.
12.2	The scope of accreditation of reassessment of the testing agency should be such as to cover the maximum number of representative samples.
12.3	When, during reassessment, nonconformities are identified, the re assessment team shall define strict time limits for corrective actions to be implemented.
12.4	When the corrective or improvement actions have not been taken within the agreed timeframe or are not deemed to be sufficient, the Competent Authority may take a decision such as, conducting a further assessment, suspending / withdrawing the accreditation for one or more of the activities for which the Testing Agency has been accredited.

12.5	When the Competent Authority decides to suspend or withdraw the accreditation of a Testing Agency, it must inform the latter by registered mail. In any case, the Competent Authority must adopt all the necessary measures to ensure the continuity of the activities already undertaken by the Testing Agency.
13.0	RECORDS OF ACCREDITED TEST AGENCY:
13.1	Ministry shall maintain records of Testing Agency to demonstrate that requirements for accreditation (Assessment / Reassessment), including competence, have been effectively fulfilled.
13.2	Ministry shall keep the records of Testing Agency secure to ensure confidentiality.
13.3	Records of Test Agency shall include at least:
	(a) Relevant correspondence; (b) Assessment records and reports; (c) Copies of accreditation certificates
14.0	HANDLING PROCESS FOR COMPLAINTS
14.1	On receipt of a complaint, the testing agency shall confirm whether the complaint relates to testing activities that it is responsible for and, if so, shall deal with it.
14.2	The handling process for complaints shall include at least the following elements and methods:
14.2.1	A description of the process for receiving, validating, investigating the complaint, and deciding what actions are to be taken in response to it;
14.2.2	Tracking and recording complaints, including actions undertaken to resolve them;
14.2.3	Ensuring that any appropriate action is taken in a timely manner.
14.3	The testing agency shall acknowledge receipt of the complaint and provide the complainant with progress reports and the outcome.
14.4	The testing agency shall be responsible for all decisions at all levels of the handling process for complaints.
14.5	Investigation and decision on complaints shall not result in any discriminatory actions against the complainant.
14.6	A description of the handling process for complaints shall be available on demand by Competent Authority.
15.0	REGULATION AND CONTROL OF TESTING AGENCY:

15.1	A Testing Agency referred to in CMV Rule 126 shall have the obligation to inform the Competent Authority if there is any change in the status / scope of their Accreditation Certificate, and shall ensure that they undertake renewal of the Accreditation Certificate within the period prescribed.
15.2	In case a complaint has been filed against an accredited Testing Agency by a manufacturer of a motor vehicle, on denial of type approval certificate or on deficiency of service, or a motor vehicle having a type-approval certificate from an Accredited Testing Agency is recalled under section 110A, Competent Authority shall appoint an investigating officer to determine the veracity of the allegations, and such investigating officer shall report to the Competent Authority, whether any action should be initiated against the Testing Agency.
15.3	After following the procedure specified in clause 15.2, the Competent Authority shall allow the Testing Agency to make a representation on the allegations in the complaint, and may pass an order either suspending or withdrawing the Accreditation of the Testing Agency, if necessary. Provided that a Testing Agency which has had its accreditation suspended or cancelled, shall be required to make an application for accreditation and to follow procedure for accreditation prescribed in this standard prior to applying for accreditation after the period of suspension.
15.4	The Competent Authority, after giving a reasonable opportunity to the Test Agency of being heard, may order audit or recertification of the Type Approval for the vehicle, partially or fully, from any Test Agency, as the case may be, at the risk and cost of the Test Agency.
15.5	Notwithstanding anything contained in this standard, the competent authority shall have the power to suspend or cancel the accreditation of a Testing Agency in public interest.

Annexure I

Format of application to be submitted by the Testing Agency to Competent Authority.

(ASSESSMENT / REASSESSMENT)

1.0	Name of the Testing Agency	
2.0	Name & Designation of the Authorised Representative of the Testing Agency	
3.0	Address and contact details of all physical locations of Testing Agency	
4.0	Brief description of the personnel in charge of testing	

5.0	Brief of Managerial staff as evidenced by the skills both educational and professional	
6.0	A declaration to fulfil the requirements for accreditation and the other obligations of the Testing Agency as applicable	
7.0	A description of the conformity assessment services that the Testing Agency undertakes in the framework of the applicable regulatory acts	
8.0	A list of the regulatory acts for which the Testing Agency applies for accreditation, including limits of capability where applicable	
9.0	Copy of Quality Manual	

Name of the Applicant & Designation	Organisation	Signature Seal

**Annexure II
Manpower Details**

Sr. No	Manpower Details	Area of Expertise	Experience

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Name of the Applicant & Designation	Organisation	Signature Seal
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**Annexure III
Details of Testing Facilities**

Sr. No	Facility	Purpose	NABL Accreditation (Yes/ No)

Name of the Applicant & Designation	Organisation	Signature Seal

**Annexure IV
Format of Accreditation Certificate
to be issued by Competent Authority to Testing Agency**

This is to certify that the Testing Agency as specified in Sr. No. 1 in table below meets the requirement as specified in AIS-161.

This accreditation is valid for granting Type Approval and Conformity of Production certificate to the manufacturers seeking approval as per CMVR 126.

Ministry Logo		
Ministry of Road Transport & Highways (MoRTH)		
Grant of Accreditation / Renewal of Accreditation for Testing Agency under CMV Rule 126		
1.0	Name of the Testing Agency	
2.0	Name of the Authorised Representative of the Testing Agency	
3.0	Address and contact details of all physical locations of Testing Agency	
4.0	Scope of Accreditation	
5.0	Date of issue	
6.0	Validity	Valid Until :

Date	Signature of the Authorised person from the Competent Authority

ANNEXURE V
(See Introduction)

COMMITTEE COMPOSITION*

ANNEXURE V (See Introduction)	
TECHNICAL PANEL COMPOSITION*	
Convener	
Mr. A. A. Badusha	Sr. Dy. Director, ARAI
MEMBERS	REPRESENTING
Mr. Vikram Tandon	ARAI
Mr. Kamalesh B. Patil	ARAI
Mr. Pratik Nayak	ARAI
Mr. Y. K. Rao	CFMTTI
Dr. N. Karuppaiah	NATRAX
Mr. S. N. Dhole	CIRT
Mr. M. M. Pathak	CIRT
Mr. V. M. Dhanasekar	GARC
Ms. Vijayanta Ahuja	ICAT
Mr. Sachin Barve	IRMRA

* At the time of approval of this Automotive Industry Standard (AIS)