HIGHLIGHTS OF

The Legal Metrology Act, 2009
&
The Legal Metrology (Packaged Commodities) Rules, 2011

(*Pl see the LM Act and PC Rules booklet for any action*)

Compiled By:

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LEGAL METROLOGY ACT, 2009

A. **Date of In-force:**

Dear Members,

The Central Government has enacted Legal Metrology Act 2009 which had come into force on 1st April, 2011. This Act rationalizes the units for measurement to be used in India. Act also specifies the Metric System (metre, kilogram etc.) to be used. It regulates the manufacture, sale and use of standard weights and measures.

**Highlights of the LEGAL METROLOGY ACT, 2009:**

- The Legal Metrology Act, 2009 replace the Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Enforcement) Act, 1985. It also provides for establishing uniform standards of weights and measures regulate trade in weights, and other goods which are sold or distributed by weight, measure or number.

- The Central Govt. may appoint a **Director of Legal Metrology** to perform duties related to inter-state trade and commerce. The State Govt. may appoint a **Controller of Legal Metrology** to perform duties related to intra-state trade and commerce.

- A person has to get approval of the model of a weight or a measure before manufacturing or importing it by the competent authority. Also, an importer has to register with the concerned Director.

- Every manufacturer, repairer and seller shall have to obtain a licence from the respective Controller. The Act allows Govt. approved test centres to verify weights and measures.

- The Central Govt. shall have the power to make rules.

**Brief details of some of the more Sections of the Act:**

**STANDARD WEIGHTS AND MEASURES:**

**Sec. 4 and Sec. 5 of the Act** provides that every unit of weight or measure shall be in accordance with Metric System based on the International System of Units. The base unit of weights and measures as per **Sec. 5 of the Act** is as under:

- For ‘Length’ – metre;
- For ‘Mass’ – kilogram;
- For ‘Time’ – second;
- For ‘Electric current’ – ampere;
- For ‘Thermodynamic temperature’ – Kelvin;
- For ‘Luminous intensity’ – candela;
- For ‘Amount of substance’ – mole.
Sec. 6 and Sec. 7 of the Act provides that the base unit of numeration shall be the unit of international form of India numerals. Every numeration shall be made in accordance with the decimal system. The decimal multiples and sub-multiples shall be of such denominations and be written in such manner as may be prescribed. Sec.7 provides that the base units of weights and measures shall be the standard units of weights and measures. The base unit of numeration shall be standard unit of numeration.

Sec. 8 of the Act provides that any weight or measure which conforms to the standard of such weight or measure and also conforms to such of the provisions of Sec. 7 as are applicable to it shall be the standard of weight or measure. No weight or measure shall be manufactured or imported unless it conforms to the standards of weight or measure specified under this Section. The provisions of Sec. 8 shall not apply for manufacture done exclusively for export or for the purpose of any scientific investigation or research.

USE OF WEIGHTS OR MEASURES AND PROHIBITION OF QUOTATION:

Sec. 10 and Sec. 11 of the Act provides that any transaction, dealing or contract in respect of any goods, class of goods or undertakings shall be made by such weight, measure or number as may be prescribed. Sec. 11 deals with the prohibition of quotation etc., otherwise than in terms of standard units of weight, measure or numeration. This Section provides that no person shall, in relation to any goods, things or service –

• quote, or make announcement of, whether by word of mouth or otherwise, any price or charge, or
• issue or exhibit any price list, invoice, cash memo or other document, or
• prepare or publish any advertisement, poster or other document, or
• indicate the net quantity of a pre-packaged commodity, or
• express in relation to any transaction or protection, any quantity or dimension, otherwise than in accordance with the standard unit of weight, measure or numeration. The provisions of Sec. 10 will not be applicable for export of any goods, things or service.

OBLIGATIONS OF MANUFACTURERS, DEALERS OR REPAIRERS:

Sec. 17 provides that every manufacturer, repairer or dealer of weight or measure shall maintain such records and registers as may be prescribed. The same shall be produced at the time of inspection to the persons authorized in this behalf.

Sec. 18 imposes an obligation to manufacture, pack, sell, import, distribute, deliver, offer, expose or possess for sale any pre packaged commodity in such standard quantities or number and bears thereon such declarations and particulars in such manner as may be prescribed.

Sec. 19 provides that no person shall import any weight or measure unless he is registered with the director in such manner and on payment of such fees, as may be prescribed.

According to Sec. 20 no weight or measure, whether singly or as a part or component of any machine shall be imported unless it conforms to the standards of weight or measure established by or under this Act.

Every person, as per Sec. 22 of this Act, before manufacturing or importing any weight or measure shall seek the approval of model of such weight or measure in such manner, on payment of such fee and from such authority as may be prescribed.
LICENCE:

Sec. 23 provides that no person shall manufacture, repair or sell, or offer, expose or possess for repair or sale, any weight or measure unless he holds a licence issued by the Controller. No licence to repair shall be required by a manufacturer for repair of his own weight or measure in a State other than the State of manufacture of the same.

VERIFICATION AND STAMPING:

Sec. 24 provides that every person, having any weight or measure in his possession, custody or control in circumstances indicating that such weight or measure is being, or is intended or is likely to be, used by him in any transaction.

The Central Government may prescribe the kinds of weights and measures for which the verification is to be done through the Government approved Test Centre.

INSPECTION, SEIZURE ETC.,

Sec. 15 gives powers to the Director, Controller or any legal metrology officer, if he has any reason to believe, whether from any information given to him by any person and taken down in writing or from personal knowledge or otherwise, that any weight or measure or other goods in relation to which any trade and commerce has taken place or is intended to take place and in respect of an offence punishable under this Act appears to have been, or is likely to be, committed are either kept or concealed in any premises or are in the course of transportation.

Sec. 16 of the Act deals with forfeitute. Every non standard or unverified weight or measure and every package made in contravention, used in the course or in relation to, any trade and commerce and seized shall be liable to be forfeited to the State Government.

OFFENCES AND PENALTIES:

The following are the penalties imposable under this Act for contravention of respective provision:

- **Sec. 25** – Penalty for use of non standard weight or measure – Fine up to Rs. 25,000/-; for the second or subsequent offence – imprisonment up to six months and with fine;

- **Sec. 26** – Penalty for alteration of weight and measure – Fine up to Rs. 25,000/-; for the second or subsequent offence – imprisonment – not less than six months but may extend to one year or with fine or with both;

- **Sec. 27** – Penalty for manufacture or sale of non standard weight or measure – Fine up to Rs. 25,000/-; second or subsequent offence – imprisonment up to three years or with fine or with both;

- **Sec. 28** – Penalty for making any transaction, deal or contract in contravention of the prescribed standards – Fine up to Rs. 10,000/-; for the second or subsequent offence – imprisonment for a term up to one year or with fine or with both;

- **Sec. 29** – Penalty for quoting or publishing etc., of non standard units – Fine up to Rs. 10,000/-; second or subsequent offence – imprisonment up to one year, or with fine or with both;

- **Sec. 30** – Penalty for transactions in contravention of standard weight or measure – Fine up to Rs. 10,000/-; second or subsequent offence – imprisonment up to one year, or with fine or with both;
• **Sec. 31** – Penalty for non production of documents etc., - Fine up to Rs. 5,000/-; second or subsequent offence – imprisonment up to one year and also with fine.

• **Sec. 32** – Penalty for failure to get model approved – Fine up to Rs. 25,000/-; second or subsequent offence – imprisonment up to one year and also with fine;

• **Sec. 33** – Penalty for use of unverified weight or measure – Fine up to Rs. 10,000/-; second or subsequent offence – imprisonment up to one year and also with fine;

• **Sec. 34** – Penalty for sale or delivery of commodities etc., by non standard weight or measure – Fine Rs. 2,000 to Rs. 5,000; second or subsequent offence – imprisonment 3 months to one year, or with fine, or with both;

• **Sec.35** – Penalty for rendering services by non standard weight, measure or number – Fine Rs. 2,000 to Rs. 5,000; for the second and subsequent offence – imprisonment 3 months to one year, or with fine or with both;

• **Sec. 36** – Penalty for selling etc., of non standard packages – Fine up to Rs. 25,000/-; for the second offence – fine up to Rs. 50,000/-; subsequent offence – fine Rs. 50,000 – Rs. 1,00,000 or with imprisonment up to one year or with both;

• **Sec. 37** – Penalty for contravention by Government approved Test Centre – Fine up to Rs. 1,00,000/-; in case of employee of test centre – imprisonment up to one year or with fine up to Rs. 10,000/- or with both;

• **Sec. 38** – Penalty for non registration by importer of weight or measure – Fine up to Rs. 25,000/-; for the second and subsequent offence – imprisonment up to six months or with fine or with both;

• **Sec. 39** – Penalty for import of non standard weight or measure – Fine up to Rs. 50,000/-; for the second and subsequent offence – imprisonment up to one year and also with fine;

• **Sec. 40** – Penalty for obstructing Director, Controller or legal metrology Officer – imprisonment up to two years; for the second and subsequent offence imprisonment up to 5 years;

• **Sec. 41** – Penalty for giving false information or false return – Fine up to Rs. 5,000/-; for the second or subsequent offence – imprisonment up to six months and also with fine;

• **Sec. 42** – Vexatious search – imprisonment up to one year or with fine up to Rs. 10,000/- or with both;

• **Sec. 43** – Penalty for verification in contravention of Act and Rules – imprisonment up to one year or with fine up to Rs. 10,000/- or with both;

• **Sec. 44** – Penalty for counterfeiting of seals etc., - imprisonment 6 months to one year; for the second and subsequent offence – imprisonment 6 months to five years;

• **Sec. 45** – Penalty for manufacture of weight and measure – Fine up to Rs. 20,000/-; second or subsequent offence – up to one year or with fine or with both;

• **Sec. 46** – Penalty for repair, sale etc., of weight and measure without licence – Fine up to Rs. 5,000/-; for the second and subsequent offence – imprisonment up to one year or with fine or with both;
• **Sec. 47** – Penalty for tampering with licence – Fine up to Rs. 25,000/- or with imprisonment up to one year or with fine or with both;

**COMPOUNDING OF OFFENCES:**

**Sec. 48** deals with the compounding of offences punishable under Section 25, Sections 27 to 39, Sections 45 to 47 or any rule made either before or after the institution of the prosecution on payment for credit to the Government of such sum as may be prescribed. Such sum shall not exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded.

**OFFENCES BY COMPANIES ON NOMINATION:**

Any company, as per **Sec. 49** may, by order in writing, nominate directors to be responsible under Legal Metrology Act for preventing the company of any offence or the company has to give notice to Legal Metrology Director/ Controller/ Authorized legal metrology office in a prescribed form indicating such director has been nominated along with written consents and where a company has different establishments /branches/ units, different persons to be responsible can be nominated.

This section also provides nomination to continue until he ceases to be a director or any cancellation notice is received from the company or nominee himself makes a request to cancel the nomination.

The company so convicted under this Act for contravention of any of the provisions thereof, the **penalty will be to publish an advertisement in newspapers at the expense of the company** as the court may direct.

**APPEALS:**

**Sec. 50** deals with every appeal that shall lie from:

- every decision or order under Sections 15 to 20, Sec. 22, Sections 27 to 39, Section 41 or any rule made there by the legal metrology officer;
- every decision or order made by the Director underSections 15 to 20, Section 22, Sections 27 to 39, Sec. 41 or any rule made;
- every decision given by the Controller to the Central Government;
- every decision given or order made under Sections 15 to 18, sections 23 to 25, sections 27 to 37, sections 45 to 47 or any rule made by any legal metrology officer appointed to the Controller.

Every appeal shall lie within **sixty days** from the date on which the impugned order was made.

B. **Notification G.S.R 318 (e) dated 13th April, 2011.**

On the request of the Industries Associations, those industries are not able to utilize their existing old packaging material up to 31st March, 2011 and is lying with them, **Legal Metrology (Packaged Commodities) Rules, 2011** was amended vide **G.S.R. No. 318(E) dated 13th April, 2011** allowing them to utilize their packaging material or wrapper which could not be exhausted by the manufacturer or packer may be used for packing of the material up to **30th September, 2011** or till such date the packaging material of wrapper is exhausted, whichever is
earlier, after making the corrections required under these rules by way of stamping or putting sticker or online printing, as the case may be.


Brief details of some of the Legal Metrology Rules:

TERM:
The term Standards Weight and Measures Act has been changed to Legal Metrology Act.

MRP DECLARATION:
Rule 2(l) provides the manner of price to be printed as “Maximum or Max. retail price---inclusive of all taxes” or “MRP Rs. ......incl. of all taxes” with fractions of less than fifty paisa to be rounded off to the preceding rupees and fraction of above 50 paisa and up to 95 paisa to the rounded off to 50 paisa.

PRINCIPLE DISPLAY PANEL:
Rule 2(h) (ii) provides ‘principle display panel’ that means total surface area of the package where the information required to be given as:
- All information could be grouped together and given at one place
- The preprinted information could be at one place and online grouped at another place.

**Principal display panel-its area, size and letter etc.**

Rule 7 provides the height of any numeral in the declaration on the principal display panel that shall not be less than as shown in Table-I, if the net quantity is declared in terms of weight or volume and as shown in Table-II, if the net quantity is declared in terms of length, area or number. It further provides the height of letters in the declaration that shall not be less than 1 mm height and when blown, formed, molded, embossed or perforated, shall not be less than 2 mm keeping that the width of the letter or numeral shall not be less than one third of its height, except in the case of numeral ‘1’ and letters (i), (I) and (l).

**TABLE-I**
Minimum height of numeral

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Net quantity in weight / volume</th>
<th>Minimum height in mm</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Normal case</td>
</tr>
<tr>
<td>1</td>
<td>Up to 200g/ ml</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Above 200g/ ml and up to 500g/ml</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Above 500g/ ml</td>
<td>4</td>
</tr>
</tbody>
</table>
### TABLE-II
Minimum height of numeral

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Net quantity in length, area or number, area of principal display panel</th>
<th>Minimum height in mm</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Normal case</td>
<td>When blown, formed, molded, embossed or perforated on container</td>
</tr>
<tr>
<td>1</td>
<td>Up to 100 cm²</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Above 100 cm² and up to 500 cm²</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Above 500 cm² and up to 2500 cm²</td>
<td>4</td>
</tr>
<tr>
<td>4</td>
<td>Above 2500 cm²</td>
<td>6</td>
</tr>
</tbody>
</table>

### PROVISIONS APPLICABLE TO PACKAGES FOR RETAIL SALE

Chapter-II of the Rules provides that all provisions shall be applicable to imported products and actions will be taken by director, controller or legal metrology officer for any short-comings where ever applicable.

According to Rule 3 Legal Metrology (Packaged Commodities) Rules, 2011 are not applicable to:
(a) packages of commodities containing quantity more than 25 kg or 25 litre excluding cement and fertilizer sold in bags up to 50 kg
(b) packaged commodity meant for Institutional and industrial consumers.

Rule 3(b) provides the definitions of Institutional and Industrial Consumer that are redefined with same essence. For the purpose of this Rule “Institutional consumers” means the institutional consumer like transportation, airways, railways, hotels, hospitals, or any other service institutions who buy Packaged commodities directly from manufacturer for use by the institute and “Industrial consumers” are those who buy Packaged commodities directly from the manufacturer for use by that industry.

Rule 4 provides that available packages with no retail sale price at manufacturer premises shall not have to undergo any offence if MRP put before dispatch.

### DECLARATION TO BE MADE ON EVERY PACKAGE:

According to Rule 6 every package shall have-
- the name and address of the manufacturer and packer or importer;
- common or generic names of commodity contained in the package with more than one product, the name or quantity of each product;
- the net quantity of the commodity contained in the package;
- the month and year in which the commodity is manufactured or pre-packed or imported shall be mentioned on the package. The provisions of the Prevention of Food Adulteration Act 1954 (37 of 1954) and the rules made there under for packages
containing food articles shall apply and also a manufacturer may indicate the month and year using a rubber stamp without overwriting.

e. the Retail sale price of the package

f. Where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece shall be mentioned.

g. Any other matter specified in the rules (like consumer complaint).

**USE OF STICKERS:**

Under Rule 6 (3), it shall not be permissible to affix individual stickers on the package for altering or making declaration, provided that for reducing the Maximum Retail Price (MRP), a sticker with the revised lower MRP (inclusive of all taxes) may be affixed and the same shall not cover the MRP declaration made by the manufacturer or the packer, on the label of the package.

**CHAPTER-III OF THE RULES**

General Rules of Chapter-III provides that:-

(1) Any advertisement mentioning the retail sale price of the pre-packaged commodity shall contain a declaration as to the net quantity or number of the commodity contained in the package.

(2) The font size of the net quantity in the advertisement shall be same as that of retail sale price.

**PENALTY FOR CONTRVENTION OF RULES:**

Rule 33 provides that whoever contravenes the provisions of rules 27 to 32, he shall be punished with fine of four thousand rupees and whoever contravenes any other provision of these rules, for the contravention of which no punishment has been provided either in the Act or in the rules he shall be punished with fine of two thousand rupees.

**REPEAL AND SAVINGS:**

According to Rule 35, The Standards of Weights and Measures (Packaged Commodities) Rules, 1977 are repealed with the provision that such repeal shall not affect anything done or any action taken including approval of letter, exemption granted, fees collected, any adjudication, enquiry or investigation commenced, license and registration of manufacturers, dealers, importers of pre-packaged commodities, or show cause notice, decision, determination, approval, authorization issued, given or done under the said rules shall if in force at the commencement of the said rules continue to be in force and have effect as if issued, given or done under the corresponding provisions of these rules, earlier said rules to continue.

**SCHEDULE:**

Rule 2(e) provides that Maximum Permissible Errors (MPE) on net quantity contained in an individual package shall not exceed the limits as specified in the FIRST SCHEDULE.

Rule 5 provides specific commodities to be packed and sold in recommended standard packages as specified in SECOND SCHEDULE with the provision that if a commodity specified in the Second Schedule is packed in a size other than that prescribed in that Schedule, a declaration that 'Not a standard pack size under the Legal Metrology (packaged
Commodities) Rules, 2011 or 'Non Standard Size under the Legal Metrology (packaged Commodities) Rules, 2011' shall be made prominently on the label of such package.

Rule 11(4) provides that the declaration of quantity in relation to commodities which are likely to undergo significant variation in weight or measures on account of environmental or other conditions, like all kinds of soaps, lotions, cream (other than cream of milk), may be qualified by the words “When packed” as specified in THIRD SCHEDULE.

Rule 12 (2) provides that the declaration of quantity shall be expressed in terms of unit of weight, measure or number or a combination of weight, measure or number as per FOURTH SCHEDULE. Except in the cases of commodities specified in the Fourth Schedule, the declaration of quantity shall be in terms of the unit of –

(a) mass, if the commodity is solid, semi-solid, viscous or a mixture of solid and liquid;
(b) length, if the commodity is sold by linear measure;
(c) area, if the commodity is sold by area measure;
(d) volume, if the commodity is liquid or is sold by cubic measure; or
(e) number, if the commodity is sold by number:

Rule 19 provides that the manner of selection of Sample Packages for the Inspection of quantity and error in packages at the premises of the manufacturer or packer shall be as specified in FIFTH SCHEDULE and the tests aforesaid shall be carried out in accordance with the method specified in the SIXTH SCHEDULE.

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