• **Legal Metrology**: means that part of metrology which treats units of weighment and measurement, methods of weighment and measurement and weighing and measuring instruments, in relation to the mandatory technical and legal requirements which have the objective of ensuring public guarantee from the point of view of security and accuracy of the weighments and measurements.
• **Role of Department of Consumer Affairs in the field of Legal Metrology**

  1. The Department of Consumer Affairs is the Nodal Agency for the implementation of the Legal Metrology Act, 2009 and to ensure the interest of common consumers in respect of weight or measure and to ensure that the commodities should not be sold at a price more than maximum retail price.

  2. This department implements the Legal Metrology Act, 2009 with the following Rules:

     (i) The Legal Metrology (Packaged Commodities) Rules, 2011,
     (ii) The Legal Metrology (Approval of Models) Rules, 2011
     (iii) The Legal Metrology (Numeration) Rules, 2011
     (iv) The Legal Metrology (General) Rules, 2011
     (v) The Legal Metrology (National Standards) Rules, 2011
     (vi) The Indian Institute of Legal Metrology Rules, 2011

  3. Under the administrative control of the Department there are five Regional Reference Standards Laboratories, which periodically verify the Secondary Standards and Working Standards Weights, Capacity Measurers, Length Measures etc. of the State Governments to ensure correct weight and measure in trade and transaction. These laboratories perform the mandatory duties of testing of models of weights and measures.

  4. The reference standards are maintained at Regional Reference Standards Laboratories which are periodically verified by the National Physical Laboratory, (NPL) India.

  5. Under the administrative control of the Department there is one training institute in the field of Legal Metrology namely Indian Institute of Legal Metrology at Ranchi, which provides regular training to the Indian and foreign Legal Metrology Officers.
• 6. The Department implements Plan Schemes for the strengthening of Legal Metrology infrastructure in the Country. An amount of Rs. 300 Cr. has been earmarked for the 12th five year plan during 2012-17.
• 7. Government of India has decided to strengthen the technical and administrative skill of the human resources working in the field of Legal Metrology at National and International level.
• 8. The Legal Metrology Act and Rules frames there under are based on the recommendations of International Organization of Legal Metrology (OIML).
• 9. There is no restriction on importing of weighing and measuring instruments in India, if the import is done according to the provisions of Act and Rules.
• 10. The enforcement of the Legal Metrology is the responsibility of the State Governments, which includes verification, inspection and prosecution of weights and measures as provided under the Law.

LEGISLATION

The Legal Metrology Act, 2009 (1 of 2010)- contains 57 Sections (published on 14th January 2010), implemented w.e.f. 1st April, 2011
• **Base unit of weights and measures.** - (1) The base unit of - (i) length shall be the metre; (ii) mass shall be the kilogram; (iii) time shall be the second; (iv) electric current shall be the ampere; (v) thermodynamic temperature shall be the kelvin; (vi) luminous intensity shall be the candela; and (vii) amount of substance shall be the mole.

• (2) The specifications of the base units mentioned in sub-section (1), derived units and other units shall be such as may be prescribed.

• **18. (1)** No person shall manufacture, pack, sell, import, distribute, deliver, offer, expose or possess for sale any pre-packaged commodity unless such package is in such standard quantities or number and bears thereon such declarations and particulars in such manner as may be prescribed.
• 19. 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.
• 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.

• 22. Every person, 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:
• Provided that such approval of model may not be required in respect of any cast iron, brass, bullion, or carat weight or any beam scale, length measures (not being measuring tapes) which are ordinarily used in retail trade for measuring textiles or timber, capacity measures, not exceeding twenty litre in capacity, which are ordinarily used in retail trade for measuring kerosene, milk or potable liquors:
• Provided further that the prescribed authority may, if he is satisfied that the model of any weight or measure which has been approved in a country outside India conforms to the standards established by or under this Act, approve such model without any test or after such test as he may deem fit.
• **23.** (1) 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 under sub-section (2):
  
  Provided that 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.

  (2) For the purpose of sub-section (1), the Controller shall issue a licence in such form and manner, on such conditions, for such period and such area of jurisdiction and on payment of such fee as may be prescribed.

• **24.** (1) 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 or for protection, shall, before putting such weight or measure into such use, have such weight or measure verified at such place and during such hours as the Controller may, by general or special order, specify in this behalf, on payment of such fees as may be prescribed.

  (2) 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.

  (3) The Government approved Test Centre shall be notified by the Central Government or the State Government, as the case may be, in such manner, on such terms and conditions and on payment of such fee, as may be prescribed.

  (4) The Government approved Test Centre shall appoint or engage persons having such qualifications and experience and collect such fee on such terms and conditions for the verification of weights and measures specified under sub-section (2) as may be prescribed.
32. Penalty for failure to get model approved:  
Whosoever fails or omits to submit model of any weight or measure for approval, shall be punished with fine which may extend to Rs. 20,000/- and for second or subsequent offence with imprisonment for a term which may extend to one year and also with fine.

33. Penalty for use of unverified weight or measure:  
Whoever, sells, distributes, delivers or otherwise transfers or uses any unverified weight or measure shall be punished with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

38. Penalty for non-registration by importer of weight or measure:  
Whosoever imports any weight or measure without being registered under this Act shall be punished with fine which may extend to Rs.25,000/- and for the second and subsequent offence, with imprisonment for a term which may extend to six months or with fine or with both.

45. Penalty for manufacture of weight and measure without licence:  
Whoever, being required to obtain a licence under this Act or the rules made thereunder, manufactures, without being possession of a valid licence, any weight or measure, shall be punished with fine which may extend to Rs.20,000/- and for the second and subsequent offence, with imprisonment for a term which may extend to one year or with fine or with both.
• **36. (1)** Whoever manufactures, packs, imports, sells, distributes, delivers or otherwise transfers, offers, exposes or possesses for sale, or causes to be sold, distributed, delivered or otherwise transferred, offered, exposed for sale any pre-packaged commodity which does not conform to the declarations on the package as provided in this Act, shall be punished with fine which may extend to **twenty-five thousand rupees**, for the second offence, with fine which may extend to **fifty thousand rupees** and for the subsequent offence, with fine which shall not be less than **fifty thousand rupees** but which may extend to one lakh rupees or with imprisonment for a term which may extend to one year or with both.

• **(2)** Whoever manufactures or packs or imports or causes to be manufactured or packed or imported, any pre-packaged commodity, with error in net quantity as may be prescribed shall be punished with fine which shall not be less than **ten thousand rupees** but which may extend to **fifty thousand rupees** and for the second and subsequent offence, with fine which may extend to **one lakh rupees** or with imprisonment for a term which may extend to one year or with both.
• 48. (1) Any offence punishable under section 25, sections 27 to 39, sections 45 to 47, or any rule made under sub-section (3) of section 52 may, either before or after the institution of the prosecution, be compounded, on payment for credit to the Government of such sum as may be prescribed.

• (2) The Director or legal metrology officer as may be specially authorised by him in this behalf, may compound offences punishable under section 25, sections 27 to 39, or any rule made under sub-section (3) of section 52.

• (3) The Controller or legal metrology officer specially authorised by him, may compound offences punishable under section 25, sections 27 to 31, sections 33 to 37, sections 45 to 47, and any rule made under sub-section (3) of section 53:

  • Provided that such sum shall not, in any case, exceed the maximum amount of the fine,
  • which may be imposed under this Act for the offence so compounded.

• (4) Nothing in sub-section (1) shall apply to person who commits the same or similar offence, within a period of three years from the date on which the first offence, committed by him, was compounded.

  **Explanation.**—For the purposes of this sub-section, any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded, shall be deemed to be a first offence.

• (5) Where an offence has been compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded.

• (6) No offence under this Act shall be compounded except as provided by this section.
49. (1) Where an offence under this Act has been committed by a company,—

(a) (i) the person, if any, who has been nominated under sub-section (2) to be in charge of, and responsible to, the company for the conduct of the business of the company (hereinafter in this section referred to as a person responsible); or

(ii) where no person has been nominated, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company; and

(b) the company,

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Any company may, by order in writing, authorise any of its directors to exercise all such powers and take all such steps as may be necessary or expedient to prevent the commission by the company of any offence under this Act and may give notice to the Director or the concerned Controller or any legal metrology officer authorised in this behalf by such Controller (herein after in this section referred to as the authorised officer) in such form and in such manner as may be prescribed, that it has nominated such director as the person responsible, along with the written consent of such director for being so nominated.
• **Explanation.**—Where a company has different establishments or branches or different, units in any establishment or branch, different persons may be nominated under this subsection in relation to different establishments or branches or units and the person nominated in relation to any establishment, branch or unit shall be deemed to be the person responsible in respect of such establishment, branch or unit.

(3) The person nominated under sub-section (2) shall, until—

(i) further notice cancelling such nomination is received from the company by the Director or the concerned Controller or the authorised officer; or

(ii) he ceases to be a director of the company; or

(iii) he makes a request in writing to the Director or the concerned Controller or the legal metrology officer under intimation to the company, to cancel the nomination, which request shall be complied with by the Director or the concerned Controller or the legal metrology officer, whichever is the earliest; continue to be the person responsible:

Provided that where such person ceases to be a director of the company, he shall intimate the fact of such cessation to the Director or the concerned Controller or the authorised officer:

Provided further that where such person makes a request under clause (iii) the Director or the concerned Controller or the authorised officer shall not cancel such nomination with effect from a date earlier than the date on which the request is made.
(4) Notwithstanding anything contained in the foregoing sub-sections, where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to the neglect on the part of, any director, manager, secretary or other officer, not being a person nominated under sub-section (2), such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where any company is convicted under this Act for contravention of any of the provisions thereof, it shall be competent for the court convicting the company to cause the name and place of business of the company, nature of the contravention, the fact that the company has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of the company in such newspaper or in such other manner as the court may direct.

(6) No publication under sub-section (5) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.

(7) The expenses of any publication under sub-section (5) shall be recoverable from the company as if it were a fine imposed by the court.

*Explanation.-For the purposes of this section,-*

(a) "company" means any body corporate and includes a 'firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm but excludes nominated directors, honorary directors, Government nominated directors.
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