

- **The Legal Metrology Act, 2009:** The Legal Metrology Act, 2009 (1 of 2010) was published in the official Gazette of Government of India on 14.1.2010. It has replaced the Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Enforcement) Act, 1985 after its implementation w.e.f. 1st April, 2011. The salient feature of the Legal Metrology Act, 2009 are as follows::

- The Legal Metrology Act, 2009 is a single Act covering the provisions of the Standards Act as well as Enforcement Act.
- The Act is having only 57 Sections.
- No registration of users of weights and measures is required.
- Registration for export of weights and measures is not required.
- The penalty provisions of different offences have been increased.

- Qualification for the Director and Controller may be prescribed as has been prescribed for the Legal Metrology Officers u/s 13 & 14.
- **Only one Director of the company will be responsible for the offences done by the company under the Legal Metrology Act.**
- This will be applicable for Weights and Measures used for any type of **transaction or protection purpose.**
- Provision of Government Approved Test Centre has been introduced.

- *Definitions:-*
- (j) "*label*" means any written, marked, stamped, printed or graphic matter affixed to, or appearing upon any pre-packaged commodity;
- (f) "*pre-packaged commodity*" means a commodity which without the purchaser being present is placed in a package of whatever nature, whether sealed or not, so that the product contained therein has a pre-determined quantity;

- (k) "**protection**" means the utilisation of reading obtained from any weight or measure, for the purpose of determining any step which is required to be taken to safeguard the well-being of any human being or animal, or to protect any commodity, vegetation or thing, whether individually or collectively;
- (u) "**transaction**" means,-
 - (i) any contract, whether for sale, purchase, exchange or any other purpose, or
 - (ii) any assessment of royalty, toll, duty or other dues, or
 - (iii) the assessment of any work done, wages due or services rendered;

18. Declarations on pre-packaged commodities.

- (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.
- (2) Any advertisement mentioning the retail sale price of a pre-packaged commodity shall contain a declaration as to the net quantity or number of the commodity contained in the package in such form and manner as may be prescribed.

24. Verification and stamping of weight or measure

- **(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.

- 36. (I) 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.

- **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.***

- **Rule 29 of LM General Rules, 2011**

- **Nomination of Director by a Company under the Act:** Every company shall inform the Director (Legal Metrology) or the concerned Controller or his authorised officer, by notice in duplicate, in the format specified in Thirteenth Schedule containing the name and address of its Director after obtaining his consent in writing, who has been nominated by the company under sub-section (2) of section 49 to be in-charge of and be responsible for the conduct of business of the company or any establishment, branch or unit thereof.

- **THIRTEENTH SCHEDULE**

- **Format for nomination of the Director by the Company**

Notice is hereby given that Shri/ Smt/ Ms..... Director of the (name and address of the company) has been nominated by the company by a Resolution passed at their meeting held on at to be incharge of, and be responsible for the conduct of business of the company or any establishment/ branch/ unit thereof and authorized to exercise all such powers and take all such steps as may be necessary or expedient to prevent the commission any offence by the said company under the Legal Metrology Act, 2009.

Shri/ Smt/ Ms, Designation.....has accepted the said nomination and copy of said acceptance is enclosed herewith.

A certified copy of the said Resolution is also enclosed.

- Place:.....

Managing Director / Secretary of

- Date:..... (name of the company)

- Note:- Score out the portion which is not applicable.

- **Salient features of the Legal Metrology (Packaged Commodities) Rules, 2011 :**

- **Some definitions:**

- (m) “**retail sale price**” means the maximum price at which the commodity in packaged form may be sold to the ultimate consumer and the price shall be printed on the package in the manner given below;

Maximum or Max. retail price Rs...../..... inclusive of all taxes or in the form MRP Rs..... / incl. of all taxes after taking into account the fraction of less than fifty paise to be rounded off to the preceding rupee and fraction of above 50 paise and up to 95 paise to the rounded off to fifty paise;

(e) **“Maximum permissible error”**, in relation to the quantity contained in an individual package, means an error in deficiency which, subject to the provision of these rules, does not exceed the limits specified in the First Schedule;

THE FIRST SCHEDULE

1. Maximum permissible errors on net quantity declared by weight or volume.-

(1) The maximum permissible error, in excess or in deficiency, in the net quantity by weight or volume of any commodity shall be as specified in Table I below:-

Table-I

Sl. No.	Declared quantity g or ml	Maximum permissible error in deficiency	
		As percentage of declared quantity	g or ml
(i)	up to 50	9	-
(ii)	50 to 100	-	4.5
(iii)	100 to 200	4.5	-
(iv)	200 to 300	-	9
(v)	300 to 500	3	-
(vi)	500 to 1000	-	15
(vii)	1000 to 10000	1.5	-
(viii)	10000 to 15000	-	150
(ix)	More than 15000	1.0	-

(2) The maximum permissible error specified as percentage shall be rounded off to the nearest one-tenth of a g or ml, for a declared quantities less than or equal to 1000 g or ml and to the next whole g or ml for declared quantities above 1000 g or ml.

2. The maximum permissible errors on net quantity declared by length, area or number.

(1) The maximum permissible error, in excess or in deficiency, in the net quantity declared in terms of length, area or number of any commodity not specified in the First Schedule shall be as specified in Table -II below:-

Sl. No.	Quantity Declared	Maximum permissible error in excess or in deficiency
(i)	in units of length	2% of declared quantity up to 10 metre and thereafter 1% of declared quantity.
(ii)	in units of area	4% of declared quantity up to 10 sq. metre and thereafter 1% of declared quantity.
(iii)	by number	2% of declared quantity.

- **3. Applicability of the Chapter.**- The provisions of this Chapter shall not apply to,-
- (a) packages of commodities containing quantity of more than 25 kg or 25 litre excluding cement and fertilizer sold in bags up to 50 kg; and
- (b) packaged commodities meant for industrial consumers or institutional consumers.
- **Explanation** :- For the purpose of this rule,-
- i) **“institutional consumer”** means the institutional consumer like transportation, Airways, Railways, Hotels, Hospitals or any other service institutions who buy packaged commodities directly from the manufacturer for use by that institution;
- ii) **“industrial consumer”** means the industrial consumer who buy packaged commodities directly from the manufacturer for use by that industry.

- **5. Specific commodities to be packed and sold in recommended standard packages.** - The commodities specified in the Second Schedule shall be packed for sale, distribution or delivery in such standard quantities as are specified in that Schedule:
- Provided 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.

- **6. Declarations to be made on every package-**
- **(1)** Every package shall bear thereon or on label securely affixed thereto, a definite, plain and conspicuous declaration made in accordance with the provisions of this chapter as, to-
 - (a) the name and address of the manufacturer, or where the manufacturer is not the packer, the name and address of the manufacturer and packer and for any imported package the name and address of the importer shall be mentioned on every package

- **Explanation I.-** If any name and address of a company is mentioned on the label without any qualifying words 'manufactured by' or 'packed by', it shall be presumed that such name and address shall be that of the manufacturer and the liability shall be determined accordingly;
- **Explanation II.** - If the brand name and address of the brand owner appear on the label as a marketer, then the brand owner shall be held responsible for any violation of these rules and action as may be required shall be initiated against the deemed manufacturer and in the event of more than one name and address appearing in the label, prosecution shall be launched against the manufacturer indicated on the label in the first place and not against all of them.
- **Explanation III.** - In respect of packages containing **food articles**, the provisions of this sub-rule shall **not apply**, and instead, the requirement of the Prevention of Food Adulteration Act, 1954 (37 of 1954) and the rules made there under shall apply

- (b) The common or generic names of the commodity contained in the package and in case of packages with more than one product, the name and number or quantity of each product shall be mentioned on the package.
- (c) The net quantity, in terms of the standard unit of weight or measure, of the commodity contained in the package or where the commodity is packed or sold by number, the number of the commodity contained in the package shall be mentioned.
- (d) The month and year in which the commodity is manufactured or pre-packed or imported shall be mentioned in the package:

- Provided that for packages containing **food articles**, the provisions of the Prevention of Food Adulteration Act 1954 (37 of 1954) and the rules made there under shall apply:
- Provided further that nothing in this sub-clause shall apply in case of packages containing **seeds** which are labeled and certified under the provisions of the Seeds Act, 1966 (54 of 1966) and the rules made there under:
- Provided that a manufacturer may indicate the month and year using a rubber stamp without overwriting:
- Provided also that for packages containing **cosmetics products**, the provisions of the Drugs and Cosmetics Rules, 1945 shall apply.

- **(e) the retail sale price of the package;**
- Provided that for packages containing **alcoholic beverages or spirituous liquor**, the State Excise Laws and the rules made there under shall be applicable within the State in which it is manufactured and where the state excise laws and rules made there under do not provide for declaration of retail sale price, the provisions of these rules shall apply.
- **(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) such other matter as are specified in these rules:**
- Provided that --
- (A) no declaration as to the month and year in which the commodity is manufactured or pre-packed shall be required to be made on--
- (i) any package containing bidi or incense sticks;
- (ii) any domestic liquefied petroleum gas cylinder of 14.2kg or 5kg, bottled and marketed by a public sector undertaking;

(B) where any packaging material bearing thereon the month in which any commodity was expected to have been pre-packed is not exhausted during that month, such packaging material may be used for pre-packing the concerned commodity produced or manufactured during the next succeeding month and not thereafter, but the Central Government may, if it is satisfied that such packaging material could not be exhausted during the period aforesaid by reason of any circumstance beyond the control of the manufacturer or packer as the case may be, extend the time during which such packaging material may be used, and, where any such packaging material is exhausted before the expiry of the month indicated thereon, the packaging material intended to be used during the next succeeding month may be used for pre-packing the concerned commodity:

- Provided that the said provision shall **not apply** to the packages containing **food products**, where the 'Best before or Use before' period is ninety days or less from the date of manufacture or packing.'

(C) no declaration as to the retail sale price shall be required to be made on

- (i) any package containing bidi;
- (ii) any domestic liquefied petroleum gas cylinder of which the price is covered under the Administrative Price Mechanism of the Government.
- **Explanation I:** The month and the year in which commodity is pre-packed may be expressed either in words, or by numerals indicating the month and the year, or by both.

(2) Every package shall bear the name, address, telephone number, E-mail address, if available, of the person who can be or the office which can be, contacted, in case of consumer complaints.

(3) It shall not be permissible to affix individual stickers on the package for altering or making declaration required under these rules:

- 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, as the case may be, on the label of the package.

- (4) It shall be permissible to use stickers for making any declaration other than the declaration required to be made under these rules.
- (5) Where a commodity consists of a number of components and these components are packed in two or more units, for sale as a single commodity, the declaration required to be made under sub-rule (1) shall appear on the main package and such package shall also carry information about the other accompanying packages or such declaration may be given on individual packages and intimation to that effect may be given on the main package and if the components are sold as spare parts, all declarations shall be given on each package.

- **7. Principal display panel-its area, size and letter etc.-**
- (1) In the case of a package having a **capacity of five cubic centimeters or less**, the principal display panel may be a card or tape affixed firmly to the package and shall bear the required information.
- (2) The height of any numeral in the declaration required under these rules, on the principal display panel shall not be less than,-
 - (i) as shown in Table-I, if the net quantity is declared in terms of weight or volume;
 - (ii) as shown in Table-II, if the net quantity is declared in terms of length, area or number.

- (3) The height of letters in the declaration shall not be **less than 1 mm height** and when blown, formed, molded, embossed or perforated, the height of letters shall **not be less than 2 mm.**
- Provided 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 (1);
- (4) The provisions under sub-rule (1) to (3) shall not apply to a package if the information to be specified on such package under this rule is also required to be given by or under any other law for the time being in force.

• **8. Declaration where to appear.-**

- (1) Every declaration required to be made under these rules shall appear on the principal display panel.
- Provided that the area surrounding the quantity declaration shall be free from printed information.
- (a) above and below by a space equal to at least the height of the numeral in the declaration, and
- (b) to the left and right by a space at least twice the height of numeral in the declaration.
- (2) For soft drink, ready to serve fruit beverages or the like, the bottle which is returnable by the consumer for being refilled, the retail sale price may be indicated either on the crown cap, or on the bottle or on both and if the retail sale price is indicated on the crown cap or the bottle, it is sufficient to indicate the retail sale price in the form of 'MRP Rs....'.

- **9. Manner in which declaration shall be made**
- (1) Every declaration which is required to be made on a package under these rules shall be
 - (a) **legible and prominent;**
 - (b) numerals of the retail sale price and net quantity declaration shall be printed, painted or inscribed on the package in a colour that contrasts conspicuously with the background of the label;
- Provided that,--
 - (a) where any label information is blown, formed or molded on a glass or plastic surface such information need not be required to be presented in a contrasting colour;
 - (b) where any declaration on a package is printed either in the form of hand-writing or hand-script, such declaration shall be clear, unambiguous and legible

- (2) No declaration shall be made so as to require it to be read through any liquid commodity contained in the package.
- (3) Where a package is provided with an outside container or wrapper such container or wrapper shall also contain all the declarations which are required to appear on the package except where such container or wrapper itself is transparent and the declarations on the package itself are easily readable through such outside wrapper.
- Provided that no such declarations on the inner package is required if the inner package does not contain any declaration on its outer cover.

- (4) The particulars of the declarations required to be specified under this rule on a package shall either be in **Hindi in Devnagri script or in English:**
- Provided that nothing contained in this sub-rule shall prevent the use of any other language in addition to Hindi or English language.

- **10. Declaration of name and address of the manufacturer, etc.**-(1) Subject to the provisions of rule 6, every package kept, offered or exposed for sale or sold shall bear conspicuously on it, the name and complete address of the manufacturer, or where the manufacturer is not the packer, the name and address of the manufacturer and the packer and in case of imported packages, the name and address of the importer:
 - Provided that for packages of capacity 5 cubic cm or less, it shall be a sufficient compliance of this sub-rule, if a mark or inscription which would enable the consumer to identify the manufacturer or packer or the importer, as the case may be, is made on the package:
 - Provided further that where any commodity manufactured outside India is packed in India, the package shall also contain on the principal display panel the name and complete address of the packer or the importer in India.

- Explanation.- In this sub-rule, ' complete address' means, the postal address at which the factory is situated, and, in any other case, the name of the street, number (if any) assigned to the premises of the manufacturer or packer and either the name of the city and State where the business is carried on by the manufacturer or packer or the Postal Index Number [PIN] Code so that a consumer can identify and locate the manufacturer or packer or importer, as the case may be.

(2) The name of the manufacturer or packer or importer shall be the actual corporate name, or if not incorporated, the name under which the business is conducted by such manufacturer or packer or importer in India.

- **19. Inspection of quantity and error in packages at the premises of the manufacturer or packer.**
- (4)(b) any such package shows an error in deficiency greater than the maximum permissible error, the Director, Controller or any Legal Metrology Officer shall, if for good and sufficient reason, requested by the manufacturer or packer or his authorized agent, so to do, take out as soon as may be practicable, fresh samples and carry out fresh tests in accordance with the provisions of these rules and where fresh tests are made, the Director, Controller or any Legal Metrology Officer, as the case may be, shall collect a fee **of two thousand five hundred rupees** from the manufacturer or packer for carrying out the fresh tests.
- Provided that where fresh tests are carried out, no package contained in the lot, which was previously tested under this rule, shall be sold or distributed by the manufacturer or packer, as the case may be, unless the provisions of the sub-rule (5) or as the case may be, sub-rule (6), are complied with.

27. Registration of manufacturers, packers and importers.-

(1) Every individual, firm, Hindu undivided family, society, company or corporation who or which pre-packs or imports any commodity for sale, distribution or delivery shall make an application, accompanied by a fee of rupees five hundred, to the Director or the Controller for the registration of his or its name and complete address; and every such application shall be made,-

- (i) in the case of an applicant pre-packing or importing any commodity on the date of commencement of these rules, within a period of ninety days from such commencement; or
- (ii) in the case of any applicant who or which commences pre-packing or importing of any commodity after the commencement of these rules, within ninety days from the date on which he or it commences such pre-packing.

(2) Every application referred in sub-rule (1) shall contain the following particulars, namely:-

- (a) the name of the applicant;

- (b) the complete address of the premises at which the pre-packing or import of one or more commodities is made by the applicant; and
- (c) the name of the commodity or commodities pre-packed or imported by the applicant.

- Explanation: In this sub-rule, 'complete address' has the meaning assigned to it in the explanation to sub-rule (1) of rule 10.'

(3) For making any alteration in the registration certificate issued under sub rule (1), a fee of rupees one hundred shall be paid by the concerned manufacturer or packer or importer to the Director or Controller.

(4) On receipt of the application made under sub-rule (1), the Director or Controller, who shall be the Registering Authority, shall-

- (a) if the application is not complete in all respects, return the same to the applicant within a period of seven working days from the date of receipt of the application;
- (b) if the application is complete in all respects, register the applicant and grant a registration certificate to the applicant to that effect.

31. (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.

32. Penalty for contravention of Rules

- (1) Whoever contravenes the provisions of **rules 27 to 31**, he shall be punished with fine of four thousand rupees.
- (2) 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.

33. Power to relax: The Central Government may, after ascertaining the genuineness of the compounding of a case or a Court decision stated in the application, permit a manufacturer or packer to pack for sale the packages for a reasonable period by relaxing one or more provision of these Rules **with such corrective measures** as may be specified.

- **1st Amendment in LM (PC) Rules, 2011 vide GSR 318 (E) dated 13th April, 2011**

- In exercise of the powers conferred by sub-section (1) read with clause (j) of sub-section (2) of section 52 of the Legal Metrology Act 2009, (1 of 2010), the Central Government hereby makes the following rules to amend the Legal Metrology (Packaged Commodities) Rules, 2011, namely:-

- 1. (1) These rules may be called as the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2011.

- (2) They shall come into force on the date of their publication in the Official Gazette.

- 2. In the Legal Metrology (Packaged Commodities) Rules, 2011 in rule 6, after sub-rule (5), the following shall be inserted, namely:-

- **“(6) Any packaging material or wrapper which could not be exhausted by the manufacturer or packer may be used for packing of the material upto 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.”**

- **2nd Amendment in LM (PC) Rules, 2011 vide GSR 734 (E) dated 30th September, 2011**

- In exercise of the powers conferred by sub-section (1) read with clause (j) of sub-section (2) of section 52 of the Legal Metrology Act 2009, (1 of 2010), the Central Government hereby makes the following rules to amend the Legal Metrology (Packaged Commodities) Rules, 2011, namely:-
 - 1. (1) These rules may be called as the Legal Metrology (Packaged Commodities) (Second Amendment) Rules, 2011.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
 - 2. In the Legal Metrology (Packaged Commodities) Rules, 2011 in rule 6, after sub-rule (5), the following shall be inserted, namely:-
 - **“(6) Any packaging material or wrapper which could not be exhausted by the manufacturer or packer may be used for packing of the material upto 31st March, 2012 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.”**

- **3rd Amendment in LM (PC) Rules, 2011 vide GSR 784 (E) dated 24th October, 2011**

1. (1) These rules may be called as the Legal Metrology (Packaged Commodities) Third Amendment Rules, 2011.

- (2) They shall come into force with effect from 1st July, 2012.

2. In the Legal Metrology (packaged Commodities) Rules, 2011 (hereinafter referred to as the principal rules);-

(a) the proviso to the Rule 5 shall be omitted.

(b) in clause (d), sub-rule (1) of rule 6 third proviso shall be omitted.

(c) in rule 12, for sub-rule (6), the following sub-rule shall be substituted, namely;-

- **"(6) the declaration of the quantity under 'these rules shall not contain any word or expression, 'of any sort whatsoever, which tends to create or is likely to create an exaggerated, misleading or inadequate expression as to the quantity of the commodity contained in the package.",**

- Cont...

(d) in rule 19, for sub-rule (7), the following sub-rule shall be substituted, namely :-

- "(7) the requirement of mandatory declarations on packages shall be ensured **either** at the factory level and at the depot of 'the factory.'",

(e) in rule 19, for sub-rule (8), the following' sub-rule shall be substituted, namely :-

- "(8) For non-compliance of the provisions of this rule, action may be taken after seizing five representative samples of the packages as evidence and the rest of the packages may be released only after compliance is completed by the manufacturer or the packer, as-the case may be.",

(f) in rule 26, in clause (a), the proviso shall be omitted. .

(g) in the Forth Schedule, for the entry "**volume**" in column 3 against serial number 15, the following entry shall be substituted, namely :-

– "**weight**".

- **Corrigendum in 3rd amendment of PCR**

- **23rd November, 2011**

- **G.S.R. 832(E).- In the english version of the notification of the Government of India in the Ministry of Consumer Affairs, Food and Public Distribution, (Department of Consumer Affairs) number G.S.R. 784 (E), dated the 24th October, 2011 published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), dated the 24th October, 2011, relating to the Legal Metrology (Packaged Commodities) Third Amendment, Rules, 2011, at page 2, in rule 2,-**
 - **(a) in clause (b), for “ sub-rule (1)”, read “sub-rule(1) of rule 6”;**
 - **(b) in clause (d), for “ensured either”, read “ensured”.**

3rd Amendment in detail

2(a) Proviso of Rule 5 (Omitted)

- Provided 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.

3rd Amendment in detail

2(b) Third Proviso of clause (d) of sub-rule (1) of rule 6 (Omitted)

- Provided that a manufacturer may indicate the month and year using a rubber stamp without overwriting.
- **2© sub-rule (6) of rule 12 (Amended)**
- (6) The declaration of quantity shall not contain any word or expression which tends to create an exaggerated, misleading or inadequate impression as to the quantity of the commodity contained in the package, for example, words or expressions like- 'minimum', 'not less than', 'average', 'about', 'approximately' or other words of a similar nature.

3rd Amendment in detail

2(d) sub-rule (7) of rule 19 (Amended)

- (7) The requirement of mandatory declarations on the packages shall be ensured either at the factory level or at the depot of the factory.

• 2 (e) sub-rule (8) of rule 19 (Amended)

- (8) For non-compliance of the provisions of this rule, action may be taken after seizing five representative samples of the packages as evidence and the rest of the packages may be released once compliance is ensured by the manufacturer or the packer, as the case may be.

3rd Amendment in detail

2(f) proviso of clause (a) of rule 26 (omitted)

- Provided that the declaration in respect of maximum retail price and net quantity shall be declared on packages containing 10g to 20g or 10ml to 20ml.
- **2 (g) Fourth Schedule (Amended)**
- **Ice cream and other similar frozen products in volume (amended by the word weight)**

- **1st Amendment in LM (PC) Rules, 2012 vide GSR 427 (E) dated 5th June, 2012**

- 1. (1) These rules may be called the Legal Metrology (Packaged Commodities) Amendment Rules, 2012.
- (2) Save as otherwise provided, these rules shall come into force on the date of their publication in the Official Gazette.
- 2. In the Legal Metrology (Packaged Commodities) Rules, 2011,-
- (a) rule 5 shall be numbered as sub-rule (1) thereof and after sub-rule (1) as so numbered the following sub-rules shall be inserted, namely:-
- “(2) When one or more packages intended for retail sale are grouped together for being sold as a retail package on promotional offer, every package of the group shall comply with provisions of rule 6.
- (3) Notwithstanding anything contained in the Second Schedule, the manufacturer or importer may sell the value based package in terms of Rs.1/-, Rs.2/-, Rs.3/-, Rs.4/-, Rs.5/-, Rs.6/-, Rs.7/-, Rs.8/-, Rs.9/- and Rs.10/- after making the other declarations specified in rule 6.”

• **1st Amendment in LM (PC) Rules, 2012 vide GSR 427 (E) dated 5th June, 2012**

- (b) in rule 6,-
- (i) in sub-rule (1), for the words “Prevention of Food Adulteration Act, 1954 (37 of 1954)” the words “Food Safety and Standards Act, 2006 (34 of 2006)” shall be substituted;
- (ii) after sub-rule (6), the following sub-rule shall be inserted, with effect from 1st day of January, 2013, namely:-
 - ‘(7) Every package containing the genetically modified food shall bear at the top of its principal display panel the words “GM”.’
- (c) rule 33 shall be numbered as sub-rule (1) thereof and after sub-rule (1) as so numbered the following sub-rule shall be inserted, namely:-
 - “(2) The Central Government may, after ascertaining the genuineness of a case stated in the application permit a manufacturer or packer or importer to pack or sell of the packages other than specified in the Second Schedule for a maximum period of one year by relaxing the rules.”
- (d) for the Second Schedule, the following Schedule shall be substituted, namely:-

Second schedule

- (See rule 5)
- Commodities to be packed in specified quantities
- The following commodities shall be packed in such quantities by weight, measure or number as are specified in the corresponding entries against them.

Sl. No.	Commodities	Quantities in which to be packed
1.	2.	3.
1.	Baby food	25g, 50g, 100g, 200g, 300g, 350g, 400g, 450g, 500g, 600,g, 700 g, 800 g, 900g, 1 kg, 2kg, 5 kg and 10 kg.
2.	Weaning food.	Below 50g no restriction, 50 g, 100g, 200g, 300g, 400g, 500g, 600g, 700g, 800g, 900g, 1 kg, 2 kg, 5 kg and 10 kg.
3.	Biscuit.	25g, 50g, 60g, 75g, 100g, 120g, 150g, 200g, 250g, 300g, thereafter in multiples of 100g up to 1 kg and thereafter in multiples of 500g up to 5 kg.
4.	Bread	50g and thereafter in multiple of 50g up to 500g and thereafter in multiple of 100g
5.	Un-canned packages of butter and margarine	Below 25g no restriction, 25 g, 50 g, 100 g, 200 g, 500 g, 1 kg, 2 kg, 5 kg, and thereafter in multiples of 5 kg.
6.	Cereals and Pulses	Below 100g no restriction, 100g, 200g, 500g, 1 kg, 2 kg, 5 kg and thereafter multiples of 5 kg
7.	Spices	Below 25g no restriction, 25g, 50g, 75g, 100g, 150g, 200g, 250g, 500g, 1kg, 1.5kg, 2kg and thereafter in

Sl. No.	Commodities	Quantities in which to be packed
1.	2.	3.
9.	Materials which may be constituted or reconstituted as beverages.	Below 50g no restriction, 50 g, 75g, 100 g, 200 g, 250g, 400g, 450g, 500 g, 750g, 1 kg and thereafter in multiples of 1 kg. (56g and 61g for medical purpose only)
10	Edible Oils Vanaspati, ghee, butter oil	50 g, 100 g, 200 g, 250g, 500 g, 1 kg, 2 kg, 3 kg, 5 kg and thereafter in multiples of 5 kg. If net quantity is declared by volume then 50ml, 100ml, 200ml, 250ml, 500ml, 1 litre, 2 litre, 3 litre, 5 litre and thereafter in multiple of 5 litre and the net quantity must be declared by mass also in the same size of letters/ numerals
11.	Milk Powder.	Below 50g no restriction, 50 g, 100g, 150g, 200g, 250g, 500 g, 1 kg and thereafter in multiples of 500 g.
12.	Non-soapy detergents (powder)	Below 50 g no restriction, 50g, 75g, 100g, 150g, 200g, 250g, 500g, 700g, 750g, 1kg, 1.5 kg, 2 kg and thereafter, in multiples of 1 kg.
13.	Rice(powdered), flour, atta, rawa and suji.	100g, 200g, 500g, 1kg, 1.25kg, 1.5kg, 1.75kg, 2kg, 5 kg and thereafter in multiples of 5 kg.
14.	Salt	Below 50g in multiples of 10g, 50g, 100g, 200g, 500g, 750g, 1 kg, 2 kg, 5 kg and thereafter in multiples of 5 kg.

Sl. No.	Commodities	Quantities in which to be packed
1.	2.	3.
15.	Soaps	
	(a) Laundry Soap	25g, 50g, 75g, 100g, 125g, 150g and thereafter in multiples of 50g.
	(b) Non-soapy detergent cakes/ bars.	Below 50g no restriction, 50g, 75g, 100g, 125g, 150g, 200g, 250g, 300g and thereafter in multiples of 100g
	(c) Toilet Soap including all kinds of bath soap (cakes).	15g, 25g, 50g, 60g, 75g, 100g, 125g, 150g and thereafter in multiples of 50g.
16.	Aerated soft drinks, non-alcoholic beverages.	65 ml (fruit based drinks only), 100 ml, 125ml(fruit based drinks only), 150 ml, 160ml, 175ml, 180ml, 200 ml, 240ml, 250 ml, 300 ml, 330ml(in cans only), 350ml, 400ml, 475ml, 500 ml, 600ml, 750 ml, 1 litre, 1.2 litre, 1.25 litre, 1.5 litre, 1.75 litre, 2 litre, 2.25 litre, 2.5 litre, 3 litre, 4 litre and 5 litre.
17.	Mineral water and drinking water	100 ml, 150 ml, 200 ml, 250 ml, 300 ml, 500 ml, 750 ml, 1 litre, 1.5 litre, 2 litre, 3 litre, 4 litre, 5 litre and in multiples of 5 litre.
18.	Cement in bags.	1 kg, 2 kg, 5 kg, 10 kg, 20 kg, 25 kg, 40 kg (for White cement only) and 50 kg.

Sl. No.	Commodities	Quantities in which to be packed
1.	2.	3.
19.	Paint varnish etc.	
	(a) Paint (other than paste paint or solid paint) varnish, varnish stains, enamels.	50 ml, 100 ml, 200 ml, 500 ml, 1 litre, 2 litre, 3 litre, 4 litre, 5 litre and thereafter in multiples of 5 litre.
	(b) Paste paint and solid paint	500g, 1 kg, 1.5 kg, 2 kg, 3 kg, 5 kg, 7kg and thereafter multiple of 5 kg.
	(c) Base paint:	100ml, 250ml, 400ml, 450 ml, 500 ml, 900 ml, 925 ml, 950 ml, 975 ml, 1 litre, 1.5 litre, 2.0 litre, 2.5 litre, 3.5 litre, 3.6 litre, 3.7 litre, 3.8 litre, 3.9 litre and 4 litre and no restriction above 4 litre.

(e) in the Fourth Schedule, against serial number 15, for the entry in column 3 the entry "weight or volume" shall be substituted.

- **2nd Amendment in LM (PC) Rules, 2012 vide GSR 426 (E) dated 5th June, 2012**
- (1) These rules may be called the Legal Metrology (Packaged Commodities) (Second Amendment) Amendment Rules, 2012.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- 2. In the Legal Metrology (Packaged Commodities) (Third Amendment) Rules, 2011,-
- for sub-rule (2) of rule 1, the following sub-rule shall be substituted, namely:-
- “(2) Save as otherwise provided, these rules shall come into force from 1st July, 2012.”
- (ii) in rule 2, for clause (a) the following clause shall be substituted, namely:-
- “(a) The proviso to rule 5 shall be omitted from 1st November, 2012.”

Thank you