

Prepackaged Commodities Rules

Legal Metrology (Packaged Commodities) Rules, 2011

Amended upto March 31st, 2020

Compiled by:

Dr.M.Kantha Rao, IPS
*Inspector General of Police
and
Controller of Legal Metrology
Andhra Pradesh
India*

Hand Book 1

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<http://www.aplm.gov.in>

Bare Rules

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April 2020

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Edition 2020

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Preface

The object is to bring this Hand Book-1 on Prepackaged Commodities is to make available an updated version of the Rules. Instead of looking each amendment, one go-to study the current rule position and to take appropriate action. While bringing this Edition 2020, even the Government of India's recent advisory issued on April, 2020, on 'use of printed packing material' upto September 30th, 2020, which was not exhausted, is also examined.

Every effort has been made to bring accurate version of the Rules. However, one can also go through the Original Gazette Notifications of the Government of India.

It is a continuous process, which requires monitoring and to incorporate the amendments from time to time and making available in the form of yearly edition. This will helps the enforcement agencies and others in taking decisions and discharging duties without any ambiguity.

This Hand Book 1 on Prepackaged Commodities, is meant for official use only and not for sale. It is made available on the web site of the department: <http://www.aplm.gov.in>.

I hope this will serve and guides the enforcement official of the Legal Metrology.

We views and suggestions are welcome, to improve further and make meaningful.

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Legal Metrology (Packaged Commodity) Rules, 2011

(amended up to 31.03.2020)

1. Short title, and Commencement.-

(1) These rules may be called The Legal Metrology (Packaged Commodities) Rules, 2011.

(2) They shall come into force on the 1st day of April, 2011.

2. Definitions:-

In these rules, unless the context otherwise requires-

(a) "Act" means the Legal Metrology Act 2009, (1 of 2010);

(aa) "Consumer" shall have the same meaning as assigned to it in clause (d) of sub-section (1) of section 2 of the Consumer Protection Act, 1986 (68 of 1986);

(b) "dealer" in relation to any commodity in packaged form, means a person who, or a firm which, carries on directly or otherwise, the business of buying, selling, supplying or distributing any such commodity whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes a commission agent who carries on such business on behalf of any principal, but does not include a manufacturer who manufactures any commodity which is sold or distributed in a packaged form except where such commodity is sold by such manufacturer to any other person other than a dealer;

(bb) "industrial consumer" means the consumer who buys packaged commodities directly from the manufacturer or from an importer or from wholesale dealer for use that industry and the package shall have declaration 'not for retail sale';

(bc) "institutional consumer" means the institution which buys packaged commodities bearing a declaration 'not for retail sale', directly from the manufacturer or from an importer or from wholesale dealer for use by that institution and not for commercial or trade purposes;

(bd) "E-commerce" means buying and selling of goods and services including digital products over digital and electronic network;

(be) “E-commerce entity” means a company incorporated under the Companies Act, 1956 or the companies Act, 2013 or a foreign company covered under clause (42) of section 2 of the Companies Act, 2013, or an office, branch or agency in India covered under sub-clause (ii) of clause (v) of section 2 of the foreign Exchange Management Act, 1999 (42 of 1999) owned or controlled by a person resident outside India and conducting e-commerce business;

(bf) “marketplace based model of e-commerce” means providing of an information technology platform by an ecommerce entity on a digital and electronic network to act as a facilitator between buyer and seller;

(c) “lot” means -

(i) in the case of packages which have been stored, the total number of such packages stored; and

(ii) in the case of packages which are on or at the end of the packing line, the maximum hourly output of packages;’

(d) “manufacturer” in relation to any commodity in packaged form, means a person who, or a firm which, produces, makes or manufactures such commodity and includes a person, firm which puts, or causes to be put, any mark on any packaged commodity, not produced, made or manufactured by him or it, and the mark claims the commodity in the package to be commodity produced, made or manufactured by such person or firm as the case may be;

(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;

(f) “net quantity”, in relation to commodity contained in a package, means the quantity by weight, measure or number of such commodity contained in that package, excluding the packaging or wrapper;

(g) “packer” means a person who, or a firm which pre-packs any commodity, whether in any bottle, tin, wrapper or otherwise, in units suitable for sale whether wholesale or retail;

(h) “principal display panel”, in relation to a package, means the total surface area of the package where the information required under these rules are to be given in the following manner, namely;

- (i) all the information could be grouped together and given at one place; or
- (ii) the pre-printed information could be grouped together and given in one place and on line information grouped together in other place;
- (i) “quantity” in relation to commodity contained in a package, means the quantity by weight, measure or number of such commodity contained in that package;
- (j) “retail dealer” in relation to any commodity in packaged form means a dealer who directly sells such packages to the consumer and includes, in relation to packages as are sold directly to the consumer, a wholesale dealer who makes such direct sale to customer;
- (k) “retail package” means the packages which are intended for retail sale to the ultimate consumer for the purpose of consumption of the commodity contained therein and includes the imported packages :

Provided that for the purpose or “retail food package”, the definition of the same contained in the rules or regulations made under the Food Safety and Standards Act, 2006 (34 of 2006) shall apply.

- (l) “retail sale”, in relation to a commodity, means the sale, distribution or delivery of such commodity through retail sales shops agencies or other instrumentalities for consumption by an individual or a group of individuals or any other consumer;
- (m) “retail sale price” means the maximum price at which the commodity in packaged form may be sold to the consumer inclusive of all taxes;
- (n) “section” means a section of the Act;
- (o) “Schedule” means a Schedule appended to these rules;
- (p) “standard package” means a package containing the specified quantity of a commodity;
- (q) “wholesale dealer” in relation to any commodity in packaged form means a dealer who does not directly sell such commodity to any consumer but distributes or sells such commodity through one or more intermediaries;
- (r) “wholesale package” means a package containing- (i) a number of retail packages, where such first mentioned package is intended for sale,

distribution or delivery to an intermediary and is not intended for sale direct to a single consumer; or

(ii) a commodity sold to an intermediary in bulk to enable such intermediary to sell, distribute or deliver such commodity to the consumer in similar quantities or; (iii) packages containing ten or more than ten retail packages provided that the retail packages are labeled as required under the rules.

(s) words and expression used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

CHAPTER -II

PROVISIONS APPLICABLE TO PACKAGES INTENDED FOR RETAIL SALE

3. Application of Chapter.- The provisions of this chapter shall not apply to-

- (a) packages of commodities containing quantity of more than 25 kilogram or 25 litre;
- (b) cement, fertilizer and agricultural farm produce sold in bags above 50 kilogram; and
- (c) packaged commodities meant for industrial consumers or institutional consumers.

4. Regulation for pre-packing and sale etc. of commodities in packaged form. - On and from the commencement of these rules, no person shall pre-pack or cause or permit to be pre-packed any commodity for sale, distribution or delivery unless the package in which the commodity is pre-packed bears thereon or , a label is securely affixed thereto, and such declarations as are required to be made under these rules.

Explanation:- The existence of packages without the declaration of retail sale price within the manufacturer's premises shall not be

construed as a violation of these rules and it shall be ensured that all packages leaving the premises of manufacturer for their destination shall have declaration of retail sale price on them as required in this rule.

5. Specific commodities to be packed and sold in recommended standard packages. -(1) 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 the Competent Authority under the Essential Commodities Act, 1955 (10 of 1955) fixed and notified the standard quantity of any essential commodity, the standard quantity of such essential commodities as fixed and notified shall prevail.”

(2) when one or more packages are intended for retail sale are grouped together for being sold as a retail package on the promotional offer, every package of a 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 other declarations specified in the Rule 6.

6. Declarations to be made on every package. - (1) Every package shall bear thereon or a 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.

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, the 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 clause shall not apply, but the provisions of, and the requirements specified in the Food Safety and Standards Act, 2006 (34 of 2006) and the rules made thereunder shall apply.

(aa) The name of the country of origin or manufacture or assembly in case of imported products shall be mentioned on the package.

(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 Food Safety and Standards Act 2006 (34 of 2006) and the Rules made thereunder 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 thereunder;

Provided also that for packages containing cosmetics products, the provisions of the Drugs and Cosmetics Rules, 1945 shall apply.

(da) If a package contains a commodity which may become unfit for human consumption after a period of time, the 'best before or use by the date, month and year' shall also be mentioned on the label:

Provided that nothing in this clause shall apply if a provision in this regard is made in any other law.

Explanation.- 1. For the purposes of this sub-rule,-

(a) the expression "best before" means the date which signifies the end of the period under any stated storage conditions during which the product shall remain fully marketable and shall retain any specific qualities for which tacit or express claims have been made and beyond the date commodity may still be safe for consumption;

(b) the expression "Use by Date" means the date which signifies the end of the estimated period under any stated storage conditions after which the product shall not have the quality

attributes normally expected by the consumers and after this date, the commodity should not be regarded as marketable.’

(e) the retail sale price of the package;

“shall clearly indicate that it is the maximum retail price inclusive of all taxes and the price in rupees and paise be rounded off to the nearest rupee or 50 paise; Illustrations.- for declaration of retail sale price:

(a) Maximum or Max. retail price Rs. or ₹ xx.xx (inclusive of all taxes), or

(b) Maximum or Max. retail price Rs. or ₹ xx.xx inclusive of all taxes, or

(c) MRP Rs. or ₹ xx.xx incl. of all taxes, or

(d) MRP Rs. or ₹ xx.xx (incl. of all taxes):

Provided that for packages containing alcoholic beverages or spirituous liquor, the State Excise Laws and the rules made thereunder 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.

“Provided further that if the retail sale price of any essential commodity is fixed and notified by the Competent Authority under the Essential Commodities Act, 1955 the same 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 there after, 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, email address 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.

(4A) Nothing in this rule shall preclude a manufacturer or packer or importer to declare the following on the package, in addition to the mandatory declarations-

(a) Barcode or GTIN or QR Code;

(b) 'e-code' for net quantity assurance of the commodity and other required declarations, after obtaining the same in the manner as specified by the Central Government;

(c) logos of Government schemes, such as Swachh Bharat Mission, where such use is authorised by the Central Government.

(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.

(6) Any packing material or wrapper which could not be exhausted by the manufacturer or packer may be used for the packing of the material upto 31st March 2012 or till such date the packing material or 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

(7) Every package containing the genetically modified food shall bear there at the top of its principal display panel with the words "GM".

(8) Every package containing soap, shampoos, tooth pastes and other cosmetics and toiletries shall bear at the top of its principal display panel a red or as the case may be, brown dot for products of non-vegetarian origin and a green dot products of vegetarian origin

(9) without prejudice to the provisions contained in this rule, it shall be permissible to affix a label on imported packages for making the declarations required under these rules.

(10) An E-Commerce entity shall ensure that the mandatory declarations as specified in sub-rule (1), except the month and year in which the commodity is manufactured or packed, shall be displayed on the digital and electronic network used for e-commerce transactions:

Provided that in case of market place model of e-commerce, responsibility of the correctness of declarations shall lie with the manufacturer or seller or dealer or importer if,-

(a) the function of the e-commerce entity is limited to providing access to a communication system over which information made available by the manufacturer or seller or dealer or importer is transmitted or temporarily stored or hosted; or

(b) the entity does not-

(i) initiate the transmission; (ii) select the receiver of the transmission; and (iii) select or modify the information contained in the transmission;

(c) the entity observes due diligence while discharging its duty as an intermediary under the Information Technology Act, 2000 and also observes such other guidelines as the Central Government may prescribe in this behalf:

Provided further that there shall not be any protection to the market place e-commerce entity if,-

(a) the entity has conspired or abetted or aided or induced, whether by threats or promise or otherwise in the commission of the unlawful act;

(b) upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the entity is being used to commit the unlawful act, the entity fails to expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

Explanation.- For the removal of doubts, it is hereby clarified that the provision of this sub-rule shall not provide exemption from the declarations required to be made under these rules on pre-packaged commodities delivered to the consumers

7. Principal display panel-its area, size and letter etc.- (1) In the case of a package having a capacity of ten 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 and letter in the declaration required under these rules shall be as per Table-I

(3) 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

Serial Number	Area of Principal display panel in square centimeters (A)	Minimum height of numerals and letters in millimeters	Minimum height of numerals and letters when blown, formed or molded on the surface of container in millimeters
	(1)	(2)	(3)
1	$A \leq 50$	1.0	2.0
2	$50 < A \leq 100$	1.5	3.0
3	$100 < A \leq 500$	2.5	4.0
4	$500 < A \leq 2500$	4.0	6.0
5	Above 2500 cm^2	6.0	6..0

(4) The area not including the top, bottom, flange at top and bottom of cans, and shoulders and neck of bottle and jars shall be determined in the following manner, namely:-

(a) in the case of a rectangular package, where one entire side can properly be considered to be the principal display panel side, the product of the height multiplied by the width of that side;

(b) in case of a cylindrical or nearly cylindrical package, 40 percent. of the product of the height of the package multiplied by the circumference;

(c) in case of any other shaped package, 40 percent. of the total surface of the package, or an area considered to be a principal display panel of the package.

(5) Except size of the numbers and letters for declaring net weight, retail sale price, date of expiry or best before or use by date (wherever and as applicable) and consumer care details, the provisions under sub-rules (1) to (4) 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 a 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 container or wrapper.

Provided that no such declarations on the inner package is required, if the outer package contains all declarations required under these rules.

(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 10 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 1.- In this sub-rule, 'complete address' means, the postal address at which the factory is situated or company or firm is registered, and, in any other case, the name of the street, number (if any) assigned to the premises of the manufacturer or packer or importer and the name of the city and State where the business is carried on by the manufacturer or packer or importer and 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.

11. General provisions relating to declaration of quantity.-(1) In declaring the net quantity of the commodity contained in a package, the weight of wrappers and materials other than the commodity shall be excluded.—

(2) Where a commodity in a package is not likely to undergo any variation in weight or measure, on account of the environmental conditions, the quantity declared on the package shall correspond to the net quantity, which will be received by the consumer, and the declaration of quantity of such package shall not be qualified by the words 'when packed' or the like.

(3) Save as otherwise provided in sub-rule (4), where a commodity in package is likely to undergo variations in weight or measure on account of environmental conditions and such variation is negligible, the declaration of quantity in relation to such package shall be made after taking into account such variation so that the consumer may receive not less than the net quantity of the commodity as declared on the package, and the declaration of quantity on such package shall not also be qualified by the words 'when packed' or the like.

(4) The declaration of quantity in relation to commodities which are likely to undergo significant variations in weight or measures on account of environmental or other conditions may be qualified by the words "when packed", as specified in the Third Schedule.

12. Manner in which declaration of quantity shall be.-(1) The declaration of quantity shall be expressed in terms of such unit of weight, measure or number or a combination of weight, measure or number as would give an accurate and adequate information to the consumer with regard to the quantity of the commodity contained in the package.

(2) 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:

(3) Where the declaration of quantity has been made in terms of mass, the manufacturer or importer, as the case may be, the packer may, at his option make an additional declaration on the package as to the number of commodities contained in the package.

(4) Where the declaration of quantity by weight or measure or number is not sufficient to give to the consumer full information with regard to the dimensions or number of commodity contained in the package, such declaration shall be accompanied by a declaration of the dimensions or number, or both, where necessary, of the commodity contained in the package.

(5) Where it is necessary to communicate to the consumer any additional information about the commodity contained in a package, such information shall also appear on the same panel in which the other information, as required by these rules, have been indicated.

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

(7) For packages having capacity ten cubic centimeters or less the declaration of quantity shall be made on a tag, card, tape, or any other similar device affixed to the container in such manner that it cannot be removed without opening the container and every such tag, card, tape or other devices shall contain mark or inscription which will enable the consumer to identify the manufacturer or packer, as the case may be.

13. Statement of units of weight, measure or number.-(1) The units of weight or measure or number shall be specified in accordance with the units specified in sub-rule (2) or sub-rule (3), as the case may be.

(2) When expressing a quantity less than,-

(a) one kilogram, the unit of weight shall be the gram;

(b) one metre, the unit of length shall be the centimetre;

(c) one square metre, the unit of area shall be the square decimetre;

(d) one cubic metre, the unit of volume shall be one cubic centimetre;

(e) one cubic decimetre, the unit of volume shall be the cubic centimetre;

(f) one litre, the unit of volume shall be the millilitre.

(3) When expressing a quantity of equal to or more than-

(a) one kilogram, the unit of weight shall be the kilogram and any fraction of a kilogram shall be expressed in terms of decimal of sub-multiples of kilogram or in terms of grams;

- (b) one metre, the unit of length shall be the metre and any fraction of a metre shall be expressed in terms of decimal of sub-multiples of the metre or in terms of centimetre;
- (c) squaremetre, the unit of the area shall be the square metre and any fraction of a square metre shall be expressed in terms of decimal of sub-multiple of the square metre.
- (d) cubicmetre, the unit of volume shall be the cubic metre and any fraction of a cubic metre shall be expressed in terms of decimal sub-multiple of the cubic metre;
- (e) onelitre, the unit of volume shall be the litre and any fraction of a litre shall be expressed in terms of decimal of sub-multiple of the litre:

Provided that where the quantity to be expressed is equal to one kilogram, one metre, one square metre, one cubic decimetre, one cubic metre or one litre, as the case may be, such quantity may be expressed at the option of the manufacturer or the packer or the importer, as the case may be, in terms of gram, centimetre, square decimetre, cubic centimetre, cubic decimetre or millilitre as the case may be.

(4) No number called the dozen, score, gross, great gross or the like shall be specified or indicated on any package.

(5) Symbol of units:-(i) No system of units other than the International System of Units shall be used in furnishing the net quantity of the packages and

(ii) For items sold by number the symbol should be N or U.

Explanation: for the purpose of this sub-rule, it is clarified that for indicating the unit for litre, the letter 'L' may be adopted to avoid confusion with the letter 'l' and figure '1'.

(6) where there are number of packages of the same commodity in a prepackage, the number of packages and the quantity of each package shall be indicated as a supplementary quantity declaration in the package.

Explanation: for the purpose of this sub-rule, where the net quantity is one hundred grams, the number of packages multiplied by the net quantity of each package shall be separately indicated in numbers multiplied by its individual weight (i.e. 10 number x 10 gram).

14. Declarations with regard to dimensions of certain commodities.- Where a package contains commodities like bed-sheets, hemmed fabric materials, dhotis, sarees, napkins, pillow-covers, towels, table cloths or similar other commodities, the number and the dimensions of

the finished size of such commodities shall also be declared on the package or on the label affixed thereto:

Provided that where the package contains more than one piece of different dimensions, the package shall also contain a declaration as to the dimensions and the retail sale price of each such piece:

Provided further that the dimensions of the commodities and the retail sale price thereof shall also be marked on each individual piece.

15. Declaration with regard to dimensions and weight to be made on packages in certain cases.- Where the dimensions and weight, or combination thereof, a commodity has or have a relationship to the price of that commodity, the declaration of quantity on the package containing such commodity, shall also include a declaration as to such dimensions, weight or combination.

16. Declarations to be made with regard to the number of usable sheets to be stated.-In the case of a package containing sheets like aluminum foil, facial tissues, waxed paper, toilet paper or any other type of sheet, the declaration of quantity on the package shall also include a statement as to the number of usable sheets contained in the package and the dimensions of each such sheet.

17. Declarations with regard to the dimensions of container type commodities.-

The commodities shall be expressed as bags, boxes, cups, pans or the like designed and sold in retail trade for being used as containers for other materials or objects and shall be labeled with the declaration of quantity as follows.-

(i) for bag-type commodities, the number of bags which the package may contain, followed by linear dimensions of the bags, whether packaged in a perforated roll or otherwise;

(ii) for square, oblong, rectangular or similarly shaped containers, the number of containers which the package may contain, followed by length, width, and if required, depth of the container.

(iii) for circular or generally round-shaped containers, not being cups or the like the number of commodities contained therein followed by diameter and, if necessary, depth of the container.

(iv) When the use of a container is related by label references, the standard weight or measure, to the capability of the container to hold a specific quantity of commodity or a class of commodities such references shall be included in the declaration of quantity.

18. Provisions relating to wholesale dealer and retail dealers.-(1) No wholesale dealer or retail dealer or importer shall sell, distribute, deliver, display or store for sale any commodity in the packaged form unless the package complies with in all respects, the provisions of the Act and these rules.

(1A) The wholesale dealer shall be allowed to sell the pre-packaged commodities directly to the industrial and institutional consumers.

(2) No retail dealer or other person including manufacturer, packer, importer and wholesale dealer shall make any sale of any commodity in packed form at a price exceeding the retail sale price thereof.

“(2A) Unless otherwise specifically provided under any other law, no manufacturer or packer or importer shall declare different maximum retail prices on an identical pre-packaged commodity by adopting restrictive trade practices or unfair trade practices as defined under clause (c) of sub-section (1) of section 2 of the Consumer Protection Act, 1986 (68 of 1986).

(3) Where, after any commodity has been pre-packed for sale, any tax payable in relation to such commodity is revised, the retail dealer or any other person shall not make any retail sale of such commodity at a price exceeding the revised retail sale price, communicated to him by the manufacturer, or where the manufacturer is not the packer, the packer, and it shall be, the duty of the manufacturer or packer as the case may be, to indicate by not less than two advertisements in one or more newspapers and also by circulation of notices to the dealers and to the Director in the Central Government and Controllers of Legal Metrology in the States and Union Territories, the revised prices of such packages but the difference between the price marked on the package and the revised price shall not, in any case, be higher than the extent of increase in the tax or in the case of imposition of fresh tax higher than the fresh tax so imposed:

Provided that publication in any newspaper, of such revised price shall not be necessary where such revision is due to any increase in, or imposition or, any tax payable under any law made by the State Legislatures.

Provided further that the retail dealer or other person, shall not charge such revised prices in relation to any packages except those packages which bear marking indicating that they were pre-packed in the month in which such tax has been revised or fresh tax has been imposed or in the month immediately following the month aforesaid;

Provided also that where the revised prices are lower than the price marked on the package, the retail dealer or other person shall not charge any price in excess of the revised price, irrespective of the month in which the commodity was pre-packed.]

(4) Nothing in sub-rule (3) shall apply to a package which is not required, under these rules to indicate the month and the year in which it was pre-packed.

(5) No wholesale dealer or retail dealer or other person shall obliterate, smudge or alter the retail sale price, indicated by the manufacturer or the packer or the importer, as the case may be, on the package or on the label affixed thereto.

(6) The manufacturer or packer or the importer shall not alter the price on the wrapper once printed and used for packing.

(7) All retailers who are covered under the Value Added Tax VAT or Turn Over Tax (TOT) and dealing in packaged commodities whose net content declaration is by weight or volume or a combination thereof shall maintain an electronic weighing machine of at least accuracy class III, with smallest division of at least 1 g, with facility to issue a printed receipt indicating among other things, the gross quantity, price and the like at a prominent place in their retail premises, free of cost, for the benefit of consumers and the consumers may check the weight of their packaged commodities purchased from the shop on such machine.

(8) (1) All the marketing companies, manufacturers, packers, importers or distributors of the Liquefied Petroleum Gas cylinder shall maintain a check weigher or a non-automatic weighing instrument, digital or analog, of accuracy class-III (Max. 50 kg, e=10g) to check weight of the liquefied petroleum gas cylinder.

(2) the marketing companies, manufactures, packers, importers or distributors referred to in sub-rule (1) , shall provide to the delivery man to measure or weigh the correct quantity of the Liquefied Petroleum Gas cylinder

19. Inspection of quantity and error in packages at the premises of the manufacturer or packer.-(1) With a view to ascertaining whether any package or lot of packages complies with

provisions of these rules in all respects, the Director, Controller or any Legal Metrology Officer empowered to inspect under section 15 of the Act (hereafter referred to as in these rules) the authorized person may examine the packages and carry out the tests at the premises of the manufacturer or where the manufacturer is not the packer, of the packer and when he carries out such examination or tests, he shall draw samples from such lot of packages, in such manner and in such number as are specified in the Fifth Schedule and the tests aforesaid shall be carried out in accordance with the method specified in the Sixth Schedule.

(2) The Director, Controller or any Legal Metrology Officer shall enter in the Form set out in the Seventh Schedule, the detailed results of the tests carried out by him under sub-rule (1) and shall obtain, on the said Form, the signature of the manufacturer or, as the case may be, of the packer, or his authorized agent, or, in the absence of both, or on their refusal to affix such signature, the signature of a competent witness and copy of the data sheet containing the result shall be given to the manufacturer or packer, as the case may be.

(3) On the completion of the examination and tests carried out under sub-rule (1), the Director, Controller or any Legal Metrology Officer shall make a report indicating therein his findings with regard to the declarations required to be made under these rules and as to the net quantity actually contained in the sample packages and the extent of error, if any, noticed by him and furnish a copy of such report to the manufacturer or the packer, as the case may be.

(4) If it appears from the report referred to in sub-rule (3) that-

(a) the corrected average of the net quantity contained in the packages drawn as samples is lesser than the quantity declared on the packages or on the labels affixed thereto; or

(b) the number of packages that show an error in deficiency exceeding the maximum permissible error is greater than that shown in column 4 of Table under Fifth Schedule; or

(c) any such package shows an error in deficiency exceeding twice the maximum permissible error;

(d) the Director, Controller or the Legal Metrology Officer shall require the manufacturer or packer to make a cent percent check of the packages contained in the lot and authorise sale, distribution or delivery of only such packages with error in deficiency in the net quantity less than the maximum permissible error and the remaining packages shall be allowed to be sold distributed or delivered by the manufacturer or packer after it has been repacked or relabeled, as the case may be, so as to comply with the provisions of the Act and these Rules.

(6) A lot of packages shall be approved for sale if as a result of the test carried out under this rule, it is found that-

(a) the corrected average net quantity of the sample packages is equal to or more than the declared net quantity;

(b) the number of packages that show an error in deficiency exceeding the maximum permissible error is not more than that shown in column 4 of the Table under Fifth Schedule;

(c) no package shows an error in deficiency exceeding twice the maximum permissible error;

(d) every package bears thereon or on a label affixed thereto the declarations required to be made under these rules.

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

(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.

20. Action to be taken on completion of inspection of packages at the premises of the manufacturers or the packer.- (1) If it appears from the report referred to in sub-rule (3) of rule 19 that,-

(a) the corrected average net quantity contained in the packages drawn as samples is lesser than the quantity declared on the package or the label affixed thereto; or

(b) any such packages showing an error in deficiency exceeding the maximum permissible error is greater than the number specified in column 4 of the Table in the Fifth schedule; or

- (c) any package has an error in deficiency exceeding twice the maximum permissible error; or
- (d) any such package does not bear thereon or on label affixed thereto the declarations to be made under these Rules;

the Director, Controller, or the Legal Metrology Officer shall take following action, namely:-

- (i) seize the packages drawn by him as samples and take adequate steps for the safe custody of the seized packages until they are produced in the appropriate court as evidence;
- (ii) based on the evidence initiate action for violations as per the provisions of the Act and these rules.

(2) The disposal of the seized packages shall be done in accordance with the provisions of the Code of Criminal Procedure, 1973(2 of 1974).

21. Inspection of quantity and error in packages at the premises of the wholesale dealer or retail dealer.-(1) Ordinarily, any test in relation to the net quantity contained in a package

shall not be carried out at the premises of the retail dealer or the wholesale dealer, unless-

(i) a complaint is received by the Director or Controller or any Legal Metrology Officer to the effect that the package sold or delivered to the complainant does not contain quantity declared on the package or on the label affixed thereto;

(ii) the Director or Controller or any Legal Metrology Officer has reason to suspect that any package has been tampered with or that there has been any pilferage or leakage of the commodity contained in the packages

(iii) the Director or Controller or any Legal Metrology Officer has reason to suspect that any package, or any label affixed thereto, does not bear thereon all or any of the declarations which are required to be made under these rules.

(2) Where any test is carried out in pursuance of the provisions of sub-rule (1), the Director, Controller or any Legal Metrology Officer shall verify whether the quantity contained in the package corresponds to the quantity declared on such packages or any label affixed thereto and where quantity contained in package is less than the declared quantity, whether the deficiency is more than the maximum permissible error in relation to that commodity.

(3) Where the Director, Controller or any Legal Metrology Officer finds on a test carried out under this rule that the error in deficiency in any package kept or stored for sale, distribution

or delivery at the premises of the retail or wholesale dealer is more than the maximum permissible error in relation to that commodity, he shall seize such package and take appropriate action against the retail dealer or the wholesale dealer, as the case may be, in accordance with the provisions of the Act:

Provided that where the package bears the legend 'when packed', no punitive action shall be taken against the retail dealer or wholesale dealer if the Director, Controller or any Legal Metrology Officer is satisfied after necessary test that the deficiency in the net quantity contained in package is due to environmental conditions.

(4) Whereas a result of any test made under this rule, it is found that the net quantity contained in the package conforms to the declared quantity or where there is a deficiency, such deficiency is not more than the maximum permissible error, the retail dealer shall be at liberty to sell or deliver or distribute such commodity at the price determined on the basis of the quantity found on such tests.

(5) Where, as a result of any test made under this rule, it is found that any package, or any label affixed thereto, does not bear thereon all or any of the declarations required to be made under these rules, it shall be lawful for the Director, Controller or any Legal Metrology Officer to make such enquiries as to the source from which such package was received by the whole sale dealer or the retail dealer as the case may be, as he may think fit.

22. Establishment of maximum permissible error on package.-

(1) The maximum permissible error in relation to the commodities shall be such as is indicated in the First Schedule.

(2) While establishing the maximum permissible error in relation to the net quantity of commodities contained in packages, due account shall be taken of the following causes which may lead to variation in quantity, namely:-

(a) variations caused by unavoidable deviation in weighing, measuring or counting the contents of individual packages that may occur in good packaging practice;

(b) variations caused by the ordinary and customary exposure to conditions, such as, climate, transport, storage or the like that normally occur in good distribution practice after the commodity is introduced in trade or commerce; and

(c) variations due to the nature of packaging material or container.

(3) The Director or Controller or the Legal Metrology officer shall determine, or cause to be determined, in relation to any commodity, the declaration in respect of the net quantity of which is permitted to be qualified by the words 'when packed'; the reasonable variations which may take place by reason of the environmental conditions.

23. Deceptive packages to be repacked or in default to be seized.-

(1) If, on the determination of the quantity contained in the sample packages, the Director or Controller or the Legal Metrology officer the authorized person finds that the quantity contained in the package agrees with the declaration of the quantity made on the package or label thereon but the package is a deceptive package, he shall require the manufacturer or the packer, as the case may be, to repack and re-label such package and in the event of the omission or failure on the part of the manufacturer or the packer, as the case may be, to repack or re-label such deceptive package, in accordance with the standards established by or under these rules, seize them, take appropriate punitive action in accordance with the Act and take adequate steps for the safe custody of such packages until they are produced in a court as evidence.

Explanation: For the purpose of this rule, 'deceptive package' means a package which is so designed as to deliberately given to the consumer an exaggerated or misleading impression as to the quantity of the commodity contained therein, except where bigger dimensions of the package can be justified by the manufacturer or the packer, as the case may be, on the ground that such dimensions are necessary for giving protection to the commodity contained in such package or for meeting the requirements of the machine used for filling such package.

(2) If the seized packages contain any commodity which is subject to speedy or natural decay, the Director or Controller or the Legal Metrology officer shall dispose of the commodity in accordance with the rules made under the Act.

CHAPTER III

PROVISIONS APPLICABLE TO WHOLESALE PACKAGES

24. Declarations applicable to be made on every wholesale package

Every wholesale package shall bear thereon a legible, definite, plain and conspicuous declaration as to –

- (a) The name and address of the manufacturer or importer or where the manufacturer or importer is not the packer, of the packer;
- (b) the identity of the commodity contained in the package; and
- (c) the total number of retail package contained in such wholesale package or the net quantity in terms of standard units of weights, measures or number of the commodity contained in wholesale package;

Provided that nothing in this rule shall apply in relation to a wholesale package if a declaration similar to the declarations specified in this rule, is required to be made on such wholesale packages by or under any other law for the time being in force.

CHAPTER IV

EXPORT OF PACKAGED COMMODITIES

25. Restrictions on sale of export packages in India.-An export package shall not be sold in India unless the manufacturer or packer has re-packed or relabeled the commodity in accordance with the provisions contained in Chapter II, and where any export package is sold in India without such re-packing or re-labeling, such package shall be liable to be seized in accordance with the provisions of the Act.

CHAPTER V

EXEMPTIONS

26. Exemption in respect of certain packages.-Nothing contained in these rules shall apply to any package containing a commodity if—

- (a) the net weight or measure of the commodity is ten gram or ten millilitre or less, if sold by weight or measure;

Provided that the provisions of this clause shall not be applicable for tobacco and tobacco products.

(b) any package containing fast food items packed by restaurant or hotel and the like;

(c) it contains scheduled formulations and non-scheduled formulations covered under the Drugs (Price Control) Order, 2013 made under section 3 of the Essential Commodities Act, 1955 (10 of 1955):

Provided that no exemption shall be applicable to medical devices declared as drugs.

(e) Any thread which is sold in coil to handloom weavers.

CHAPTER VI

REGISTRATION OF MANUFACTURERS, PACKERS AND IMPORTERS

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 at the commencement of these rules, within 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 thirty 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.

28. Registration of shorter address permissible.-(1) It shall be lawful for any manufacturer or packer to make an application to the Director or the Controller for the registration of a shorter address, in addition to the complete address referred to in sub-rule (2) of rule 27.

(2) The Director or the Controller may, if he is satisfied after an inquiry that the shorter address is sufficient to enable the consumer or any other person to identify the manufacturer or the packer, register such a shorter address.

(3) Where a shorter address is registered by the Director or the Controller, it shall be lawful for the manufacturer or packer to state such a shorter address on the label of each commodity pre-packed by him or it.

29. Registration of manufacturers and packers, etc.

(1) The Director or the Controller shall enter in a register, to be maintained by him for the purpose, the name and complete address of each manufacturer or packer by whom application for such registration has been made to him under rule 27.

(2)The register referred to in sub-rule (1) shall be open to the inspection of the public without payment of any fee.

30. Compilation of lists of manufacturers or packers and their circulation. - The Director or the Controller shall compile a State-wise list of the manufacturers and packers registered by him under rule 29 and shall circulate such list to the Controller of the concerned State to

enable the Controller to take, or cause to be taken, samples at the premises of the manufacturer or, where the manufacturer is not the packer, of the packer.

CHAPTER VII

GENERAL

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. Fine for contravention of rules.-

Whoever contravenes any provisions of these rules, for which no punishment is provided, shall be punished with a fine of five thousand rupees.

32A. Sum of compounding of offences.- The sum of compounding of offences committed under the Act shall be as specified in the following Table, namely:—

TABLE

Sr. No.	Offence	Compounding Amount	
		If the application for compounding is by retailer or wholesale dealer	If the application for compounding is by manufacturer or importer
1	2	3	4
1	Contravention of section 29	Rupees two thousand	Rupees ten thousand
2	Contravention of sub-section (1) section 36	Rupees five thousand	Rupees twenty five thousand
3	Contravention of sub-section (2) section 36	Rupees ten thousand	Rupees fifty thousand

33. **Power to relax:**(1) The Central Government may, after ascertaining the genuineness 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.

(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 the specified in the second schedule for a maximum period of one year by relaxing rules.

34. Repeal and savings.- (1) The Standards of Weights and Measures (Packaged Commodities) Rules, 1977 (herein under referred as the said rule) to are hereby repealed.

Provided that such repeal shall not affect:

(a) the previous operations of the said rules or anything done or omitted to be done or suffered therein; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said rules; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said rules; or

(d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

And any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said rules had not been rescinded.

(2) Notwithstanding such repeal anything done or any action taken or purported to have been done or 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, authorisation 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.

(3) The provisions of these rules shall apply to any application made to the Central Government or as the case may be the State Government under the said rules for licence, registration of manufacturers, importers, dealers of pre-packaged commodities pending at the

commencement of these rules and to any proceedings consequent thereon and to any registration granted in pursuance thereof.

(4) Any legal proceeding pending in any court under the said rules at the commencement of these rules may be continued in that court as if these rules had not been framed.

(5) Any appeal preferred to the Central Government or as the case may be the State Government under the said rules and pending shall be deemed to have been made under the corresponding provisions of these rules.

THE FIRST SCHEDULE

[See Rule 2(e)]

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

Maximum permissible errors on net quantities declared by weight or by volume

Sl. No.	Declared quantity g or ml	Maximum permissible error in excess or 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:-

TABLE -II

The maximum permissible errors on net quantities declared by length, area or number

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.

THE 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, 600g, 700 g, 800 g, 900g, 1 kg, 2kg, 5 kg and 10 kg.
2.	Weaning food.	below 50g no restriction, 50g, 100g, 200g, 300g, 400g, 500g, 600g, 700g, 800g, 900g, 1 kg, 2 kg, 5 kg and 10 kg. 75g, 125g, 150g, 250g .
3.	Biscuits	25g, 50g, 60g, 75g, 100g, 120g, 150g, 200g, 250g, 300g 350g, 400g and thereafter in multiples of 100g up to 1 kg and thereafter in multiples of 500g upto 5 kg,
4.	Bread including brown bread but excluding bun.	50g and thereafter in of multiples 50g upto 500g and above 500g in multiples of 100g.

5.	Un-canned packages of butter and margarine	below 25 g no restriction, 25g, 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.	Coffee	below 25g no restriction, 25g, 50g, 75g, 100g, 150g, 200g, 250g, 500g, 750g, 1kg 1.5kg, ,and thereafter in multiples of 1kg.
8.	Tea	below 25g no restriction, 25g, 50g, 75g, 100g, 125g, 150g, 200g, 250g, 500g, 750g, 1kg, 1.5 kg, 2kg and thereafter in multiples of 1kg
9.	Materials which may be constituted or reconstituted as beverages.	below 50 g no restriction, 50g,75g, 100 g, 125g, 200 g, 250g, 400g, 450g, 500 g, 750g, 1 kg and thereafter in multiples of 1 kg. (56g and 61 g for medical purpose only)
10	Edible Oils Vanaspati, ghee, butter oil	below 50g no restriction, 50 g, 100 g, 175g, 200 g, 250g, 300g, 500 g, 550 g, 600 g, 650 g, 750g, 1 kg, 2 kg, 3 kg, 5 kg and thereafter in multiples of 5 kg. If net quantity is declared by volume then below 50ml no restriction, 50ml, 100ml, 175ml, 200ml, 250ml, 300 ml, 500ml, 550 ml, 600ml, 650 ml,750ml, 1 litre, 2litre, 3 litre and 5 litre and thereafter in multiples 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 50g no restriction, 50 g, 75g, 100g, 150g, 200g, 250g, 400g, 500 g, 700g, 750g, 1 kg 1.5kg, 2kg and thereafter in multiples of 1kg.
13.	Rice(powdered), flour, atta, rawa andsuji.	100g, 200g, 500g, 1kg,1.25kg, 1.5kg, 1.75kg, 2kg, 5 kg andthereafter 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.

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, 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 and 5 litre and in multiples of 5litre.
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.
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 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.'

THE THIRD SCHEDULE

(See Rule 11(4))

Declaration of quantity in relation to commodities (sold by weight or volume) which may be qualified by the words "When packed"

Sl No.	Name of commodity
1	All kinds of Soaps
2	Lotions
3	Cream (other than cream of milk)
4	Camphor

THE FOURTH SCHEDULE

(See Rule 12(2))

Exceptions referred to in Rule 12(2)

1. The following commodities in packaged form may be sold by weight, measure or number as shown against the commodity:-

TABLE

Sl.No.	Commodity	Whether declaration to be expressed in terms of weight, measures or number or two or more of
1	Aerosol Products	Weight
2	Acids in liquid form	Weight or volume
3	Compressed or liquefied gas (but not liquefied petroleum gas) at stated temperature and pressure	Weight and equivalent volume
4	Curd	Weight
5	Electric Cables	Length or weight
6	Electric wire	Length or weight

7	Fencing wire	Number or weight
8	Fruits, all kinds	Number or weight
9	Furnace oil	Weight or volume
10	Non edible vegetable oil	Weight or volume
11	Edible oil, Vanaspati, ghee and butter oil	Weight or volume
12	Heavy residual fuel oil	Weight
13	Industrial diesel fuel	Volume
14	Honey, malt-extract, golden syrup treacle	Weight
15	Ice cream and other similar frozen products	weight Weight or volume
16	Liquid chemicals	Weight or volume
17	Liquefied petroleum gas	Weight
18	Nails, wood screws	Number or weight
19	Paints other than paint or solid paint) Varnish, varnish stains, enamels	Volume
20	Paste paint, solid paint	Weight
21	Rasgulla, Gulabjamun and other sweet preparations	Weight
22	Ready-made garments	Number
23	Sauces, all kinds	Weight
24	Tyres and tubes	Number
25	Yarn	Weight or length of yarn
26	Cosmetics including creams, shampoo, lotions and perfumes	Weight or measure

THE FIFTH SCHEDULE

(See Rule 19)

Manner of Selection of Sample Packages

1. For determination of the net quantity for any commodity contained in a package, the sample size shall be such as is specified in the corresponding entry column 2 of the Table below against the lot size specified in Column 1 of the said Table.

Serial number	Inspection lot size (1)	Sample size (n) (2)	Correction factor (C) (3)	Number of packages showing an error more than the maximum permissible error but less than twice the maximum permissible error (4)
1	100 to 500	50	0.379	3
2	501 to 3200	80	0.295	5
3	More than 3200	125	0.234	7

2. The sample shall be selected at random in accordance with the manner specified in paragraphs 3 and 4.

3. Where, for the determination of the net quantity of any commodity contained in a package it is necessary to take samples of packages stored by the manufacture or packer in a warehouse, go-down or at any other place, the sample shall be selected at random, from ever lot of packages and shall be picked out from the top, bottom, center, right, left, front and rear of the stocks so that the samples may adequately represent the packages in the lot.

4. Where, for the determination of the net quantity of any commodity contained in a package it is necessary to take samples from the place where the package is being filled such samples shall be selected from among the package which have already been filled, or in the alternatively, the requisite number of empty containers may be taken over and each of them shall be adequately marked for proper identification and the tare weight of each container shall be accurately noted and thereafter the marked containers shall be introduced at random

in the packing process so that, after the packages are filled in may be possible to determine the net quantity

Explanation: In this schedule 'Sample size' means the number of packages to be selected as sample.

THE SIXTH SCHEDULE

(See Rule 19)

Determination of the Net Quantity of Commodities in Packages

Part-I – Equipment

1. Equipments required- (1) The Director, Controller or any Legal Metrology Officer authorized by or under the Act, to determine the net quantity; of commodity contained in any package, shall be provided by the concerned Government with adequate equipments and facilities to carry out his work to the required degree of accuracy in an Expedient and efficient manner.

(2) The equipments, referred to in sub-paragraph (1), shall ordinarily consist of working standard weights and balances, or any other weight or measure declared by the Director to be suitable for determining the net quantity contained in the concerned package.

(3) The Director, Controller or any Legal Metrology Officer shall, before determining the net quantity contained in any package, ensure that the working standards and other equipments are functioning properly.

2. Working standards to be ordinarily used.-(1) Ordinarily, working standards and other weights and measures, duly verified shall be used for determining the net quantities contained in packages and the errors, if any, in relation to the net quantity declared on the package.

Provided that, where it is necessary to use the weights and measures, owned or controlled by the manufacturer, packer or wholesale dealer as the case may be such weights and measures, shall be used unless the maximum permissible error of such weights and measures is twenty percent or less of the maximum error permitted in relation to the net quantity of the commodity contained in the packages.

(2) It shall be the duty of every manufacturer, packer or wholesale dealer to render such assistance the Director, Controller or any Legal Metrology Officer as the Director

or other authorized person may require in order carrying out his duties expeditiously and efficiently.

(3) Where any weight, measure or other equipment, owned or controlled by the manufacturer, packer or wholesale dealer is used by the Director, Controller or any Legal Metrology Officer for the determination of the net quantity contained in any package, such weight, measure or other equipment shall not be released by the Director or other authorized person until his work is completed.

Part-II - Instructions with regard to the determination of quantity and error at manufacturer's or packer's premises.

3. (1) If empty tare packages are available, one such package shall be taken and tare package weight determined. If the tare package weight is equal to or less than three-tenths of the maximum permissible error for the concerned commodity of that quantity, it shall be assumed that the tare package weight so determined is valid for all the other packages in the sample, and the sample packages shall then be weighed for gross weight, and thereafter the net weight of commodity contained in each package shall be obtained by subtracting the tare package weight from the gross package weight. If the tare package weight so determined is more than three tenths of the maximum permissible error in relation to the commodity for that quantity, weight of four emptier tare packages shall be determined. If the difference between the maximum tare package weight and the minimum tare package weight of the five samples is equal to or less than four tenths of the maximum permissible error allowed for that commodity for that quantity, the tare weight of the package shall be taken as equal to the average of the five tare package weights. The gross weight of the package in the sample shall then be determined and the average tare package weight shall be subtracted from the gross package weight to obtain the net contents of the commodity in each package, in the sample. However, when the difference in the five individual tare weights of the packages exceeds the limit of four tenths of the maximum permissible error specified above, the procedure specified in sub-paragraph (4) or sub-paragraph (5), as the case may be, shall be adopted for determining the net quantity of individual packages.

(2) In the absence of empty tare packages, one package from the sample shall be opened and the net weight of the commodity and the tare weight of the package determined. If the tare weight of the package is equal to or less than three-tenth of the maximum permissible error for

that concerned commodity of that quantity, it shall be assumed that the tare weight of one package so determined is valid for all the other packages in the sample, and the remaining packages shall then be weighed for gross weight, and thereafter the net weight of commodity contained in each package shall be obtained by subtracting the tare weight from the gross weight.

(3) If the tare weight of the package specified in sub-paragraph (2) is more than three-tenths of the maximum permissible error in relation to that commodity, four more packages in the samples shall be opened and the net weight of the commodity in each package, as well as the tare weight of each package, shall be determined. If the difference between the maximum tare weight and the minimum tare weight of five samples is equal to or less than four-tenths of the maximum permissible error for that commodity of that quantity, the tare weight of the package shall be taken as equal to the arithmetic mean of the five tare weights. The gross weight of the packages in the sample shall then be determined to the requisite accuracy and the average tare weight of the container shall be subtracted from the gross weight to obtain the net contents of the commodity in each package in the sample.

(4) Where it is found on examining the first package, as described in sub-paragraph (2) that the tare weight of the container exceeds the limits specified in sub-paragraph (2) and sub-paragraph (3) and the determination of net contents, cannot be carried out without opening the remaining packages, or it is not possible to use the procedure to use the procedure described in sub-paragraph (5) the size of the sample to be examined shall be restricted to that indicated in column (2), in accordance with the batch indicated in column(1) of Table of the Fifth Schedule and the determination of net quantity shall be carried out by opening all the packages in the sample.

(5) Where it is likely that the process of determination of the actual net quantity may be destructive and it is possible to feed empty package into the packing process without affecting the results, the following procedure shall be used:

(a) the number of empty packages, depending upon the size of the batch, in accordance with columns (1) and (2) of Table of the Fifth Schedule shall be selected;

(b) the empty package shall be marked suitably to identify them from the other packages;

(c) the weight of each empty package, with its other parts which are to be fitted on it after it is filled shall be determined and the weight suitably recorded on the empty package and also on the Form specified in the Seventh Schedule;

(d) the empty package shall then be filled by introducing them in a random manner in the packing process, and such introduction shall be adequately spread over the duration in accordance with which the size of the batch is determined;

(e) the marked packages shall be taken out after completion of the filling and sealing operations and each such filled package shall be weighed again to the requisite accuracy;

(f) the net quantity shall be obtained by deducting the tare weight determined in accordance with clause (c) from the gross weight.

(6) The Director, Controller or any Legal Metrology Officer shall enter results of this examination of gross weight, net weight and tare weight in the Form specified in the Seventh Schedule along with such other observation as he may wish to make on the basis of his examination.

4. Determination of liquid contents by volume.-(1) If the specific gravity of the liquid commodity filled in packages remains sufficiently constant for a batch and it is possible to determine accurately its specific gravity the method of determination of net contents by weight, described in paragraph 3 may be used.

(2) If the method described in sub-paragraph (1) is not feasible the containers shall be opened and the contents of each package poured out carefully into the appropriate volume measure.

(3) The reading of the actual net volume of the commodity in every package shall be noted carefully and recorded in the Form specified in the Seventh Schedule.

5. Verification of length of commodities.-(1) The sample shall be selected in the manner specified in the Fifth Schedule.

(2) If it is not possible to measure the dimensions without opening the package, the package shall be opened.

(3) The length of the commodity shall be measured by means of a calibrated steel tape of suitable length.

(4) If the actual length of the commodity is so great that it is not possible to measure it with the tape measure and a suitable length measuring instrument is available on the premises, that instrument shall be used, after duly calibrating it by suitable means, with the steel tape serving as a working standard of length.

(5) The reading of the actual length of the commodity in every package shall be noted carefully and recorded in the Form specified in the Seventh Schedule.

(6) Verification of commodities packed by number.- The Director, Controller or any Legal Metrology Officer shall take packages from the sample drawn by him in the manner specified in the Fifth Schedule and determine the extent of error, by actual counting in each such package and may, for that purpose open all packages.

7. Checking of other declarations.-(1) The declarations made on the package or on the label affixed thereto, shall be examined with a view to ascertaining whether such declarations conform to these rules and may be ensured either at the factory level or at the depot of the factory .

(2)The additional declarations made on the package or on the label affixed thereto in respect of item (g) and (h) of sub-rule (1) of rule 6 shall also be examined to ascertain whether they are adequate.

8. Determination of mean or average net quantity or net volume.- After determining the individual values of net quantity or net volume or length or number of the commodity contained in the package, as per the procedure outlined in item numbers 3 to 6 of this Part, the mean or average value shall be calculated by summing up the individual values (x_i) and dividing it by the number of sample packages (n) taken for testing, by the formula-

$$\text{Average Net value } (\bar{x}) = \sum x_i / n$$

9. Determination of Standard deviation of values.- The standard deviation (σ) of individual values [x_i] is determined by the formula -

$$\sigma = \sqrt{\frac{1}{n-1} \sum (x_i - \bar{x})^2}; \text{ where ,}$$

x_i = individual values of net quantity or net volume or length or number ,

\bar{x} = average or mean value of net quantity or net volume or length or number.

10. Corrected average net quantity or net volume.-

The corrected average net quantity X_c is determined from the value of average net quantity \bar{x} by using the formula -

$$X_c = \bar{x} + (\sigma \times C), \quad \text{where } C \text{ is the correction factor.}''$$

THE SEVENTH SCHEDULE

Form A

Weight Checking - Data Sheet

A Particulars of Package		Name of Manufacturer/ Packer				
		Address	Price	Month	Year	
B Commodity Classification		Lot Size:		Sample Size:		
		Maximum permissible error in percentage				
C		Sample No.	Gross Weight	Tare Weight	Net Weight/ error	Remarks
Weight Checking Data		1 200				
D Results		Declared Wt.			Avg. Wt.	
E GENERAL COMMENTS WITH REGARD TO THE COMPLIANCE WITH THE ACT AND THE RULES MADE THEREUNDER						
F Signature and name of the authorized person		Signature and name of manufacturer/ packer authorized by manufacturer or any competent witness				
Place:						
Designation:						
Name:						
Time:						

Note: If the data sheet runs into more pages than one, the each continuation sheet shall bear the signatures specified in Part F.

Form B
Volume/ Length Checking - Data Sheet

A Particulars of Package		Name of Manufacturer/ Packer				
		Address	Price	Month	Year	
B Commodity Classification		Lot Size:		Sample Size:		
		Maximum permissible error in percentage				
C		Sample No.	Gross Weight	Tare Weight	Net Weight/ error	Remarks
Volume/ Length Checking Data		1				
		200				
D Results		Declared Volume/ Length Avg. Volume/ Length				
E GENERAL COMMENTS WITH REGARD TO THE COMPLIANCE WITH THE ACT AND THE RULES MADE THEREUNDER						
F Signature and name of the authorized person		Signature and name of manufacturer/ packer authorized by manufacturer or any competent witness				
Place:						
Designation:						
Name:						
Time:						

Note: If the data sheet runs into more pages than one, the each continuation sheet shall bear the signatures specified in Part F.

Special Note on:

(I) Readymade garments:

Under advisory WM-12(5)/2016 dt. 16.12.2016, of Legal Metrology Division, Consumer Affairs Department, Ministry of Consumer Affairs, Food and Public Distribution, Government of India,

Advisory:

- (i) Mandatory labeling requirements under the Legal Metrology (Packaged Commodities) Rules 2011 are applicable only for pre-packaged commodities , defined under section 2(l) of Legal Metrology Act, 2009.
- (ii) Mandatory labeling requirements for pre-packaged commodities are therefore **not** applicable to garments sold in **loose form**.
- (iii) Labeling requirements for garments sold in **loose form** in retail stores may include only the following declarations wef**01.07.2017**:
 - (a) **Name:** declaration of the product
 - (b) **To Fit size:** Internationally recognizable size indicators - S, M, L, XL, etc along with details in metric notation in terms of cm or m as the case may be.
 - (c) MRP
 - (d) Name , Full Address and Consumer Care No. of the manufacturer
- (iv) in the case of readymade garments sold in to consumer in pre-packaged form, declarations required under Rules may be made.
- (v) Further, the size of the garments needs to be mentioned in meters in meters or centimeters, as the case may be, and
- (vi) Any additional detail such as S, M, XL, XXL, etc. may be treated as additional declaration.
- (vii) A loose garments which is sold after consumer sees them, for Style, Design, tries them for fit and touches them for feel of the Fabric, Fibre etc is not a pre-packaged commodity if the same garment is delivered t the consumer. (**advisory WM-12(5)/2016 dt. 31.03.2017 of Legal Metrology Division, Consumer Affairs Department, Ministry of Consumer Affairs, Food and Public Distribution, Government of India, Advisory**)

(2) Single Brand through exclusive retail stores:

Under order WM-10(54)/2016 dt. 04.12.2017 of Legal Metrology Division, Consumer Affairs Department, Ministry of Consumer Affairs, Food and Public Distribution, Government of India,

Order:

Under Rule 33(1) of the Legal Metrology (Packaged Commodities) Rules, 2011, in respect of Single Brand retail trading entities the Central Government relaxes the manner of declaration of the retail sale price for a period of one year from the date of this order:

- (i) The order shall be applicable to :
 - (a) the products sold under a single brand through exclusive retail stores by such Foreign Single Brand retail trading entities which have approval of investment in India, or
 - (b) such domestic entities which fulfill the criteria of single brand retailing, namely the products branded during manufacturing and sold under a single brand through exclusive retail stores.
- (ii) Retail sale price of the products
 - (a) displayed for sale on the racks in a store will be made through the labels affixed to the racks.
 - (b) Additionally, the pre-packaged commodities for sale shall contain bar codes on the principal display, which will show the retail sale price when read using price scanners available across the store.
 - (c) The entities shall ensure that price scanners are in working condition at all times.
- (iii) Once a pre-packaged commodity is imported into the country or manufactured / packaged within the country, the retail sale price of the same shall not be escalated upwards during product lifecycle.
- (iv) For ensuring compliance to the aforementioned requirement and consistency of pricing, the single brand retail entity shall undertake on its **own cost** to:
 - (a) Make the retail sale price information available on its website;

- (b) Print a catalogue of retail sale prices and make the copies of the same available to the Director of Legal Metrology and Controller of Legal Metrology under whose jurisdiction the retail stores are located;
 - (c) Deposit the retail price information with a third party repository.
 - (d) The repository shall provide information regarding the retail sale price to consumers, who wish to cross verify the same, through a consumer friendly web based App and a call centre with toll free number.
 - (e) Information regarding the aforementioned facility shall be prominently displayed on the website of the single brand retail trading entity and near the billing counter of the store;
- (v) Except for the above-mentioned relaxation, the provisions of the Legal Metrology Act, 2009 and Rules made there under and other Laws in force shall be applicable to the single brand retail trading entities in the same manner as they apply to others; The above mentioned relaxation may be reviewed or withdrawn at any point of time by the central government in case of non-compliance of the conditions by the single brand retail entity, in addition to initiation of action under the Legal Metrology Act and the Rules.
- (vi) Provisions of this order do not preclude declaration of the MRP on pre-Packaged commodities, by means permitted under the Legal Metrology (Packaged Commodities) Rules, if the Single Brand Retail Entity chooses to do so.
- No entity can start availing the relaxation until it satisfies to the department of Consumer Affairs, Government of India that it fulfills the conditions mentioned above and receives specific approval of the central government.

Special Note on:

(1) Readymade Garments / Hosiery:

Under advisory WM-12(5)/2016 dt. 16.12.2016, of Legal Metrology Division, Consumer Affairs Department, Ministry of Consumer Affairs, Food and Public Distribution, Government of India,

Advisory:

- (i) Mandatory labeling requirements under the Legal Metrology (Packaged Commodities) Rules 2011 are applicable only for pre-packaged commodities, defined under section 2(l) of Legal Metrology Act, 2009.
- (ii) Mandatory labeling requirements for pre-packaged commodities are therefore not applicable to garments sold in loose form.
- (iii) Labeling requirements for garments sold in loose form in retail stores may include only the following declarations wef 01.07.2017:
 - (a) Name: declaration of the product
 - (b) To Fit size: Internationally recognizable size indicators - S, M, L, XL, etc along with details in metric notation in terms of cm or m as the case may be.
 - (c) MRP
 - (d) Name, Full Address and Consumer Care No. of the manufacturer
- (iv) in the case of readymade garments sold in to consumer in pre-packaged form, declarations required under Rules may be made.
- (v) Further, the size of the garments needs to be mentioned in meters in meters or centimeters, as the case may be, and
- (vi) Any additional detail such as S, M, XL, XXL, etc. may be treated as additional declaration.
- (vii) A loose garments which is sold after consumer sees them, for Style, Design, tries them for fit and touches them for feel of the Fabric, Fibre etc is not a pre-packaged commodity if the same garment is delivered to the consumer. (advisory WM-12(5)/2016 dt. 31.03.2017 of Legal Metrology Division, Consumer Affairs Department, Ministry of Consumer Affairs, Food and Public Distribution, Government of India, Advisory)

(2) Single Brand through exclusive retail stores:

Under order WM-10(54)/2016 dt. 04.12.2017 of Legal Metrology Division, Consumer Affairs Department, Ministry of Consumer Affairs, Food and Public Distribution, Government of India,

Order:

Under Rule 33(1) of the Legal Metrology (Packaged Commodities) Rules, 2011, in respect of Single Brand retail trading entities the Central Government relaxes the manner of declaration of the retail sale price for a period of one year from the date of this order:

- (i) The order shall be applicable to :
 - (a) the products sold under a single brand through exclusive retail stores by such Foreign Single Brand retail trading entities which have approval of investment in India, or

- (b) *such domestic entities which fulfill the criteria of single brand retailing, namely the products branded during manufacturing and sold under a single brand through exclusive retail stores.*
- (ii) *Retail sale price of the products*
 - (a) *displayed for sale on the racks in a store will be made through the labels affixed to the racks.*
 - (b) *Additionally, the pre-packaged commodities for sale shall contain bar codes on the principal display, which will show the retail sale price when read using price scanners available across the store.*
 - (c) *The entities shall ensure that price scanners are in working condition at all times.*
- (iii) *Once a pre-packaged commodity is imported into the country or manufactured / packaged within the country, the retail sale price of the same shall not be escalated upwards during product lifecycle.*
- (iv) *For ensuring compliance to the aforementioned requirement and consistency of pricing, the single brand retail entity shall undertake on its own cost to:*
 - (a) *Make the retail sale price information available on its website;*
 - (b) *Print a catalogue of retail sale prices and make the copies of the same available to the Director of Legal Metrology and Controller of Legal Metrology under whose jurisdiction the retail stores are located;*
 - (c) *Deposit the retail price information with a third party repository.*
 - (d) *The repository shall provide information regarding the retail sale price to consumers, who wish to cross verify the same, through a consumer friendly web based App and a call centre with toll free number.*
 - (e) *Information regarding the aforementioned facility shall be prominently displayed on the website of the single brand retail trading entity and near the billing counter of the store;*
- (v) *Except for the above mentioned relaxation, the provisions of the Legal Metrology Act, 2009 and Rules made there under and other Laws in force shall be applicable to the single brand retail trading entities in the same manner as they apply to others;*
- (vi) *The above mentioned relaxation may be reviewed or withdrawn at any point of time by the central government in case of non-compliance of the conditions by the single brand retail entity, in addition to initiation of action under the Legal Metrology Act and the Rules.*
- (vii) *Provisions of this order do not preclude declaration of the MRP on pre-Packaged commodities, by means permitted under the Legal Metrology (Packaged Commodities) Rules, if the Single Brand Retail Entity chooses to do so.*
- (viii) *No entity can start availing the relaxation until it satisfies to the department of Consumer Affairs, Government of India that it fulfills the conditions mentioned above and receives specific approval of the central government.*

(3) MRP in respect of 3 layers mask, N 95 mask and sanitizer which is used for the protection from Corona Virus.

In the Advisory 1-19/16/2020 dt. 12.03.2020, the Central Government advised In the interest of public safety, and requested to urgently take necessary action to prevent overcharging in respect of masks, sanitizers etc. so that their availability and affordability is freely available to health services providers and consumers at large. the states to take steps, under section 18 read with section 36(1) of the Legal Metrology Act, 2009 and Rule 18 (1) & 18 (2) of the Legal Metrology (Packaged Commodities) Rule, 2011

The above advisory issued in the light The Global outbreak of COVID-19, which has been declared as Pandemic by WHO, has raised grave public safety concerns in this regard, the undersigned is directed to state that this Department has received several complaints for charging more than MRP in respect of 3 layers mask, N 95 mask and sanitizer which is used for the protection from Corona Virus.

(4) Impact of GST on unsold stock of Packaged Commodities- permission of the GoI, to affix sticker to revise to the MRP.

The GoI permitted the Packers, Manufacturers and Importers to affix sticker indicating the revised MRP, after inducing the GST enhanced, upto 30th September 2020 or till the stocks exhausts, whichever earlier. The said permission wa accorded in the order - WM-10(14)/2020 dt.01.04.2020, of Government of India.

(a) The declaration of Revised price either by stamping or putting sticker or online printing.

While doing affixing of sticker, the following conditions are to be noted:

- (i) The difference between the original price and received price is limited to the extent of tax enhanced.
- (ii) Original price should not be blocked or overwritten.
- (iii) Publish Revised MRP in two leading News Papers
- (iv) Circulate the Revised MRP to all dealers
- (v) Inform the Director and the Controllers of the States and Union Territories

(b) The Central Government also permitted use of printed packing material upto 30th September, 2020 or till the packing material exhausted.

The above directions were issued under Rule 31 of the Legal Metrology (Packaged Commodities) Rules, 2011

(5) No Objection Certificate issued to Infra Red Thermometers and comply the instructions within 3 months.

The Government of India has issued a No Objection Certificate to the Customs Officials to release the imported Infra Red Thermometer by the Importer in the Orders no. I-9/20/2020-W&M Section dt. 07.04.2020, in view of COVID-19 Pandemic.

The NOC was issued with reference to applicability of Section 19, 22 and 23 of Legal Metrology Act 2009 and Rule 27 of Legal Metrology (Packaged Commodities) Rules, 2011.

The above NOC was issued with request to comp[ly with the provisions of Legal Metrology Act and Rules. If found, non-compliance, the Importer requires to remove at his own cost.

(6) Impact of COVID-19 Pandemic on unsold stock of Packaged Commodities- permission of the GoI, to affix sticker to revise to the date of packing or manufacture

Due to prevalent condition of COVID-19, leading to lock down of the whole country, the manufacturing activities come to a grinding hal. Consequently, the inventory of packing material

or wrapper with pre-printed date of manufacturing is not expected to be exhausted within time prescribed under the Rules, the GoI issued permitted use of printed packaged material upto September 30th, 2020.

The GoI permitted the Packers, Manufacturers and Importers to affix sticker indicating the revised date of packing or manufacture, upto 30th September 2020 or till the stocks exhausts, whichever earlier. The said permission wa accorded in the order - WM-10(22)/2020 dt.17.04.2020 of Government of India.

(a) The declaration of Revised date of packing or manufacture either by stamping or putting sticker or online printing.

While doing affixing of sticker, the following conditions are to be noted:

(b) The Central Government also permitted use of printed packing material upto 30th September, 2020 or till the packing material exhausted.

The above directions were issued under Rule 33 (1) and Rule 6(1) B of the Legal Metrology (Packaged Commodities) Rules, 2011

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About the Author:

Dr.M.Kantha Rao, IPS, is an Veterinarian, joined Police Service, after working for a brief stint as Vet. As a Police Officer, he has investigated several sensitive cases and solved mysteries. Resulted to take a decision in resolving contentious issues. There are several accolades at his credit.

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The 4 A's Concept envisages: Awareness , Advice, Admonish and Action. In other words, the enforcement officer should prefer to advice and admonish to taking a penal action, after enlightenment of Legal Metrology regulations. He popularized 'No Less - No More - Just Exact' slogan, which means a fair deal in transactions.

Present work is his effort to bring a Hand Book on packaged commodities. In the Hand Book 1, incorporated all regulations which were amended, since its inception that is update upto March 31st, 2020.

With a view make available in Enforcement Rule on Packaged Commodities, showing current status as date of release of the Hand Book. The Hand Book will be edited every year and made available.

