

## Frequently Asked Questions

### Q1. What is Legal Metrology?

"Legal Metrology" is a new name of weights & Measures. It is defines as follows:

Legal Metrology treats units of weighment and measurement, methods of weighment and measurement and weighing and measuring instruments, in relation to the mandatory technical and legal requirements which have the object of ensuring public guarantee from the point of view of security and accuracy of the weighments and measurements;

### Q2. Whether the offences committed under the packaged commodities Rules is compoundable or not?

Yes, the offence committed under the packaged commodities Rules is compoundable.

#### Compounding of offences.-

1. Any offence punishable under section 25, sections 27 to 39, sections 45 to 47, or any rule made under sub-section (3) of section 52 may, either before or after the institution of the prosecution, be compounded, on payment for credit to the Government of such sum as may be prescribed.
2. The Director or legal metrology officer as may be specially authorised by him in this behalf, may compound offences punishable under section 25, sections 27 to 39, or any rule made under sub-section (3) of section 52.
3. The Controller or legal metrology officer specially authorised by him, may compound offences punishable under section 25, sections 27 to 31, sections 33 to 37, sections 45 to 47, and any rule made under sub-section (3) of section 52: Provided that such sum shall not, in any case, exceed the maximum amount of the fine, which may be imposed under this Act for the offence so compounded.
4. Nothing in sub-section (1) shall apply to person who commits the same or similar offence, within a period of three years from the date on which the first offence, committed by him, was compounded. Explanation.-For the purposes of this sub-section, any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded, shall be deemed to be a first offence.
5. Where an offence has been compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded.
6. No offence under this Act shall be compounded except as provided by this section.

**Q3. What is Pre-packaged commodity?**

"Pre-packaged commodity" means a commodity which without the purchaser being present is placed in a package of whatever nature, whether sealed or not, so that the product contained therein has a pre-determined quantity;

**Q4. What do you mean by sale?**

Sale means transfer of Property in any weight, measure or other goods by one person to another for cash or for deferred payment or for any other valuable consideration and includes a transfer of any weight, measure or other goods on the hire-purchase system or any other system of payment by installments, but does not include a mortgage or hypothecation of, or a charge or pledge on, such weight, measure or other goods.

**Q5. How the transaction has been defined in the Legal Metrology Act?**

Any contract, whether for sale, purchase, exchange or any other purpose, or

Any assessment of royalty, toll, duty or other dues, or

The assessment of any work done, wages due or services rendered;

**Q6. What do you mean by protection in Legal Metrology?**

"Protection" means the utilization of reading obtained from any weight or measure, for the purpose of determining any step which is required to be taken to safeguard the well-being of any human being or animal, or to protect any commodity, vegetation or thing, whether individually or collectively;

**Q7. Why we do re-verification?**

Re- verification is a fresh verification of weights & measures at certain intervals to ensure and maintain the accuracy of weights & measure.

**Q8. What do you mean by label?**

"Label" means any written, marked, stamped, printed or graphic matter affixed to, or appearing upon any pre-packaged commodity;

**Q9. What is net quantity?**

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 wrappers.

**Q10. What is Principal display panel?**

In relation to a package means the total surface area of package where the information required under these rules are to be given in the following manner:

- (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;

**Q11. What is retail dealer?**

"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 the consumer.

**Q12. What do you mean by an institutional consumer?**

"Institutional consumer" means the consumer who buys packaged commodities directly from the manufacturer or from an importer or from wholesale dealer for use by that industry and the package shall have declaration 'not for retail sale'.

**Q13. What do you mean by an industrial consumer?**

Industrial consumer means the consumer who buys packaged commodities directly from the manufacturer or from an importer or from wholesale dealer for use by that industry and the package shall have declaration 'not for retail sale'.

**Q14. What is retail sale price?**

Retail sale Price means the maximum price at which the commodity in packaged form may be sold to the ultimate consumer and the price shall be printed on the package in the form of Maximum Retail Price.

**Q15. What are the commodities where "when packed" declaration is allowed?**

All kinds of soaps, lotions, Cream and Camphor

**Q16. What is the size of size of numerals etc.**

In case of a package having a capacity of five cubic centimeters or less, the principal display panel may be a card or tape affixed firmly to the package. If the area of a package is more than ten cubic centimeter the principal display panel should comply the provisions of Rules.

Table -I  
Minimum height of numeral

Serial number	Net Quantity in weight / volume	Minimum height in mm	
		Normal case	When blown, formed, molded, embossed or perforated on container
1	Upto 200g/ml	1	2
2	Above 200g/ml and upto 500g/ml	2	4
3	Above 500g/ml		6

Table -II  
Minimum height of numeral

Serial number	Net Quantity in length, area or number, area of principal display panel	Minimum height in mm	
		Normal case	When blown, formed, molded, embossed or perforated on container
1	Upto 100cm <sup>2</sup>	1	2
2	Above 100cm <sup>2</sup> and upto 500cm <sup>2</sup>	2	4
3	Above 500cm <sup>2</sup> and upto 2500cm <sup>2</sup>	4	6
4	Above 2500cm <sup>2</sup>	6	6

**Q17. I have inadvertently missed the declarations and realized the mistake. Is there any remedy for me against prosecution?**

Applicant may apply for relaxation under rule 33 of the Legal Metrology (Packaged Commodities) Rules, 2011.

**Q18. I have wrapped the article for safety/ transportation, intend to sell in number separately. Am I covered under the Legal Metrology (Packaged Commodities) Rules, 2011?**

No.

**Q19. Whether the Rules are applicable to imported packages?**

Yes, the Rules are applicable both to imported packages as well as the indigenous packages.

**Q20. Whether reasonability of the price declared on the package is ensured by the Govt. or not?**

In general the manufacturer has freedom to declare the retail sale price on the package except as and when fixed under Essential Commodities Act, 1955 or any other law in force that empowers the Government to regulate prices. The Govt. does not go into the reasonability of the price so declared.

**Q21. List the items covered under the Second Schedule of the Rules for prescribed sizes?**

Government has made it mandatory to pack the following 19 commodities in the prescribed sizes from 1<sup>st</sup> November, 2012 as per the recommendation of the Committee on Subordinate Legislation and with the consent of the State Governments, in the interest of common consumer: Baby food, Weaning food, Biscuits, Bread including brown bread but excluding bun, Un-canned packages of butter and margarine, Cereals and Pulses, Coffee, Tea, Materials which may be constituted or reconstituted as beverages, Edible Oils Vanaspati, ghee, butter oil, Milk Powder, Non-soapy detergents (powder), Rice (powdered), flour, atta, rawa, and suji, Salt, Soaps (Laundry Soap, Non-soapy detergent cakes/ bars, Toilet Soap including all kinds of bath soap, cakes), Aerated soft drinks, non-alcoholic beverages, Mineral water and drinking water, Cement in bags, Paint varnish etc. [Paint (other than paste paint or solid paint) varnish, varnish stains, enamels, Paste paint and solid paint, Base paint].

**Q22. Are the value based packages allowed under the Rules?**

Yes, Value based packages from Re.1/- to Rs. 10/- are allowed under Rule 5 of the said Rules.

**Q23. Whether additional sticker can be affixed on the package to provide information required under the Rules?**

The Rules provide that all the information required under the Rules either printed on the package itself or on a label affixed thereto. Therefore, given all the information on a single label affixed on the package is not prohibited. However, giving individual information likes date of manufacture or retail sale price etc. by affixing individual sticker is prohibited under Rule 6(2). However affixing individual sticker is not prohibited for declaring reduced MRP provided that the MRP declaration made by the manufacture shall not covered.

**Q24. Whether giving additional information is considered violation under the Packaged Commodities Rules?**

Giving any information in addition to the mandatory information required under the Rules is not considered violation.

**Q25. Who is responsible in case of imported packaged?**

Registered Importer, in India, is responsible in case of imported packaged.

**Q26. Whether loose commodities are covered under the PC Rules?**

No, Rules covered only pre-packaged commodities.

**Q27. Whether there is provision to sell a commodity at a price lower than MRP?**

Yes, under sub-rule (3) of rule 6 of the Legal Metrology (Packaged Commodities) Rules, 2011 a commodity may be sold at a price lower than MRP.

**Q28: The price declared on a pre-packaged commodity can be changed in due course?**

No, under sub-rule (5) and (6) of Rule 18 of the Legal Metrology (Packaged Commodities) Rules, 2011 no one can alter the price once printed.

**Q29. Whether the packaged commodities can be sold at a price higher than MRP?**

No, under Rule 18(2) of the Rules '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'.

**Q30. What are the commodities covered under the Rules?**

All pre-packaged commodities except otherwise exempted from the rules are covered under the Rules. The exemption is given for Drugs, fast food items and packaged commodities sold in the packages upto 10g or 10ml.

**Q31. What are main declarations required under the Rules?**

The following declarations are required to be given on all pre-packaged commodities meant for retail sale:

- (i) Name and address of the manufacturer/ packer/ importer;
- (ii) Common or generic name of the commodity contained in the package;

- (iii) Net quantity, in terms of standard unit of weight or measure or in number;
- (iv) Month and year of manufacture/ pack/ import;
- (v) Retail sale price in the form of Maximum Retail Price (MRP) Rs.....Inclusive of all taxes;
- (vi) Consumer care details

**Q32. Whether importers are allowed to use extra label for the declarations under the packaged commodity rules?**

Yes, importers are allowed to use extra label.

**Q33. Whether e-mail address is mandatory?**

Yes, e-mail address is mandatory.

**Q34. What is the area prescribed for Principal Display panel for declaration?**

The area not including the top, bottom, flange at top and bottom of cans, and shoulders and neck of bottle and jar shall be determined as follows:

- 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 the 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 the case of any other shaped package, 40 percent of the total surface of the package, or an area considered to be a principle display panel of the package.

**Q35. Whether the 40% of the total surface area of the package is made for mandatory declaration required under the Packaged Commodities Rules?**

Yes. However, the purpose of prescribing the principal display panel area or 40% of the area in some cases for principal display panel is to prescribe the size of numerals of declarations as per Table-II of Rule 7.

**Q36. Whether it is mandatory that a label should be affixed covering the entire 40% of the total surface area earmarked for the Principal Display Panel (PDP).**

No. There is no requirement that there shall be a label pasted on the package covering the entire PDP area. The Principal Display Panel denotes the area, which is 40% of the total surface area in case of cylindrical surfaces excluding top, bottom and flanges, where all the mandatory declarations have to be made. All the information (a) can be grouped

together and given at one place or (b) the pre-printed information of declaration can be grouped together at one place and online information can be grouped together at a different place. Both sets of information however, should be printed in a font size as prescribed in the rules.

**Q37. Whether the left over space of the Principal Display Panel may be used for other declarations?**

Yes, Principal Display Panel prescribes where the mandatory declaration is to be given and does not restrict the right of the manufacturer / packer / importer to utilize the left over space for other declarations / promotions.

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