

## CHAPTER 13: LEGAL METROLOGY

1. *Legal metrology is that part of metrology which deals with the units of measurement, method of measurement as well as measuring instruments.*

*The object of the same being public guarantee as to the accuracy of the measurement.*

### 2. **HOW INTERNATIONAL ORGANIZATION OF LEGAL METROLOGY (OIML) WAS CREATED AND WHAT IS THE OBJECTIVE?**

*(a) The OIML is an intergovernmental treaty whose membership includes 3 types of membership that is Active members, Corresponding and Observers.*

*(b) The OIML makes model regulations for all its member states as well as provides international recommendation which provides members with an internationally agreed basis for establishing laws on measuring instruments.*

*(c) The OIML performs the following functions –*

*(i) Develops model regulations & standards to be used by metrology authority & industry.*

*(ii) Provides mutual recognition system which reduces trade barriers and cost.*

*(iii) Represents the community in front of the International forums.*

*(iv) Cooperates & facilitates exchange of knowledge & competences within its members.*

### 3. **WHAT DO YOU MEAN BY INTERNATIONAL ORGANIZATION CERTIFICATE SYSTEM**

*The OIML certification system was introduced in 1991 with following objectives:-*

*(i) To promote harmonization across the world regarding the uniform interpretation and implementation of Legal Metrology (LM).*

*(ii) To enhance mutual confidence among participants in order to reduce unnecessary retesting which allows direct selling without any retesting.*

*(iii) The OIML system allows a manufacturer to obtain OIML certificate that indicates that the instrument complies with the requirements of OIML recommendations.*

- (iv) The certificates for the same are delivered by the OIML member states to the many.
- (v) This certificate assures that the manufacturer has manufactured what he has claimed thereby assuring the public.

#### 4. WHO IS A MANUFACTURER UNDER LM ACT?

Manufacturer is any person who

- (i) Manufactures the weights and measurements.
- (ii) Manufactures one or more parts and acquires other parts and assembles them, and claims the end product to be manufactured by him.
- (iii) Does not manufacture any part; but assembles them and claims the end product.
- (iv) Puts a mark on any complete weight and claims it as manufactured by himself.

#### 5. EXPLAIN THE STANDARD WEIGHTS AND MEASURES UNDER "LM" ACT.

- (a) The Indian system of weights and measurement follows the metric system which is based upon international system of units.
- (b) As per sec 5 the following are the base units for:-
  - a. Length → metres.
  - b. Mass → Kilogram.
  - c. Time → Second.
  - d. Electric current → Ampere.
  - e. Thermodynamic temperature → Kelvin.
- (c) Sec 7 states that the base units referred above shall be standard units of weights and measures.
- (d) Further Sec 8 states that those weights and measurements which conform with standard weights & measurements are correct & shall be considered as standard weights.
- (e) No weights other than the standard weight shall be manufactured or imported unless the same conforms with the standard weights and measurements. (However, it shall not apply when the product has been developed for exports only or any scientific research).

## **6. APPOINTMENT AND POWER OF DIRECTOR, CONTROLLER**

- *The Central Government (CG) to appoint a director of LM under Sec 13 & State Government (SG) to appoint controller of LM under Sec 14.*
- *For the purpose of assistance to director the CG can appoint assistant / deputy / additional director and in case of controller the state appoints assistant / deputy / additional controller.*
- *The director and every other LM officers shall work and function as per the powers and duties conferred upon them under the Act.*
- *Further the CG may with the consent of SG delegate the powers of the director to the controller.*

## **7. POWER OF INSPECTION / SEIZURE**

*The director / controller shall have the power to enter any premise at reasonable time for the purpose of inspection if he has any information or suspicion that any trade or commerce has taken place in which any weights or measures are used which are in violation of the Act.*

*If he has reason to believe that any of such weight or goods or records can be used for the purpose of evidence then he can seize the same and can also dispose it off, if it is a subject matter of speedy or natural decay.*

## **8. FORFEITURE**

*Every non standard or unverified weight shall be liable to be forfeited however, unverified weights shall not be forfeited if the same is verified within the given time.*

**9. WHAT DO YOU MEAN BY PRE PACKAGED COMMODITY AND WHAT IS THE LAW RELATING TO DECLARATION ON PRE-PACKED COMMODITY UNDER THE ACT?**

- (i) *Pre packed commodity are those which are packed without the purchaser being present of whatever nature, sealed or not, just that the product therein was packed before the purchaser being present in pre-determined quantity.*
- (ii) *Further section 18 makes it clear that no person shall manufacture or sell any pre-packed commodity unless the same is in standard quantity and the packaging contains the following declaration on it :-*
  - (a) *The quantity and the price of the commodity.*
  - (b) *If no. of commodities are in one package then the total no. of commodities contained must be written in the outside of the package.*
- (iii) *The manner in which such declaration is made is as following :-*
  - (a) *It should be legible and clearly visible and should be written in a way that no one is required to read through any liquid commodity in the package.*
  - (b) *The particulars of the declaration should be in Hindi or English but either of it must be there along with any other language as the manufacturer wants.*

**10. WHAT IS PRINCIPAL DISPLAY PANEL ?**

- (i) *It is the total surface area of package where the info shall be provided.*
- (ii) *Following are the rules regarding display of info :-*
  - (a) *If the manufacturer wants he can group all the information and give it at one place.*
  - (b) *It can also provide pre-printed information together at one place and online information grouped together at one place.*

**II. FOLLOWING IS THE AREA PRESCRIBED FOR PRINCIPAL DISPLAY PANEL:-**

- (a) *If package is rectangular where one entire side can be considered as principal display Panel then the product height X width.*
- (b) *In case of a cylindrical package, height X circumference.*

## 12. APPROVAL OF MODEL

*Any person who wants to mark or import any weight or measure shall first get the model approved from the competent Authority.*

*In case of import of any weight and measure which is from a country which conforms with the standards under the Act, then the Authority may approve such model without any test.*

## 13. HOWEVER, IN CERTAIN OTHER CASES APPROVAL MAY NOT BE REQUIRED:-

*(a) A model of iron, brass not being measuring tapes, which are used in retail trade for measuring textiles or timbers.*

*(b) Where any weight or measurement is going to be used for retail trade, the capital of which not exceed 20 L for measurement kerosene, milk, etc.*

**Note** → *No person should manufacturer or sell and weigh unless he holds any License issued by controller, however no License should be required to repair the same in other state.*

## 14. OFFENES AND PENALTIES

*(i) Use of non-standard weight/measure → Fine up to ₹25,000;  
for repeat offence → imprisonment up to 6 months + fine.*

*(ii) Tampering/altering standards to deceive → Fine up to ₹50,000;  
for repeat offence → imprisonment 6 months-1 year or fine or both.*

*(iii) Manufacture/sale of non-standard weight/measure → Fine up to ₹20,000;  
for repeat offence → imprisonment up to 3 years or fine or both.*

*(iv) Fraudulent transaction in weight/measure/number (delivering less, receiving more, rendering/obtaining service in excess/less) → Fine up to ₹10,000;  
for repeat offence → imprisonment up to 1 year or fine or both.*

*(v) Failure to file returns/maintain records → Fine up to ₹5,000;  
for repeat offence → imprisonment up to 1 year + fine.*

- (vi) *Non-conforming pre-packaged commodities* → Fine up to ₹25,000;  
*second offence* → fine up to ₹50,000;  
*subsequent offences* → fine which shall not be less than ₹50,000 but which may extend upto 1,00,000 or imprisonment up to 1 year or both.

### **15. PENALTY FOR COUNTERFEITING SEAL**

- *Counterfeiting, selling, possessing, or tampering with any official seal/stamp* → Imprisonment which shall not be less than 6 months but which may extend up to 1 year.
- *For second/subsequent offence* → Imprisonment which shall not be less than 6 months but which may extend up to 5 years.

### **16. OFFENCES BY COMPANIES**

- *When a company commits an offence, both the company and the person in charge of its business are deemed guilty.*
- *If no person is formally nominated, every person responsible for conduct of business at the time of offence is liable.*
- *A person is not punished if he proves the offence happened without his knowledge and that he exercised due diligence to prevent it.*
- *If the offence occurs with the consent, connivance, or neglect of a director, manager, secretary, or other officer* → such person is also guilty and punishable.

### **17. ESSENTIAL COMMODITIES ACT, 1955**

*The Essential Commodities Act, 1955 was enacted to regulate the production, supply, distribution, trade, and commerce of commodities declared as essential, ensuring their availability at fair prices and preventing exploitation by traders.*

**18. ESSENTIAL COMMODITIES AS PER SCHEDULE :**

- *Drugs*
- *Fertilizers (organic, inorganic, mixed)*
- *Foodstuffs (incl. edible oilseeds & oils)*
- *Hank yarn (cotton)*
- *Petroleum & petroleum products*
- *Raw jute & jute textiles*
- *Seeds:*
  - (a) food-crops, fruits & vegetables,*
  - (b) cattle fodder, and*
  - (c) jute seeds*

**19. OBJECTIVES OF THE ACT**

- *To ensure easy availability of essential commodities to the general public.*
- *To regulate production, supply, and distribution to prevent shortages.*
- *To maintain or increase supplies of essential goods when necessary.*
- *To secure equitable distribution and availability of these goods at fair prices*

*The Act declares that all offences under its provisions are cognizable, meaning police can register a case and arrest without a warrant.*