

TABLE-II
Minimum height or numeral

Sr. No.	Net quantity in length, area or number, area of principal display panel	Minimum height in mm	
		Normal case	When blown, formed, moulded, embossed or perforated on container
(1)	(2)	(3)	(4)
1.	Upto 100 cm. square	1	2
2.	Above 100 cm. square upto 500 cm. square	2	4
3.	Above 500 cm. square upto 2500 cm. square	4	6
4.	Above 2500 cm. square	6	8*

†(5) The foregoing provisions of these rules 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) Subject to the provision of sub-rule (2), every declaration required to be made under these rules, shall, wherever practicable, appear on the principal display panel and shall ordinarily be parallel to the base on which the package is intended by its manufacturer to rest, and declaration in respect of the net quantity, retail sale price and unit sale price (if to be marked) shall always be indicated on the same panel:

Provided that area surrounding the quantity declaration shall be free of 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 ;@

*—*Substituted *vide* G. S. R. 314 (E), dated 12th March 1994.

†—†Inserted *vide* GSR 59 (E), dated 23rd February 1980 and corrected *vide* GSR 836, dated 17th July 1980.

@—@Substituted *vide* G. S. R. No. 105 (E), dated 2nd March 1995.

(2) As far as practicable, all information which are required by these rules to appear on the package or label, as the case may be shall appear on the same panel and, shall be indicated together :

Provided that—

(i) in the case of a container which is returnable by the consumer for being refilled, the required declarations may be made on the crown cork ;

(ii) in the case if a container made of any metal, glass, plastic or foil, the month and the year, in which the commodity contained in such container was manufactured or pre-packed, may be indicated either on the top or on the bottom of such container ;

(iii) in the case of a collapsible tube, the month and the year, in which the commodity contained in such tube was manufactured or pre-packed, may be indicated on the crimped end of the tube ;

(iv) in the case of a disc type container, the month and the year, in which the commodity contained in such container was manufactured or pre-packed may be indicated either on the top or bottom of such container ;

(v) in any package, if the net weight or measure of the commodity contained in the package is 2 kilograms or 2 liters or less and the printing is possible only at top or bottom, the retail sale price, month and year may be indicated at top or bottom and it shall be embossed or indicated conspicuously and an indication shall be given at the main panel that such retail sale price and month and year of packing are indicated at the top or bottom.\$

(3) In a cylindrical or nearly cylindrical, round or nearly round, oval or nearly oval shaped container, information required to appear on the principal display panel shall, as far as practicable, appear on that portion of the circumference of the container which is most likely to be displayed, presented or shown to the consumer or examined by him under usual conditions of display for retail sale.

(4) Except in the case of fancy packages, the base on which the package is intended by its manufacturer to rest shall not be used as the principal display panel.

(5) In fancy packages, the declarations required to be made under these rules may be made at the top or bottom of the package.

\$—\$ Substituted vide G. S. R. 105(E), dated 2nd March 1995.

9. Manner in which declarations shall be made.—

(1) Every declaration which is required to be made on a package under these rules shall be—

- (a) legible, prominent, definite, plain and unambiguous ;
- (b) conspicuous as to size, number and colour ;
- (c) as far as practicable in such style or type of lettering as to be boldly, clearly and conspicuously presented in distinct contrast to the other type, lettering or graphic material used on the package ;
- * (d) numerals of the retail sale price and net quantity declaration in bold forms.*

and 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 moulded on a glass or plastic surface or where such information is embossed or perforated on a package, such information shall not be required to be presented in a contrasting colour ;

(b) where any declaration on a package is printed either in the form of hand-writing or hand-script, such declaration shall be clear, unambiguous and legible.

(2) No declaration shall be made so as to require it to be read through any liquid commodity contained in the package.

(3) Where a package is provided with an outside container or wrapper, such container or wrapper shall also contain all the declarations which are required to appear on the package except where such container or wrapper itself is transparent and the declaration of the package itself is easily readable through such outside container or wrapper.

10. Declaration of name and address of the Manufacturer, etc.—

(1) Subject to the provisions of rule 7, every package kept, offered or exposed for sale or sold shall bear conspicuously on the package, the name and complete address of the manufacturer, or where manufacturer is not the packer, of the packer, or with the written consent of the manufacturer, of the manufacturer :

*—*Inserted vide G. S. R. 314(E), dated 12th March 1994.

Provided that where by reason of the smallness of a package it is not reasonably practicable to indicate the name and complete address of the manufacturer or packer on package, it shall be sufficient compliance with this paragraph if a mark or inscription which would enable the consumer to identify the manufacturer or packer 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 in India.

Explanation.—“ Complete address ” means, in the case of a company, the address at which its registered office is situated, and, in any other case, the name of the street, number (if any) assigned to the premises of the manufacturer or packer, and either the name of the city and state where the business is carried on by the manufacturer or packer or the PIN Code.

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

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 :

Provided that where a package contains a large number of small items of confectionary, each of which is separately wrapped and it is not reasonably practicable to exclude from the net weight of the commodity, the weight of such immediate wrappers of all the items of the confectionary contained in the package, the net weight declared on the package containing such confectionary or on the label thereof may include the weight of such immediate wrappers, if and only if, the total weight of such immediate wrappers does not exceed.—

(i) eight per cent, where such immediate wrapper is a waxed paper or any other paper with wax or aluminium foil under strip, and

(ii) six per cent in the case of any other paper, of the total net weight of all the items of confectionary contained in the package minus the weight of immediate wrapper.

(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 be correspond to the net quantity which will be received by the consumer, and the declaration of quantity on 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 specified in the Fourth Schedule, that is to say, 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" and when such qualification is made, the package containing such commodity shall also bear thereon information with regards to the matters specified in the said Fourth Schedule.

12. Manner in which declaration of quantity shall be expressed.—

(1) The declaration of quantity shall be expressed in terms of such unit of weight, measure or number of 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 Fifth Schedule, the declaration of quantity shall be in terms of the unit of.—

(a) mass, if the commodity is solid, semi-solid, viscos 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 ;

Provided that in the case of solid commodity contained in a free flowing liquid which is sold as such the declaration of quantity shall be in terms of the drained weight of such solid commodity.

(3) Where the declaration of quantity has been made in terms of mass, the manufacturer or, 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.

**Illustration.*—A package containing screws may not only indicate the total weight of the screws contained in the package but also the number and sizes of the screws contained in the package.*

(4) Where the declaration of quantity by weight, measure or number alone 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.

Illustrations.—

Name of the commodity (1)	Additional information required (2)
(a) Acid in liquid form.	Concentration in mass per unit volume.
(b) Fencing wire.	Weight per 100 metre or diameter whichever is applicable.
(c) Nails, wood screws.	Size (length, diameter and type of thread).
(d) Ready-made garments.—	Linear measure :
(i) Shirts and similar garments.	Neck size, in steps of one centimeter.
(ii) Bushshirts and similar garments.	Chest size, in steps of five centimeter.
(iii) Underwear intended to cover upper part of the body or any part of the upper part of the body.	Chest size, in steps of five centimeters.
(iv) Underwear intended to cover lower part of the body or any part of the lower part of the body.	Waist size, in steps of two centimeters, and length, in steps of five centimeters.

— Substituted *vide* G.S.R. 59(E), dated 23rd February 1980.

Illustrations.—contd.

(1)	(2)
(v) Trousers and similar garments, ladies or gents.	Waist size, in steps of two centimeters length in steps of five centimeters.
(vi) Coat, overcoat and similar garments.	Chest size, in steps of five centimeters and length, in steps of five centimeters.
(vii) Socks and similar garments.	Foot size, in steps of one centimeter and if stretchable the limits of stretching in centimeters.
(viii) Sweaters, Cardigans and similar garments.	Chest size, in steps of five centimeters.
(ix) Hats, Caps and other headgears.	Circumference of head in steps of one centimeter.
(x) Sarees, Dhoties, Shawls, Handkerchiefs, bedsheets, pillow covers, towels & napkins.	Dimensions (Length and breadth).
(e) Tyres and tubes.	Size (metric units only).
(f) Yarn	Count.

(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.

Illustrations.—Additional information like the following is necessary to be communicated to the consumer, namely :

* (a) *

* (b) *

* (c) *

(d) in the case of still films, the number of exposures which may be made and the length and width of individual exposures, to be expressed in millimetres, for example, 36 exposures, 36 mm x 24 mm ;

— Illustrations (a), (b) and (c) Omitted vide G. S. R. 105(E), dated 2nd March 1995.

(e) In the case of movie films and bulk still films, the linear measure of the usable film, to be expressed in metres ;

(f) in the case of electrical or electronic appliances, the voltage and wattage, and also the output, of such electrical or electronic appliance ;

(g) In the case of an electric bulb or other appliance intended to be used for illumination, in addition to the information specified in clause (f), the illuminating power of such bulb or other appliance.

(6) The declaration of quantity shall not contain any word or expression which tends to create an exaggerated, misleading or inadequate impression as to the quantity of the commodity contained in the package, for example, words or expressions like.—

(i) " minimum ", " not less than ", " average ", " about ", " approximately " or other words of a similar nature, or ;

(ii) " jumbo ", " giant ", " full ", " family ", " huge ", " economy ", " large ", " extra ", " colossal ", " king ", " queen " or any other words or expression of a similar nature, shall not be used.

(7) Where, by reason of the smallness of a package, the declaration of quantity cannot be written on the container or on the label thereon, such declaration 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 device shall contain a mark or inscription which would 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, 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 decimetre ;

(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) (i) one kilogram, *—* the unit of weight shall be the kilogram and any fraction of a kilogram shall be expressed in terms of decimal sub-multiples of kilogram ;
- (ii) one tonne, the unit of weight shall be the tonne, and any fraction of a tonne shall be expressed in terms of decimal sub-multiples of the tonne.
- (b) one metre, the unit of length shall be the metre and any fraction of a metre shall be expressed in terms of decimal sub-multiples of the metre ;
- (c) one square metre, the unit of the area shall be the square metre and any fraction of a square metre shall be expressed in terms of decimal, sub-multiple of the square meter.
- (d) the cubic metre, 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) (i) one litre, †—† the unit of volume shall be the litre and any fraction of a litre shall be expressed in terms of decimal sub-multiple of the cubic litre ;
- (ii) one kilolitre, the unit of volue shall be the kilolitre and any fraction of a kilolitre shall be expressed in terms of decimal sub-multiple of the kilolitre ;

Provided that where the quantity to be expressed is equal to one kilogram, 1 metre, one square metre, one cubic decimeter, 1 cubic metre or one litre, as the case may be, such quantity may be expressed at the option of the manufacturer or the packer, in terms of gram, centimetre, square decimetre, cubic centimetre, cubic decimetre or millilitre as the case may be :

Provided further that where the quantity to be expressed is equal to or more than 100 kilograms but less than 1000 kilograms such quantity may be expressed, at the option of the manufacturer or the packer, in terms of quintal which is equivalent to 100 kilograms.

*—*Words " but less than one tonne " omitted vide G. S. R. 314(E), dated 12th March 1994.

†—†Words " but less than one kilolitre " and illustrations (b) omitted vide GSR 314(E), dated 12th March 1994.

Illustrations.—

(a) Where the weight is 1500 grams, it shall be expressed as 1.5 kilogram ;

(b)

(c) Where the length is 225 centimetres, it shall be expressed as 2.25 metres ;

(d) Where the volume is 1200 millilitres, it shall be expressed as 1.2 litre.

(4) Units of weight or measure not specified in sub-rules (2) and (3) shall be expressed in accordance with the following principles, namely :—

(a) When expressing a quantity less than the standard unit, the quantity shall be expressed in terms of milli unit, and where the quantity is less than one thousand the part of a unit, in terms of the micro unit, and so on ;

(b) When expressing a quantity more than the standard unit, the quantity shall be expressed in terms of the unit upto, but not including one thousand units, and where the quantity is one thousand units or more, but less than one million units, the quantity shall be expressed in terms of the kilo units, and where the quantity is one million units or more, the quantity shall be expressed in terms of mega units and so on ;

(c) When the quantity is more than one standard unit but less than the next standard unit, the fraction shall be expressed in accordance with the decimal sub-multiples on the unit.

(5) When any commodity is packed by number, such number shall be expressed on the package in international form of Indian numerals, and every package intended to be sold by number shall be packed in the manner specified in the Sixth Schedule :

Provided that the Central Government may, if it is satisfied that for any technical or mechanical reason, it is not possible to prepack any commodity in the standard quantities specified in the Sixth Schedule, authorise the prepacking of such commodities in such numbers as it may specify.

*—*Words "but less than one kilolitre and Illustrations (b) omitted vide GSR 314(E), dated 12th March 1994.

—Added vide G. S. R. 50(E), dated 17th January 1992.

(6) No number called the dozen (12), score (20), gross (144), great gross (1728) or the like shall be specified or indicated on any package.

*(7) Symbols for units :—

(a) As far as possible the symbols for International system of units and none other, shall be used in furnishing the net quantity of the package.

Illustrations :

kilogram	kg
gram	g
milligram	mg
litre	l
millilitre	ml
metre	m
centimetre	cm
millimetre	mm
squaremetre	m ²
square centimetre	cm ²
cubic metre	m ³
cubic centimetre	cm ³

(b) As far as possible symbols shall not be given in capital form except for the unit derived from a proper name, period i. e. a dot after symbols shall not be put. As far as possible symbols shall always be written in the singular form, i. e. 's' shall not be added.*

14. Unit sale price—How to be determined.—

For the purpose of determining the unit sale price of a package, the retail sale price of the package shall be converted mathematically to the unit of the weight, measure or number in accordance with which the unit sale price is required, by the Seventh Schedule, to be declared.

15. Additional declarations to be made on combination packages.—

(1) A combination package shall contain, in addition to the declarations required to be made under any other provisions of these rules, an indication of the net weight, measure or number, as the case may be, in respect of each commodity contained in the package and the sale price of the combination package.

*—*Added vide G. S. R. 314(E), dated 12th March 1994.

(2) When individual commodities in a combination package or packaged or labelled separately and are capable of being sold separately, each such commodity shall bear thereon, a declaration as to the quantity and the *retail sale price* thereof.

16. Additional declarations to be made on the group packages.—

(1) The additional declarations on a group package shall be expressed as follows :—

(a) the number of pieces of each commodity contained in such package, followed by the net weight, measure or number, as the case may be ;

(b) the total number of pieces contained in the group package ; and ;

(c) the *retail sale price* of the group package.

(2) When individual pieces in a group package are either packaged or labelled separately and are capable of being sold as individual pieces, each such piece shall bear thereon a declaration as to its quantity and the *retail sale price* thereof.

17. Additional declarations to be made on multi-piece packages.—

(1) Every multi-piece package shall bear thereon, in addition to the, declarations required to be made under any other provisions of these rules, a declaration of—

(a) the number of individual pieces contained thereto ;

(b) the sale price of the multi-piece package ;

Provided that where individual pieces contained in a multi-piece package are packaged or labelled separately and are capable of being sold separately each piece shall bear thereon a declaration as to the quantity and the sale price thereof.

(2) When a multi-piece package contains a number of smaller multi-piece packages each of which is capable of being sold separately, such multi-piece package shall also bear thereon a declaration as to the number of smaller packages contained therein and the quantity contained in each such smaller package.

*—*Substituted *vide* G. S. R. 511(E), dated 25th May 1990.

18. Declarations with regard to Dimensions of certain Commodities.—

Where a package contains commodities, like bed-sheets, hemmed fabric materials, dhoties, sarees, napkins, pillow-covers, towels, table cloths or similar other commodities, the number and the dimensions of 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 sale price of each such piece ;

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

19. Declaration with regard to Dimensions and weight to be made on packages in certain cases.—

Where the dimensions and weight, or combination thereof, of 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.

20. Declarations to be made with regard to the number of usable sheets to be stated.—

In the case of a package containing sheets like aluminium 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 dimension of each such sheet.

21. Declarations with regard to the Dimension of container type commodities—How to be expressed.—

Commodities, such as bags, boxes, cups, pans or the like designed and sold in retail trade for being used as containers for other materials or objects, shall be labelled with the declaration of quantity as follows :—

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

Illustrations :

(a) For bags without gusset—" 25 bags, 200 mm × 200 mm " ;

(b) For bags with gusset—"100 bags, 600 mm × 800 mm × 200 mm";

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

Illustrations:

(a) "2 cake-pans, 200 mm × 200 mm";

(b) "1 roasting pan, 250 mm × 200 mm × 50 mm".

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

Illustration.—"4 pans, 200 mm diameter × 100 mm";

(iv) When the use of a container is related by label references, in terms of 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.

Explanation I.—Containers which are intended to be used for liquids, semi-solids, viscous materials or mixtures of solids, and liquids shall fall within the ambit of this rule.

Illustrations: Freezer boxes—"4 boxes, 500 ml. capacity, 120 mm × 100 mm × 70 mm".

Explanation II.—Containers intended to be used for solids shall fall within the ambit of this rule.

Illustrations.—

(a) Bags — "8 bags, 100 kg. capacity, 900 mm × 1500 mm".

(b) Cups — "20 cups, 200 ml. capacity".

Explanation III.—Where containers are used as linears for other more permanent containers, the declaration shall be in the same terms as are normally used to express the capacity of the permanent containers.

Illustration.—Can linears—"10 linears, 450 mm × 100 mm. fits cans upto a capacity of 100 litres".

22. Omitted.

*—Rule 22 omitted vide G. S. R. 393(E), dated 23rd May 1985.

23. Provisions relating to wholesale dealer and retail dealers.—

(1) No wholesale dealer or retail dealer 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.

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

Explanation.—for the removal of doubts, it is hereby declared that a sale, distribution or delivery by a wholesale dealer to a retail dealer or other person is a 'retail sale' within the meaning of this sub-rule.

\$(3)\$

* (4) Where, after any commodity has been pre-packed for sale, any tax payable in relation to such commodity 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 revised is due to any increase in revision or in imposition of, 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

+—Substituted *vide* G. S. R. 50 (E), dated 17th January 1992.

#—#Inserted *vide* G. S. R. 303 (E), dated 31st March 1983.

\$(3)\$—\$Sub-rule (3) of rule 23 regarding " price of pre-packed commodity after opening " omitted *vide* G. S. R. 105 (E), dated 2nd March 1995.

*—*Substituted *vide* G. S. R. 578 (E), dated 26th August 1993.

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.

(5) Nothing in sub-rule (4) 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.*

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

#*Explanation.*—For removal of doubts, it is hereby declared that a sale, distribution or delivery by a wholesale dealer to a retail dealer or other person is a 'retail sale', within the meaning of this sub-rule.#

§(7) The Manufacturer/Packer shall not alter the price on the wrapper once printed and used for packing.§

24. Procedure for examination of an determination of quantity and error in packages at the premises of the manufacturer or packer.—

(1) With a view to ascertaining whether any package or batch of packages complies with provisions of these rules in all respects, the Director or any other person authorised under section 29 hereafter referred to as in these rules the authorised 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 batch of packages, in such manner and in such number as are specified in the Ninth Schedule and the tests aforesaid shall be carried out in accordance with the method specified in the Tenth Schedule.

(2) The Director or the authorised person shall enter in the Form set out in the Eleventh Schedule, the detailed results of the tests carried

*—*Substituted *vide* G. S. R. 578 (E), dated 26th August 1993.

#—#Inserted *vide* G. S. R. 303 (E), dated 31st March 1983.

§—§Inserted *vide* G. S. R. 578 (E), dated 26th August 1993.

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 authorised agent, or, in the absence of both, or on their refusal to affix such signature, the signature of a competent witness. A 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 or the authorised person 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 statistical 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, showing an error in deficiency greater than the maximum permissible error, is more than +the number specified in column 3 of the Table in the Ninth Schedule; or+

(c) any such package shows an error in deficiency greater than twice the maximum permissible error the Director or the authorised person shall, if for good and sufficient reason, requested by the manufacturer or packer or his authorised agent, so to do, take out as soon as may be practicable, fresh samples and carry out fresh tests in accordance with the provisions of these rules and where fresh tests are made, the Director or the authorised person, as the case may be, shall collect by way of reimbursement, from the manufacturer or packer, such sum, not exceeding ruppees +five hundred+ as is, in his opinion, commensurate with the services so rendered :

Provided that where fresh tests are carried out, no package contained in the batch, which was previously tested under this rule, shall be sold or distributed by the manufacturer or packer, as the case may be, unless the provisions of the sub-rule (5) or ,as the case may be, sub-rule (6) are complied with.

+—+Substituted vide GSR 50(E), dated 17th January 1992.

(5) (a) where, as a result of any test carried out under this rule it is found that any package contained in the batch does not conform to or any of the provisions of the Act or of these rules, the manufacturer or the packer shall make a cent per cent check of the packages contained in the batch and pick out from the batch the packages which conform to all the provisions of the Act and of these rules.

(b) When the Director or the authorised person is satisfied that the packages picked out by the manufacturer or packer conform to all the provisions of the Act and of these rules, he shall authorise the sale distribution or delivery of such packages.

(c) Where, as a result of such cent per cent check by the manufacturer or packer, any package is found to be not conforming to all or any of the provisions of the Act or of these rules, such package shall not be sold, distributed or delivered until it has been re-packed, re-processed or relabelled, as the case may be, in accordance with the provisions of the Act and of these rules.

(6) A batch of packages shall be approved for sale if, and only if, as a result of the tests carried out under this rule, it is found that.—

(a) the statistical average of the net quantity contained in the sample packages is equal to, or more than, the quantity declared on the package or on the label affixed thereto.

(b) the number of packages, showing an error in deficiency greater than the maximum permissible error, is not more than *the number specified in column 3 of the Table in the Ninth Schedule.*

(c) the extent of error in deficiency in none of such sample packages exceeds twice the maximum permissible error, and

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

25. *Action to be taken on completion of examination of packages at the premises of the manufacturer or the packer.*—(1) If it appears from the report referred to in sub-rule (3) of rule 24, that.—

(a) the statistical average of the net quantity contained in the packages drawn as samples under that rule is lesser than the quantity declared on the packages or on the labels affixed thereto, or

*—*Substituted *vide* GSR 50 (E), dated 17th January 1992.

(b) the number of packages, showing an error in deficiency greater than the maximum permissible error, is more than *the number specified in column 3 of the Table in the Ninth Schedule,* or

(c) any such package shows an error in deficiency greater than twice the maximum permissible error, or

(d) any such package does not bear thereon or on a label affixed thereto the declarations to be made under these rules,

The Director or the authorised person shall take such punitive action in accordance with the provisions of the Act against the manufacturer, or as the case may be the packer :

Provided that no such punitive action shall be taken if fresh tests are carried out under sub-rule (4) of rule 24, but if after such fresh tests any such error or omission as is referred to in this sub-rule is detected, the Director or the authorised person shall take appropriate punitive action in accordance with the provisions of the Act against the manufacturer or, as the case may be, the packer.

(2) Before taking any punitive action under sub-rule (1) the Director or the authorised person shall seize, in accordance with the provisions of the Act, the packages drawn by him as samples and shall take adequate steps for the safe custody of the seized packages until they are produced in the appropriate Court as evidence.

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

26. Action to be taken with regard to packages examined 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 the authorised person to the effect that the package sold or delivered to the complainant does not contain the quantity declared on such package or on the label affixed thereto ;

(ii) the Director or the authorised person 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 package ;

*—*Substituted vide G. S. R. 50 (E), dated 17th January 1992.

(iii) the Director or the authorised person 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 or the authorised person shall verify whether the quantity contained in the package corresponds to the quantity declared on such package or any label affixed thereto, and where the quantity contained in the package is less than the declared quantity, whether the deficiency is more than twice the maximum permissible error in relation to that commodity.

(3) Where the Director or the authorised person 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 twice 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 or the authorised person is satisfied after necessary tests, that the deficiency in the quantity contained in the package is due to environmental conditions.

(4) Where, as 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 twice 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 there on all or any of the declarations required to be made under these rules, it shall be lawful for the Director or the authorised person to make such inquiries as to the source from which such package was received by the wholesale dealer or the retail dealer and to take such punitive action against the wholesale dealer or the retail dealer, as the case may be, as he may think fit.

27. Establishment of maximum permissible error on packages.—

(1) The maximum permissible error in relation to the commodities specified in the First Schedule shall be such as is indicated in the corresponding entries in that Schedule against the concerned commodity and the maximum permissible error in relation to any commodity not specified in the First Schedule, shall be such as is specified in the Second Schedule :

Provided that the Director may establish the maximum permissible error in relation to any commodity not specified in the First Schedule, and on such establishment, the concerned commodity and the maximum permissible error in relation thereto shall be deemed to have been included in the First Schedule.

(2) The Director shall cause a co-ordinated programme to be undertaken at such places and in such manner as he may think fit for the establishment of the maximum permissible error in relation to commodities referred to in sub-rule (1) or the proviso thereto.

(3) 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 the 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.

(4) The Director 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.

28. 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 the authorised 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 relabel 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 relabel 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 the authorised person shall dispose of the commodity in accordance with the rules made under the Act.

CHAPTER III

PROVISIONS APPLICABLE TO WHOLESALE PACKAGES

29. Declaration 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 where the manufacturer is not the packer, of the packer ;

(b) the identity of the commodity contained in the package ; and

* (c) the total number of retail packages contained in such wholesale package or the net quantity in terms of standard units of weight, measure 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 declaration 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 AND IMPORT OF PACKAGED COMMODITIES

30. *Declarations on packages intended for export.*—

(1) In this Chapter, " export package " means a package intended for export.

(2) Every export package shall, notwithstanding anything contained in rule 6 bear on its principal display panel, a legible and conspicuous declaration with regard to the following matters, namely.—

- (i) it is intended for export ;
- (ii) the identity of the commodity contained in the export package and the net weight, measure or number of such commodity ;
- (iii) the name and address of the manufacturer, and where the manufacturer is not the packer, of the packer.

(3) Where an export package contains two or more individually packaged or labelled pieces of the same or different commodities, such export package shall also bear on its principal display panel a legible and conspicuous declaration with regard to the following matters, namely :—

- (i) the number and description of such individually packaged commodities ; and
- (ii) the net weight, measure or number of the commodities contained in such individual package.

(4) The Director or any other person authorised by the Director may inspect or cause to be inspected, any package intended for export with a view to ascertaining whether the declarations as to the net weight,

*—*Substituted vide GSR 59(E), dated 23rd February 1980.

—Inserted vide GSR 59(E), dated 23rd February 1980.

measure, or number on the packages are accurate, and if the Director or authorised person is of the opinion that a declaration with regard to such matters is not correct or is false in material particulars, he may bring the matter to the notice of.—

(i) where such checking is made in the premises of the manufacturer or packer ;

(a) the appropriate officer of customs, and

(b) the Ministry dealing with the export of the concerned commodity.

(ii) where the checking is made at or near the custom stations,—

(a) the appropriate officer of customs, and

(b) the Ministry dealing with the export of the concerned commodity.

for such action as they may think fit.

(5) Where the person to whom any package is to be exported does not want any indication on the package to the effect that it is intended for export or that the name of the manufacturer or packer should be mentioned on the package, it shall be lawful for the manufacturer or packer to pack such commodity without complying with the provisions of sub-clause (i) or sub-clause (iii) or both, of sub-rule (2).

31. *Export packages also, to comply with the laws of the country to which they are being exported.—*

Every export package shall also comply with the law, rules and regulations in force in the country to which such package is intended to be exported.

32. *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 re-labelled 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-labelling, such package shall be liable to be seized in accordance with the provisions of the Act.

33. *Provisions of Chapter II to apply to packaged commodities imported into India.—*

The provisions of Chapter II shall, as far as may be, apply to packaged commodities imported into India.

CHAPTER V

EXEMPTIONS

34. Exemption in respect of certain packages.—

Nothing contained in these rules shall apply to any package containing a commodity if.—

(a) the marking on the package unambiguously indicates that it has been specially packed for the exclusive use of any industry as a raw material or for the purpose of servicing any industry, mine or quarry :

Provided that this exemption shall not be available in respect of.—

(i) any yarn which is sold in hands to handloom weavers ;

(ii) any component, part or material used in any workshop, service station or any other place where servicing or repairing of any bicycle, tricycle or motor vehicle within the meaning of Motor Vehicles Act, 1939 (4 of 1939), is undertaken ;

*(iii) any package containing a commodity of net content of 5 kilograms or 5 litres or less and displayed for sale at the retail outlet ;

(iv) any package containing a commodity to be sold by number or length and displayed for sale at the retail outlet.*

(b) the net weight or measure of the commodity is twenty grams or twenty millilitres or less, if sold by weight or measure :

Provided that this exemption shall not apply to packages containing any drug or medicine.

+Provided that the declaration in respect of maximum retail price and net quantity shall be declared on packages containing 10g to 20g or 10ml to 20ml.+

++(c) it contains bidis or incense sticks.++

\$(d) any package containing fast food items packed by restaurant/hotel and the like.\$

*—*Inserted vide G. S. R. 50(E), dated 17th January 1992.

—Inserted vide G. S. R. 59(E), dated 23rd February 1980.

+—+Inserted vide G. S. R. 314(E), dated 12th March 1994.

++—++Inserted vide G. S. R. 347(E), dated 30th June 1978.

\$—\$Added vide G. S. R. 105(E), dated 2nd March 1995.

CHAPTER VI

REGISTRATION OF MANUFACTURERS AND PACKERS

35. Registration of manufacturers and packers.—

(1) Every individual, firm, Hindu undivided family, society, company or corporation who or which pre-packs any commodity for sale, distribution or delivery shall make an application, accompanied by a fee of *rupees twenty*, to the Director 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 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 of any commodity after the commencement of these rules, within ninety days from the date on which he or it commences such pre-packing.

(2) Every application referred to 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 of one or more commodities is made by the applicant; and

(c) the name of the commodity or commodities pre-packed 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.

36. Registration of shorter address permissible.—

(1) It shall be lawful for any a manufacturer or packer to make a application to the Director for the registration of a shorter address, in addition to the complete address referred to in sub-rule (2) of rule 35.

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

*—*Substituted vide G. S. R. No. 531 (E), dated 18th May 1992.

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

37. Register of manufacturers and packers, etc.—

(1) The Director 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 35.

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

38. Compilation of lists of manufacturers or packers and their circulation.—

The Director shall compile a State-wise list of the manufacturers and packers registered by him under rule 37 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

****39. Penalty for contravention of Rules.—**

(1) If any person contravenes the provisions of rule 6, or tampers with, obliterates or alters any declaration made on any package in accordance with these rules, he shall be punishable with fine, which may extend to two thousand rupees.

(2) Whoever contravenes any provision of these rules, for the contravention of which no punishment has been separately provided either in the Act or in these rules, he shall be punished with fine which may extend to two thousand rupees.**

*—*Inserted vide G. S. R. No. 105(E), dated 2nd March 1995.

—Inserted vide GSR 59(E), dated 23rd February 1980.

* 40. The Central Government may, if it is satisfied, on the genuineness of the reasons stated in the application, may permit a manufacturer/packer to pack for sale the following types of pre-packed commodities for a reasonable period relaxing any or all the provisions of these rule.—

- (i) introductory packs ;
- (ii) innovation packs ;
- (iii) trial packs ;
- (iv) promotional packs ;
- (v) packages on which corrective actions are to be taken after a compounding or a Court decision or other genuine reasons.*

FIRST SCHEDULE

[See Rule 2 (i) (i)]

Maximum permissible errors in relation to the quantity contained in the Individual Package.

Sr. No.	Description of commodity	Quantity declared	Maximum Permissible error
(1)	(2)	(3)	(4)
1.	Biscuits	(i) Upto and equal to 500g (ii) Above 500g	7.0% 6.0%
2.	Bread	(i) Upto and equal to 400g (ii) Above 400g upto and equal to 800g. (iii) Above 800g upto and equal to 1200g.	8.0% 6.0% 4.0%
3.	Cement	** For any quantity **	2.0%
4.	Detergents, cleaning/scouring power and the like	(i) Upto and equal to 1 kg. (ii) Above 1 kg, upto and equal to 3 kg. (iii) Above 3 kg.	5.0% 4.0% 1.5%
5.	Face cream	(i) Upto and equal to 25g (ii) Above 25g upto and equal to 100g. (iii) Above 100g	4.0% 4.0% or 2.5g whichever ever is less. 3.0%

*—*Added vide G. S. R. 105 (E), dated 2nd March 1995.

—Substituted vide G. S. R. No. 50 (E), dated 17th January 1992.

First Schedule.—contd.

(1)	(2)	(3)	(4)
6.	Ghee, vanaspati and edible oils.	* (i) Upto and equal to 1 kg/litre (ii) Above 1 kg/litre upto and equal to 2kg/litre. (iii) Above 2 kg/litre upto and equal to 4 kg/litre. (iv) Above 4 kg/litre	2.0% 1.5% 1.25% 0.60%*
7.	Hair Cream	(i) Upto and equal to 100g (ii) Above 100g upto and equal to 200g. (iii) Above 200g	5g 5.0% or 7g whichever is less. 5.0% or 10g whichever is less.
8.	Infant Foods including malted Milk foods.	(i) Upto and equal to 100g (ii) Above 100g upto and equal to 1 kg. (iii) Above 1 kg	5.0% 4.0% 3.0%
9.	Liquid milk	(i) Upto and equal to 100 ml (ii) Above 100 ml upto and equal to 250 ml. (iii) Above 250 ml	5 ml 8 ml 10 ml
10.	Provisions sold in polythene bags or plastic bags, food-grains, pulses, edible seeds, spices (whole or broken but not powdered), powdered commodities, (such as, chilli powder, pepper powder, coffee powder, washing soda, atta, table, salt and the like), dry fruits, seeds and other commodities (such as, sugar, gur, khandsari and the like).	(i) Upto and equal to 100g (ii) Above 100g upto and equal to 500g. (iii) Above 500g upto and equal to 1 kg. (iv) Above 1 kg	3.0% 2.0% 1.5% 0.75%
11.	Safety Match boxes	(i) Containing upto 50 sticks (ii) Containing more than 50 sticks.	8.0% 6.0%
12.	Shaving cakes/sticks	For all quantities	3.0%
13.	Shaving cream	(i) Upto and equal to 50g (ii) Above 50g upto and equal to 100g.	1g 2g

*—*Substituted vide GSR 314(E), dated 12th March 1994.

First Schedule.—contd.

(1)	(2)	(3)	(4)
14.	Soap chips	(i) Upto and equal to 1 kg (ii) Above 1 kg upto and equal to 3 kg. (iii) Above 3 kg	1.0% 0.3% 0.2%
15.	Talcum and face powder ..	(i) Up to and equal to 50 g (ii) Above 50 g upto and equal to 100 g. (iii) Above 100 g upto and equal to 300 g. (iv) Above 300 g	6.5% 4.0% 3.0% 2.5%
16.	Tea	For all quantities	2.0%
17.	Toilet soaps	For all quantities	3.0%
18.	Tooth Paste	(i) Upto and equal to 50g (ii) Above 50 g upto and equal to 125g. (iii) Above 125g	5.0% 4.0% 3.0%
19.	Tooth powder	(i) Upto and equal to 100g (ii) Above 100g	8.0% 8.0% or 15g which- ever is less.
20.	Washing Soap	(i) Upto and equal to 150g. (ii) Above 150g upto and equal to 300g. (iii) Above 300g	4.5% 4.0% 3.0%
21	Writing and printing paper ..	For any quantity	2.5%
22	Wrapping paper (including .. packing paper)*.	For any quantity	5.0%

*—*Substituted vide GSR 59(E), dated 23rd February 1980.

*THE SECOND SCHEDULE

[See Rule 2(i) (ii)]

Maximum permissible errors in relation to packaged commodities not specified in the First Schedule.

I. 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 not specified in the First Schedule, shall be as specified in Table I below :—

TABLE I

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

Serial No.	Declared quantity (g or ml.)	Maximum permissible error in excess or in deficiency	
		As percentage of declared quantity	g or ml
(1)	(2)	(3)	(4)
(i)	upto 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.

*—*Substituted vide GSR 50(E), dated 17th January 1992.

2. *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

Maximum permissible errors on net quantities declared by length, area or number.—

Sr. (1)	Quantity declared (2)	Maximum permissible error in excess or in deficiency (3)
(i)	In units of length	2% of declared quantity upto 10 metres and thereafter 1% of declared quantity.
(ii)	In units of area	4% of declared quantity upto 10 sq. metres and thereafter 1% of declared quantity.
(iii)	by number	2% of declared quantity.*

*—*Substituted *vide* GSR SO (E), dated 17th January 1992.

†THE THIRD SCHEDULE †

(See rule 5)

Commodities to be packed in specified quantities.

1. The following commodities shall be packed in such quantities by weight, measure or number as are specified in the corresponding entries against them.

Sr. No. (1)	Commodities (2)	Quantities in which to be packed (3)
1.	Baby food	200g, 500g, 1 kg, 2 kg, 5 kg and 10 kg.
2.	Weaning food	200g, 400g, 1 kg, 2 kg, 5 kg, and 10 kg.

Any manufacturer or packer packing baby food in 400 g and weaning food in 500 g shall not be allowed to do so beyond 180 days from the date of publication of this notification in the official gazette.

†—“The third schedule” Substituted *vide* GSR 591(E), dated 20th July 1994.

The Third Schedule.—contd.

(1)	(2)	(3)
3.	Biscuits	25g, 50g, 75g, 100g, 150g, 200g, 250g, 300g and thereafter in multiples of 100g upto 1 kg.
4.	Bread including brown bread but excluding bun.	100g, 200g, 400g, 800, 1200g
5.	Uncaned packages of butter and margarine.	25g, 50g, 100g, 200g, 500g, 1 kg, 2 kg, 5 kg, and thereafter in multiples of 5 kg.
6.	Cereals and pulses ..	100g, 200g, 500g, 1 kg, 2 kg, 5 kg, and thereafter multiples of 5 kg.
7.	Coffee	25g, 50g, 100g, 200g, 500g, 1 kg, and thereafter in multiples of 1 kg.
8.	Tea	25g, 50g, 100g, 250g, 500g, 1kg, and thereafter in multiples of 1 kg.
9.	Materials which may be reconstituted as beverages.	25g, 50g, 100g, 200g, 500g, 1 kg and thereafter in multiples of 1 kg.
10.	Edible Oils	50g, 100g, 200g, 500g, 1 kg, 2 kg, 5 kg, and thereafter in multiples of 5 kg. (If net quantity is declared by volume the same number in millilitres or liters, as the case may be).
11.	Vanaspathi and ghee..	50g, 100g, 200g, 500g, 1 kg, 2 kg, 5 kg, and thereafter in multiples of 5 kg.
12.	Milk Powder	Below 50g no restriction, 50g, 100g, 200g, 500g, 1 kg, and thereafter in multiples of 500g.
13	(Omitted)	
14.	Non-soapy detergents (powder).	Below 50g no restriction, 50g, 100g, 200g, 500g, 700g, 1 kg, 1.5 kg, 2 kg, and thereafter in multiples of 1 kg.
15.	Rice (powdered), flour, atta, rawa and suji.	100g, 200g, 500g, 1 kg, 2 kg, 5 kg, and thereafter in multiples of 5 kg.
16.	Salt	Below 50g, in multiples of 10g, 50g, 100g, 200g, 500g, 1 kg, 2 kg, 5 kg, and thereafter in multiples of 5 kg.

*—*Item " matchsticks in boxes " deleted vide GSR 105(E), dated 2nd March 1995.

The Third Schedule.—contd.

(1)	(2)	(3)
17.	Soaps	
	(a) Laundry soap	50g, 75g, 100g and thereafter in multiples of 50g.
	(b) Non-soapy detergent cakes/bars.	50g, 75g, 100g, 125g, 150g, 200g, 250g, 300g and thereafter in multiples of 100g.
	(c) Toilet soap including all kinds of bath soap (cakes).	25g, 50g, 75g, 100g, 125g, 150g, and thereafter in multiples of 50g.
18.	Aerated soft drinks and non-alcoholic beverages.	100 ml, 150 ml, 200 ml, 250 ml, 300 ml, 330ml (in cans only), 500 ml, 750 ml, 1 litre, 1.5 litre, 2 litre and thereafter in multiples of 1 litre upto 5 litre.
19.	Cement in bags	1 kg, 2 kg, 5 kg, 10 kg, 20 kg and 50 kg.
20.	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 litres.
	(b) Paste paint and solid paint.	500g, 1 kg, 1.5 kg, 2 kg, 3 kg, 5 kg, 7 kg, 10 kg and thereafter multiple of 5 kg.

Note.—The provisions of this schedule shall in no way affect the mode of realising the Central Excise Duty on any of the items mentioned above.†

†—The third Scheduled Substituted *vide* G. S. R. 591 (E), dated 20th July 1994.

THE FOURTH 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" and the additional information which the package or the label affixed thereto shall bear on it.—

Sr. No.	Name of commodity	Additional information to be stated on the package
(1)	(2)	(3)
1.	Alcoholic—liquors	Percent of alcohol
2.	Animal feed	
2 (A)	Asafoetida	
3.	Bread, bun and the like	

*—*Inserted by Notification GSR 59(E), dated 23rd February 1980.

The Fourth Schedule.—contd.

(1)	(2)	(3)
4. Butter and cheese including peanut butter (uncanned).		Fat content
5. Cake		
5A. Champhor		
6. Cream (other than cream of milk)		
7. Fertilisers	Nutrient Content
8. Fruits	
*8A. Ice-Cream	
8B. Knitting yarn*		
9. Lotions	
10. Margarine	
11. Non-soapy detergents	..	
*11A. Papad	
11B. Pipe Tobacco*		
12. Soap of all kinds other than toilet soap.		
12A. Snuff		
13. Spirituous Products	..	
14. Toilet soap	Total fatty matter as a percentage of the declared net weight of the soap.

*—*Inserted by Notification GSR 59(E), dated 23rd February 1980.

THE FIFTH 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

Serial No.	Commodity	Whether declaration to be expressed in terms of weight, measures or number or two or more of them
(1)	(2)	(3)
1.	Aerosol Products	Weight
2.	Acids in liquid form	Weight or volume
3.	Compressed or liquified gas (but not liquified petroleum gas).	Weight and equivalent volume at stated temperature and pressure.
4.	Curd	Weight
5.	Electric Cables	Length or weight
6.	Electric wire	Length or weight
7.	Fencing wire	Length or weight
8.	Fruits, all kinds	Number or weight
9.	Furnance oil	Weight or volume
10.	Non-edible vegetable oils	Weight or volume
†10-A	Edible oils	Weight or volume†
11.	Heavy residual fuel oil	Weight
12.	Industrial diesel fuel	Volume
13.	Honey, malt extract, golden syrup treacle.	Weight
14.	Ice cream and other similar frozen products.	Weight or volume
15.	Liquid chemicals	Weight or volume

*—*Substituted *vide* G. S. R. 105(E), dated 2nd March 1995.

†—†Inserted *vide* G. S. R. 88(E), dated 29th February 1992.

The Fifth Schedule—Contd.

(1)	(2)	(3)
16.	Liquified petroleum gas ..	Weight
17.	Nails, wood screws ..	Number or weight
18.	Paint (other than paste paint or solid paint) Varnish and varnish stains, enamels.	Volume
19.	Paste paint, solid paint ..	Weight
20.	Rasgulla, Gulabjamun and other sweet preparations.	Weight
21.	Ready-made garments ..	Number
22.	Sauce all kinds ..	Weight
23.	Tyres and tubes ..	Number
24.	Yarn ..	Weight or length of yarn.

THE SIXTH SCHEDULE

[See rule 13(5)]

The manner in which commodities intended to be sold by number shall be packed.—

Where any commodity is packed by number, such packing shall be made unless otherwise provided in these rules in the following manner, namely :—

- (a) Where the number is less than ten, by the integral number ;
- (b) Where the number exceeds ten but does not exceed one hundred in multiples of five ;
- (c) Where the number exceeds one hundred but does not exceed *five hundred*, in multiples of ten ;
- * (d) * Where the number exceeds five hundred but does not exceed one thousand, in multiples of fifty ;
- * (e) * Where the number exceeds one thousand, in multiples of one hundred.

*—*Substituted and renumbered vide GSR 59(E), dated 23rd February 1980.

***THE SEVENTH SCHEDULE**

[See Rule 14(1)]

Manner of declaration of Unit Sale Price

The unit of the weight, measure or number in accordance with which unit sale price shall be declared, shall be as follows :—

(a) where the commodity is sold by weight, if the quantity declared on the package.—

- (i) does not exceed 100g in terms of 100g ;
- (ii) exceeds 100g but does not exceed 500g in terms of 500g ;
- (iii) exceeds 500g in terms of one kilograms.

(b) where the commodity is sold by volume, if the quantity declared on the package.—

- (i) does not exceed 100 milliliter, in terms of 100 milliliter ;
- (ii) exceed 100 milliliter but does not exceed 500 milliliter in terms of 500 milliliter ;
- (iii) exceed 500 milliliter in terms of one liter.

(c) where the commodity is sold by length measure, in terms of one metre.

(d) where the commodity is sold by area, in terms of one square metre.

(e) where the commodity is sold by number, in terms of one piece.

NOTE.—The sub paragraph (e) shall apply to commodities contained in a package, where the commodity is such that it may be sold separately by number.*

†THE EIGHTH SCHEDULE †

*—*Substituted vide GSR 314(E), dated 12th March 1994.

†—†" Eighth Schedule " Omitted vide G. S. R. 105(E), dated 2nd March 1995.

*THE NINTH SCHEDULE

[See Rule 24]

Manner of Selection of Samples of 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 in column (2) of the table below against the batch size specified in Column (1) of the said Table.—

TABLE

Batch Size	Sample size	Number of packages showing error more than the maximum permissible error but less than twice the maximum permissible error
(1)	(2)	(3)
Less than 4000	32	Not more than 2
More than 4000	80	Not more than 4

2. The sample shall be selected at random in accordance with the manner specified in paragraph 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 manufacturer or packer in a warehouse, godown or at any other place, the sample shall be selected at random, from every batch of packages and shall be picked out from the top, bottom, centre, right, left, front and rear of the stocks so that the samples may adequately represent the packages in the batch.

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 sample shall be selected from among the packages which have already been filled, or in the alternative, the requisite number of empty containers may be taken over and each of them shall be adequately marked for proper identification and the

*—Substituted vide GSR 50(E), dated 17th January 1992.

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 it 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 TENTH SCHEDULE

[See Rule 24]

Determination of the Net Quantity of Commodities Contained in Packages

PART I—EQUIPMENTS

1. Equipments required.—

(1) The Director, or other person authorised 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 or authorised person 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 or measures owned or controlled by the manufacturer, packer or wholesale dealer as the case may be, such weights and measures shall not be used

unless they are verified before use and no such weight or measure, shall be used unless the maximum permissible error of such weight or measure is twenty per cent 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 to the Director or other authorised person as the Director or other authorised person may require in order to carry 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 or other authorised person 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 authorised person until his work is completed.

PART II

INSTRUCTIONS WITH REGARD TO THE DETERMINATION OF QUANTITY AND ERROR OF MANUFACTURER'S OR PACKER'S PREMISES.

3. *Procedure for determination of quantity by weight at manufacturer's or packer's premises.—*

(1) If empty tare packages are available, take 10 such tare packages, cut them to the size which they would have on the filling and weigh them. Get the weight of one tare package by dividing the weight so arrived at by ten.

(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 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 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-I of the Ninth 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 affect 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 II of the Ninth 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 Eleventh 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 or other authorised person shall entire results of his examination of gross weight, net weight and tare weight in the form specified in the Eleventh 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 Eleventh Schedule.

5. *Verification of length of commodities.*—

(1) The sample shall be selected in the manner specified in the Ninth 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 Eleventh Schedule.

6. *Verification of commodities packed by number.*—

The Director or authorised person shall take packages from the sample drawn by him in the manner specified in the Ninth 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 unit price.*—

(1) The Director or authorised person shall calculate, from the total selling price of the package, and the declared net quantity, the price of the commodity in packaged form per unit of weight, measure or number by using the rule of three.

(2) The Director or authorised person shall note the difference, if any between the declared and calculated unit price.

8. *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.

(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.

THE ELEVENTH SCHEDULE

(FORM A)

Weight Checking—Data Sheet

A. Particulars of Package		Name of Manufacturer/Packer			
		Address	Price	Month/Year	
B. Commodity Classification.		Lot size : Schedule First/Second Class A/B Maximum permissible error in Percentage.		Sample size :	
C.	Sample No.	Gross weight	Tare weight	Net weight/ Error	Remarks
	Weight Checking Data	1 200			
D.	Results	Declared weight	Average weight		
E. General comments with regard to the compliance with the Act and the Rules made thereunder.					
F.		Signature and Name of the Authorised person		Signature and Name of manufacturer/ packer authorised by manufacturer or any competent witness	
Designation					
Date :					
Time :					
Place :					

NOTE.—If the data sheet runs into more pages than one, the each continuation sheet shall bear the signature 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 : Schedule First/Second Class A/B Maximum permissible error in Percentage.	Sample size : Time	
C. Sample No.	Net volume/ Length	Error	Remarks	
Volume/ Length. Checking Data.	1 200			
D. Results	Declared Volume/ Length	Average Volume/ Length		
E. General comments with regard to the compliance with the Act and the Rules made thereunder.				

(FORM B)—Contd.

F.	Signature and Name of the Authorised persons	Signature and Name of manufacturer/ packer/authorised by manufacturer or any competent witness
Designation		
Date :		Place :
Time :		

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

[F. No. WM-9 (36)/77]

(Sd.) T. BALAKRISHNAN,
Joint Secretary.

Foot Note.—The principle Rules were notified *vide* GSR 622 (E), dated the 26th September, 1977 and subsequently amended *vide*—

- (1) GSR-347 (E), dated 30th June 1978.
- (2) GSR-59 (E), dated 23rd February 1980.
- (3) GSR-303 (E), dated 31st March 1983.
- (4) GSR-253 (E), dated 31st March 1984.
- (5) GSR-316 (E), dated 30th April 1984.
- (6) GSR-393 (E), dated 25th March 1984.
- (7) GSR-96 (E), dated 20th February 1985.
- (8) GSR-458 (E), dated 25th May 1985.
- (9) GSR-32 (E), dated 17th January 1986.
- (10) GSR-1005 (E), dated 8th August 1986.
- (11) GSR-730 (E), dated 25th August 1987.
- (12) GSR-19 (E), dated 8th January 1988.
- (13) GSR-779 (E), dated 11th July 1988.
- (14) GSR-511 (E), dated 25th May 1990.
- (15) GSR-601 (E), dated 26th June 1990.
- (16) GSR-50 (E) dated 17th January 1992.

PUBLISHED IN GAZETTE OF INDIA, EXTRAORDINARY,
PART-II SECTION 3, SUB-SECTION (i)

New Delhi, the 27th June, 1984.

G. S. R. 697.—In exercise of the powers conferred by sub-section (7) of section 28 of the Standards of weights and Measures Act, 1976 (60 of 1976), and in supersession of the notification of the Government of India GSR No. 1052, dated 17th August 1978 relating to the State of Andhra Pradesh issued under sub-section (7) of section 28 of the said Act, except as respects things done or omitted to be done before such supersession, the Central Government hereby delegates with the consent of the Government of the State of Andhra Pradesh, all the powers of the Director of Legal Metrology as respects of the provisions of Chapter IV of Part IV of the said Act to the person for the time being holding the Office of the Controller of Legal Metrology in the State of Andhra Pradesh.

[F. No. WM-9 (4)/84]

Similar notification was issued for other States/U. Ts. details as under :—

	G. S. R. No.	Date
1. Arunachal Pradesh	716	27-6-84
2. Assam	698	27-6-84
3. Bihar	699	27-6-85
4. Goa	720	27-6-84
5. Gujrat	700	27-6-84
6. Haryana	701	27-6-84
7. Himachal Pradesh	702	27-6-84
8. Jammu and Kashmir	106	16-1-86
9. Karnataka	703	27-6-84
10. Kerala	704	27-6-84
11. Madhya Pradesh	571	16-7-86
12. Maharashtra	705	27-6-84
13. Manipur	706	27-6-84
14. Meghalaya	572	16-7-86
15. Mizoram	722	27-6-84

States/U. Ts—Conted.

			G. S. R. No.	Date
16.	Nagaland	107	16-1-86
17.	Orisa	707	27-6-84
18.	Punjab	708	27-6-84
19.	Rajasthan	709	27-6-84
20.	Sikkim	710	27-6-84
21.	Tamil Nadu	711	27-6-84
22.	Tripura	712	27-6-84
23.	Uttar Pradesh	713	27-6-84
24.	West Bengal	714	27-6-84
25.	Andaman and Nicobar Islands		715	27-6-84
26.	Chandigarh	717	27-6-84
27.	Dadra and Nagar Haveli	718	27-6-84
28.	Delhi	719	27-6-84
29.	Lakhsadweep	721	27-6-84
30.	Pondicherry	723	27-6-84

**THE STANDARDS OF WEIGHTS AND MEASURES
(ENFORCEMENT) ACT, 1985**

MINISTRY OF LAW AND JUSTICE
(LEGISLATIVE DEPARTMENT)

New Delhi, the 4th September, 1985/Bhadra 13, 1907 (Saka)

(Corrected up to 31-3-1995)

The following Act of Parliament received the assent of the President on the 4th September, 1985, and is hereby published for general information :—

**THE STANDARDS OF WEIGHTS AND MEASURES
(ENFORCEMENT) ACT, 1985**

No. 54 OF 1985

[4th September 1985.]

An Act to provide for the enforcement of the standards of weights and measures established by or under the Standards of Weights and Measures Act, 1976, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Standards of Weights and Measures (Enforcement) Act, 1985.

(2) It extends to the whole of India.

(3) It shall come into force in a State on such *date* as the State Government may, by notification, appoint, and different dates may be appointed for different provisions thereof, in or in relation to, different—

(a) areas in the State ; or

(b) classes of undertakings in the State ; or

*—All the provisions of this Act were came into force in the whole of the State of Maharashtra on and from 1st day of July 1987. *vide* G. N., F. & C. S. Deptt, No. WMA-1086/899/2516/XXX, dated 29th June 1987.

(c) classes of goods produced, sold, distributed, marketed or transferred in the State; or

(d) classes of services rendered in the State; or

(e) classes of weights and measures manufactured, sold, distributed, marketed, transferred, repaired or used in the State; or

(f) classes of users of weights and measures in the State,

and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of this Act, or, as the case may be, of that provision, in such areas or in respect of such classes of undertaking, goods, services, classes of weights and measures or classes of users of weights and measures, in relation to which, or whom, this Act has been brought into force.

2. Act not to apply to inter-State trade or commerce.—Nothing in this Act shall apply to any inter-State trade or commerce in—

(a) any weight or measure, or

(b) any other goods which are sold, delivered or distributed by weight, measure or number.

3. Definitions.—In this Act, unless the context otherwise requires,—

(a) "Additional Controller" includes a Joint Controller, Deputy Controller and an Assistant Controller appointed under section 5;

(b) "authorised seal or stamp" means a seal or stamp made under, and in accordance with, the provisions of this Act;

(c) "Controller" means the Controller of Legal Metrology appointed under section 5;

(d) "counterfeit", in relation to a seal or stamp, means a seal or stamp which is so made as to resemble an authorised seal or stamp, as the case may be, intending by that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised.

Explanation I.—It is not essential that the resemblance of the counterfeit seal or stamp to the authorised seal or stamp should be exact.

Explanation II.—When a person causes a counterfeit seal or stamp to resemble an authorised seal or stamp and the resemblance is such that if a person relies on such seal or stamp, he might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so

causing the seal or stamp to resemble the authorised seal or stamp intended by means of that resemblance to practise deception or knew it to be likely that deception would thereby be practised ;

(e) " heap " means any unit of a commodity for sale where such sale is intended to be made without any weighing or measurement or, where the sale is made by number, without counting the number ;

(f) " Inspector " means a person who is appointed as such under section 5, by whatever name called ;

(g) " mint " means a mint of the Central Government ;

(h) " notification " means a notification published in the Official Gazette ;

(i) " prescribed " means prescribed by rules made under this Act ;

(j) " protection " means the utilisation of any weight or measure, or any reading obtained with the help of any weight or measure, for the purpose of determining whether or not any step 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 ;

(k) " Standards Act " means the Standards of Weights and Measures Act, 1976 (60 of 1976) ;

(l) " standard weight or measure " means a weight, measure or number which conforms to the standards established in relation thereto by or under the Standards Act ;

(m) " State Act " means the Act enacted by the Legislature of a State for the enforcement of the Standards established by or under the Standards of Weights and Measures Act, 1956 (89 of 1956) ;

(n) " State Government ", in relation to a Union territory, means the Administrator thereof ;

(o) words and expressions used in this Act and not defined but defined in the Standards Act shall have the meanings respectively assigned to the in that Act.

4. *Provisions of this Act to override the provisions of any other law, except the Standards Act.*—The provisions of this Act shall have effect not withstanding anything inconsistent therewith contained in any enactment other than this Act and the Standards Act or in any instrument having effect by virtue of any enactment other than this Act or the Standards Act.

CHAPTER II

APPOINTMENT OF CONTROLLERS, INSPECTORS AND OTHER OFFICERS

5. Appointment of Controllers, Inspectors, and other officers and staff.—(1) The State Government may, by notification, appoint a Controller of Legal Metrology for the State and as may Additional, joint, Deputy or Assistant Controllers, Inspectors, and other officers and staff as may be necessary for exercising the powers, and efficiently discharging the duties conferred or imposed on them by or under this Act or the Standards Act.

(2) Every Additional Controller, Inspector or other officer, appointed under sub-section (1), shall exercise such powers and discharge such functions of the Controller as the State Government may by notification, authorise in this behalf.

(3) The Controller may, by general or special order, define the local limits within which each Additional Controller, Inspector or other officer, appointed under sub-section (1), shall exercise his powers and discharge the duties conferred or imposed on him by or under this Act.

(4) Subject to the provisions of this Act, every Additional Controller, Inspector and other officer appointed under sub-section (1), shall exercise his powers and discharge the duties of his office under the general superintendence, direction and control of the Controller and shall exercise those powers and discharge those duties in the same manner and with the same effect as if they had been conferred or imposed on him directly by or under this Act and not by way of authorisation.

(5) The Controller and every Additional Controller and other officer authorised by or under this Act may also—

- (a) perform all or any of the functions of, and
- (b) exercise all or any of the powers conferred by this Act or any rule or order made thereunder, on, an Inspector.

6. Power to authorise Inspector to adjust weights or measures.—Where the Controller is of opinion that it is necessary so to do, he may, by an order in writing, authorise any officer, not below the rank of an Inspector, to adjust any weight or measure in any area within the local limits of his jurisdiction.

7. Controller and officers appointed under this Act to be public servants.—(a) The Controller and every Additional Controller, and every Inspector, and

(b) every other officer authorised by or under this Act to perform any duty,

shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, (45 of 1860)

8. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Controller, any Additional Controller, Inspector or any other person authorised by or under this Act to exercise any power or to perform any duty in respect of anything which is in good faith done or intended to be done under this Act or the Standards Act or any rule or order made under either of the Acts aforesaid.

CHAPTER III

GENERAL PROVISIONS IN RELATION TO STANDARD WEIGHTS AND MEASURES

9. Prohibition of use of weights and measures other than standard weights and measures.—(1) Notwithstanding any custom, usage or method of whatever nature, no weight or measure, other than the standard weight or measure, shall be used or kept in any premises in such circumstances as to indicate that such weight or measure is intended, or is likely to be used, for any weighing or measurement.

(2) On and from the commencement of this Act, no weight, measure or number other than the standard weight or measure shall be used in, or form the basis of any contract or other agreement in relation to any trade, commerce, production or protection.

(3) Any contract or other agreement, which contravenes the provisions of sub-section (2), shall be void.

10. Use of weights only or measures only in certain cases.—(1) The State Government may, by rules made in this behalf, direct that in respect of the classes of goods, services or undertakings or users specified therein—

(a) no transaction, dealing or contract shall be made or had, or

(b) no industrial production shall be undertaken, or

(c) no use for protection shall be made ;

except by such weight, measure or number as may be specified therein.

(2) Any rule made under sub-section (1) shall take effect in such area, from such future date and subject to such conditions, if any, as may be specified therein.

11. *Prohibition of quotations, etc., otherwise than in terms of standard weight or measure.*—Except where he is permitted under the Standards Act so to do, no person shall, in relation to any goods or things which are sold, transferred, distributed or delivered, or any service rendered.—

(a) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge, or

(b) issue or exhibit any price list, invoice, cash memo or other document, or

(c) mention any weight or measure in any advertisement, poster or other document, or

(d) indicate the weight, measure or number of the net contents of any package on the package itself or on any label, carton or other things, or

(e) express, in relation to any transaction, industrial production or protection, any quantity or dimension,

otherwise than in accordance with the standard weight or measure.

CHAPTER IV

CUSTODY AND VERIFICATION OF STANDARD EQUIPMENTS

12. *Custody and verification of reference standards.*—Every reference standard shall be kept at such place and in such custody as may be prescribed, and on such reference standard shall be deemed to be a reference standard and shall be used as such unless it has been verified, authenticated and maintained in accordance with the rules made under the Standards Act.

13. *Preparation of secondary and working standards.*—The State Government may cause to be prepared at the metrological wing of the mint at Bombay, as many sets of secondary standards or working standards as it may think necessary :

Provided that where the mint intimates the State Government in writing that it is unable to prepare any secondary standard or working standard, that Government may cause such secondary standard or

working standard, to be prepared by such organisation as the Central Government may, on a reference made to it by the State Government, by notification specify in this behalf.

14. Verification stamping and custody of secondary or working standards.—(1) Every secondary standard or working standard referred to in section 13, shall conform to the standards established by or under the Standards Act and shall be verified—

(a) in the case of a secondary standard, at any one of the places where reference standards are maintained, against the appropriate reference standard ;

(b) in the case of a working standard, at any one of the places where secondary standards are maintained, against the appropriate secondary standard,

in such manner and at such periodical intervals as may be specified by or under the Standards Act and shall, if found on such verification to conform to the standards established by or under that Act, be stamped.

(2) Where any secondary standard or working standard is stamped under sub-section (1), a certificate shall be separately issued showing the date on which such weight or measure was stamped.

(3) Every verification and stamping referred to in sub-section (1) shall be made by such person or authority as may be specified by or under the Standards Act.

(4) A secondary standard or working standard which is not verified and stamped in accordance with the provisions of sub-section (1) and sub-section (3) shall not be deemed to be a secondary standard or working standard, as the case may be, and shall not be used for the verification of any working standard or, as the case may be, for the verification of any weight or measure.

(5) Every verified secondary standard and every verified working standard shall be kept at such place and in such custody as may be prescribed.

15. Secondary or working standard which may not be stamped.—(1) Where the State Government is of opinion that by reason of the size or nature of any secondary standard or working standard, it is not

desirable or practicable to put a stamp thereon, it may direct that instead of putting a stamp on such secondary standard or working standard, a certificate may be issued to the effect that such secondary standard or working standard conforms to the standards established by or under the Standards Act and every secondary standard or working standard so certified shall be deemed to have been duly stamped under this Act on the date on which such certificate was issued.

(2) Every certificate referred to in sub-section (1) shall be in such form as may be prescribed and shall contain such details as to enable a clear identification of the weight or measure to which it relates.

CHAPTER V

REGISTRATION OF USERS OF WEIGHTS AND MEASURES

16. *Persons using weights or measure for transactions or industrial production or of protection to get themselves registered.*—No person, not being an itinerant vendor, shall use any weight or measure in any transaction or for industrial production or for protection unless he is registered in accordance with the provisions of this Chapter.

17. *Procedure of registration.*—(1) Every person, who intends to commence, or carry on, the use of any weight or measure in any transaction or for industrial production or for protection, shall make, within such time and containing such particulars as may be prescribed, an application for the inclusion of his name in a register to be maintained for the purpose (hereinafter in this section referred to as the "Register of Users").

(2) The Register of Users shall be maintained in such form and in such manner as may be prescribed.

(3) The application referred to in sub-section (1) shall be made to the Controller or to such other person as the Controller may, by general or special order in writing, authorise in this behalf and every such application shall be made in such form, in such manner and on payment of such fee as may be prescribed.

(4) On receipt of the application referred to in sub-section (1), the Controller or the person authorised by him shall include the name of such person in the Register of Users and issue to the applicant a certificate to the effect that his name has been so included.

(5) A certificate issued under sub-section (4) shall be valid for the period specified therein and may be renewed from time to time for such further period and on payment of such fee as may be prescribed.

18. *Punishment for non-registration.*—Whoever uses, after the expiry of the period prescribed under sub-section (1) of section 17, any weight or measure in any transaction or for industrial production or for protection shall, unless he is registered in accordance with the provisions of this Chapter, be punishable with fine which may extend to five hundred rupees, and for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine, or with both.

CHAPTER VI

MANUFACTURE, REPAIR OR SALE OF WEIGHTS OR MEASURES

19. *Prohibition on the manufacture, repair or sale of weights or measures without licence.*—(1) No person shall make, manufacture, repair or sell, or offer expose or possess for repair or sale, any weight or measure unless he holds a valid licence issued in this behalf by the Controller authorising such person to do so :

Provided that a person who *bona fide* repairs any weight or measure owed and possessed by him shall not be required to take out a licence referred to in this sub-section.

(2) Every licence issued under this section—

(a) shall be—

(i) in such form,

(ii) issued on payment of such fees, and

(iii) valid for such period,

as may be prescribed,

(b) may be renewed from time to time, and

(c) may contain such conditions and restrictions as may be prescribed.

(3) Every licence issued under the State Act shall, if in force immediately before the commencement of this Act, continue to be in force until the expiry of the period of its validity, or until the cancellation

thereof, whichever is earlier, and may be renewed under this Act after the expiry of the period of its validity, if an application for such renewal is made in the prescribed form at least one month before the expiry of the period of validity of the licence.

(4) Every person who intends to commence business, after the commencement of this Act, as a maker, manufacturer, repairer or seller of any weight or measure, shall make an application in such form and on payment of such fees as may be prescribed, for the issue of a licence to him, and every licence so issued may be renewed if an application for its renewal, accompanied by such fee as may be prescribed, is made by such person in the prescribed form at least one month before the expiry of the period of its validity.

(5) The Controller may, if he is satisfied that the maker, manufacturer, repairer or seller, as the case may be, of any weight or measure was prevented by sufficient cause from making an application for the renewal of his licence before the expiry of the period of the validity thereof, permit him to make the application within a further period of one month from the date of expiry of the period of such validity, on payment by him of such further fee, not exceeding the fee which is payable for the issue of the licence.

(6) No application for the issue or renewal of a licence shall be rejected unless—

(a) the applicant or, as the case may be, the holder of the licence has been given a reasonable opportunity of showing cause against the proposed action, and

(b) the Controller is satisfied that—

(i) the application has not been made within the time specified in this section, or

(ii) the applicant has made any statement in, or in relation to, the application for the issue or renewal of the licence which is incorrect or false in material particulars, or

(iii) the applicant has contravened any provision of the Standards Act or of any State Act or of this Act or of any rule or order made under the Standards Act, State Act or this Act.

(7) The Controller may require every repairer licensed under this Act to furnish to the State Government security for such sum, not exceeding two hundred rupees, as may be prescribed.

(8) Nothing contained in this section shall apply to the sale by a user (who is not a maker, manufacturer, dealer or repairer) of any weight or measure :

Provided that no sale of any weight or measure of the prescribed description shall be made except with the written permission of the Controller.

(9) Every licence issued or renewed under this Act shall be displayed in a conspicuous place in the premises where the licensee carries on his business.

20. Suspension and cancellation of licence.—(1) The Controller may, if he has any reasonable cause to believe that the holder of any licence issued, renewed or continued under this Act has made any statement in, or in relation to, any application for the issue, renewal or continuance of the licence, which is incorrect or false in any material particular or has contravened any provision of the Standards Act or any State Act or this Act or any rule or order made thereunder, suspend such licence, pending the completion of any inquiry or trial against the holder of such licence :

Provided that no such licence shall be suspended unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action :

Provided further that where the inquiry or trial referred to in this sub-section is not completed within a period of three months from the date of suspension of a licence such suspension shall, on the expiry of the period aforesaid, stand vacated.

(2) The Controller may, if he is satisfied, after making such inquiry as he may think fit, that the holder of a licence has made a false or incorrect statement of the nature referred to in sub-section (1), or has contravened any law or order referred to in that sub-section, cancel such licence :

Provided that no such licence shall be cancelled unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

(3) Every person whose licence has been suspended shall, immediately after such suspension, stop functioning as such licensee and shall not resume business as such licensee until the order of such suspension has been, or stands, vacated.

(4) Every licensee whose licence has been suspended or cancelled shall, after such suspension or cancellation, as the case may be, surrender such licence to the authority by which such licence was issued.

(5) Every licensee whose licence has been cancelled shall, within a period of thirty days from the date of such cancellation, or within such further period, not exceeding three months from such date, as the Controller may, on sufficient cause being shown, allow, dispose of the weights or measures which were in his possession, custody or control on the date of such cancellation, and in the event of his failure to do so, the Controller or any other officer authorised by him, in writing, in this behalf, may seize and dispose of the same and distribute the proceeds thereof in such manner as may be prescribed.

21. *Manufacture of weights or measures.*—Save as otherwise provided in the Standards Act, no person shall.—

(a) make or manufacture any weight or measure unless such weight or measure conforms to the Standards established by or under the Standards Act;

(b) make or manufacture any weight or measure with indications thereon of any weights or measures in accordance with any unit other than the units of weight or measure specified by or under the Standards Act.

22. *Prohibition of sale or use of unstamped weights or measures.*—No weight or measure shall be sold, or offered, exposed or possessed for sale, or used or kept for use in any transaction or for industrial production or for protection unless it has been verified and stamped:

Provided that nothing in this section shall apply to any weight or measure which has been initially verified and stamped with a special seal referred to in sub-section (3) of section 41 of the Standards Act.

23. *Manufacturer, etc., to maintain records and register.*—(1) Every maker, manufacturer, repairer or dealer and every person using any weight or measure in any transaction or for industrial production or for protection shall maintain such records and registers as may be prescribed, and, if required so to do by an Inspector, shall produce such records and registers before the Inspector for inspection.

(2) Notwithstanding anything contained in sub-section (1) if the Controller is of opinion that having regard to the nature or volume of the business carried on by any maker, manufacturer, dealer, repairer or user of any weight or measure, it is necessary so to do, he may, by order, exempt such maker, manufacturer, dealer, repairer or user from the operation of sub-section (1).

CHAPTER VII

VERIFICATION AND STAMPING OF WEIGHTS OR MEASURES

24. Verification and stamping of weights or measures.—(1) Every person having any weights or measure in his possession, custody or control in circumstances indicating that such weight or measure is being, or is intended or likely to be, used by him in any transaction or for industrial production or for protection, shall, before putting such weight or measure into such use, have such weight or measure verified at such place and during such hours as the Controller may, by general or special order, specify in this behalf (hereinafter referred to as the specified place or specified time), on payment of such fees as may be prescribed.

(2) Every weight or measure referred to in sub-section (1) shall be re-verified at such periodical intervals as may be prescribed.

Explanation.—For the removal of doubts it is hereby declared that no periodical re-verification shall be necessary in relation to any weight or measure which is used exclusively for domestic purposes.

(3) Every Inspector shall, for the purpose of verification of any weight or measure, attend the specified place (within the local limits of his jurisdiction) at the specified time and verify every weight or measure which is brought to him at such place and within such time and shall, if he is satisfied that such weight or measure conforms to the Standards established by or under the Standards Act put his stamp thereon :

Provided that where any weight or measure is such that it cannot, or should not, be moved from its location, the Inspector shall take such steps for the verification of such weight or measure at the place of its location as may be prescribed.

(4) Where any verification has been made under sub-section (3), the Inspector shall grant to the person referred to in sub-section (1) a certificate in the prescribed form indicating therein the particulars of the weight or measure verified and stamped by him.