

## **PREFACE**

“Metrology” is a branch of science which deals with weights and measures. It includes theoretical and practical aspects of weights and measures. The units of measurement and their physical representation as well as measuring instruments and their field of application are being dealt with in this subject.

“Legal Metrology” means that part of Metrology which treats units of weightment and measurement, methods of weightment and measurement and weighing and measuring instruments, in relation to the mandatory technical and legal requirements which have the object of ensuring public guarantee from the point of view of security and accuracy of the weighments and measurements.

The Consumer movement is a socio - economic movement, which protects the rights of the consumers in relation to goods purchased and services availed. The Government have accorded the highest priority to the programme of consumer protection. The Department of Legal Metrology plays an important role in consumer protection. This department is the main organ of the Government in standardization and trade discipline in weights and measures and commodities in packaged form.

The Metric System of weights and measures was first introduced in Kerala in selected areas from 1<sup>st</sup> October 1958 and thereafter extended to other areas in accordance with a phased programme. In the year 1956, the Central Government enacted the "Standards of Weights and Measures Act", prescribing the metric units of Weights and Measures for the whole of India, and the State passed their own enactments for the enforcement of metric system. In Kerala a special officer was appointed under the board of revenue for the adaptation of Metric System who was later designated as “The Controller of Weights and Measures”. Inspectors were also appointed for the enforcement of the Kerala Weights and Measures (Enforcement) Act, 1958 and the Rules made thereunder.

Parliament enacted the Standards of Weights and Measures Act, 1976 (60 of 1976) to replace the Standards of Weights and Measures Act, 1956 (89 of 1956) with a view to modernize the system of weights and measures in the

country. The Standards of Weights and Measures (Enforcement) Act, 1985 (54 of 1985) was enacted by the Parliament. This Act not only provided for the enforcement of the Standards of Weights and Measures but also to better protection to consumers by ensuring metrological accuracy in commercial transactions, industrial measurements and measurements needed for ensuring to public and human safety. Simultaneously Government of Kerala have framed the Standards of Weights and Measures (Enforcement) Rules, 1992 and this came into force with effect from 24.7.1992.

The statutory designation of the officers empowered to implement the said Act and Rules are Controller, Additional Controllers, Joint Controllers, Deputy Controllers, Assistant Controllers and Inspectors of Legal Metrology. Therefore the Director of Legal Metrology, Government of India recommended to the State Government that the department of Weights and Measures may be redesignated as Legal Metrology Department. Thus the nomenclature of the "Department of Weights and Measures" was changed as "Department of Legal Metrology" in the State of Kerala. as per G.O.(MS)No.543/93/RD dated 16.12.1993.

The object of the laws of weights and measures is to provide social justice to all, its motto being „not less not more just exact“. Following the laws of weights and measures and good trade practices help in building an honest society. All laws of weights and measures are essentially of social reforms and are of concern to one and all. Keeping in view of the rapid advancement of science and technology and future globalization it was thought imperative to extend the scope of weights and measures on one hand, improving the weighing and measuring technique and adoption of latest definitions of base units on the other. So a comprehensive law on establishment of standards of all units of measurement, inter state trade and commerce on commodities sold in the packaged form was prepared and thoughtfully passed by the Parliament in 2010.

The Legal Metrology Act, 2009 (Act 1 of 2010) came into force with effect from 1.4.2011. Subsequently Government of Kerala have framed the Kerala Legal Metrology (Enforcement) Rules, 2012 which came into force on 20.07.2012.

Transparency in official work is an important factor of every department. Being a consumer oriented department, the nature of work is broadly divided into two sections viz, enforcement work and ministerial work. Absence of a comprehensive direction regarding field work of enforcement officials may lead to procedural variations from person to person. With a clear vision to make uniform methods and procedures for the smooth functioning of this department, a committee was constituted by the Government of Kerala for the preparation of a Manual based on the Legal Metrology Act, 2009 and the Rules made thereunder. Shri.C. Venukumar (Deputy Controller, Rtd) was appointed as the consultant of the committee in which Shri. I. Ramaprasada Shetty, Deputy Controller (Chairman), Shri. B.I.Sailas, Shri. S.Sheik Shibu and Shri. S.V. Manoj Kumar (Assistant Controllers), Shri. V.L. Anilkumar (Inspector) and Shri. C. Madhu (Sr. Superintendent) were the members. Total 15 meetings were conducted under the guidance of the Controller of Legal Metrology to finalise various matters connected with manual preparation. Sincere advice and efforts from Shri. R. Ram Mohan, Deputy Controller, Shri. M.S. Mohanachandran Nair, Law Officer and other officers of this department helped us to publish this manual within the stipulated time.

My sincere thanks to Shri. B.N.Dixit, Director, Shri. Ashuthosh Agarwal, Deputy Director, Department of Legal Metrology, Government of India for their earnest and sincere effort for according sanction of the Central Government for releasing a grant of Rupees 7 lakh for preparation of this Manual.

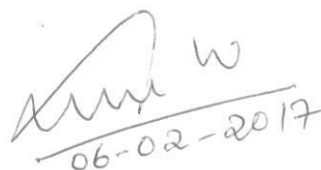
It is worth mentioning that the committee could complete the preparation of the manual with in a period of ten months. This manual is designed to be a guide to all officers and staff members of the Department of Legal Metrology, Kerala, in carrying out their duties effectively and properly. Though every effort has been made to make the manual error free, still there may be some in advertant errors crept in due to oversight and the same may be pardoned.

I hope this manual will help the enforcement officers as well as other officers of the department to get a concrete idea regarding their day to day work and will help to catalyze their efficiency in the relevant fields.

I congratulate the manual committee for their sincere efforts and significant contributions for the preparation of manual within the stipulated time.

I am grateful for the keen interest and valuable suggestions and supports from Hon<sup>ble</sup> Minister for Civil Supplies , Consumer Affairs and Legal Metrology Shri. P. Thilothaman and Special Secretary Smt. Mini Antony IAS for according approval for this Manual.

May I take this opportunity to extend my deep gratitude to all the officers and staff members of Kerala Legal Metrology Department for their valuable contributions and suggestions for the preparation of this manual.



Handwritten signature of Mohammad Iqbal IPS, dated 06-02-2017.

**Mohammad Iqbal IPS**

Controller of Legal Metrology  
Government of Kerala

Place : Thiruvananthapuram

Date : 06.02.2017

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## INTRODUCTION

In India, the need for uniform standard of Weight or Measure appears to have been well understood from the pre-historic times. The uniformity of Weight or Measure used during Indus Valley Civilization, was evidenced from the findings at Mohanjo-Daro, Harappa and other places. Information available about the Standards of Weights and Measures which were used during the period intervening between the Indus Valley Civilization and the rise of the Mauryan Empires, is meagre. “The Arthashastra” of Kautilya indicates the existence of single system of Weights and Measures during the reign of Chandragupta Maurya.

The need to attain uniformity in the Standards of Weights and Measures was all along felt in India after Mauryan period, but this objective could not be achieved until the independence of the country, although efforts in this direction were made by the Vijayanagara Kings, Shershah, Akbar and many other Rulers.

During the British period several attempts were made to attain uniformity in the Standards of Weights and Measures. In 1867, a Committee was formed for the purpose of recommending as to what steps were necessary to attain uniformity in the Standards of Weights and Measures in India. The President of the said Committee Col. Richard Strachey, strongly advocated the adoption of the Metric System, but he had to resign from the presidentship of that Committee because the other members of the Committee did not agree with his proposals. His proposals were, however, supported by the then Viceroy and consequently the Weights and Measures Act, 1870 was enacted. The Act of 1870, which had adopted metric system of Weights and Measures, was however, disallowed by the Queen, and in 1871, the Indian Weights and Measures of Capacity Act was enacted.

The Government of India Act, 1935, which came into force on the 1<sup>st</sup> day of April, 1937 empowered the Central Legislature to legislate with regards to the Standards of Weight only. In pursuance of that power, the Standards of Weight Act was enacted in 1939. That Act was brought into force on and from the 1<sup>st</sup> day of July 1942. By that Act, the Indian Weights and Measures of Capacity Act, 1871 in so far as it related to the establishment of Standards of weight, was repealed. The standards of capacity, as established by

the 1871 Act, therefore, continued in force until the enactment of the Standards of Weights and Measures Act, 1956.

In the year 1947, the Central Government had decided to adopt Metric System in India, and as a part of it, Indian Standards Institution (ISI) was established. In the year 1955, a committee was constituted under the Chairmanship of Shri. Petambar Pant to formulate rules regarding Weights and Measures. Accordingly a draft rule was framed in consonance with the guidelines of International Organisation of Legal Metrology (OIML). Later, The Standards of Weights and Measures Act, 1956 came into force with effect from 28<sup>th</sup> December 1956.

Uniform standards of Weights and Measures based on the Metric System was established in the country under the Standards of Weights and Measures Act, 1956. In order to establish the International system of units and to align the Laws of our country with international practices and to remove certain deficiencies, a comprehensive legislation namely, the Standards of Weights and Measures Act, 1976 was enacted by replacing the Standards of Weights and Measures Act, 1956. The Standards of Weights and Measures Act, 1976 contained provisions inter alia for regulation of pre-packed commodities, so as to establish fair trade practices.

Forty second Amendment of the Constitution of India, transferred the subject of „Weights and Measures except establishment of standards“ from the „State List“ to the „Concurrent List“. To ensure the uniformity in the matters of enforcement in the country, a Central Act namely, the Standards of Weights and Measures (Enforcement) Act, 1985 was brought into force. It contained provisions for effective legal control on weights, measures and weighing and measuring instruments used in commercial transaction, industrial production and in protection involving Public Health and Safety.

Most of the countries are the members of the two International organizations, which govern, regulate and control standardization of Weights and Measures, Weighing and Measuring Instruments and verification methods, namely:-

- a. The General Conference on Weights and Measures (CGPM), the body which takes policy decisions on metrological standards.

- b. The International Organization of Legal Metrology(OIML), the body which regulates metrological standards.

India being a member of both the organisations, the Central Government enacted Legal Metrology Act, 2009 for implementation of modern system of weights and measures so as to ensure uniformity, not only in the enforcement procedure but also in the scope and coverage of legal control on weights and measures. The Legal Metrology Act, 2009 (Act 1 of 2010) repealed and replaced both the Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures(Enforcement) Act, 1985.

The Ministry of Consumer Affairs, Food and Public Distribution, Government of India, is responsible for the formulation of policies for monitoring prices, availability of essential commodities, Legal Metrology, protection of consumer rights, matters relating to standardization, certification and quality in the country.

The Legal Metrology division in the Department of Consumer Affairs, is the central authority for dealing with the subjects relating to Legal Metrology. In addition to this, it guides, co-ordinates and supervises the enforcement activities of the State enforcement machinery. Since Weights and Measures is a subject in the Concurrent List, the responsibility is shared between the Centre and the States. Matters of National Policy and related functions such as, standardisation of weights and measures, technical regulations, training, precision laboratory facilities and implementation of the International Recommendations are the concern of the Central Government. The State Governments and the Union Territory Administrations are responsible for the day to day enforcement of the Legal Metrology Act, 2009 and the Rules made there under.

The Organization of Weights and Measures was established in 1958 with the object of bringing uniformity in Weights and Measures in accordance with the International Standards. The National Standards of weights and measures kept in the National Physical Laboratory are calibrated with the international prototypes. The Reference Standards kept in Regional Reference Standards Laboratories are calibrated periodically with the National Standards. Secondary Standard weights and measures of all the States and Union Territories are calibrated with the Reference Standards. The Regional

Reference Standards Laboratories are located in Bengaluru, Ahamedabad, Faridabad, Guwahati and Bhubaneswar are also the recognized laboratories to provide calibration services to the industries in their respective regions and perform tests for approval of models on weight or measure.

For carrying out the provisions of the Legal Metrology Act, 2009, the Government of India made the following Rules:

1. The Legal Metrology (Packaged Commodities) Rules, 2011
2. The Indian Institute of Legal Metrology Rules, 2011
3. The Legal Metrology (General) Rules, 2011
4. The Legal Metrology (Approval of Models) Rules, 2011
5. The Legal Metrology (Numeration) Rules, 2011.
6. The Legal Metrology(National Standards) Rules, 2011
7. The Legal Metrology (Government Approved Test Centre) Rules, 2013.

### **The Growth and Development of Legal Metrology Department in Kerala**

The Kerala Weights and Measures (Enforcement) Ordinance, 1958 ( Ordinance No. 6 of 1958) was promulgated on 25.09.1958 and came into force with effect from 1<sup>st</sup> October 1958. At the outset, implementation of metric system was under the Revenue Department . Initially it was implemented in the districts of Kollam, Ernakulam and Kozhikode on 1<sup>st</sup> October 1958 and from 1<sup>st</sup> October 1959 it was implemented in the remaining districts namely, Thiruvananthapuram, Kottayam, Alappuzha, Thrissur, Kannur and Palakkad. In Thiruvananthapuram District alone , the functions of Weights and Measures were controlled by the Controller of Weights and Measures and in other districts they were under the control of the respective District Collectors.

In 1968, the post of Controller of Weights and Measures was replaced by the Additional Secretary, Land Board as the ex- officio Controller of Weights and Measures. In 1978, a full time Controller of Weights and Measures

was appointed. In 1993, the Department of Weights and Measures was renamed as Legal Metrology Department in conformity with the international norms. Under the dynamic leadership of Sri. Mohammad Iqbal IPS, who took charge as the Controller of Legal Metrology from 18.03.2015, the department undergoes tremendous growth without leap and bounds. He has clear vision in implementing the Act and Rules in such a way that „Consumer Protection“ is the main objective of this department. To enable this he has taken lot of efforts to bring in efficiency and uniformity in the implementation of the Act and Rules, and hence proposed the preparation of Legal Metrology Manual based on Legal Metrology Act, 2009, and the Rules made thereunder, before the Government of Kerala. Government have accorded sanction for the preparation of manual and a committee was constituted, accordingly. This manual may be a milestone in the history of the Department of Legal Metrology, Kerala.

### Ex- officio Controllers

1	Shri.T.P.K.Nair	1958 - 1960
2	Shri. K. Suppa Menon IAS	1960 - 1962
3	Shri. K.S. NairIAS	1962 - 1964
4	Shri. Ramaverma Thampuran IAS (Kochappan)	1964 - 1967
5	Shri. N. Sreedharan Nair IAS	1967 - 1969
6	Smt. J. Lalithambika IAS	1970 - 1973
7	Shri. Balagangadhara Menon IAS	1973 - 1974
8	Shri. C.T. Sukumaran IAS	1974 - 1975
9	Shri. N.C. Surendran IAS	1975 - 1976
10	Shri. K.Kunjukrishna Pillai IAS	1977
11	Shri. K.H. Namboothirippad IAS	1977 - 1978

### Controllers, after the formation of the Department

1	Shri. M.T.George	06. 03.1978 to 31.12.1979
2	Shri. N.Sudhakaran	01.01.1980 to 31.03.1982
3	Shri. T.R. Joseph	01.04.1982 to 30.09.1986
4	Shri. S.A. Azeem	01.10.1986 to 28.02.1990
5	Shri. S. Ramachandran Pillai	01.03.1990 to 12.08.1991
6	Shri. B. Satheesan	02.09.1991 to 16.01.2006
7	Shri. R. Sasidharan Pillai	16.01.2006 to 13.08.2007
8	Shri.Anil X. IAS	13.08.2007 to 04.06.2009
9	Shri. E.J. Jayaraj IPS	24.12.2009 to 05.09.2011
10	Shri. P. Baburaj	05.09.2011 to 31.05.2013
11	Smt. P. Marykutty IAS	31.05.2013 to 28.02.2015
12	Shri. Mohammad Iqbal IPS	18.03.2015 - continuing



## **CHAPTER 1**

### **Definitions**

#### **1. Definition in the Manual.**

The definitions of the “expressions” and “terms” used in the Legal Metrology Act , 2009 and the Rules made thereunder are as follows and shall be construed accordingly.

- (1). “Act”. – means the Legal Metrology Act, 2009 (Act 1 of 2010)
- (2). “Rules” .- means any Rule made under the Legal Metrology Act, 2009, namely:-
  - a) The Legal Metrology (Packaged Commodities) Rules, 2011;
  - b) The Legal Metrology (General ) Rules, 2011;
  - c) The Legal Metrology (Approval of Models) Rules, 2011;
  - d) The Legal Metrology (National Standards) Rules, 2011;
  - e) The Legal Metrology (Numeration) Rules, 2011;
  - f) The Indian Institute of Legal Metrology Rules, 2011;
  - g) The Kerala Legal Metrology ( Enforcement ) Rules, 2012;
  - h) The Legal Metrology (Government Approved Test Centre) Rules, 2013.
- (3). “Licence” .- means the licence granted in the prescribed format under the respective Rules.

#### **2. The terms defined in Legal Metrology Act, 2009**

- (1) “Controller” means the Controller of Legal Metrology appointed under Section 14;
- (2) “dealer”, in relation to any weight or measure, means a person, who carries on, directly or otherwise, the business of buying, selling, supplying or distributing any such weight or measure, whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes a commission agent , an importer, a manufacturer, who sells, supplies, distributes or otherwise delivers

- any weight or measure manufactured by him to any person other than a dealer;
- (3) “Director” means the Director of Legal Metrology appointed under Section 13;
  - (4) “export” with its grammatical variations and cognate expressions, means, taking out of India to a place outside India;
  - (5) “import” with its grammatical variations and cognate expressions, means bringing into India from a place outside India;
  - (6) “label” means any written, marked, stamped, printed or graphic matter affixed to , or appearing upon any pre-packaged commodity;
  - (7) “Legal Metrology” means that part of Metrology which treats units of weightment and measurement, methods of weightment and measurement and weighing and measuring instruments, in relation to the mandatory technical and legal requirements which have the object of ensuring public guarantee from the point of view of security and accuracy of the weightments and measurements;
  - (8) “legal metrology officer” means Additional Director, Additional Controller, Joint Director, Joint Controller, Deputy Director, Deputy Controller, Assistant Director, Assistant Controller and Inspector appointed under Sections 13 and 14;
  - (9) “manufacturer” in relation to any weight or measure, means a person who,-
    - a) manufactures weight or measure,
    - b) manufactures one or more parts, and acquires other parts, of such weight or measure and, after assembling those parts, claims the end-product to be a weight or measure manufactured by himself or itself, as the case may be,
    - c) does not manufacture any part of such weight or measure but assembles parts thereof manufactured by others and claims the end-product to be a weight or measure manufactured by himself or itself, as the case may be,
    - d) puts, or causes to be put, his own mark on any complete weight or measure made or manufactured by any other person and claims such product to be a weight or measure made or manufactured by himself or itself, as the case may be;
  - (10) “notification” means a notification published in the Official Gazette;
  - (11) “protection” means the utilization of reading obtained from any weight or measure, for the purpose of determining any step which is required to be taken to safeguard the well-being of any human being

or animal, or to protect any commodity, vegetation or thing, whether individually or collectively;

- (12) “pre-packaged commodity” means a commodity which without the purchaser being present is placed in a package of whatever nature, whether sealed or not, so that the product contained therein has a pre-determined quantity;
- (13) “person” includes,-
  - a) a Hindu undivided family,
  - b) every department or office,
  - c) every organization established or constituted by Government,
  - d) every local authority within the territory of India,
  - e) a company, firm and association of individuals,
  - f) trust constituted under an Act,
  - g) every co-operative society, constituted under an Act,
  - h) every other society registered under the Societies Registration Act, 1860(21 of 1860);
- (14) “premises” includes -
  - a) a place where any business, industry, production or transaction is carried on by a person, whether by himself or through an agent, by whatever name called, including the person who carries on the business in such premises,
  - b) a warehouse, godown or other place where any weight or measure or other goods are stored or exhibited,
  - c) a place where any books of account or other documents pertaining to any trade or transaction are kept,
  - d) a dwelling house, if any part thereof is used for the purpose of carrying on any business, industry, production or trade,
  - e) a vehicle or vessel or any other mobile device, with the help of which any transaction or business is carried on;
- (15) “prescribed” means prescribed by rules made under this Act;
- (16) “repairer” means a person who repairs a weight or measure and includes a person who adjusts, cleans, lubricates or paints any weight or measure or renders any other service to such weight or

measure to ensure that such weight or measure conforms to the standards established by or under this Act;

- (17) “State Government” in relation to a Union territory, means the Administrator thereof;
- (18) “sale”, with its grammatical variations and cognate expressions, means transfer of property in any weight, measure or other goods by one person to another for cash or for deferred payment or for any other valuable consideration and includes a transfer of any weight, measure or other goods on the hire-purchase system or any other system of payment by instalments, but does not include a mortgage or hypothecation of, or a charge or pledge on, such weight, measure or other goods;
- (19) “seal” means a device or process by which a stamp is made, and includes any wire or other accessory which is used for ensuring the integrity of any stamp;
- (20) “stamp” means a mark, made by impressing, casting, engraving, etching, branding, affixing pre-stressed paper seal or any other process in relation to, any weight or measure with a view to -
  - (a) certifying that such weight or measure conforms to the standard specified by or under this Act, or
  - (b) indicating that any mark which was previously made thereon certifying that such weight or measure conforms to the standards specified by or under this Act, has been obliterated;
- (21) “transaction” means,-
  - (a) any contract, whether for sale, purchase, exchange or any other purpose, or
  - (b) any assessment of royalty, toll, duty or other dues, or
  - (c) the assessment of any work done, wages due or services rendered;
- (22) “verification”, with its grammatical variations and cognate expressions, includes, in relation to any weight or measure, the process of comparing, checking, testing or adjusting such weight or measure with a view to ensuring that such weight or measure conforms to the standards established by or under this Act and also includes re-verification and calibration;
- (23) “weight or measure” means a weight or measure specified by or under this Act and includes a weighing or measuring instrument.

### **3. The terms defined in the Legal Metrology (Packaged Commodities) Rules, 2011.**

- (1) “Act” means the Legal Metrology Act, 2009 (1 of 2010);
- (2) “dealer”, in relation to any commodity in packaged form, means a person who, or a firm which carries on directly or otherwise, the business of buying, selling, supplying or distributing any such commodity whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes a commission agent who carries on such business on behalf of any principal, but does not include a manufacturer who manufactures any commodity which is sold or distributed in a packaged form except where such commodity is sold by such manufacturer to any other person other than a dealer;
- (3) “ industrial consumer ” means the consumer who buys packaged commodities directly from the manufacturer or from an importer or from wholesale dealer for use by that industry and the packages shall have declaration „not for retail sale“.
- (4) “institutional consumer” means the institution who hires or avails of the facilities or services in connection with transport, hotel, hospital or other organization which buy packaged commodities directly from the manufacturer or from an importer or from wholesale dealer for use by that institution, and the package shall have declaration „not for retail sale“;
- (5) “lot” means –
  - 1) in the case of packages which have been stored, the total number of such packages stored; and
  - 2) in the case of packages which are on or at the end of the packing line, the maximum hourly output of packages;
- (6) “manufacturer”, in relation to any commodity in packaged form, means a person who, or a firm which produces, makes or manufactures such commodity and includes a person or firm which puts, or causes to be put, any mark on any packaged commodity, not produced, made or manufactured by him or it, and the mark claims the commodity in the package to be a commodity produced, made or manufactured by such person or firm, as the case may be;
- (7) “ maximum permissible error”, in relation to the quantity contained in an individual package, means an error in deficiency which, subject to

the provision of these rules, does not exceed the limits specified in the First Schedule;

- (8) “net quantity”, in relation to commodity contained in a package, means the quantity by weight, measure or number of such commodity contained in that package, excluding the packaging or wrappers;
- (9) “packer” means a person who, or a firm which pre-packs any commodity, whether in any bottle, tin, wrapper or otherwise, in units suitable for sale, whether wholesale or retail;
- (10) “principal display panel”, in relation to a package, means the total surface area of the package where the information required under these rules are to be given in the following manner, namely:-
  - a) all the information could be grouped together and given at one place; or
  - b) the pre-printed information could be grouped together and given in one place and on-line information grouped together in other place;
- (11) “quantity”, in relation to commodity contained in a package, means the quantity by weight, measure or number of such commodity contained in that package;
- (12) “retail dealer”, in relation to any commodity in packaged form means a dealer who directly sells such packages to the consumer and includes, in relation to packages as are sold directly to the consumer, a wholesale dealer who makes such direct sale to the consumer;
- (13) “retail package” means the packages which are intended for retail sale to the ultimate consumer for the purpose of consumption of the commodity contained therein and includes the imported packages:

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

- (14) “retail sale”, in relation to a commodity, means the sale, distribution or delivery of such commodity through retail sales shops, agencies or other instrumentalities for consumption by an individual or a group of individuals or any other consumer;
- (15) “retail sale price” means the maximum price at which the commodity in packaged form may be sold to the ultimate consumer and the price shall be printed on the package in the manner given below:-

„Maximum or Max. retail price Rs...../” inclusive of all taxes or in the form „MRP” Rs...../” incl., of all taxes after taking into

account the fraction of less than fifty paise to be rounded-off to the preceding rupee and fraction of above 50 paise and up to 95 paise to the rounded-off to fifty paise;

- (16) “section” means a section of the Act;
- (17) “Schedule” means a Schedule appended to these rules;
- (18) “standard package” means a package containing the specified quantity of a commodity;
- (19) “wholesale dealer”, in relation to any commodity in packaged form means a dealer who does not directly sell such commodity to any consumer but distributes or sells such commodity through one or more intermediaries;
- (20) “wholesale package”, means a package containing-
  - (a) a number of retail packages, where such first-mentioned package is intended for sale, distribution or delivery to an intermediary and is not intended for sale direct to a single consumer; or
  - (b) a commodity sold to an intermediary in bulk to enable such intermediary to sell, distribute or deliver such commodity to the consumer in smaller quantities; or
  - (c) packages containing ten or more than ten retail packages provided that the retail packages are labelled as required under the rules;

#### **4. The terms defined in the Legal Metrology (Approval of Models) Rules, 2011**

- (1) “Model” means the final physical representation of a weight or measure in which all the components imparting to it the necessary metrological and technical characteristics and qualities as provided in the Act and the rules made thereunder are suitably assembled so that subject to prescribed tolerances, every weight or measure produced in accordance with such model may be similar as regards dimensions, constructions, material performance and other metrological and technical characteristics;
- (2) “Principal Officer” means the officer who is in charge of the laboratory.

**5. The terms defined in the Legal Metrology (National Standards) Rules, 2011.**

- (1) “co-efficient” means those parameters without physical dimension or ratios of quantities of the same kind, which are necessary for particular measurements or for characterising properties of substances of mixtures of certain substances;

*Illustration* : Degree of alcoholic strength, percentage of Sugar and hardness of materials, are examples of co- efficient ;

- (2) “derived units” means units, expressed algebraically in terms of base units, or in terms of base and supplementary units of weights or measures, by means of mathematical symbols of multiplication or division, or both.

*Explanation 1* : Derived units having special names and symbols (such as „Newton“, with symbol „N“) may, by themselves, be used to express other derived units in a simpler way than in terms of the base units of weights and measures.

*Explanation 2* : The values of dimensionless quantities (such as, refractive index, specific gravity, relative permeability or relative permittivity) are expressed by numbers. In such cases the corresponding unit shall be the ratio of the relevant two units and may be expressed by a number;

- (3) “ General Conference on Weights and Measures” means the Conference General *des Poids et Mesures* established under the Metre Convention to which India acceded in 1957;
- (4) “ International Bureau of Weights and Measures” means the Bureau International *des Poids et Mesures* established under the Convention *du Metre*, at Sevres in France;
- (5) “International Organisation of Legal Metrology” means the Organisation *Internationale de Metrolgie Legale* established under the Convention *Instituant Une Organisation Internationale de Metrologie Legale* in 1955 to which India acceded in 1956;
- (6) “international prototype of the kilogram” means the prototype sanctioned by the First General Conference on Weights and Measures held in Paris in 1989, and deposited at the International Bureau of Weights and Measures;
- (7) “International System of Units” of weights and measures means“ Le System International d „Units“, with the international abbreviation



„SI“, established by the General Conference on Weights and Measures;

*Explanation:* „SI“ is divided into three classes of units, namely:-

- a. base units;
  - b. derived units; and
  - c. supplementary units;
- (8) “permitted units” means the units which though not part of the SI, are recognized and permitted by the General Conference on Weights and Measures for general use along with SI Units;
- (9) “physical constants” means those constants which express the value of physical invariant in a given system of units and these constants include-
- a. those which correlate two or more physical quantities to express a physical phenomenon in quantitative terms independent of any material properties; for example, gravitational constant, velocity of light etc.
  - b. those which correlate the microscopic properties of elementary particles ( atoms, molecules etc.) to the corresponding microscopic properties; for example; Avogadro constant, Faraday constant etc.
  - c. those conversion factors used to express the same parameter in terms of independently defined units; for example, the conversion factor relating the astronomical unit of parsec to the metre and atomic mass unit to kilogram.
  - d. those which describe the material properties of pure substances, for example, thermal conductivity, specific resistance, etc;
- (10) “SI prefix” means the name and symbol of a prefix used for forming decimal multiples and sub-multiples of SI units, and of such other units as are permitted subject to any exception or modification by the General Conference on Weights and Measures or the International Organization of Legal Metrology, or both, to be used along with the SI units;
- (11) “special units” means units, outside, the SI which are ordinarily used in specialized fields of scientific research and the values of those units expressed in SI units can only be obtained by experiment, and are, therefore, not known exactly.

*Explanation:* The value of electron volt(the unit of energy) depends upon the experimentally determined value of the charge of an electron;

- (12) “supplementary units” means the units of weight or measure which have been specified as such by the General Conference on Weights and Measures.

*Explanation:* supplementary units may be used to form derived units;

- (13) “symbol” means a letter or a group of letters written or combined in the specified manner for the convenient representation of a unit or a group of units;
- (14) “temporarily accepted units” means the units of weight or measure which have been recognized for the time being by the General Conference of Weights and Measures for use along with SI units.

**6. The terms defined in the Kerala Legal Metrology (Enforcement) Rules, 2012**

- (1) “Government ” means the Government of Kerala;
- (2) “Reference Standards Laboratory” means a laboratory set up by the Central Government under the Act, where Reference Standards, Secondary Standards and Working Standards are maintained;

**7. Definitions under The Legal Metrology (Government Approved Test Centre) Rules, 2013**

- (1) “Government Approved Test Centre” means a person who has been approved by the Central Government to undertake verification of weight or measure specified in these rules.
- (2) “Principal Officer” means the officer who is In- charge of Government Approved Test Centre;

## **CHAPTER 2**

### **ORGANISATIONAL STRUCTURE**

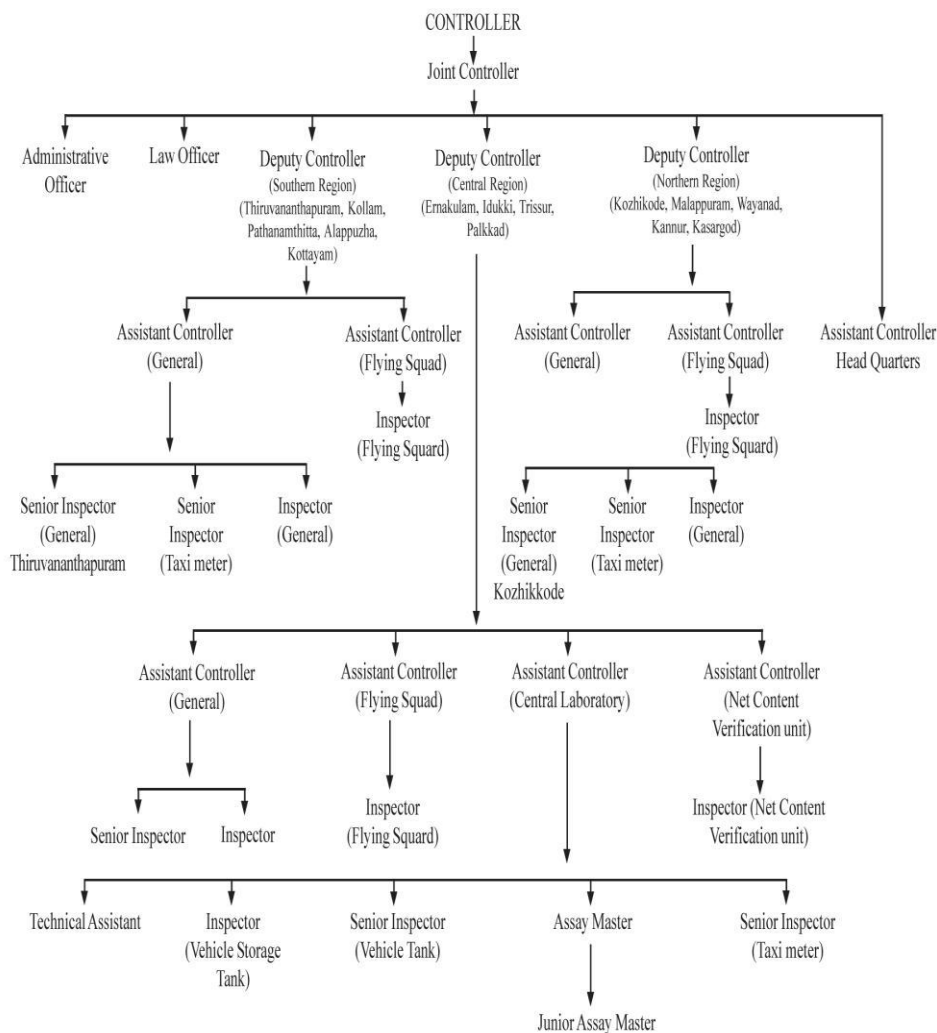
The Legal Metrology Department is a State Level Organisation. The Controller is the Head of the Department. Joint Controller, Deputy Controllers, Assistant Controllers, Senior Inspectors and Inspectors are under his administrative control. Every Legal Metrology Officer and other employees shall exercise and discharge the duties under the general superintendence, direction and control of the Controller.

The Joint Controller shall have jurisdiction throughout the State. For administrative convenience the department has been functioning as three regions namely, Southern Region comprising Thiruvananthapuram, Kollam, Pathanamthitta, Alappuzha and Kottayam districts, Central Region comprising Ernakulam, Idukki, Thrissur and Palakkad districts and Northern Region comprising Kozhikkode, Malappuram, Wayanad, Kannur and Kasaragod districts. The Deputy Controller is the head of each region.

In every revenue district one Assistant Controller (General) and one Assistant Controller (Flying Squad) shall have jurisdiction of the district. There is an Inspector under the Assistant Controller (flying Squad). The Assistant Controller (Central Laboratory) and the Assistant Controller (Net Content Verification Unit) posted at Ernakulam shall have jurisdiction all over the State. Assistant Controller (Central Laboratory) is the head of the Secondary Standards Laboratory. Senior Inspector (Vehicle Tank), Senior Inspector (Taxi Meter) and Inspectors (Vertical Storage Tank) come under the office of the Central Laboratory. Assay master and Junior Assay master shall perform their duties relating to assaying and testing of gold under the control of the Assistant Controller (Central Laboratory).

Generally, in each taluk there is an office of the Inspector which comes under the administrative control of the Assistant Controller (General). Office of the Senior Inspector functions in the District head quarters along with the office of the Assistant Controller. Office of the Senior Inspector (Taxi meter) functions at Thiruvananthapuram, Ernakulam and Kozhikkode for the verification of Taxi Meters.

## 9. Diagrammatic Representation of the Organisation



10. The total strength of staff members of Legal Metrology Department is 571 and the staff pattern is as follows.

**A. Enforcement wing**

1	Controller (appointment from All India Service or by promotion from feeder category)	: 1 post
2	Joint Controller	1 Number
3	Deputy Controller	3 Numbers
4	Assistant controller (Head Quarters) Central Laboratory) (Net Content Verificaion unit) (General) (Flying Squad)	31 Numbers
5	Senior Inspector Vehicle Tank TaxiMeter (Thiruvananthapuram, Ernakulam and Kozhikkode) District Headquarters	18 Numbers
6	Inspector	86 Numbers
7	Assay Master	1 Number
8	Junior Assay Master	1 Number
9	Technical Assistant	1 Number
10	Inspecting Assistant	115 Numbers

**B. Administrative Wing :**

1	Administrative Officer	1 Number
2	Law Officer	1 Number
3	Senior Superintendent	1 Number
4	Junior Superintendent	2 Numbers
5	Head Clerk	3 Numbers
6	Senior Clerk	28 Numbers
7	Clerk	15 Numbers
8	Clerk Typist	14 Numbers
9	Confidential Assistant	1 Number
10	Typist	3 Numbers
11	Attender (Records)	1 Number
12	Office Attendant	86 Numbers
13	Full Time Watcher	57 Numbers
14	Watcher cum Sweeper	6 Numbers
15	Part Time Sweeper	94 Numbers

## CHAPTER 3

### POWERS, FUNCTIONS AND DUTIES OF OFFICERS IN THE LEGAL METROLOGY DEPARTMENT

**11. Controller.-** The Controller shall exercise such powers and discharge such functions as specified in the Act. The Controller shall also exercise the powers delegated by the Director of Legal Metrology. He shall :

- (1) exercise the powers of Director delegated to him under sub section (7) of section 13 of the Act, subject to sub-section (8) of the said section
- (2) implement the provisions of the Act and Rules, in the State
- (3) (a) Grant licences to manufacturers, repairers and dealers of weight or measure  
(b) Suspend and cancel licences in necessary cases.
- (4) hear appeals filed under section 50 and to take appropriate decisions in the manner as provided in sub-section (3) of section 50 or send back the case with such directions as he may think fit.
- (5) provide secondary and working standard weights, measures, balances and such other equipments to the Legal Metrology Officers concerned, as per the Kerala Legal Metrology (Enforcement) Rules, 2012.
- (6) compound offences and delegate the powers of compounding to the subordinate officers, under the Act and Rules.
- (7) delegate powers, except the power of hearing of appeal under Section 50(d) to any Legal Metrology Officer.
- (8) be the Reporting Officer of Annual Confidential Report (ACR) of Joint Controller and the reviewing officer of the ACR of the Deputy Controller.
- (9) exercise the powers and duties as directed by the State Government from time to time

**12. Joint Controller .-** He shall ;

- (1) exercise the powers conferred on him by the Act and the powers delegated by the Controller of Legal Metrology under sub section 7 of section 13 of the Act, subject to sub section 8 of the said section of the Act within the local limits of his jurisdiction.





- (2) assist the Controller in all matters of administration and supervision.
- (3) supervise the work of all Legal Metrology Officers and give directions to them from time to time.
- (4) assist the Controller in appeals filed under Section 50 of the Act, if needed.
- (5) supervise and control the staff members of Head Quarters.
- (6) seek orders from the Controller in the matter of inspection of field officers and carry out inspections as per the directives of the Controller.
- (7) review the work of Assistant Controllers periodically.
- (8) conduct annual inspections of Office of the Deputy Controller and that of Assistant Controller.
- (9) make arrangement to conduct training programme for all officers of the Department.
- (10) prepare and forward Annual Confidential Report of Deputy Controllers, and the review the ACR of Assistant Controllers.
- (11) discharge any other duties and functions assigned or directed by the Controller.

**13. Deputy Controller .-** He shall ;

- (1) exercise the powers conferred on him by the Act subject to the limitations as provided in sub-section 3 of section 14 and delegated powers of the Controller under sub-section (7) of section 13 of the Act, subject to sub-section (8) of the said section of the Act, within his local limit.
- (2) verify and approve annual verification programme of Assistant Controllers and other Legal Metrology Officers.
- (3) carry out office inspections of subordinate offices within the local limits of his jurisdiction
- (4) exercise the power of compounding of offences under the Act and Rules as authorised by the Controller.
- (5) organise consumer awareness programmes in the regional level.
- (6) review the work of Assistant controllers and Inspectors periodically.

- (7) conduct his annual inspection of Inspector offices under jurisdiction.
- (8) perform as the implementing officer towards Land acquisition for departmental purpose.
- (9) discharge any other duties and functions assigned or directed by the Controller or the Joint Controller.

In addition to the above, the Deputy Controller, Central Region, shall control the functions of Gold Assaying and Testing Laboratory (GATL) and matters relating to Accreditation by the National Accreditation Board for Testing and Calibration Laboratories (NABL) and National Accreditation Board for Testing related matters .

**14. Assistant Controller (Head Quarters).- He shall ;**

- (1) assist the Controller and Joint Controller in the matters related to office administration, pertaining to technical matters.
- (2) assist the Controller to redress complaints.
- (3) assist the Controller to conduct various inspections.
- (4) Monitor inspection reports of the Legal Metrology Officers.
- (5) prepare programmes for conducting various campaigns subject to the approval of Controller.
- (6) assist the controller in carrying out the registration of packers, importers and manufacturers.
- (7) perform duty as State Public Information Officer in the office of the Controller.
- (8) assist the Controller in providing seals, dies and punches to Legal Metrology Officers.
- (9) discharge any other duties and functions assigned or directed by Controller or Joint Controller.

**15. Assistant Controller (Central Lab).- He shall;**

- (1) be the custodian of Secondary Standards in the State
- (2) maintain Secondary Standards Laboratory
- (3) verify and issue certificates of working standards of Legal Metrology Offices and check measures used by Assistant controllers.

- (4) be responsible for periodical verification and certification of Secondary Standards with Regional Reference Standards Laboratory or National Physical Laboratory
- (5) conduct proper training on maintenance of Working Standards.
- (6) conduct frequent inspections in the working standard laboratories of Legal Metrology Offices
- (7) Discharge any other duties and functions assigned or directed by the Controller, Joint Controller or Deputy Controller.

**16. Assistant Controller (General).- He shall ;**

- (1) exercise the powers conferred on him by the Act or Rules and powers delegated by the Controller.
- (2) supervise the office work of Inspectors within his jurisdiction.
- (3) supervise the work of verification and stamping of the Legal Metrology Officers within his jurisdiction
- (4) conduct surprise inspection at Legal Metrology Offices as well as verification camps, within his jurisdiction.
- (5) Organise special inspection and submit report to the Deputy Controller concerned.
- (6) conduct monthly reviews of the work of Inspectors and submit report to the Deputy Controller.
- (7) organize classes and consumer awareness programme for the public, Non Governmental Organisations, Resident"s Associations and such other organisations.
- (8) discharge any other duties and functions assigned or directed by the Controller, Joint Controller or Deputy Controller.

**17. Assistant Controller (Flying Squad).- He shall;**

- (1) exercise the powers conferred on him by the Act and Rules and the powers delegated by the Controller within the local limits of his jurisdiction.
- (2) conduct surprise inspections at trade, transaction premises with in his jurisdiction.
- (3) carry out inspections of premises on complaints or otherwise in the manner and for the purpose as provided in the relevant sections of the Act.

- (4) receive the application on receipt of prescribed fees for granting licence for manufacturer, dealer and repairer of weights and measures, verify the documents, process and forward the same to the Controller through proper channel.
- (5) renew the licences of manufacturer, dealer, repairer of weights and measures, in accordance with the relevant Rules .
- (6) receive application along with necessary documents for granting registration as packer, manufacturer, importer and forward the same to the Controller through proper channel
- (7) carry out inspections at the premises of Manufacturer , Dealer and Repairer.
- (8) carry out calibration or verification works as assigned by the Controller
- (9) discharge any other duties and functions assigned or directed by Controller, Joint Controller or Deputy Controller.

**18. Assistant Controller (Net Content Verification Unit) He shall:**

- (1) enforce discipline in the field of packaged commodities including net quantity compliance.
- (2) conduct inspection of the net quantity in packages at the premises of manufacturer or packer
- (3) carry out effective prosecution steps against offenders committing violations under the Act.
- (4) discharge any other duties and functions assigned or directed by Controller, Joint Controller or Deputy Controller.

**19. Senior Inspector (General) .- He shall;**

- (1) exercise the powers conferred on him by the Act subject to the limitations as provided in sub section 3 of section 14 and powers delegated to him by the Controller under sub section(7)of section 13 of the Act, subject to sub-section(8) of said section of the Act within the local limits of his jurisdiction.
- (2) receive and deposit prescribed fees as provided under the Act, Kerala Legal Metrology (Enforcement) Rules, 2012 or any Rules made there under.
- (3) search and inspect the premises within his jurisdiction for implementing various provisions of the Legal Metrology Act and Rules made thereunder as and when required.

- (4) assist the Assistant Controller in administration of district office
- (5) function as a team leader in conducting inspections under the guidance of Assistant Controller or any other Superior Officer
- (6) book offences and take appropriate action as per the provisions of the Act and Rules
- (7) issue show cause notice to the accused, receive the compounding fee as per the section of Act or Rules made there under subject to ratification by the officer concerned.
- (8) file cases in the Court of Law within the period of limitation .
- (9) be in charge of Working Standards Laboratories
- (10) deal with seized goods strictly in the manner as provided in the relevant Rules.
- (11) inspect every licensee's premises within his jurisdiction periodically.
- (12) submit various reports regularly to the higher authority.
- (13) adjust Weight or Measure as provided under the Act.
- (14) keep Departmental stamps, dies and pliers in safe custody.
- (15) be in charge of maintenance of Cash Book and other office records
- (16) discharge any other duties and functions assigned by Controller, Joint Controller, Deputy Controller or Assistant Controller.

**20. Senior Inspector (Taxi meter).- He shall;**

- (1) Conduct the verification and stamping of the Taxi meters
- (2) conduct frequent surprise inspections and detect the violations and take legal action against the offenders in accordance with the Act or Rules
- (3) effectively conduct prosecution cases in the court.
- (4) discharge all other general and official duties and responsibilities of the Inspector, Senior Inspector of Legal Metrology.
- (5) discharge any other duties and functions assigned or directed by Controller, Joint Controller, Deputy Controller or Assistant Controller

## **21. Senior Inspector ( Vehicle Tank):-**

In addition to duties and functions of the Senior Inspector (General), he shall;

- (1) conduct verification and stamping of vehicle tanks.
- (2) conduct frequent surprise inspections and detect the violations and take legal action against the offenders in accordance with the Act or Rules.
- (3) effectively conduct prosecution cases in the Court.
- (4) discharge any other duties and functions assigned or directed by Controller, Joint Controller, Deputy Controller or Assistant Controller

## **22. Inspector .- He shall;**

- (1) exercise the powers conferred on him by the Act subject to the limitations as provided in sub section 3 of section 14 and powers delegated to him by the Controller under sub section(7)of section 13 of the Act, subject to sub-section(8) of said section of the Act within his local limit of his jurisdiction.
- (2) receive and deposit prescribed as provided in under the Act Kerala Legal Metrology (Enforcement) Rules, 2012 or any Rules made there under
- (3) search and inspect the premises within his jurisdiction for implementing various provisions of the Legal Metrology Act and Rules made thereunder as and when required.
- (4) book offences and take appropriate action as per the provisions of the Act and Rules
- (5) issue show cause notice to the accused, receive the compounding fee as per the section of Act or Rules made there under subject to ratification by the officer concerned.
- (6) file cases in the Court of Law within the period of limitation .
- (7) be in charge of Working Standards Laboratories
- (8) deal with seized goods strictly in the manner as provided in the relevant Rules.
- (9) inspect every licensee's premises within his jurisdiction periodically.
- (10) submit various reports regularly to the higher authority.
- (11) adjust weight or measure as provided under the Act.

- (12) keep Departmental stamps, dies and pliers in safe custody.
- (13) be in charge of maintenance of Cash Book and other office records
- (14) discharge any other duties and functions assigned by Controller, Joint Controller, Deputy Controller or Assistant Controller.

**23. Assay Master .-** He shall;

- (1) be the custodian of all equipments and materials in the Gold Assaying and Testing Laboratory including bullion samples received in the laboratory for testing.
- (2) ensure periodical calibration of all instruments used in the laboratory.
- (3) be in charge of sampling of items for testing
  - 1. Samples for XRF
  - 2. Samples for cupellation
- (4) do initial weighment of assay samples and coding of assay samples.
- (5) do final weighment of gold
- (6) prepare and issue of assay reports
- (7) be in charge of overall supervision of entire laboratory activities
- (8) be responsible for up keep and maintenance of the laboratory
- (9) discharge any other duties and functions assigned by Controller, Joint Controller, Deputy Controller or Assistant Controller (Central Lab)

**24. Junior Assay Master .-** He shall;

- (1) be in charge of custody and maintenance of laboratory records.
- (2) be in charge of stock maintenance
- (3) be in charge of cupellation of samples (Performance of Fire Assay)
- (4) assist Assay Master in the up keep and maintenance of laboratory
- (5) discharge any other duties and functions assigned by Controller, JointController, Deputy Controller or Assistant Controller (Central Lab)

**25. Technical Assistant .- He shall;**

- (1) maintain the Secondary Standards Laboratory systematically.
- (2) be responsible for the timely presentation of Secondary Standards Equipments for verification at Regional Reference Standards Laboratory Bengaluru, National Physical Laboratory New Delhi .
- (3) be in charge of preparation and submission of reports related to Secondary Standards Laboratory
- (4) maintain equipments and records of Secondary Standard and Working Standards Laboratory.
- (5) conduct timely verification and calibration of Working Standards .
- (6) Conduct periodical verification of Working Standard balances at Legal Metrology Offices.
- (7) discharge any other duties and functions assigned by Controller,  
Deputy Controller or  
Joint Controller, Assistant  
Controller(Central Lab)

**26. Inspecting Assistant .- He shall;**

- (1) keep and update Census Register
- (2) compile data of verified weight or measure and make the necessary entries in the stamping fee register and get it approved by the higher officer concerned.
- (3) assist the Legal Metrology Officer for inspection, camp shifting, camp work, verification work and take care of departmental equipments and tools.
- (4) verify the documents and number of articles presented by trader or repairer and prepare verification certificate and to submit the same to higher officer for authentication.
- (5) assist the Legal Metrology Officer in work relating to verification.
- (6) maintain the detailed register of the users of weight or measure.
- (7) maintain the Working Standards Laboratory and stamping equipments in neat and clean condition.
- (8) assist the Legal Metrology Officer to maintain the office records properly.
- (9) Assist the Legal Metrology Officer in prosecution cases.





- (10) prepare Register of defaulters and Register of cases in the prescribed proforma.
- (11) be responsible for the remittance of cash in the treasury as directed by the Legal Metrology Officer.
- (12) discharge any other duties and functions assigned or directed by Controlling Officers for authentication.

## **CHAPTER 4**

### **PROCEDURE FOR INSPECTION, SEARCH AND SEIZURE**

#### **27. Inspection .-**

(1) Department of Legal Metrology regularly conducts inspections. Special inspections are conducted during festival seasons like Onam, Christmas and Ramzan. Apart from these inspections, special drives and surprise inspections are conducted by the department throughout the State and are monitored directly by the Controller. Under Section 15 of the Act, the Legal Metrology Officer may, if he has any reason to believe, whether from any information given to him by any person and taken down in writing or from personal knowledge or otherwise, that any weight or measure or other goods in relation to which any trade and commerce has taken place or is intended to take place and in respect of which an offence punishable under the Act appears to have been, or is likely to be, committed are either kept or concealed in any premises or are in the course of transportation,-

- a) enter at any reasonable time into any such premises and search for and inspect any weight, measure or other goods in relation to which trade and commerce has taken place, or is intended to take place and any record, register or other document relating thereto;
- b) seize any weight, measure or other goods and any record, register or other document or article which he has reason to believe may furnish evidence indicating that an offence punishable under the Act has been, or is likely to be, committed in the course of, or in relation to, any trade and commerce.

6      The term “inspection” includes the process of entering a premise and examining, a weight or measure, package, document or any article or thing relating thereto. In the event of a person obstructing the entry of the Legal Metrology Officer into any premises or obstructing him from inspecting or making any seizure of any weight or measure, package, document or any article

or thing relating thereto, the Legal Metrology Officer is empowered to register a case against such person under section 40 of the Act.

Further, in such cases the Legal Metrology Officer can seek the help of the police by sending a letter of requisition to the police station having jurisdiction. Apart from this if the Legal Metrology Officer anticipates any such obstruction he shall seek the assistance of police in advance. If any obstruction occurs in any village where there is no police station located nearby, the Legal Metrology Officer shall seek the assistance of the village officer concerned.

## **7 The purpose of inspection shall be as follows.-**

examination of Weight or Measure to see whether it conforms to the specifications as laid down in the Legal Metrology (General) Rules, 2011.

to ensure the exhibition of Certificate of Verification

to ensure the production of any document or other record relating to the Weight or Measure or other goods.

to obliterate the stamp on any Weight or Measure wherever necessary.

to find out omissions or errors in respect of declarations required to be made on packages.

to check whether packaged commodities are sold at a price exceeding the retail sale price there of.

to check whether sale price on the package was altered or smudged.

to verify the net content of packages.

to ensure correct delivery of goods.

to ensure whether the entry of weight or measure in every transaction is in accordance with the provisions of the Act / Rules.

to ensure that the transactions are made in terms of standard units of weight, measure or numeration.

to ensure registration of manufacturers, packers and importers as per Legal Metrology (Packaged commodities) Rules, 2011 .

to ensure that no weight or measure is manufactured, repaired or sold without a valid licence.

to ensure that no unstamped weight or measure is sold.

to ensure the maintenance of prescribed records and registers by the manufacturers, repairers and dealers.

- 8 To ensure that the user is in possession of duly verified weight or measure.
- 9 To ensure that non standard weights, measures are not manufactured or sold except with the permission of the Central Government.
- 10 To ensure the prevention of counterfeiting or tampering of seals or stamp.
- 11 To check the sale or delivery of commodities by non standard weight or measure.
- 12 To prevent the tampering of licence .
- 13 To prevent the sale of rejected weight or measure .
- 14 To prevent the practice of demanding or receiving any quantity of articles or things or services in excess of or less than the quantity contracted for or paid for by weight, measure or number.
- 15 To prevent the sale of prepackaged commodities wherein the declarations mentioned are altered, obliterated or smudged

## **29. How to conduct inspection.-**

- 16 The Legal Metrology Officer may enter any premises as envisaged under section.15 of the Act. Further, under the aforesaid section, it is clearly mentioned that inspections shall be conducted at any reasonable time.

*Explanations .-The reasonable time means , the normal business hours for all practical purposes it may vary from trade to trade.*

- 17 Before proceeding for inspection, the legal metrology officer shall make sure that he has in possession the following items :

Identification Card

Seizure Receipt Book

Forms prescribed under the Act /Rules.

Small and suitable slips of white paper to be affixed on the seized articles.

- 18 White papers.
- 19 Carbon Papers
- 20 Ball point pen
- 21 Copying pencil

- 22 Sufficient number of test weights and measures
- 23 Gum
- 24 Magnifying Glass
- Self-inking pad and seal
- Packing paper and twine

The inspection team may enter the premises and inform their identity and the purpose of inspection to the owner or other responsible person present there. If the owner or other responsible persons are not present, inform the shop-in-charge to convey the message of inspection to the persons concerned .

- 25 Details of the firm and persons responsible for the conduct of business shall be initially collected.
- 26 The Legal Metrology Officer shall identify the commission if any, of the violation of the provisions of the Act and Rules made thereunder.
- 27 During inspection the Legal metrology Officer and members of the team shall avoid unnecessary and altercative talks with the offenders or other persons.
- 28 The Legal Metrology Officer shall also ensure that he and his members wear proper and prescribed uniforms subject to the special sanctions to the contrary issued by the Controller.

### **30. Special Squad Inspection .-**

- 29 Special Squad is constituted district wise. That is, in each district, generally two squads are formed. One is headed by the Assistant Controller (General) and the other by the Assistant Controller (Flying Squad). All the available Enforcement Officers and supporting staff members are deployed suitably between these two squads. The progress of inspection is monitored by the respective Deputy Controller and the consolidated report shall be submitted to the Controller or the Joint Controller immediately after the conclusion of inspection. The Special Squad may focus their inspection to specific areas which are decided and intimated by the Controller or any other officer authorised by him . The

area of inspection is informed only to the squad leader and it may be done half an hour before the inspection.

- 30 The following fields may be considered for State wide inspection by Special surprise Squad. (The list is only exhaustive.) illustrative and not
- 31 Super markets, margin free shops, shopping malls
  - 32 Sale of fish, meat, chicken, vegetable etc.
  - 33 Street traders, vendors having no permanent shops or identity
  - 34 Fuel dispensers.
  - 35 Duty paid, imported product shops.
  - 36 Mobile, Computer and its accessory shops.
  - 37 Stationery shops, bunks and such small retail outlets.
  - 38 Auto Rickshaws and Vehicle Tanks
  - 39 Sales outlets and Service centers of Automobiles .
  - 40 Firms not taking registration as manufacturer, Packer and Importer.
  - 41 Premises of licensed Manufacturers, Dealers, Repairers .
  - 42 Wholesale and retail outlets of hardware, cement, paint, iron rods, sheets, tiles, marbles, granites etc.
  - 43 Wholesale or retail dealers of fruits, vegetables, dry fruits and nuts etc.
  - 44 Wholesale and retail dealers of textile goods.
  - 45 Wholesale and retail outlets of Furniture.
  - 46 Authorised wholesale dealer, Kerosine wholesale dealer, Authorised Ration Dealers
  - 47 Godowns and warehouses for storing food products .
  - 48 Weigh bridges .
  - 49 Small scale and large scale industrial units and factories
  - 50 Net Content verification on manufacturer or packer premises.
  - 51 Footwear, umbrella, leather bags such other items

- 52 Hotels, Bars, Restaurants, Ice cream parlour, Coffee shop
- 53 Soft drinks, Mineral or drinking water, Aerated products including their manufacturing units.
- 54 Liquor and other beverage outlets, canteens.
- 55 Airport, Railway Station, Bus Stand and such other places having retail outlets.
- 56 Offices or other institutions like Post Offices, Anganwadis, Banks, Financial Institutions, Hospitals.
- (aa) Gold, Silver and other bullion shops
- (ab) Inspection on road sides by checking vehicles carrying products to wholesale or retail dealers.
- (ac) Packages and perishable goods transported in vehicles or carriers, checking the accuracy of weighing done by other agencies or weighbridges .
- (ad) Wholesale and retail automobile shops, workshops .
- (ae) Agricultural products, insecticides their manufacturing units and retail shops.
- (af) Homoeopathic , Ayurvedic and all other medicines subject to exemption under Rule 26 Legal of the Metrology (Packaged Commodities) Rules, 2011 surgical products and their outlets.
- (ag) Sweets, bakery, fast food and ice- cream manufacturing units and retail outlets.
- (ah) Outlets of spirituous products.
- (ai) Wholesale and retail outlets of explosive goods and crackers
- (aj) LPG and allied products, its manufacturing units and retail outlets.
- (ak) Electrical, plumbing, sanitary goods and its wholesale and retail outlets.
- (al) Carrier, cargo and courier services
- (am) All types of other manufacturing, wholesale and retail premises.

The report of inspection in each district may be given to the  
of Information and Relations as well the  
Department Public as media.

When the Legal Metrology Officer is not in a position to adduce the required evidence through an inspection he may try to collect the same by way of „search“ in the event of which the same shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to search and seizure.

The power of seizure is vested with the Legal Metrology Officer under section 15 of the Act, Under this section Legal Metrology Officer may seize and detain any weight or measure in relation to which an offence punishable under the Act is being or appears to have been, or is likely to be, committed. He may also detain any goods sold or delivered or cause to be sold or delivered by weight or measure. Inspection, search and seizure including that of packaged commodities shall also be done under the provision of section 15 of the Act.

If the Legal Metrology Officer seizes any article from any person, proper receipt of seizure shall be given to the person from whom the article is seized. All the articles seized shall thereafter be sealed in presence of all witnesses present at the time of inspection. The Legal Metrology Officer, the person concerned and witnesses shall affix their signature wherever necessary. After the seizure, a report shall be given to the competent Court forthwith. A detailed mahazar shall also be prepared during the course of inspection which reflects the spot description and the situation of detection of offence. If the trader or his agent does not co-operate during inspection, or not sign the mahazar or seizure receipt, it shall be recorded in the mahazar and the seizure receipt. If before the commencement or during the course of inspection, any obstruction takes place, the Legal Metrology Officer shall inform the matter immediately to the police station having jurisdiction, as well as the superior officers of the

Department. Hence, the contact numbers of police officers and superior officers shall always be kept with the team . If a case is charged for the violation of Act or Rules , the Legal Metrology Officer shall collect sufficient documents and information required for effective prosecution.



## **CHAPTER 5**

### **DETECTION, COMPOUNDING, PROSECUTION AND DISPOSAL OF CASES**

#### **32. Detection of offences.-**

Any act or omission made punishable under the provisions or the Act or the Rules made thereunder, constitutes an offence. The Legal Metrology Officer may visit, as frequently as possible every premise within the local limits of his jurisdiction to inspect and test any weight or measure which is being or is intended or likely to be used in any transaction or for protection. The Legal Metrology Officer shall as far as possible vigilantly watch whether any offence punishable under the Act and the Rules made thereunder is committed or likely to be committed within his jurisdiction.

#### **58 Procedure for charging a case .**

When an offence is detected by a Legal Metrology Officer, he shall prepare a mahazar report in presence of witnesses. The mahazar shall contain the following ingredients.( It is only illustrative and not exhaustive)

- 59 Place, date and time
- 60 Description of locale shall include the details of premises including neighbouring firms, roads, important landmarks.
- 61 The correct building number along with the year, name of the local body concerned, if available.
- 62 The name and designation of the Legal Metrology Officer who detected the offence.
- 63 Irregularities detected during the inspection, the circumstances, depositions, documents, instruments which are sufficient to prove the offence.
- 64 It shall also include entries, description, information relating to seized articles or documents, information regarding the person responsible for the conduct of business of the firm or premises.

If a seizure is made, a Legal Metrology Officer shall prepare a seizure memo in triplicate in the prescribed format and the details of the seizure shall also be incorporated in the mahazar. The signature of the witnesses shall be obtained on the mahazar. Copies of seizure memo shall be supplied under proper acknowledgement from the person whom the articles were seized.

In the case of huge and heavy or immovable articles like storage tank, weigh bridges and fuel dispensers, where the property seized by the Legal Metrology Officer is such that it cannot be conveniently transported, he may give custody thereof to any person on his executing a bond undertaking to produce the property before the court as and when required and to give effect to the further orders of the Court as to the disposal of the same . The Legal Metrology Officer shall also take such steps to ensure that the property so entrusted is further not used or enjoyed by the person concerned.

**34. Custody of the articles seized:**

The property seized shall be brought to the Legal Metrology Officer's office immediately and shall be sorted out case wise and then entered in the register of seized articles. The Legal Metrology Officer shall enter the details of seized articles in the register concerned and report the seizure to the Magistrate having jurisdiction. In case the Magistrate entrusts the Legal Metrology Officer with the safe custody of seized articles, care should be taken to ensure that articles seized are kept safe and free from tampering.

**35. Disposal of Seized articles.-** (1) Every non-standard or unverified weight or measure, and every package made in contravention of section 18, used in the course of, or in relation to, any trade and commerce and seized under section 15, shall be liable to be forfeited to the State Government:

PROVIDED that such unverified weight or measure shall not be forfeited to the State Government if the person from whom such weight or measure was seized gets the same verified and stamped within such time as may be prescribed.

65 Every weight, measure or other goods seized under section 15 but not forfeited under sub-section (1) above, shall be disposed of by such authority and in such manner as may be prescribed.

66 Where any goods seized under sub-section(3) of section 15 of the Act are subject to speedy or natural decay, the Director or any person authorised by him or Controller and other Legal Metrology Officers in this behalf shall have the goods weighed or measured on a verified weighing or measuring instrument available with him or near the place of seizure and enter the actual weight or measure of the goods in a form specified by the Controller

for this purpose and shall obtain the signature of the trader or his agent or such other person who has committed the offence. The goods in question shall, after such weighing or measuring be returned to the trader or the purchaser, as the case may be :

Provided that if the trader or his agent or any other person refuses to sign the form, the Controller or the person authorized by him in this behalf shall obtain the signature of not less than two persons present at the time of such refusal.

Where the goods seized under sub-section (1) are contained in a package and the package is false or does not conform to the provisions of the Act or any Rules made thereunder and the goods in such package are subject to speedy or natural decay, Legal Metrology Officers in this behalf, so far as may be, may dispose of the goods in such package in accordance with the provisions of the Rules

67        Where the goods seized under sub-section (1) are not subject to speedy or natural decay, the Director or any person authorized by him or Controller and other Legal Metrology Officers in this behalf may retain the package for the purpose of prosecution under the Act after giving the trader or his agent or other person, a notice of such seizure.

68        No unverified weight or measure, seized under sub-section (3) of section 15 of the Act, shall be forfeited if the person, from whom such weight or measure was seized, agrees to get the same verified and stamped within a period of ten days or such extended period from the date of such seizure ; and for this purpose, the person making the seizure of such weight or measure shall afford an opportunity by returning such weight or measure exclusively for the verification and stamping. Where the goods seized which are not to be the subject of proceedings in a court, shall after the expiry of sixty days of its seizure, be so dealt with as the Controller may direct by general or special order.

Any unverified weight or measure shall be returned to the person from whom such weight or measure was seized if that person gets the same verified and stamped, within 15 days of the return, on payment of the prescribed fee including the additional fee payable for undertaking re-verification after the expiry of the validity of the stamp, the remittance of compounding fees, verification and stamping fees including additional fees, if any. The weight or

measure which are not returned to the users due to default on their part to get them reverified and stamped, shall be disposed off by sale by the Assistant Controller concerned, on expiry of sixty days of such default and after completion of compounding proceedings if any initiated.

69 All the weights, measures or other articles which are to be the subject of proceedings in a Court, shall be produced by the Legal Metrology Officer before the court and shall after conclusion of the court proceedings, be taken possession of by the Legal Metrology Officer and dealt with in accordance with the orders of the Court. In the absence of any order of the Court, the weights, measures or other articles so produced shall be taken possession from the Court and be dealt with as stated above.

### **36. Filing of Complaints.-**

The Legal Metrology Officer after having registered the case and before filing complaint to the Court, shall follow the steps mentioned below:

- 70 Serving showcause notice to all the accused. The accused may also be directed to produce necessary documents required for prosecution.
- 71 If the accused fails to make reply to the showcause notice within the stipulated time or the reply is not satisfactory, complaint shall be filed before the competent Court.
- (3) If the case is compoundable and the accused admits the offence committed, he may be permitted to compound the offence as provided under section 48 of the Act.
- 72 The case can be compounded before or after the institution of prosecution. If the case is to be compounded after the institution of the prosecution it is advisable to seek prior sanction of the Court to that effect.

### **37. Preparation of Complaint.-**

73 The Legal Metrology Officer shall prepare the complaint with the following details:

The designation of the presiding officer of the Court before whom the complaint is filed with the place where it is situated.

The designation of the Legal Metrology Officer representing the State

- 74 Name, age and full address of the accused persons.
- 75 Statement of Offence : the involvement of all the accused in relation to the offences must be revealed. It shall be followed by place, date and time of detection of the offence. The actual offence committed shall be detailed in such a way that the violation of different provisions of the Act are clearly represented, stating the violations and the penal sections. The motive behind the offence shall also be mentioned
- 76 The list of witnesses with their address
- 77 The list of documents enclosed.
- 78 The description of the articles seized and submitted to the Court.

(2) The Legal Metrology Officer shall file the complaint before the Court having jurisdiction, along with the following :

- 79 Mahzar report
- 80 Original Seizure receipt
- 81 Statements recorded, if any
- 82 The documents seized at the time of inspection or collected subsequently

Copies of the complaint as many as the number of the accused.

List of properties submitted to the Court pertaining to the offence, in duplicate.

### **38. Conduct of Case**

(1) Immediately after filing the complaint the Legal Metrology Officer shall forward a copy of the complaint along with the records to the Assistant Public Prosecutor concerned and also give him necessary instructions.

(2) The Legal Metrology Officer shall attend the Court on all dates of hearing, except for dates leave applied.

The Legal Metrology Officer shall assist the Assistant Public Prosecutor in effectively conducting the prosecution and trial of the case.

Appear in uniform when giving evidence in Court

- 83 Salute the Court, when entering and leaving the witness box.

Be attentive, never fidget.

- 84 Be calm and dignified while giving evidence.
- 85 While giving evidence, look straight towards the Court.
- 86 Answer no question without understanding it. If the question is not clear enough to be understood, say so politely and ask the Counsel to repeat it in a simpler form.
- 87 Do not answer a question with a counter question.
- 88 If you do not remember any fact, say so at once, rather than attempt a random answer
- 89 If the questions are unnecessarily vexatious or obnoxious represent the matter to the Hon<sup>ble</sup> Court.

**39 . Procedure to be adopted for Disposal of Cases charged by mistaken facts of law not being cases filed before court of law.**

In cases charged by mistaken facts of law, the following steps may be taken for the disposal of such case.

- 90 The Legal Metrology Officer concerned shall visit the place of the accused and conduct thorough enquiry. If it is not possible to trace out the accused he can seek the help of Police or Revenue authority concerned.
  - 91 If the address of the accused is outside the jurisdiction, the Legal Metrology Officer shall seek the help of the Assistant Controller concerned.
  - 92 If the accused resides outside the State and the Controller of the State concerned may be addressed through proper channel to collect the details.
- (4 )The Legal Metrology Officer shall take efforts to find out the accused persons through the sources such as Police, Commercial Tax department, Registrar of Companies and Local Self Government Department.

- 93 The Legal Metrology Officer may also try to find out the details of the accused by making use of telephone number, mobile number etc.
- 94 Even after taking all the efforts if the accused is not traceable the matter may be reported to the Deputy Controller concerned through the Assistant Controller.
- (7) The Deputy Controller may examine the report of the Legal Metrology Officer in detail and pass an appropriate order to close the case and forward a copy of the same to the higher authorities through proper channel.
- 95 On the basis of such order by the Deputy Controller, the Legal Metrology Officer shall take further steps accordingly.

#### **40. Closing of a false case (Not being cases filed before Court of law)**

On a detailed enquiry if the seized product or article is found to be duplicate/ spurious/ that no cases could be made out, then the Legal Metrology Officer shall submit a proposal for closing the case to the Controller through proper channel. The Deputy Controller concerned may analyse the proposal and forward to the Controller with his remarks. The Controller may clearly state the reason for closing the case with the proper justification and an order may be issued to the Legal Metrology Officer concerned as well as the accused.

## **CHAPTER 6**

### **VERIFICATION AND STAMPING PROCEDURES**

#### **41. Secondary Standards**

The Assistant Controller, Central Laboratory shall make necessary arrangements for the verification and calibration of Secondary Standards. Verification shall be done as per rule 4 of the Kerala Legal Metrology (Enforcement) Rules, 2012. Rule 31(2) of the Legal Metrology (National Standards) Rules, 2011 clearly states that every Secondary Standard shall be verified against the appropriate Reference Standard by the Reference Standards Laboratory, at an interval not exceeding two years.

The Secondary Standard balances shall be verified at least once, within a period of twelve months. Rule 6 of the Kerala Legal Metrology (Enforcement) Rules, 2012 clearly indicates the manner for verification and calibration.

#### **42. Working Standards**

Every Legal Metrology Officer shall be provided with Working Standard weights, Working Standard balances and such other equipments which include weighing and measuring devices as may be approved by the Controller from time to time. All such standards and equipments are to be kept and maintained in good and neat condition. As per rule 31 (3) of the Legal Metrology (National Standards) Rules, 2011, every Working Standard shall be verified against the appropriate Secondary Standard at an interval not exceeding one year.

Every working standard balance shall be verified at least once within a period of twelve months and shall be adjusted, if necessary, to make it correct within the limits of sensitivity and other metrological qualities specified under the Legal Metrology (General) Rules, 2011, by the Secondary Standard Laboratory or at any other place where Working Standards are maintained by the Government.

The Legal Metrology Officer shall make necessary arrangements to verify and stamp the check weights and check measures used for verification and



inspection of commercial weights and measures. He shall verify the accuracy of such check weights and measures and stamp them periodically.

### **43. Commercial Weights and Measures**

96 Every person using or intending to use any weight or measure in any transaction or for protection shall present such weight or measure for verification, or re-verification, as the case may be , at the office of the Legal Metrology Officer or at such other place as the Legal Metrology Officer may specify in this behalf on or before the date of verification as specified in the Legal Metrology (General) Rules, 2011:

Provided that where any weight or measure is such that it cannot, or should not be moved from its location, the person using such weight or measure shall report to the Legal Metrology Officer concerned at least thirty days in advance of the date, on which the verification falls due.

( 2) Where any weight or measure is such that it cannot, or should not, be moved from its location, the Legal Metrology Officer shall take necessary steps for the verification of such weight or measure at the place of its location.

For the verification of weight or measure referred above, the user shall provide such facilities as may be specified by the Controller, Legal Metrology.

A user fee shall be charged for the verification of weight or measure as given in Schedule IX A . User shall also provide lead and twisted wire wherever required at the time of presenting his weight or measure for verification.

Every weight or measure presented for verification shall be complete in itself.

Every weight or measure shall be verified in a clean condition, and if necessary, the Legal Metrology Officer shall require the owner or user to make necessary arrangement for the purpose.

97 The Legal Metrology Officer shall obliterate the stamp on any weight or measure, if it is found during inspection that,

any weight or measure which being due for re-verification has not been submitted for such re-verification;

any weight or measure which does not conform to the Standards established by or under the Act:

Provided that where the Legal Metrology Officer is of opinion that the defect or error in such weight or measure is not such as to require immediate obliteration of the stamp, he shall inform the user, of the defect or error found in the weight or measure and direct the user to remove the defect or error within such time, not exceeding eight days and shall-

- (1) if user fails to rectify the defect or error within that period, obliterate the stamp, or
- (2) if the defect or error is so rectified as to make the weight or measure conform to the standards established by or under this Act, verify and stamp such weight or measure

#### **44. Weight or Measure**

- (1) Any weight or measure presented to the Legal Metrology Office or camp office shall be verified, stamped and sealed as the case may be, by the Legal Metrology Officer as per the provisions laid down in the Rules.
- 98 Before the commencement of verification, the Legal Metrology Officer shall collect the fees payable as per schedule X of the Kerala Legal Metrology ( Enforcement ) Rules, 2012.
- 99 All payments received shall be accepted in the manner as may be specified by the Controller from time to time .
- 100 The Inspecting Assistant shall ensure cleanliness and proper leveling of weight or measure presented for verification
- 101 The Legal Metrology Officer shall stamp every weight or measure, if , after testing and verification, he is satisfied that such weight or measure conforms to the standards established by or under the Act, with a stamp of uniform design, issued by the Controller, which shall indicate the number allotted for administrative purpose to the Legal Metrology Officer by whom it is stamped:
- 102 On completion of verification and stamping, the Legal Metrology Officer shall issue a certificate of verification in the form set out in schedule VIII.

Where a certificate of verification is irrecoverably lost or destroyed, the user shall forthwith apply to the Legal Metrology Officer concerned for duplicate certificate of verification. Every such application for the issue of a duplicate certificate shall be accompanied by a fee of rupees one hundred.

On receipt of an application as above the Legal Metrology Officer shall issue to the applicant a duplicate copy of the certificate of verification marked „DUPLICATE“.

Every weight or measure shall be presented before the Legal Metrology Officer for verification at the place and time as specified in this behalf.

### **103 Re-verification Camp.-**

Re-verification camps are to be conducted as per the approved annual programme by the Controller of Legal Metrology.

The camping centre for each month shall be specified in monthly advance tour programme of the Legal Metrology Officer.

The monthly advance tour programme of the Legal Metrology Officer shall be displayed in the office notice board.

Camping centre shall be selected preferably local self government institutions, village offices, co-operative societies and such other Government or quasi Government institutions or such other places.

In the case of non availability of such camping centre the Legal Metrology officer concerned may arrange such other convenient places to conduct the camp with approval of higher authorities.

Every camping centre shall have proper lighting, electric connections with plug and pins and such other facilities to conduct the camp.

The Legal Metrology Officer shall limit the number of traders in the verification camp to maintain the quality of the verification.

The licenced repairer/skilled worker shall wear proper identification card issued by the Legal Metrology Department.

The directions issued by the Controller from time to time regarding repairing charge shall be exhibited in the re-verification camp.

- 104 The Legal Metrology Officer shall check the weight or measure produced by the user against the verification certificate or other document with the help of Inspecting Assistant.
- 105 Before commencing the work of verification or re-verification, the Legal Metrology Officer shall inform the person concerned of the fees payable by him and shall receive the same in the manner as directed by the Controller, issue a receipt in the form approved by the Controller and the duplicate copy of such receipt being kept on record:

Provided that fee payable by a department of the Central or State Government may be realised in such manner as may be directed by the Controller

- 106 Every weight or measure shall be verified in a clean condition, and if necessary, the Legal Metrology Officer shall direct the owner or user to make necessary arrangement for this purpose.
- 107 For testing and verification, the Legal Metrology Officer shall require the user or any person authorised by him in assisting handling of commercial weights and check weights by the user or any person authorised by him.
- 108 The Legal Metrology Officer shall stamp every weight or measure, if, after testing and verification, he is satisfied that such weight or measure conforms to the standards established by or under the Act.
- 109 If the Legal Metrology Officer is of the opinion that the defect or error in a weight or measure is not such as to require immediate obliteration of the stamp, he shall inform the user regarding the defect or error found in the weight or measure and direct the user to rectify the defect within such time, not exceeding eight days, and shall stamp such weight or measure after collecting fees as prescribed if it conforms to the standards prescribed, otherwise obliterate the stamp.
- 110 If the error or defect is removed or rectified and presented in the same day itself, the Legal Metrology Officer shall verify and stamp the same.

- 111 If weight or measure presented for verification is rejected by the Legal Metrology Officer, separate certificate of rejection is to be issued to the user mentioning the reason for rejection.

**46. The procedure for verification.-**

- (1) Every person using or intending to use any weight or measure in any transaction or for protection shall present such weight or measure for verification or re-verification, as the case may be, at the office of the Legal Metrology Officer or such other place as the Legal Metrology Officer may specify in this behalf on or before the date of verification as specified in Legal Metrology (General) Rules, 2011

For providing proper facilities for conducting camp, notice in advance as to the camp, shall be given to the local bodies concerned.

If the basic requirements are not met, the camp at the local body concerned may be cancelled and shifted to the office of the Legal Metrology Officer with the permission of the higher officer

One or more licensed repairer as the Assistant Controller thinks fit is to be deputed to each camp

Inspector and Inspecting Assistant deputed for the camp shall declare cash in their hands in the register concerned before the commencement of the camp.

Identification card issued by the Controller or any authorised officer shall be worn by the repairer, skilled workers or helpers of the repairer present in the camp

Approved repairing charges shall be exhibited at the camp centre.

User shall submit the latest verification certificate or bill to the Legal Metrology Officer along with the weight or measure.

Inspecting Assistant shall compare the latest verification certificate with the weight and measure produced

- 112 Inspecting Assistant shall calculate the amount of fee to be remitted in consultation with the Legal Metrology Officer and inform the same to the user.

- 113 After remitting the fees the user has to present the weight or measure before the Legal Metrology Officer.
- 114 The inspector shall verify the weight or measure using the standard instruments and correct it, if necessary .
- 115 On verification of the weight or measure if it is found to be accurate, within permissible error, such weight or measure shall be stamped .
- 116 During verification if weight or measure is not within the permissible error the Legal Metrology Officer shall inform the same to the user and ask him to rectify the defects. .
- 117 On rejection, the rejected weight or measure shall be returned to the user after putting the obliteration stamp and writing the reason for rejection in the verification certificate or in the prescribed proforma.
- 118 Verification Certificate of the following weight or measure shall include additional details, namely-

Non-automatic weighing instruments

Maximum Capacity

Minimum Capacity

e“value

accuracy class.

( 2) Watermeters

a. Maximum flow rate

b. name of the product to be dispensed

119 Meters for liquid other than water

Flow rate

Totalizer reading at the time of verification

Name of the product to be dispensed.

'K' factor if, applicable

120 Vehicle Tank

Chasis Number,

Vehicle Registration Number

Number and Sizes of front and rear tyres,

Dimension of the tank in metre,  
Number of compartments,  
Capacity of each compartment,  
Dip mark of each compartment,  
Dip hatch height of tank and dip hatch distance in centimetres  
from the front of the tank.

## **121 Original verification of weight or measure**

The Legal Metrology Officer shall himself satisfy with the following documents before he undertakes the verification and stamping of newly installed weight or measure.

Certificate of approval of Model

Purchase bill

If the instruments are imported, importer's license/registration details.

No objection certificate from authorities concerned.

Cash Receipt/ Challan / Online payment details of stamping fees deposited.

The Legal Metrology Officer shall satisfy himself with the following documents before undertaking verification and stamping of newly installed dispensing units.

Certificate of approval of model

The importer's licence details, if the dispenser is imported,

No Objection Certificate for the installation from the authorities concerned

Explosive licence if required.

Cash Receipt/ Challan/ Online payment details of the stamping fees deposited.

#### **48. Insitu verification .-**

(1) Insitu verification is to be done only after receiving a written request in the prescribed proforma from the user or repairer authorised by the user.

122 After getting the request the Legal Metrology Officer has to give a date to the user or repairer.

123 On the day of insitu verification the user or repairer shall produce the latest verification certificate or bill before the Legal Metrology Officer.

The Legal Metrology Officer shall calculate the fees and collect the same before starting the verification.

#### **124 Conversion of a weighing instrument**

The permission for conversion of weighing instrument ie., from analogue mode to digital mode and vice versa shall be granted by the Assistant Controller concerned. While granting the permission, he shall follow these guide lines.

Application for conversion shall be made by the user/  
his authorised representative.

125 Copy of the latest verification certificate shall be produced

126 Copy of licence of repairers who perform such conversion work, shall be produced

127 the maximum and minimum capacity of the instrument, scale interval („e“ value) and other specifications shall be in conformity with the Legal Metrology (General) Rules, 2011.

128 After conversion the instrument shall be produced for initial verification.

129 Fees shall be collected as per Rules for single head machines and dual head (both electronic and mechanical) machines accordingly.

#### **50. Procedure for verification of Vehicle tank registered in other State.-**

In case a vehicle tank registered in other state is intended or likely to be used in the state of Kerala and is produced for calibration, the Legal



Metrology Officer concerned shall consider the latest certificate of verification issued from the said state along with the documents in support of the intended use. In case of vehicle tanks which are not calibrated previously, the Legal Metrology Officer shall require production of documents to prove that such vehicle tank has not been used for transaction/protection which requires calibration. After obtaining an application in this regard and verification of the documents, the legal Metrology officer shall take necessary steps for the calibration and stamping of such vehicle tank as per the provisions laid down in the Rules.

## **51. Taxi meters.-**

130 Taxi Meters are incorporated in Part VIII, Schedule VIII of the Legal Metrology (General) Rules, 2011.

Taxi Meter is a measuring instrument which totalises continuously and indicates at any moment of the journey the charges payable by the passenger of a public vehicle as function of the distance travelled and, below a certain speed, of the length of time occupied independent of supplementary charges, according to the authorised tariffs.

131 Inscriptions to be made on a Taxi Meter

a. Every Taxi Meter shall bear the following indications:

Name and address of the manufacturer or his trade mark.

The constant „k“ is expressed in „revolutions per indicated kilometre“ (rev/km) or „

impulse per indicated kilometre“ (imp/km).

132 Every Taxi meter shall have places to permit:

Affixation of marks of initial and periodical verifications.

133 In the vicinity of the windows of all indicating devices the meanings of the values shown shall be given clearly, legibly and unambiguously.

134 The name or the symbol of the monetary unit shall be alongside the fare indication for the journey and the indication of extras to be paid.

## 135 Test Methods

Road test method – A road test consists of driving the vehicles over a precisely measured road course.

Fifth wheel test method- This test consists of driving the vehicle over any reasonable road course and determining the distance actually travelled through the use of a mechanism known as “fifth wheel” that is attached to the vehicle and that independently measures and indicates the distance.

Stimulated road test method- This test consists of determining the distance travelled by computation from rolling circumference and wheel turn data.

### Test Procedure

The distance test of a taxi meter, whether (a), (b) or (c) shall include at least duplicate runs of sufficient length to cover atleast the third money drop or one km., whichever is greater, and shall be at a speed approximating the average speed travelled by the vehicle in normal service.

If the taximeter is equipped with a mechanism through which charges are made for time intervals, a test shall be conducted to determine whether there is interference between the time and distance mechanism. During this test, the vehicle is operated at a speed of 3 or 4 km./h faster than changeover speed.

The list of documents which are to be produced at the time of verification

136 The original purchase bill along with its copy.

d. Original verification certificate or a copy of it.

e. Latest verification Certificate issued by the Legal Metrology Officer.

f. Self attested copy of Registration Certificate and permit of the vehicle issued by the Motor Vehicle Department.

g. Copy of the driving licence of the driver who presented the vehicle for testing along with a contact number.

## 52. Water meter

Each water meter shall be marked with the following information:-

137 Manufactures name or trade mark.

138 Nominal size of the meter

139 Direction of flow of water on both side of the meter

Accuracy class  
Serial number  
Model approval number and  
Year of manufacture.

#### **140 Auto LPG Dispensers.-**

The type of LPG used as fuel in a motor vehicle, is a liquid mixture containing at least 90 percent propane, 2.5 percent butane and higher hydrocarbons, and the balance is ethane and propylene. The mixture is genetically named as propane but commonly referred to as LPG (Liquified Petroleum Gas). It is sold by volume and not by weight as like domestic LPG. The LPG dispensers are classified as Class 1.0 instrument with MPE limit of  $\pm 1\%$ .

##### Preliminary Checking

Whether the instrument comply with the Certificate of Model Approval

Whether all mandatory descriptive markings are clearly indicated on the fixed plate for stamping (Refer to Liquid Dispensers for statutory markings)

141 Whether the indication of volume, unit price and total price corresponds with each other and related to the selected nozzle.

142 Whether all the indications are clearly visible under any condition of day and night

143 Whether all the hoses and the nozzles are in good condition

144 Is there any leak anywhere in the system

#### **54. Procedure for Assaying Gold**

145 BIS published IS 1417 which prescribes specifications for fineness and marking in gold and gold alloys, jewellery and artifacts and IS 1418 for assaying of gold in gold bullion, gold alloys, gold jewellery/artifacts by cupellation (fire assay) method. In IS 1418, the procedure for assaying gold in gold jewellery/artifacts covers assaying of yellow gold alloys, white gold alloy containing nickel, white gold alloys containing palladium, gold alloys incorporating more than 40% silver and alloys containing 999‰ gold. Only the procedure for

assaying of yellow gold is described below, since most of the samples received for testing in the Gold Assaying and Testing Laboratory( GATL) at Kakkanad belongs to yellow gold with fineness around 916 parts per thousand.

#### Reagents and apparatus used

146 Borax

147 Check gold: Gold of fineness 999.9ppt. free from lead, bismuth and platinum group metals.

148 Copper foil/wire or disc

149 Lead foil

150 Nickel

151 Palladium

152 Parting acid No.1: Dilute nitric acid (density 1.2 g/ml) 1.2 (g/cm<sup>3</sup>) free from halides and suspended matter.

153 Parting acid No.2: Dilute nitric acid (density 1.3g/ml 1.3 (g/cm<sup>3</sup>) free from halides and suspended matter.

154 Silver

155 Distilled water

156 Assay balance: It is a balance with readability 0.002 mg for assaying gold sample up to 990 fineness. For assaying of gold alloys above 990 fineness, a readability of 0.001 mg is required.

157 Assay cleaning brush

158 Balling pliers

159 Cupels made of bone-ash or magnesia usually of diameter 22 mm to absorb 6g lead or of diameter 26 mm to absorb 10 g lead or blocks of cupels of similar absorption.

160 Cupellation furnace: It is a muffle type furnace provided with inlets and outlets for air for maintaining an oxidizing atmosphere constantly during operation. The muffle shall be capable of being heated uniformly up to a temperature of 1150° C.

161 Hammer and anvil

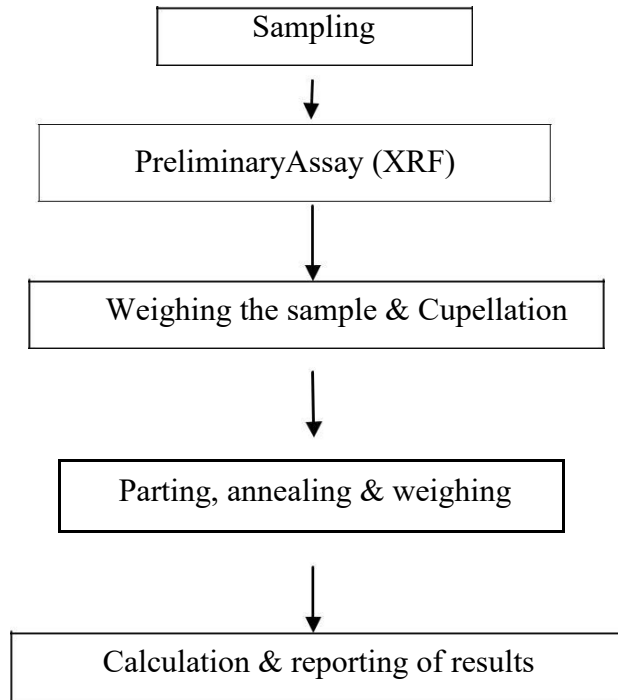
162 Parting flask or platinum basket

163 Parting tray

164 Rolling mills

- 165 Scorification dishes
- 166 Tongs and forceps
- 167 Trays

Various steps followed by the GATL in the assaying of yellow gold are shown below.



## **(2) Sampling**

When the bullion is in the form of an ingot or slab, and is of high fineness, sampling by „cutting“ or „drilling“ may be adopted.

## **(3) Cutting Method**

Samples are cut from diagonally opposite corners of the upper and lower sides of the bar. Cutting is to be done with a sharp narrow steel chisel. From each cut, 1g to 1.5g sample may be taken. The cut pieces should be flattened, rolled, cut into small pieces and thoroughly mixed together.

## **(4) Drilling Method**

The ingot is drilled on the top corner and on the opposite bottom corner with a 3 to 10 mm high-speed tool steel drill. When it is known that ingot is not of uniform composition or is of low fineness, minimum 2 drillings should be taken from the top and 2 from the bottom at diagonally opposite corners. The surface drillings resulting from the first few revolutions of the drill should be rejected till the hole of the ingot is equal to the diameter of the drill. The drilling should be carried out to a little more than half-way through the ingot. The minimum weight of drillings from the above 4 borings should not be less than 5g. In the case of fine gold the drillings should be cut into small pieces and mixed thoroughly before taking up for assay. In case of low-fineness samples, 4 lots of drillings may be assayed separately or 2 lots from the top may be mixed to form one sample and 2 lots from the bottom mixed for a second sample. When the material is in the form of sheet or wire small pieces shall be cut preferably from opposite ends and thoroughly mixed together.

#### **(5) Dip Sampling**

When the bullion/jewellery has been melted it should be stirred well with a preheated graphite stirrer and a dip sample of about 5g taken with a pre-heated graphite sampler from the molten metal from the middle of the pot just before casting. The sample may be granulated or cast into a small button or allowed to solidify in the sampler. This may be rolled and cut into small pieces for assaying. The granules may be hammered, if necessary, for complete removal of trapped water. Alternatively quartz tube may also be used for drawing dip sample.

#### **(6) Preliminary Assay**

If the approximate composition of the sample of gold alloy is not known, it is necessary to make a preliminary assay. For this purpose, XRF Spectrometry method is adopted.

#### **(7) Analysis Samples**

Transfer at least two samples of the alloy, preferably between 125 mg and 250 mg weighed to the nearest  $\pm 0.01$  mg, into assay-grade lead-foil. The mass of the foil (or foil + beads) should be at least 4 g for yellow gold samples up to 200 mg. and 6 g for samples from 201 mg to 300 mg (250 mg). Add pure

silver equivalent to 2.3 to 3 times the mass of gold present. Roll and compress the lead foil into a tight ball.

### **(8) Proof Assay Samples**

Weigh, as above at least two proof assay samples of proof gold and pure silver in masses which correspond to the expected gold and silver contents (including the inquartation addition) of the assay sample. The total content of base metals in the assay samples is taken into consideration by the addition of a corresponding quantity of copper. Treat the proof assay samples and the assay samples in the same manner.

### **(9) Cupellation and Treatment of Precious Metal Buttons**

Place the assay and the proof assay samples tightly wrapped in lead foil, on magnesium oxide cupels which have been preheated to at least 1100° C in the cupellation furnace. Place the cupels with the proof assay samples as close as possible to the corresponding assay samples in the cupellation furnace maintained at 1050° C – 1100° C. Continue heating until this stage is completed (about 25 minute) under oxidizing conditions. Remove the cupels from the furnace. Allow the precious metal buttons to cool down before lifting them from the cupels with the assay pliers. Squeeze the buttons and brush their undersides carefully with a brush to remove any adhering cupel material. Flatten the beads on the polished anvil with a polished hammer and anneal by heating just to red heat. Roll them into 0.12 to 0.15 mm thick strips and anneal again. Roll the strips into cornets without contamination or loss of gold. It may be noted that the cupel should be examined carefully to ensure that the precious metal bead contains all the sample gold. Small droplet residues indicate the need for a repeat determination in a smaller cupel.

### **(10) Parting of the Silver/ Gold Samples**

Place the precious metal cornets in parting flasks. First immerse the cornet in 20ml of parting acid 1 at a temperature at least 5°C below the boiling point and bring to the boil. Continue heating for 15 min or until the evolution of nitrous fumes has ceased whichever is longer, decant, wash with warm water and immerse in 20 ml of parting acid 2 and boil for 10 min. Decant

and wash the gold cornet with warm water at 60° to 70° C until it is free of silver nitrate. Transfer the gold cornets to small porous parting cups (porcelain crucible). Dry them and anneal at 700° to 750° C for about 5 min. Cool, and then weigh the gold cornet.

When assaying a series of samples of similar composition, instead of using a number of parting flasks the precious metal cornet can be parted with the aid of a dissolution basket consisting of Pt/ Ir or Pt/Rh which is equipped with a number of quartz, Pt/Ir or Pt/Rh thimbles with perforated buttons. The cornets are placed in the thimbles and basket is lowered slowly into parting acid 1 at about 90° C. The acid is brought to the boil and allowed to boil gently for 15 min or until the evolution of nitrous fumes has ceased, whichever is longer. Remove the basket from the acid, rinse in water. Repeat the treatment in a second batch of parting acid 2 and boil again for 15 min. Remove the basket from the acid, rinse it with warm (60° to 70° C) water until it is completely free of silver nitrate and allows to dry. Finally place the basket with the gold samples for about 5 min in muffle furnace, heated to approximately 700° C to 750° C. After cooling, the gold samples shall be weighed.

CAUTION – For the parting operations with nitric acid, a fume hood should be kept clean and used exclusively for this determination.

## **(11) Proof Assays**

The proof samples shall be subjected to the same operations side by side and under identical conditions with the assay-pieces. The number of proof samples shall be not less than two in each group of assay and shall be positioned evenly in the group.

## **(12) Expression of Results**

Calculate the gold content. W in parts per thousand (‰) by mass, of the alloy using the formula :

$$W = \frac{168 \cdot 2 \cdot A}{1000}$$

where,

m1 = mass of the sample in mg



$m_2$  = mass of the sample cornet in mg and

$\Delta$  = average value of the proof assay gold in mg minus the cornet mass of the proof assay sample, in mg.

### **(13) Repeatability**

Duplicate determination shall give results differing by maximum 0.5 parts per thousand (‰) by mass for yellow and red gold alloys, maximum 1.0 part per thousand (‰) by mass for white gold alloys and maximum 0.2 parts per thousand (‰) by mass for gold alloys containing 990 ‰ or more gold. If the difference is greater than this, the assay shall be repeated.

When analyzing alloys with a fine gold content of 990 (‰) or more, the values of  $\Delta$  for the proof samples which run in parallel shall not differ by more than 0.04 mg. If the difference is greater than this, the assay shall be repeated.

## **55. Net content verification of Packaged Commodities**

The data sheets mentioned in Rule 19 of The legal Metrology (Packaged Commodities) Rules, 2011 are appended as annexure 14 and 15

## CHAPTER 7

### MAXIMUM PERMISSIBLE ERRORS

#### 56. Traceability of Standards

Legal Metrology follows the following series of standards to maintain relative accuracy in measurements.

170 International prototype

171 National prototype

172 Reference Standards

173 Secondary Standards

174 Working Standards

#### 57. Secondary Standards

The denomination and permissible errors in respect of secondary standards are given below.

#### 175 Secondary Standard weights

Maximum permissible error

Denomination	Permissible error $\pm$ mg
10 kg	50
5 kg	25
2 kg	10
1 kg	5
500 g	2.5
200 g	1.0
100 g	0.5
50 g	0.30
20 g	0.25
10g	0.20
5 g	0.15
2 g	0.12
1 g	0.10
500 mg	0.08
200 mg	0.06

100 mg	0.05
50 mg	0.04
20 mg	0.03
10 mg	0.02
5 mg	0.02
2 mg	0.02
1mg	0.02

### 176 Secondary Standard Meter

#### **Bar** Maximum permissible error

The error on the length between any two graduation marks on the secondary standard meter bar, at the standard temperature of 20°C, shall not exceed the value "e" calculated according to the following formula:

$$e = \pm (25 + L/40) \text{ micrometers}$$

Where L is the nominal length in the millimeters of that part of the metre bar between the two graduation marks, the error on which is being determined. The calculated value of "e" shall be rounded to the nearest integer.

### 3. Secondary standard Capacity Measures

Denomination	Permissible error $\pm$ ml
5 l	2
2 l	1
1 l	0.8
500 ml	0.5
200 ml	0.4
100 ml	0.3
50 ml	0.2
20 ml	0.1

#### 4. Secondary Standard Balances :

Every Secondary Standard Balance shall conform as regards capacity, sensitivity figure in mg per division, minimum scale division, variation in sensitivity figure with respect to load and overall accuracy of measurement, to the specifications as indicated below:

Capacity	Sensitivity figure mg/div.	Minimum scale division	Maximum variation in sensitivity figure with respect to load	Minimum overall accuracy of measurement
1	2	3	4	5
20 kg	25	1.5 mm	10 per cent	25 mg in 10 kg
5 kg	7.5	1.0 mm	10 per cent	7.5 mg in 2 kg
1 kg	1.5	1.0 mm	10 per cent	1.5 mg in 500 g
200 g	0.5	1.0 mm	10 per cent	0.5 mg in 50 g
20 g	0.1	1.0 mm	10 per cent	0.01 mg in 1 mg
2 g	0.02	0.75 mm	10 per cent	0.02 mg in 1 mg

Every Secondary Standard Balance of digital type shall conform as regards value of verification scale interval as given below:-

Capacity	Maximum value of verification scale interval	Type of weights to be verified
20 kg	1mg	20 kg to 500 g
200 g	0.01 mg	200 g to 1 mg

## 58. Working Standards

Maximum permissible errors for Working Standards.

### 177 Working Standard Weight

The permissible errors of working standard weights in excess and in deficiency shall be as follows: -

Denomination	Permissible error $\pm$ mg
20 kg	300
10 kg	150
5 kg	75
2 kg	30
1 kg	15
500 g	7.5
200 g	3.0
100 g	1.5
50 g	1.0
20 g	0.8
10 g	0.6
5 g	0.6
2 g	0.4
1 g	0.3
500 mg	0.25
200 mg	0.20
100 mg	0.15
50 mg	0.12
20 mg	0.10
10 mg	0.08
5 mg	0.06
2 mg	0.06
1 mg	0.06

## 2. Working Standard Metre Bar

The metre bar shall be graduated in millimeter through out from 0 to 1000 178 on the wider upper surface. A length of 10 mm before the Zero graduation mark shall also be graduated in millimeter.

The error on the length between any two graduation marks on the working standard length measure, at the standard temperature of 20 °C, shall not exceed the value “e” calculated according to the following formula:

$$e = (50 + L/20) \text{ micrometre}$$

Where L is the nominal length in millimeter of that part of the metre bar between the two graduation marks, the error on which is being determined.

Every working standard metre bar shall be verified against the appropriate secondary standard, by any of the laboratories where secondary standard metre bar is maintained, at an interval not exceeding one year.

### 3. Working Standard Capacity Measures

Denomination	Permissible error ± ml
10 litres	8
5 litres	4
2 litres	2
1 litre	1.5
500 ml	1.0
200 ml	0.8
100 ml	0.6
50 ml	0.4
20 ml	0.2

### 4. Pipette measures

Pipettes of the following description may also be used as working standard measures:

179 One mark pipettes of capacities 10 ml and 5 ml.

180 Graduated pipettes of capacities 5 ml graduated at every tenth of ml.

Delivery time and maximum permissible errors of pipette measures

Denomination ml	Delivery time in seconds		Permissible error (+ ml)
	Minimum	Maximum	
10	15	25	0.04
5	10	20	0.03
5 (graduated)	10	40	0.05

Every working standard capacity measure shall be verified against the appropriate secondary standard, by any of the laboratories where secondary standard capacity measure is maintained, at an interval not exceeding one year.

## 5. Working Standard Balances

Working standard balances may be of the following two types :-a. Equi-arm type balances

Capacity	Maximum sensitivity figure/div.
50 kg	100 mg
5kg	10 mg
200 g	1 mg
50 g	0.4 mg
2 g	0.05 mg

b. Digital type balances

Capacity	Maximum Value of „e“	Type of weights to be verified
50 kg	1g	Non-bullion: 50 kg and 20 kg
20 kg	0.1 g	Bullion : 10kg, 5kg Non-bullion: 20kg to 2kg
2 kg	10mg	Bullion : 2 kg to 500 g Non-bullion: 2kg to 200 g
200 g	0.1 mg	Bullion: 200 g and below Non-bullion: 200g and below

Every working standard balance shall be verified at least once in a year and shall be adjusted, if necessary, to make it correct within the limits of sensitivity and other metrological qualities as are specified.

Test weights and measures are commercial weights and measures adjusted to high accuracy possible to represent the equivalent working standard weights and measures faithfully in respect of accuracy only and not in any other respect.

Test Weights

Denomination : 20 kg to 1mg

Test Capacity measures

Denomination: 5 litre to 5ml

Test length measures

Denomination : 3 m (steel tape)

Pulse meter

Test bench

Standard weights for testing of high capacity weighing machines

Proving measures

Mass flow meter

Digital balance for out door use



59. Commercial Weights and Measures

Cylindrical Knob type Weights (10 kg to 1 g)

The maximum permissible errors shall be as specified below:

Denomination	Permissible error	
	Verification (mg)	Inspection (mg)
10 kg	1500	+ 1500
5 kg	750	+750
2 kg	300	+ 300
1 kg	150	+ 150
500 g	75	+ 75
200 g	30	+ 30
100 g	15	+15
50 g	10	+ 10
20 g	8	+ 8
10 g	6	+ 6
5 g	5	+ 5
2 g	4	+ 4
1 g	3	+ 3

### Iron Weights Hexagonal (50 kg to 50 g)

Denomination	Permissible error	
	Verification (mg)	Inspection (mg)
50 kg	7500	+ 7500
20 kg	3000	+ 3000
10 kg	1500	+ 1500
5 kg	750	+ 750
2 kg	300	+ 300
1 kg	150	+ 150
500 g	75	+ 75
200 g	30	+ 30
100 g	15	+ 15
50 g	10	+ 10

### Bullion Weights (10 kg to 1 g)

Denomination	Permissible Error	
	Verification (mg)	Inspection (mg)
10 kg	500	$\pm$ 500
5 kg	250	$\pm$ 250
2 kg	100	$\pm$ 100
1 kg	50	$\pm$ 50
500 g	25	$\pm$ 25
200 g	10	$\pm$ 10
100 g	5	$\pm$ 5
50 g	3	$\pm$ 3
20 g	2.5	$\pm$ 2.5
10 g	2.0	$\pm$ 2.0
5 g	1.5	$\pm$ 1.5
2 g	1.2	$\pm$ 1.2
1 g	1.0	$\pm$ 1.0

### Sheet Metal Weights (500 mg to 1 mg)

Denomination (mg)	Maximum permissible error (mg)			
	Verification		Inspection	
	Bullion (mg)	Non- bullion (mg)	Bullion (mg)	Non- bullion (mg)
1	2	3	4	5
500	0.8	2.5	+ 0.8	+ 2.5
200	0.6	2.0	+ 0.6	+ 2.0
100	0.5	1.5	+ 0.5	+ 1.5
50	0.4	1.2	+ 0.4	+ 1.2
20	0.3	1.0	+ 0.3	+ 1.0
10	0.25	0.8	+ 0.25	+ 0.8
5	0.20	0.6	+ 0.20	+ 0.6
2	0.20	0.6	+ 0.20	+ 0.6
1	0.20	0.6	+ 0.20	+ 0.6

### Carat Weights

Knob weights (500 carat to 5 carat)

Denomination	Verification	Inspection
Carat	mg	mg
500	5.0	+ 5.0
200	3.0	+ 3.0
100	2.5	+ 2.5
50	2.0	+ 2.0
20	1.5	+ 1.5
10	1.2	+ 1.2
5	1.0	+ 1.0



## Sheet Metal Weights

The maximum permissible errors shall be as specified below: -

Denomination	Verification	Inspection
Carat	mg	mg
1	2	3
2	0.8	+ 0.8
1	0.6	+ 0.6
0.5	0.5	+ 0.5
0.2	0.4	+ 0.4
0.1	0.3	+ 0.3
0.05	0.25	+ 0.25
0.02	0.20	+ 0.20
0.01	0.20	+ 0.20
0.005	0.20	+ 0.20

Standard Weights for testing of high capacity weighing machines

Maximum number of scale divisions “n” on weighing machines (accuracy class III), capable of verification with the Standard weights during verification	Maximum permissible positive or negative relative error on the standard weights	Minimum Density kg/m <sup>3</sup>
(1)	(2)	(3)
1000	3.3/10000	1231
3000	1.7/10000	2087
5000	1.0/10000	3000
10000	0.5/10000	4364

## Absolute errors for Standard Weights

Normal Value (kg)	Maximum permissible error for the standard weights			
	3.3/10,000	1.7/10000	1/10000	0.5/10000
	Corresponding absolute error (gram)			
50	17	8.5	5	2.5
100	33	17	10	5
200	66	33	20	10
500	170	85	50	25
1000	330	170	100	50
2000	660	330	200	100
5000	1700	850	500	250
	1000	3000	5000	10000

## Capacity Measures

The maximum permissible errors shall be as specified:

Denomination	Verification in excess only		Inspection			
	Cylindrical measures	Conical measures	Cylindrical measures		Conical measures	
	ml	ml	Excess ml	Deficiency ml	Excess ml	Deficiency ml
20 litre	....	100	Error same as in verification	..... ..... ....	Error same as in verification	50
10 litre	.....	50				25
5 litre	.....	30				15
2 litre	30	15		15		7.5
1 litre	20	10		10		5
500ml	15	8		7.5		4
200ml	8	4		5		2
100ml	5	3		2.5		1.5
50ml	3	....		1.5		...
20ml	2	...		1		...

## Liquor Measures

The maximum permissible errors shall be given below: -

Denomination	Permissible error
100 ml	$\pm 3$ ml
60 ml	$\pm 2$ ml
30 ml	$\pm 1$ ml

## Length Measures

The denominations of the length measures shall be as follows:-

Metallic measures	Wooden measures
1 m	2 m
0.5 m	1 m
	0.5 m

## Permissible error

The error on the length between any two consecutive five centimeters graduation marks shall not exceed  $\pm 1$  mm, and further the error from beginning of the measures to any graduation marks shall not exceed 2 mm for 3 metre bar, 1 mm for 1 metre bar and 0.5 mm for half metre bar provided that the errors on the full length of the measure shall not exceed the following limits

Denomination	verification		Inspection	
	Excess	Deficiency	Excess	Deficiency
2 m	4 mm	2 mm	4 mm	4 mm
1 m	2 mm	1 mm	2 mm	2 mm
0.5	1 mm	0.5 mm	1 mm	1 mm

## Survey Chain

Surveying chains may be of 20 m and 30 m lengths and used for land measurement.

### Permissible error

When measured with a tension of 80 Newton every metre length shall be correct with and error not exceeding  $\pm 2$  mm.

The overall length of the chains shall be correct within the following limits of error :

20 metre chain  $\pm 5$ mm

30 metre chain  $\pm 8$  mm

The permissible errors shall be the same for verification and inspection.

### Steel tape measures

#### Maximum permissible error

181 On verification, the error on the length between the axis of any two graduation lines shall not exceed:

for Class I  $\pm (0.1 + 0.1 L)$  mm,

for Class II  $\pm (0.3 + 0.2 L)$  mm, and

for Class III  $\pm (0.6 + 0.4 L)$  mm,

where L is the length between two graduation lines concerned, expressed in metres, rounded off to the next higher whole number of metres.

182 The maximum permissible error on tape measures on inspection shall be twice that specified for verification, the method of verification remaining unchanged.

183 Steel tape measures of nominal length 0.5 m to 5 m shall belong to accuracy Class I or Class II.

184 Tape measures of nominal length above 5 m shall belong to accuracy Class I, Class-II or Class III.



## 60. Maximum permissible errors for Packaged Commodities

185 Maximum permissible errors on net quantities declared by weight or volume is given below :-

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

186 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 below:-

Sl. No.	Quantity declared	Maximum permissible error or in deficiency
1	In units of length	2% of declared quantity up to 10 metre and thereafter 1% of declared quantity
2	In units of area	4% declared quantity up to 10 sq. metre and thereafter 1% of declared quantity
3	By number	2% of declared quantity

## **PERIODICALS, REGISTERS & REPORTS**

### **61. Inspection Report.-**

Immediately after the surprise inspection the reports regarding the inspections shall be sent to the controlling officer in the prescribed proforma. This is very important for finding out the number of cases, the amount of compounding fee collected and the nature of cases .

### **62. Monthly reports.-**

The following periodicals are to be maintained in the office of the Legal Metrology officer

- 187 Revenue collection statement
- 188 Cases and compounding fees statement
- 189 Comparative statement
- 190 Trade wise statement
- 191 Inspection Statement (using department vehicles)
- 192 Advance Tour Programme of Legal Metrology Officers
- 193 Tour Diary of Legal Metrology Officers
- 194 Right to Service report
- 9 . Petrol Pump Inspection report
- 195 Revenue reconciliation
- 196 Enforcement Statistics
- 197 Expenditure Statement (only for AC & DC)
- 198 Expenditure Reconciliation (AC & DC)
- 199 Verification Camp Inspection Report (AC & DC)
- 200 Report regarding number of packer registration in detail (flying squad Assistant Controller (Flying Squad))

### **63. Quarterly Reports**

1. Cases filed in the Court
2. Laboratory Equipments verification Report
3. Net Content Inspection Report

#### **64. Annual Reports**

- |    |                              |
|----|------------------------------|
| 1. | Property Statement           |
| 2. | Performance Appraisal Report |
| 3. | Annual work programme        |

#### **65 . Registers to be maintained in Legal Metrology Offices**

1. Attendance Register
2. Distribution Register
3. Personal Register
4. Periodical Register
- 201 Despatch cum Stamp Account
- Register 6. Casual leave Register
7. Movement Register
8. Furniture Register
9. Stationery Register
10. Telephone Message Register
11. Register of valuables and books
12. Personal Cash declaration Register
13. Cash Book
14. Complaint Register
15. Cash Received and despatched Register

16.Staff Details Register	
17.Census Register	
18.Stamping Fee Register	
19.Defaulters Register	
20.Working Standards Register	
21.Seized Articles Register	
22.Case Register	
23.Register of Instruments	
24.Right to Information Act Register/Right to Services Act Register	
25.Suit Register	
26.TR-5, Cash Receipt Book Register	
27.Audit objection Register	
202Stock Register (Furniture and Equipments)	
203Register of Registers	
30.Licence Register	AC (Flying Squad)
31.Packer Registration Register	AC (Flying Squad)
32.Service Book Register	(DC, AC
33.Pay Bill Register	(        ”        )
34.Contingent Bill Register	(        ”        )
35.Aquittance Register	(        ”        )
36.Log Book	(        ”        )
37.Maintenance of Vehicle Register	(        ”        )
38.Allotment Register	(        ”        )
39.Permanent Advance Register	(        ”        )
40.Family Benefit Scheme Register	(        ”        )
41.Group Insurance Register	(        ”        )
42..Sub office Inspection Register	(        ”        )

**. 66. Stamping Fee Register.-**

Stamping Fee Register shall be maintained in every Legal Metrology Office as per the format given in schedule IX B (see rule17 ) of the Kerala Legal Metrology (Enforcement) Rules, 2012.

**Kerala Legal Metrology Department**  
**Day Book (Stamping fee Register)**

**OFFICE :****DISTRICT****TALUK****DATE**

Sl. No	Reg. ID No	No. in Census Register	Name & Address	Fee Collected		Verification Certificate No.	Date of next verification	Remarks
				Receipt No.	Amount Rs.			
1	2	3	4	5	6	7	8	9

**DAILY ABSTRACT**

Registration/Renewal Fee :

Verification Fee :

Miscellaneous Fee :

Additional Fee :

Compounding Fee :

Licence Fee :  
Others :

#### 67. Cash Book Register.-

The verification and Stamping fee, compounding fee, licence fee, registration fee, duplicate verification certificate fee and all other fees collected by the Legal Metrology Officers shall be written in the Cash Book. The remittance as per the direction of the Controller (every Wednesday, 15<sup>th</sup> and the last working day of the month) shall be entered in the Cashbook. The cash book shall be written daily. The monthly abstract shall be written and signed by the Legal Metrology Officer, concerned

#### 68. Complaint Register .-

The complaints received from the public as well as from higher authorities and from complaint cell shall be written in the Complaint Register. The details regarding inspection conducted and the action taken shall be entered in the register.

Year 1/4/20 .... To 31/03/20.....

Office .....

Sl. No.	Date of receipt of the Complaint	Name and address of complainant	Nature of complaint	Details of action taken	Date of reporting to Higher Officer.	Remarks With Signature Of LMO
1	2	3	4	5	6	7

Legal Metrology Officer  
.....office.

## 69 . Report of Complaint Disposal

L.M.O shall consolidate the details regarding the disposal of complaints and a report in the prescribed format shall be sent to the higher officers every month.

[illegible]





<i>Tot al</i>																
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Legal Metrology Officer  
.....Office

## **CHAPTER 9**

### **LICENCES**

#### **70. Licencing of manufacturer, repairer and dealer of weight or measure**

Licence is mandatory for every manufacturer, repairer and, dealer in weights or measures as per Section, 23 of the Legal Metrology Act, 2009. Controller of Legal Metrology is the authority to issue licence. Licence is issued as per Rule 11 of the Kerala Legal Metrology (Enforcement) rules, 2012. No licence is required by a manufacturer to repair any weight or measure manufactured by him and used in a state other than the state of manufacture, but the manufacturer has to inform the Legal Metrology Officer concerned regarding the repair, in advance.

#### **71. Licence to Manufacturer.-**

The Controller of Legal Metrology is the authority to issue licence to manufacturer of weight or measure as per Section 23(2) of the Legal Metrology Act, 2009. The format of the application for licence as manufacturer (Form- LM - 1) is given in Schedule-II A of the Kerala Legal Metrology (Enforcement) Rules, 2012. The application for the licence to manufacturer shall be received by the Legal Metrology Officer authorized on that behalf. While receiving the application he shall collect the fees from the applicant, prescribed under the Rules.

204 The Legal Metrology Officer, before forwarding the application shall verify the following documents with originals.

Premises :

If the premise is owned by the applicant, the document such as tax receipt of the local body/ authority concerned .

If it is a rented premises, valid rent agreement signed by both the parties.

If there are more than one owner, consent letter from all the owners signed by Notary Public along with document of ownership .

While recommending for licence, the officer authorised shall ensure that the premises is suitable for such a manufacturing unit.

Trade Licence from the Local Self Government institution

In the case of partnership firm, the acknowledgement for Registration of the firm and copy of the registered partnership deed

In the case of Companies, Memorandum of Association and Articles of Association along with the list of Directors.

If the applicant is having other business, the licences issued in respect of that business .

Certificate of approval of model from the authority concerned, wherever applicable.

Original identification card and passport size photographs (3 copies) of the applicant.

Registration Certificate from the competent authority regarding trademark or monogram, if applicable.

List of machinery , tools and accessories which are used in the firm

If the manufacturer is a user of any weight or measure, the certificate regarding verification of such weight or measure

- 205 Before recommending the application the Legal Metrology Officer shall ensure the veracity of the information furnished in the application.
4. After verification and enquiry, the Legal Metrology Officer concerned shall submit a detailed report along with his findings, observation and recommendation within 15 days to the higher officer.
- 206 The Controller of Legal Metrology is the final authority to issue the licence in the prescribed format.
- 207 If the application for the licence is refused or rejected ,the decision of the authority may be intimated to the applicant within a period of 15 days from the date of decision.
- 208 While issuing a new licence it shall be intimated to the Legal Metrology Officer concerned.
- 209 The Controller shall issue the licence to the applicant through Legal Metrology Officer who recommended the application. On receipt of licence the Legal Metrology Officer concerned shall make necessary entries in the register prescribed.

## **210 Licence to Dealer.-**

Application for licence as dealer of weight or measure shall be submitted in the prescribed format which is given in schedule II A (Form LD-1.) of the Kerala Legal Metrology (Enforcement) Rules 2012. At the time of application, the applicant shall remit the fee prescribed under the Kerala Legal Metrology (Enforcement) Rule, 2012.

On receipt of application the Legal Metrology Officer authorise on this behalf shall verify the following documents with original.

Premises :

If the premise is owned by the applicant, the document such as tax receipt of the local body/ authority concerned .

If it is a rented premises, latest rent agreement signed by both the parties.

If there are more than one owner, consent letter from all the owners signed by Notary Public along with document of ownership .

While recommending for licence, the officer authorised shall ensure that the premises is suitable for a dealer.

- 211 Trade Licence from the Local Self Government institution
- 212 In the case of partnership firm, the acknowledgement for Registration of the firm, copy of the registered partnership deed .
- 213 In the case of Companies, Memorandum of Association and Articles of Association along with the list of Directors.
- 214 If the applicant is having other business, the licences issued in respect of that business .
- 215 Original identification card and passport size photographs (3 copies) of the applicant.
- 216 If the dealer is a user of any weight or measure, the certificate regarding verification of such weight or measure
- 217 Before recommending the application the Legal Metrology Officer shall ensure the veracity of the information furnished in the application.
- 4 . After verification and enquiry, the Legal Metrology Officer concerned shall submit a detailed report along with his findings, observation and recommendation within 15 days to the higher officer.
- 218 The Controller of Legal Metrology is the final authority to issue the licence in the prescribed format.

- 219 If the application for the licence is refused or rejected ,the decision of the authority may be intimated to the applicant within a period of 15 days from the date of decision.

While issuing a new licence it shall be intimated to the Legal Metrology Officer concerned.

The Controller shall issue the licence to the applicant through Legal Metrology Officer who recommended the application. On receipt of licence the Legal Metrology Officer concerned shall make necessary entries in the register prescribed.

### **73. Licence to repairer**

(1)

Every person applying for a licence to repair shall have the qualification prescribed in The Kerala Legal Metrology (Enforcement) Rules, 2012 .

The application for licence to repair shall be submitted to the Legal Metrology Officer authorized on that behalf.

While submitting the application he shall remit the fee prescribed in The Kerala Legal Metrology (Enforcement) Rules, 2012 along with the application.

- 220 After the verification of the application form, the Legal Metrology Officer authorised shall verify the following documents with originals conduct an enquiry and inspection regarding the following matters.

Premises :

If the premise is owned by the applicant, the document such as tax receipt of the local body/ authority concerned .

If it is a rented premises, valid rent agreement signed by both the parties.

If there are more than one owner, consent letter from all the owners signed by Notary Public along with document of ownership .

While recommending for licence, the officer authorised shall ensure that the premises is suitable for a repairer.

- 221 Trade Licence from the Local Self Government institution

In the case of partnership firm, the acknowledgement for Registration of the firm, copy of the registered partnership deed .

In the case of Companies, Memorandum of Association and Articles of Association along with the list of Directors.

If the applicant is having other business, the licences issued in respect of that business .

Original identification card and passport size photographs (3 copies) of the applicant/applicants if necessary

List of machinery , tools and accessories which are used in the firm

If the repairer is a user of any weight or measure, the certificate regarding verification of such weight or measure

The list of loan/ test article with its purchase bill or its verification certificate as the case may be.

- 222 Before recommending the application the Legal Metrology Officer shall ensure the veracity of the information furnished in the application.
- (4) After verification and enquiry, the Legal Metrology Officer concerned shall submit a detailed report along with his findings, observation and recommendation within 15 days to the higher officer.
- 223 The Controller of Legal Metrology is the final authority to issue the licence in the prescribed format.
- 224 If the application for the licence is refused or rejected ,the decision of the authority may be intimated to the applicant within a period of 15 days from the date of decision.
- 225 While issuing a new licence it shall be intimated to the Legal Metrology Officer concerned.
- 226 The Controller shall issue the licence to the applicant through Legal Metrology Officer recommended the application. On receipt of licence the Legal Metrology Officer concerned shall make necessary entries in the register prescribed.

#### **74. Renewal of Licences**

- 227 Every licence issued to a manufacturer, repairer or dealer shall be valid for minimum period of one calendar year and may be renewed for a period of one to five years, by the Controller or such other officer as may

be authorised by him in this behalf on payment of yearly fee as specified in the Schedule IV of the Kerala Legal Metrology (Enforcement) Rules, 2012.

- 228 The validity of a licence is one calendar year, starting from 1<sup>st</sup> January to 31<sup>st</sup> December or period of five years as the case may be. The application for renewal shall be submitted to the Legal Metrology Officer authorized within 30 days before the expiry of the validity of the licence. The application for renewal shall be submitted in the prescribed proforma as in Schedule II B.
- 229 The fee payable for renewal of licence shall be deposited along with the application. The fee for the renewal of the licence is given in Schedule IV of The Kerala Legal Metrology (Enforcement) Rules, 2012.
- 230 Every licensee shall maintain records and registers in the form set out in Schedule VII A and also submit such periodical reports/returns in the relevant form set out in the schedule VII B
- 231 Every licensee shall maintain such workshop, equipments, tools, registers as the case may be, as per the terms and conditions of the licence.
- 232 After receiving the application, the Legal Metrology Officer authorized shall conduct an enquiry in this connection.
- 233 During the enquiry the Legal Metrology Officer shall verify the following points.
- regarding the premises
  - the last years performance of the licence
  - the condition of the workshop
- 234 If the Legal Metrology Officer authorized shall renew the licence on satisfaction of the conditions prescribed and remittance of necessary fees as per The Kerala Legal Metrology (Enforcement) Rules, 2012. He shall thereafter make necessary entries in the register prescribed and licence may be renewed.

## **75. Renewal of licences after expiry**

In case of renewal of licence after expiry the applicant shall remit the fee at the full rates as specified in Schedule IV of the Kerala Legal Metrology

(Enforcement )Rules, 2012 shall be additionally payable by the applicant if he is permitted by the Controller to make an application for the renewal of a licence within a period of three months from the date of expiry of the licence.

## **76. Enquiry and inspection for the renewal of licence**

While conducting the enquiry and the inspection the following guidelines shall be observed.

235 Whether the licence has maintained the records and registers as per Schedule VII A of The Kerala Legal Metrology (Enforcement) Rules, 2012.

236 Whether the licensee has submitted the returns as per schedule VII B of The Kerala Legal Metrology (Enforcement) Rules, 2012.

237 Before the renewal of a licence, the enquiry officer/ licensing authority shall see that any proceedings under the Act and Rules is pending against the licensee or whether any complaint is there for misuse or misconduct

(4) If the applicant refuses to produce any such details before the inspecting authority concerned , the latter may reject the application.

238 If the licensing authority concerned arrives at a conclusion that the licence cannot be renewed for any of the reasons, such decision shall be communicated to the applicant as well as the authorities concerned.

## **77. Issuance of duplicate licences**

239 The application for duplicate licence shall be submitted before the Legal Metrology Officer authorized on that behalf.

240 The application shall be appended with an affidavit sworn in before the Notary Public explaining circumstances which necessitated the issuance of the duplicate certificate and it also includes an affirmation that, incase the original is recovered, the duplicate shall be returned to the authority concerned.

241 The authorised Legal Metrology Officer shall verify all the documentary proof submitted along with the application.



242 The applicant shall remit fee as prescribed in the Schedule IV of the Kerala Legal Metrology (Enforcement )Rules, 2012.

243 On satisfaction of the above requirements, the authorised Legal Metrology Officer may forward the application the Controller of Legal Metrology along with his recommendation.

244 Controller of Legal Metrology is the final authority to issue the duplicate Licences.

#### **78. Alteration of Licences**

(1) For the alteration Licence, the licensee shall submit of a alterations to be made, to the application regarding the Legal Metrology Officer authorized.

245 While applying for alteration of licence, the prescribed fee as per Schedule IV of The Kerala Legal Metrology (Enforcement )Rule, 2012 shall be remitted.

The Legal Metrology Officer concerned may conduct a detailed enquiry in this regard and recommend to the licensing authority for alteration of the licence, if necessary.

Controller of Legal Metrology is the final authority to make alteration of the licence.

## **CHAPTER 10**

### **PACKER AND IMPORTER REGISTRATION**

#### **246 Registration of Importer of weight or measure**

Every manufacturer or dealer of weight or measure who intends to import any weight or measure shall apply to the Director, through the Controller of Legal Metrology for registration of his name as importer in the form prescribed.

An application for registration should be submitted in prescribed form, through the State Controller, to the Director of Legal Metrology, along with a fee of Rs. 100/- at least one month before the import along with fee prescribed under the Legal Metrology (General) Rules, 2011.

The Controller of Legal Metrology may forward the application along with a report as to the antecedents and technical capabilities of the applicant to the Director.

#### **247 Registration of Manufacturer, Packer and Importer**

The application for registration of packer or importer of packaged commodities shall be submitted in the prescribed format. All the applications for packer registration shall be submitted to the Legal Metrology Officer authorized on this behalf.

- (2) According to rule 27 of the Legal Metrology (Packaged Commodities) Rules, 2011, every individual, firm, Hindu undivided family, Society, Company or Corporation who or which pre-packs or imports any commodity for sale, distribution or delivery shall be registered his name and complete address with the Director or Controller of Legal Metrology.

- 248 Application in the prescribed format in duplicate are to be submitted at the office of the Legal Metrology Officer authorized in this behalf along with a fee prescribed in the Legal Metrology (Packaged Commodities) Rules, 2011, with the following documents.

a copy of Identification proof of name and address of the person

Registration or Trade Licence of the firm issued by Local Self Government Institutions.

In the case of partnership firm, the acknowledgement for Registration of the firm and copy of the registered partnership deed

- 249 In the case of Companies, Memorandum of Association and Articles of Association along with the list of Directors.
- 250 The name of the commodities to be packed or imported
- 251 for packing of food products, copy of the certificate issued by Food safety Standards Authorities of India .

252 On receipt of application the Registering Authority, shall -

if the application is not complete in all respects return the same to the applicant within a period of seven working days from the date of receipt of application.

if the application is complete in all respects, register the applicant and grant the registration certificate to that effect.

253 For making any alteration in the registration certificate, issued, the application to this effect shall be submitted along with the fee prescribed under the Legal Metrology (Packaged Commodities) Rules, 2011 to the Legal Metrology Officer authorised on this behalf.

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

255 The Director or the Controller may, if he is satisfied after enquiry 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.

Where a shorter address is registered by the Director or the Controller, 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.

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

## **CHAPTER 11**

### **CAPACITY BUILDING**

#### **81. Training for Assistant Controllers.-**

Every Assistant Controller who is appointed directly shall, undergo two years probation period, within a continuous period of three years. During the probation period he shall fulfill the following requirements.

- 257 successfully complete the Basic Training Course at the Indian Institute of Legal Metrology, Ranchi.
- 258 undergo Training programme with experienced Legal Metrology Officers as directed by the Controller of Legal Metrology.
- 259 learn the work that are carried out in the office of the 1) Controller,  
2) Additional Controller 3) Joint Controller, 4) Deputy Controller  
5) Assistant Controller, and 6) Inspector
- 260 training in any other relevant subjects specified by the Controller.

#### **82. Training for Senior Inspectors.-**

Every Senior Inspector appointed directly shall,

- a. undergo a probation period of two years, During the probation period he shall fulfill the following requirements
- 261 successfully complete the Basic Training Course at the Indian Institute of Legal Metrology, Ranchi.
- 262 undergo Training programme with experienced Legal Metrology Officers as directed by the Controller of Legal Metrology.
- 263 learn the work that are carried out in the office of the 1) Controller,  
2) Additional Controller 3) Joint Controller, 4) Deputy Controller  
5) Assistant Controller, and 6) Inspector
- 264 training in any other relevant subjects specified by the Controller.

## **265 Training for Inspectors.-**

Every Inspector appointed directly by the Public Service Commission or promoted or appointed by any other mode shall fulfill the following requirements.

266 successfully complete the Basic Training Course at the Indian Institute of Legal Metrology, Ranchi.

267 Any other trainings as directed by the Controller of Legal Metrology from time to time.

268 Pass necessary examinations for the successful completion of probation period.

## **84. Training for Technical Assistant**

Every Technical Assistant shall under go one month training in which he shall complete the following syllabus

269 Maintenance and servicing of Secondary Standard Balances and Working Standard Balances, Length Measures and Capacity Measures.

270 Practical training for verification of mechanical as well as digital Working Standards and Secondary Standards

271 Training for the calculation of errors, sensitivity, accuracy and tolerances of Working Standards and Secondary Standards

272 Training for any other relevant subjects specified by the Controller

Training shall be under the supervision of Deputy Controller (Central Region), Assistant Controller (Central Laboratory) or any other Legal Metrology Officer authorized on his behalf.

## **85. Training for Inspecting Assistant**

Every Inspecting Assistant appointed directly or by promotion or by any other mode shall complete one month training conducted by Legal

Metrology Department. In the training the following syllabus has to be covered.

- 273History of Weight or Measure
- 274Maintenance of Working Standards and Commercial Standards
- 275Knowledge of permissible errors and tolerances
- 276Preparation of Verification Certificates
- 277Calculation of Fees .
- 278Familiarisation of software skills.
- 279Awareness regarding Act and Rules
- 280Any other relevant subjects specified by the Legal Metrology Department

#### **86. In-service/ short – term training programme**

Every Legal Metrology Officer may be deputed for in-service training by rotation.

- 281Refresher Course at Indian Institute of the Legal Metrology (IILM), Ranchi.
- 282Training programme at Fluid Control Research Institute (FCRI), Palakkad
- 283Training programme at various Regional Reference Standard Laboratories (RRSL)
- 284Training at National Physical Laboratory (NPL), New Delhi
- 285Training Programme organized by Government of India (including foreign training)
- 6. Seminars and Workshops organized by International Organization of Legal Metrology(OIML)
- 7. Training programme at Institute of Management in Government (IMG) /Indian Institute for Information & Technology Management in Kerala(IIITMK).
- 8. Training Programme at Keltron

286Any other training Programme directed by the Controller of Legal Metrology.

## **CHAPTER 12**

### **UNIFORM OF THE LEGAL METROLOGY OFFICERS**

87. Rule 21 of the Kerala Legal Metrology (Enforcement) Rules, 2012 prescribes uniform for Assistant Controllers, Senior Inspectors and Inspectors of Legal Metrology. The Controller of Legal Metrology by circular 9/2015 dated 14.10.2015 prescribed working uniform. The Hon'ble High Court of Kerala by Judgement dated, 07.10.2015 in WP(C) 3067/2014 empowered the Controller, Legal Metrology to grant permission for incognito inspection in specific cases and for granting necessary relaxation deemed fit and proper in wearing uniform in cases of physical handicap.

## **CHAPTER 13**

### **287 LANDMARK JUDGMENTS OF THE HON'BLE HIGH COURT OF KERALA RELATING TO LEGAL METROLOGY**

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT

THE HON'BLE THE CHIEF JUSTICE Mr. JUSTICE H.L. DATTU  
&

HON'BLE Mr. JUSTICE K.T. SANKARAN  
9<sup>TH</sup> APRIL 2008/20<sup>TH</sup> CHAITHRA 1930

OP No. 5157 of 1999(L)

### **288WHIRLPOOL INDIA LIMITED v. UNION OF INDIA AND THREE OTHERS**

This batch of Writ Appeals and Writ Petitions are disposed of by a common judgement since common questions relating to interpretation of the provisions of the Standards of Weights and Measures Act, 1976 (here in after referred to as "the Standards Act") , the Standards of Weights and Measures (Enforcement) Act, 1985 (herein after referred to as "the Enforcement Act") and the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 (herein after referred to as "the Rules") are involved in these cases.

289 W.A. Nos. 218 of 2003 and 1098 of 2003 arise out of O.P.No.16488 of 1998. The Original Petition was filed by Godrej/GE Appliances Limited, first respondent in the Writ Appeals. These Writ Appeals are being dealt with at first so that the decision here in can be followed, to the extent possible, in other cases.

## W.ANO. 218 OF 2003 AND CONNECTED CASES

3. O.P.No. 16488 of 1998 was filed for the following reliefs:

- 290 for an order and declaration of this Hon<sup>ble</sup> Court that the provisions of Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 and the Standards of Weights and Measures (Enforcement) Act, 1985 do not apply to the products manufactured and marketed by the petitioner.
- 291 For an order and declaration of this Hon<sup>ble</sup> Court that Section 33 of the Standards of Weights and Measures (Enforcement) Act, 1985 is ultra vires the Constitution of India and is void and liable to be struck down.
- 292 For a writ of certiorari, or a writ in the nature of certiorari, or any other appropriate writ, order or direction of this Hon<sup>ble</sup> Court calling for the records of the case and, after perusing the same, to quash and set aside all actions initiated against the petitioner including Exts P1, P3 and P5 of 3<sup>rd</sup> Respondent.
- 293 For a writ of mandamus, or a writ in the nature of mandamus, or any other appropriate writ, order or direction of this Hon<sup>ble</sup> Court restraining the Respondents by themselves, their officers, servants and agents, from taking any action whatsoever against the petitioner pursuant to or in implementation of any of the provisions of the Standards of Weights and Measures Act, 1976, the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, and the Standards of Weights and Measures (Enforcement) Act, 1985 in respect of the manufacture, sale, storage, packing and distribution in the petitioner's products including by launching and /or initiating any



legal proceedings, civil or criminal whatsoever against the petitioner or the Directors, servant and agents of the petitioner”,

294 The petitioner in the writ petition, namely, Godrej/GE Appliances Limited, manufactures refrigerators, air conditioners and washing machines. They filed the writ petition when show cause notices were issued on the ground that the statutory declarations as laid down under Rule 6(1)(c),(f) and Rule 12(5) of the Rules are not made on the package containing refrigerators. According to the petitioner, the products manufactured and despatched by them in corrugated boxes are so despatched primarily and essentially for the purpose of protecting the goods while in transit from the factory to the warehouse and thereafter from warehouse to the dealer’s shops. Thermocole and polythene covers are used to protect the devices or equipments. The goods do not satisfy the definition of commodity in packaged form or pre-packed commodity. The products would be displayed in the shops after opening from the package. The customer would inspect the product and if satisfied, would place an order and the product would be supplied to him. It was contended that the products manufactured by the petitioner do not come within the ambit of the aforesaid Rules of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977. The Learned Single Judge allowed the Original Petition. It was held thus:

“ By reason of Standards of Weights and Measures (Enforcement) Act, 1985, the former is made applicable for intra State trade as well. Therefore the provisions therein are applicable only in respect of the trade or commerce by weight, measure or number. A stereo set or a refrigerator is not sold in weight or by measure or by number. It will be sold only in single number. There is no case before me by the respondents that such equipments or devices are sold in packets containing more than one.....

295 As already mentioned above, these equipments are sold, with freedom for the customer to inspect and satisfy regarding its appearance and functioning. Therefore it cannot be taken that it is a commodity sold in package. Nobody is purchasing equipments like refrigerator or devices like Television sets, stereo sets etc., in packed form. Any purchaser will first get satisfied of its appearance

and functioning. Then alone one will buy such articles. Therefore on any count it cannot be taken that such equipment or devices are packaged commodity to come under the definition in Sec.2(b) of the 1976 Act.

(g). When those are not packaged commodities, restrictions contained in Sec. 39 of 1976 Act cannot be made applicable to such commodities. Naturally, there cannot be any violation to be proceeded against the petitioners including by prosecution."

However, the Learned Single Judge held that the specifications of the equipments or devices are to be shown on the polythene or hardboard cover. It was held thus:

“ in such circumstances, it is only appropriate, when equipments or devices are so covered though not covered by section 39 of the 1976 Act, to show specification of the concerned equipments or devices as the case may be.”

296The contention that Section 33 of the Enforcement Act ultra vires the Constitution of India void and is liable to be struck down was not apparently argued before the learned Single Judge. The learned counsel for the first respondent (petitioner in the Original Petition) did not raise that contention in the Writ Appeal as well.

297The Standards Act is an Act to establish standards of weights and measures to regulate inter-state trade or commerce in weights, measures and other goods which are sold or distributed by weight, measure or number, and to provide for matters connected therewith or incidental thereto. The Standards Act is divided into parts I to VIII. Part IV deals with “inter-state trade or commerce in weight, measure or other goods”. Section 2(b) of the Standards Act defines “commodity in packaged form” thus:

“commodity in packaged form” means commodity packaged, whether in any bottle, tin wrapper or otherwise, in units suitable for sale, whether wholesale or retail”,

Section 31 of the Standards Act reads as follows.

“31. part IV to apply to inter-state trade or commerce only. The provisions of this part shall apply to –

298 every weight or measure which is, or is intended to be ,

made or manufactured for the purpose of inter-state trade or commerce.

Used, sold, distributed, delivered or otherwise transferred in the course of inter State trade or commerce,

299 goods which are or are intended to be, sold, distributed, delivered or, otherwise transferred by weight, measure or number, in the course of, inter-state trade or commerce;

300 Every service which is rendered by weight, measure or number in relation to or in the course of inter-state trade or commerce.”

Section 39 of the Standards Act provides for declaration of quantities and origin of commodities in packaged form. Sub-sections (1) to (3) of section 39 read as follows:

“39. Quantities and origin of commodities in packaged form to be declared:-

301 No person shall,

make, manufacture, pack, sell, or cause to be packed or sold distribute, deliver, or cause to be distributed or delivered, or offer, expose or possess for sale,

any commodity in packaged form to which this Part applies unless such package bears thereon or on a label securely attached thereto a definite, plain and conspicuous declaration, made in the prescribed manner of –

302 the identity of the commodity in the package;

303 the net quantity in terms of the standard unit of weight or measure of the commodity in the package;

304 where the commodity is packaged or sold by number the accurate number of the commodity contained in the package;

iv) the unit sale price of the commodity in the package, and

305 the sale price of the package

Explanation: In this sub-section, the expression “unit sale price” means the price according to such unit or weight, measure or number as may be prescribed.

306 Every package to which this Part applies shall bear thereon the name of the manufacturer and also of the packer or distributor.

307 Where the package of a commodity to which this Part applies or the label thereon bears a representation as to the number of servings, of the commodity contained therein, such package or label shall also bear a statement as to the net quantity (interms of weight, measure or number) of each such serving”.

Section 83 provides that the Central Government may, by notification, make rules for carrying out the provisions of the Standards Act.

308 The Standards of Weights and Measures (Packaged Commodities) Rules, 1977 were framed by the Central Government in exercise of the powers conferred by Section 83 of the Standards Act. The Rules shall apply to the commodities in the packaged form which are, or are intended or likely to be (i) sold, distributed or delivered or offered or displayed for sale, distribution or delivery, or (ii) stored for sale or for distribution or delivery, in the course of inter-State trade and commerce (vide Rule 1(3). The expression “pre-packed commodity” is defined in

Rule 2(1) thus,

„(1) “pre- packaged commodity” with its grammatical variations and cognate expressions, means a commodity or article or articles which, without the purchaser being present is placed in a package of whatever nature, so that the quantity of the product contained therein has a predetermined value and such value cannot be altered without the package or its lid or cap, as the case may be, being opened or undergoing a perceptile modification and the expression “package” wherever it occurs, shall be construed as a package containing a pre-packed, commodity.

Explanation (1):- Where, by reason merely of the opening of a package no alteration is caused to the value, quantity, nature or characteristic of the such commodity shall be deemed, for the purpose of these rules, to be pre-packed commodity for example, an electric bulb or fluorescent tube is a pre-packed commodity even though the package containing it is required to be opened for testing the commodity.

Explanation II – Where a commodity consists of a number of components and these components are packed in one, two or more units for sale as a single commodity, such commodity shall be deemed for the purpose of these rules to be a pre-packed commodity”.

Rule 2(r) defines “retail sale price” as follows.

“(r) “retail sale price” means the maximum price at which the commodity in packaged form may be sold to the ultimate consumer and where such price is mentioned on the package. There shall be printed on the packages the words maximum or max, retail prices inclusive of all taxes or in the form MRP Rs.....inclusive of all taxes.

Explanation :- For the purpose of the clause “maximum price” in relation to any commodity in packaged form shall include all taxes local or otherwise, freight, transport charges commission payable to dealers, and all charges towards advertisement, delivery, packing, forwarding and the like, as the case may be”,

Chapter II of the Rules relates to “provisions applicable to packages intended for retail sale”. Rule 3 provides that the provisions of Chapter II shall apply to packages intended for retail sale and the expression “package” wherever it occurs in the said Chapter shall be construed accordingly. Rule 4 stipulates that on and from the commencement of the Rules, no person shall prepack or cause of permit to be prepacked any commodity for sale, distribution or delivery unless the package in which the commodity is prepacked bears thereon, or on a label securely affixed thereto, such declarations as are required to be made under the rules. Rule 6 provides that every package shall bear thereon or on a label securely affixed there to a definite plain and conspicuous declaration as to the name and address of the manufacturer or where the manufacturer is not the

packer, the name and address of the manufacturer and packer, the common or generic names of the commodity contained in the package, the net quantity in terms of the standard unit of weight or measure, of the commodity contained in the package or where the commodity is packed or sold by number, the number of the commodity contained in the package, the month and year in which the commodity is manufactured or pre-packed the sale price of the package etc. Rule 12 provides the manner in which declaration of quantity shall be expressed. As per Rule 12(5), additional information about the commodity contained in a package shall also appear on the same panel in which the other information, as required by the rules have been indicated. Illustrations are provided in sub-rule (5). Illustration (f) therein states that in the case of electrical or electronic appliances, the voltage and wattage and also the output of such electrical or electronic appliances shall be mentioned. Rule 13(5) states that 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. The Sixth Schedule states that where any commodity is packed by number, such packing shall be made in the manner indicated therein Clause (a) provides that where the number is less than ten, it shall be by the integral number. Rule 23 deals with the provisions relating to wholesale dealer and retail dealers. Rule 23 reads as follows.

“23. Provisions relating to wholesale dealer and retail dealer :- (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.

309No 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 retails sale price thereof.

Explanation:- For the removal of doubts, it is hereby declare 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.

310Where, after any commodity has been pre-packed, for sale, any tax payable in relation to such commodity is revised, the retail dealer or any other

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

Provided that publication in any newspaper, of such revised price shall not be necessary where such revision is due to any increase in, or 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 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.

311 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.

312 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.

313 The Manufacturer or packer shall not alter the price on the wrapper once printed and used for packing.

Rule 39 provides that if any person contravenes the provisions of rule 6, or tampers with or obliterated or alters any declaration made on any package, he shall be punished with fine, which may extend to Rs. 2,000/-.

314 The Standards of Weights and Measures (Enforcement) Act, 1985 was enacted 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 and incidental thereto. The Enforcement Act extends to the whole of India. It shall come into force in a State on such date as the State Government may, by notification, appoint. The Enforcement Act came into force in the State of Kerala in the year 1992, by a notification issued by the State Government on 24.7.1992. Section 33 of the Enforcement Act occurring in Chapter IX reads as follows:

“33. Provisions of the Standards Act and the rules made thereunder relating to commodities in packaged form to apply to commodities in packaged form sold or distributed within the State :- (1) The provisions of the Standards Act and the rules made thereunder, as in force immediately before the commencement of this Act, with regard to commodities in packaged form which is distributed, sold, or kept, offered or exposed for sale, in the State as if the provisions aforesaid were enacted by, or made under this Act subject to the modification that any reference therein to the “Central Government”, “Standards Act” and the “Director” shall be construed as references respectively, to the “State Government”, “this Act” and the “Controller”.

315 The State Government may make rules, not inconsistent with the standards Act or any rule made thereunder, to regulate the packaging of any commodity intended to be sold or distributed within the State in packaged form, or to regulate the sale or distribution, within the State, of any commodity in packaged form.

Explanation: For the purpose of this section “commodity in packaged form” shall have the meaning assigned to it in the Standards Act and shall include a pre-packed commodity”



Section 51 of the Enforcement Act provides for penalty for contravention of Section 33.

316 W.A.No.218 of 2003 is filed by respondents 1 and 2 in the Original Petition No. 16488 of 1998 while W.A.No. 1098 of 2003 is filed by respondents 3 and 4. Sri. P.Parameswaran Nair, learned Assistant Solicitor General of India and the learned Government Pleader appearing for the appellants submitted that the finding of the learned single Judge that a stereo set or a refrigerator or is not sold by weight or by measure or by number is not correct in view of the provisions of the Standards Act and the Rules. Learned counsel also submits that simply because the customer has freedom to inspect and satisfy regarding appearance and functioning of the refrigerator, it cannot be taken that it is not a commodity sold in package. The finding of the learned single judge that refrigerators or stereo sets are not packaged commodities is also being questioned by the learned counsel for the appellant.

317 Sri. A.M. Shafiq, learned senior counsel appearing for the first respondent/writ petitioner submits that the Standards Act and Rules and the Enforcement Act do not apply to the manufacture and sale of refrigerators as it does not satisfy the definition of "packaged commodity" of "pre-packaged commodity". He submitted that the decision of the learned single judge is correct in the light of the various provisions in the Standards Act and Rules.

318 We also heard Senior Advocates Sri. Chacko George, Sri.Jaju Babu, Senior Advocate Sri. S.V. Balakrishna Iyer and other counsel appearing for the parties in the connected writ petitions, who made submissions in the connected cases and touched upon the various aspects of the Standards Acts and Rules.

319 The Honourable Supreme Court in India Photographic Co. Ltd. Vs. H.D.Shourie (1999) 6 SCC 428), considered the question whether it was necessary to print the price on the package of films manufactured by kodak. A complaint was filed by a consumer before the District Consumer Disputes Redressal Forum for the issuance of appropriate directions to protect the interests of the consumers. The complainant contended that it was mandatory to print the price on the package. The District Forum directed the manufacturer to display the sale price of the film on the package. The decision of the District

Forum was confirmed by the State Consumer Disputes Redressal Commission and the National Consumer Disputes Redressal Commission. The National Commission held that the cartons containing large numbers of film rolls sold on wholesale basis shall be affixed with a sticker indicating the price at which film roll may be sold in retail and that in the case of retail sales, each packet containing a single roll of film should bear a sticker showing the price of the film roll. The Honourable Supreme Court dismissed the appeal filed by manufacturer against the decision of the National Commission. The Supreme Court in that context dealt with the provisions of the Consumer Protection Act, 1986 and the Standards Act and Rules framed thereunder and held as follows.

320 "The Consumer Protection Act, 1986 has been enacted to provide for better protection of the interests of the consumers by making provisions for the establishment of consumer councils, other authorities for the settlement of consumer disputes and for matters connected therewith. The Act was enacted as a result of wide spread consumer protection movement. On the basis of the report of the Secretary General on Consumer Protection dated 27.05.1983, the United Nations Economic and Social Council recommended that the world Governments should develop, strengthen and implement a coherent consumer protection policy taking into consideration the guidelines set out therein. Each Government was obliged to set its own priorities for the protection of consumer's in accordance with the economic and social conditions of the country keeping in view the needs of its people and bearing in mind the costs and benefit of the proposed legislation. The Governments were to further provide adequate infrastructure including the bodies as well as financial facilities to develop, implement and monitor consumer protection policies. The introduction of new products in the developing countries was to be assessed in relation to the local conditions having regard to the existing production, distribution and consumption patterns of the country or region concerned. The various enactments such as the Contract Act, the Standards of Weights and Measures Act, the Motor Vehicles Act, the Monopolies and Restrictive Trade Practices Act, the Food adulteration Act. etc were found to be inadequate in providing the relief to the consumers. In discharge of the international obligations and to protect the interest of the consumer in the country, the Consumer Protection Act, 1986 was enacted (hereinafter called the 1986 Act). With reference to the consumer movement and the international obligations for

protection of the rights of the consumer provision has been made herewith the object of interpreting the relevant law in a rational manner and for achieving the objective set forth in the Act. A rational approach and not a technical approach is the mandate of law".

The Supreme Court also held that

“A perusal of Rule 6(1) of the rules clearly shows that the stress of the sub-rule is upon the package and not upon the person manufacturing or selling the package. The provisions of sub-rule (2) apparently appear to be in addition to the obligations cast upon the manufacturer and the dealer under sub-rule (1) of Rule 6 of the rules.”

Learned counsel for the manufacturer/writ petitioner relied on the Single Bench decision of the Andhra Pradesh High Court in **Eureka Forbes Limited V. Union of India** (AIR 2003 ANDHRA PRADESH 275 ) and the Division Bench decision of the Bombay High Court in **Titan Industries Ltd, Mumbai V. Union of India and Others** (AIR 2006 BOMBAY 336). In **Titan Industries Ltd.** 's case the Bombay High Court dealt with the question whether in the case of sale of watches the provisions of the Standards Act and Rules of 1977 would apply. It was contended by the manufacturer that the watches are kept for display and sale in showrooms and outlets and are sold by the piece . The customers insist upon inspection/checking. It was contended that the goods by their very nature are such that they cannot be sold in a packaged form, but have to be allowed to be handled and inspected and even worn by the customer before sale. The Bombay High Court accepted the contention of the manufacturer and held, after referring Section 2(b) of the Standards Act and Rule 2(1) of the Rules thus:

"From a reading of the Rule, what emerges is that the pre-packed commodity must be placed in a package of whatever nature without the purchaser being present. The product in the package must have a pre-determined value, which value cannot be altered without the package or its lid or cap as the case may be, being opened or the product under going a perceptible modification in other words on the package being opened or its lid or cap being opened, the pre- determined value of the commodity must stand altered or undergo a perceptible modification. These two requirements, therefore, have to be met for it to be a pre-packed commodity and the expression package is to be

construed as a package containing pre-packed commodity. In other words the stress is on the package containing the pre-packed commodity.

A proper reading or consideration, can only mean those commodities which intrinsically require to be packed and without being packed they cannot be sold, and merely because they are removed from the package for testing will not cease to be pre-packed commodity. it does not mean that a package merely because it is packed for protection or safety in the course of conveyance by virtue of the explanation becomes pre-packed commodity. The test would be whether by the very nature of the goods, whether it can be sold without being pre-packed. If the intention of the Legislature or the Rule-making Authority was to include every commodity which was packed then there would have been no need to provide for the explanation, The Rule itself could have produced that every commodity which is packed or in other words comes to the retailer in a packed form will be a pre-packed commodity. That not being the intention by the explanation only some pre-packed commodities which by the very nature of the product require to be packed before sale have been included by the explanation to fall within the expression pre-packed commodity.

The decision of the Madras High Court in **Philips India Limited V. Union of India** (2002 Writ LP 140), dealing with electronic items like TV was followed by the Bombay High Court. The decision of the learned single Judge of the Andhra Pradesh High Court in **Eureka Forbes Limited V. Union of India** (AIR 2003 ANDHRA PRADESH 275) was also followed by the Bombay High Court.

321 In *Eureka Forbes Limited V. Union of India* (AIR 2003 ANDHRA PRADESH 275) the Andhra Pradesh High Court held that the Act and Rules do not apply to all commodities. It was held thus:

“Therefore, Rule 3 read with the definition of pre-packed commodity in Rule 2(1) of the Rules as well as the definition of commodity in packaged form as defined in Section 2(b) of the Act would lead to a conclusion that unless the manufacturer, packer or retailer intends to sell commodity in a packaged form as a pre-packed commodity or commodity in packaged form the Act and the Rules have no application”.

Dealing with Rule 13(5) of the Rules read with Sixth Schedule, it was held in **Eureka Forbes Limited V. Union of India** (AIR 2003 ANDHRA PRADESH 275)

thus:

“ 19. Rule 13(5) of the Rules read with sixth Schedule is important to construe the Rules in so far as this case is concerned. Rule 13(5) of the Rules commence with the words when any commodity is packed by number...” When the commodity is packed by number as per sixth Schedule, if the number is less than ten a declaration shall be made by integral number. A vacuum cleaner is sold as a single piece and when the customer visits the office of the petitioner it is not in a pre-packed commodity nor can it be packed be deemed as commodity in packed form. Therefore, Rule 13(5) of the Rules and the sixth Schedule have no application. Even otherwise, as one piece is sold, I fail to understand how it can be expressed by integral number of one. This is a strong circumstance to show that when a vacuum cleaner is sold as single piece without any package, the Act and the Rules have no application”.

322 With respect, we find ourselves unable to agree with the view taken by the Bombay High Court and the Andhra Pradesh High Court. The view taken by the Bombay High Court that, if the intention of the Legislature or the Rule making Authority was to include every commodity which was packed, such a provision could have been made in the Rules, does not appear to us to be a correct view. The question is whether the commodity in question satisfy the definition of “commodity in packaged form” in Section 2(b) of the Standards Act and the definition of “Pre- Packed commodity” in Rule 2(1) of the Rules. The ingredients of the definition of “Pre-packed commodity” in Rule 2(1) are the following.

The commodity is placed in a package.

It was placed without the purchaser being present;

The package may be of whatever nature.

The quantity of the product contained in the package has a pre determined value.

Such value cannot be altered without the package or its lid of cap as the case may be being opened or undergoing a perceptible modification.

“Quantity is defined in Rule 2(n) Explanation 1 to Rule 2(1) makes the position clear that even on opening of a package no alteration is caused to the value, quantity, nature or characteristic of the commodity such commodity shall also be deemed, for the purpose of the Rules, to be a pre-packed commodity. A reading of the definition along with the explanation makes it clear that the expression “such value cannot be altered without the package or its lid or cap, as the case may be, being opened or undergoing a perceptible modification” in the definition is not a decisive ingredient to determine whether the commodity is a pre-packed commodity. It is not that, to constitute a pre-packed commodity, the pre determined value should alter by opening the package or the package undergoing a perceptible modification. On the other hand, the meaning is that the pre-determined value of a pre-packed commodity cannot be altered without opening the package or its lid or cap. The trust is on the impossibility of the pre-determined value being changed without opening the package or its lid or cap. In other words, it cannot be said that, in order to constitute a pre packed commodity, the pre-determined value must necessarily get altered if the package, lid or cap is opened. The view taken by the Bombay High Court that the package being opened or its lid or cap being opened, the pre-determined value of the commodity must stand altered or must undergo a perceptible modification does not appear to be a correct interpretation. The expression perceptible modification does not relate to the product, but to the package lid or cap.

323 The test is not whether a testing is necessary as in the case of an electric bulb or fluorescent tube or any other commodity where such a testing is required. Even if such testing is required for the consumer to purchase it, it does not cease to be a packaged commodity. The thrust is on the quantity of the product which has a pre determined value being placed in a package without the presence of the purchaser. The purchaser should be told as to the nature of the content in the package and that is achieved by the declaration under Rule 6 bearing on the package or on a label securely affixed thereto. By seeing the label and declaration therein, the consumer must be in a position to ascertain whether he should purchase it. All the necessary specifications and the value of the commodity should be made known to the consumer.

324 Rule 13(5) of the Rules reads as follows:

“(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 pre-pack any commodity in the standard quantities specified in the Sixth Schedule, authorize the pre-packing of such commodities in such number as it may specify.

The Sixth Schedule appended to the Rules provides the manner in which commodities intended to be sold by number shall be packed. It is stated in the Sixth Schedule that where any commodity is packed by number, such packing shall be made, unless otherwise provided in the Rules, in the manner indicated therein. Clause (a) therein states that where the number is less than ten, by the integral number. Clauses (b) to (e) of the Sixth Schedule also provides the manner in which the package shall be made where the number exceeds ten but does not exceed one hundred, where the number exceeds 100 but does not exceed 500, where the number exceeds 500 but does not exceed 1000 and where the number exceeds 1000. The contention of the writ petitioner is that in the package containing refrigerator, which is primarily intended for the protection of the commodity, only one piece would be packed and therefore it is not a commodity packed by number as provided in Rule 13(5). The counsel argues that Rule 13(5) read with Sixth Schedule would apply where more than one item of commodity is packed in a single package. Learned single judge accepted the contention of the writ petitioner that a refrigerator will be sold in a single number and, therefore, the Enforcement Act may not apply with respect, we do not agree with the view taken by the learned single judge. Even if the number of the commodity is only one in a package, it cannot be said that such commodity is not packed by number it cannot also be said that clause (a) of the Sixth Schedule would not apply to such commodity and package. Even if the number of commodity is one, the package shall contain the integral number. Therefore, we reject the contention of the writ petitioner that the Standards Act and Rules

and the Enforcement Act would not apply to a case where the package contains only one piece and sale of that commodity is effected after opening the package.

325 Rule 2(j) defining „multi-piece package“ and Rule 2(g) defining „group package“ would also support the above finding. „Multi-piece package“ as defined in Rule 2(j) means a package containing two or more individually packaged or labeled pieces of the same commodities of identical quantity, intended for retail sale, either in individual pieces or the package as a whole. Illustration there under mentions a package containing five toilet soap cakes. „Group package“ means a package intended for retail sale, containing two or more individual packages, or individual pieces, of similar, but not identical (whether in quantity or size) commodities. The definition of „multi- piece package“ and „group package“ would also lead us to the conclusion that even if the number of the commodity is one, it would satisfy the definition of a pre packed commodity in packaged form.

326 The definition of “pre-packed commodity” in Rule 2(1) was amended and a new definition is substituted with effect from 13.01.2007. The amended definition reads as follows:

"(1) „pre packed commodity“ means a commodity, which without the purchaser being present, is placed in a package of whatever nature, whether sealed or opened, so that the commodity contained therein has a pre determined value and includes those commodities which could be taken out of the package for testing or examining or inspecting the commodity".

Explanations to Rule 2(1) were omitted and the definition was re-cast. It does not appear that the substitution of Rule 2(1) was to change the definition of pre-packaged commodity altogether but to streamline the definition to avoid different interpretations,

327 Rule 12 of the Rules provides that the declaration or 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. Sub-Rule (2) provides that except in the cases of commodities specified in the „Fifth Schedule, the declaration of quantity shall be in terms of the unit of mass, length, area, volume or number. The Fifth Schedule contains various items which includes ready made garments and tyres and tubes. Sub rule (4) of Rule 12 states that 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 are also provided therein. The provisions of the Standards Act and the Rules would unmistakably indicate that even if a commodity is taken out of the package at the retail outlet and sold to the consumer with the package or without the package, that does not absolve the necessary declarations to be made on the package.

328 The view taken by the Andhra Pradesh High Court in Eureka Forbes Ltd's Case that unless the manufacturer, packer or retailer intends to sell the commodity in packaged form as a pre-packed commodity or commonly in packaged form, the Act and Rules have no application. With respect we are unable to subscribe to the view taken by the Andhra Pradesh High Court. The intention of the manufacturer, packer or retailer is hardly relevant in construing the various provisions of the Standards Act and the Rules and the Enforcement Act. If the various provisions in the aforesaid Acts and Rules would mandate that a commodity should be treated as a pre packed commodity or a commodity in a packaged form the intention of the manufacturer is absolutely irrelevant. To our mind interpretation of the provisions of the aforesaid Acts and Rules is to be made from the point of view of the consumer and keeping in mind the object sought to be achieved by the enactment of the Acts and the framing of the Rules under the Standards Act. Viewed in that angle, it is abundantly clear that the intention of the manufacturer, packer or retailer is hardly relevant in construing the various provisions of the Acts and Rules.

329 The writ petitioner has raised ground (G) in the Writ Petition in support of the contention that the sale price of the commodity need not be shown on the carton containing the commodity. The said ground reads as follows.

“(G) It is respectfully submitted that out of the five declarations required to be made by Section 39 of the said Act and the eight declarations required to be made by Rule 6 of the said Rules, the only declaration which is likely to be subject to change between the date of manufacture of the products and their sale, is the sale price of the package. It is respectfully submitted that the sale price of the package is dependent upon several factors particularly differential rates of local taxes, budgetary changes in excise and other Central Taxes, Costs of freight, direct and indirect taxes or all or any of the aforesaid factors. It is respectfully submitted that in a given case by reasons of the change in direct and indirect taxes or by reason of change in rates of freight, etc., the consumer may either have to pay more or less for the said package. These changes are not changes which could be envisaged by any manufacturer or dealer at the time either of manufacture or purchase. To expect any manufacturer or dealer to do so would in fact be unduly harsh and unreasonable.

This contention is dealt with in paragraph 11 of the counter affidavit filed by respondents 1 and 2 in the Writ Petition, which reads as follows.

“Manufacturers of similar commodities are already making the declaration in respect of MRP and month and year of packing on their packages in compliance with the requirement of the Rules and in the interest of the consumers. The petitioner cannot claim any exemption. Incase if variation in the taxes etc., the Rules have laid certain procedures for collection of the additional amount as detailed in Rule 23(4). However when the rates of freight etc or for that matter, the cost price goes up then the manufacturer is required to charge the revised price only on the products to be packed thereafter and undue advantage should not taken for products in the “Pipe line” or at the retail counter. Therefore alteration of the retail sale price is permitted only at the manufacturer’s level and that too by obliterating the earlier declaration (if already made) and reprinting the new rate. It is reiterated that increase in the tax should be collected while selling the package after adopting the procedure laid

down in Rule 23(4) of the said Rules. Upward revision of the price printed due to variation in the cost price etc. is not envisaged under the Rules, in the interest of the consumers...”

330 Rule 23 of the Rules is relevant in this context. We have already quoted Rule 23 in paragraph 7 above. In view of the provisions of Rule 23, we are of the view that the aforesaid contention raised by the writ petitioner is without any substance. Rule 23 is intended to protect the consumer. The increase in tax is taken care of by Rule 23. At the same time increase in the price by the manufacturer subsequent to the movement of the commodity to the retailer cannot be added to the price indicated in the declaration on the package. The consumer is entitled to purchase the commodity at the value shown on the declaration contained on the package except with the variation as mentioned in Rule 23.

331 Inter-state trade or commerce in weight, measure or other goods which are sold or distributed by weight, measure or number is dealt with under the Standards Act. The Enforcement Act, 1985 provides for the enforcement of the standards of weights and measures established by or under the Standards of Weights and Measures Act 1976 in respect of intra-state trade or commerce. Section 33 of the Enforcement Act provides that the provisions of the Standards Act and the rules there under with regard to commodities in packaged form shall as far as may be apply to every commodity in packaged form which is distributed, sold or kept offered or exposed for sale, in the state. Sub-section (2) of Section 33 empowers the State Government to make rules, not inconsistent with the Standards Act or any Rule made thereunder, to regulate the packaging of any such commodity. The Standards Act and the rules thereunder and the Enforcement Act are intended for the protection of the rights of the consumer. Interpretation of the provisions of the Acts and Rules shall be in a rational manner keeping in mind the objects sought to be achieved by the enactments and Rules. A too technical interpretation as is sought to be made by the writ petitioner. If accepted, would not advance the protection of the rights of the consumer. Section 3 of the Standards Act states that the provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than the Act or in any instrument having effect by virtue of any enactment other than the Act. Section 4 of the Enforcement Act provides

for similar overriding effect except regarding anything inconsistent therewith contained in the Standards Act.

332 The aforesaid findings lead us to the inevitable conclusion that the writ petitioner is not entitled to the reliefs prayed for in the Writ Petition. The writ Appeal Nos. 218 of 2003 and 1098 of 2003 are allowed and the judgement of the learned single judge in O.P. No. 16488 of 1998 is set aside and the Writ Petition is dismissed. No Order as to costs.

333 Now, we shall dispose of the rest of the cases in the following manner.

**W.A.No.1287 of 2003** This writ Appeal is filed by the third respondent in O.P.No.14701 of 1994. The Original Petition was filed by the petitioner, M/s.Pieco Electronics & Electricals Ltd. The petitioner Company is engaged in the manufacture, sale and distribution of electrical and electronic equipments and components. The original Petition was disposed of by the learned single Judge along with O.P.No.16488 of 1998 (from which W.A.Nos 218 of 2003 and 1098 of 2003 arose) For the reasons stated in the judgement in W.A.nos 218 of 2003 and 1098 of 2003, this Writ Appeal is allowed, the judgement of the learned single judge is set aside and the Original Petition is dismissed. No order as to costs.

**W.A.No.291 of 2004** This Writ Appeal is filed by respondents 3 and 4 in O.P.No. 12855 of 1995. The petitioner in the Original Petition, Electronic Research Limited, is engaged in the production, sale and distribution of various electronic items including Satellite Receivers. The Original Petition was allowed by the learned single judge, following the judgement in O.P.No.16488 of 1998 (from which W.A.Nos. 218 of 2003 and 1098 of 2003 arose). For the reasons stated in the judgement in W.A.Nos.218 of 2003 and 1098 of 2003, this Writ Appeal is allowed the judgement of the learned single judge is set aside and the Original Petition is dismissed. No order as to costs.

**W.A.No.1268 of 2003** Respondents 1 to 3 in O.P. No.15175 of 1993 are the appellants in this Writ appeal. The petitioner in the Original Petition, namely, M/s.Godrej & Doyce Mfg. Co. Ltd. is a manufacturer of Typewriters. The original petition was allowed by the learned single judge. The judgment in

O.P.No.16488 of 1998 was also relied on by the learned single judge. Following the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, this Writ Appeal is allowed, the judgment of the learned single judge is set aside and the Original Petition is dismissed. No order as to costs.

**W.A.No.1217 of 2003** Respondents 1 and 2 in OP.No.14239 of 1993 have filed the Writ Appeal, challenging the judgment of the learned single judge in the Original Petition. The petitioner in the Original Petition, namely, M/s. Premier Mills Limited, is a manufacturer of wide range of Dhothies under different brand names, namely Chakravarthy, Primeking, Chalukya etc. The petitioner contended that the Dhothies cut into standard dimensions in the mill are distributed to various wholesale dealers. The wholesale dealers would, thereafter send the pieces to retail delers. The Dhothies are placed in polythene bags only for the purpose of protecting the commodity from getting soiled. It was contended that Dhothy is not a packaged commodity. The learned single judge allowed the Original Petition and held that Ext.P2 and other connected proceedings initiated against the petitioner are without jurisdiction. For the reasons stated in the judgement in W.A.Nos. 218 of 2003 and 1098 of 2003, this Writ Appeal is allowed, the judgment of the learned single Judge is set aside and the Original Petition is dismissed. No Order as to costs.

**O.P.No.5157 of 1999** This Original Petition is filed by Whirlpool of India Ltd., for identical reliefs as claimed in O.P.No. 16488 of 1998 discussed above. The petitioner is the manufacturer of Refrigerators and Washing Machines. On 15.2.1999, the Inspector of Legal Metrology, Tirur inspected the trade premises of M/s.United Business Corporation, Tirur and confiscated a Refrigerator of 165 litres, manufactured by the petitioner Company on the allegation that the package did not contain the declaration and retail sale price as required under the Standards of Weights and Measures (Packaged Commodities) Rules, 1977. In the Original Petition there is also a prayer to quash Ext.P5 under which the commodity was seized. For the reasons stated in the judgement in W.A.Nos.218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No.29816 of 1999** The petitioner, M/s. Videocon International Limited, is engaged in the manufacturing and marketing of television sets, AudioSystems,

Refrigerators, Washing Machines etc. The prayer in the Original petition is for a declaration that the Standards Act, Enforcement Act and the Rules do not apply to the products manufactured by the petitioner and for other incidental reliefs. For the reasons stated in the judgment in W.A.Nos.218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No.2074 of 2000** The petitioner is carrying on the business under the name and style “Akai India” and is engaged in the manufacturing and marketing of various products like, Television sets, Audio Systems, Video Systems etc. Similar prayers as made in O.P.No. 16488 of 1988 have been made in this Original Petition as well. For the reasons stated in the judgment in W.A. Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No.9544 of 1999** The petitioner, “BPL Sanyo Ltd, is engaged in the manufacture and distribution of Cassette Recorders, Video Cassette Players, Rechargeable Lanterns and Push Button Telephones. Similar reliefs as claimed in O.P.No. 16488 of 1998 are claimed in this Original Petition as well. For the reasons stated in the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No.11776 of 1998** In this Original Petition filed by BPL Telecom Limited BPL Sanyo Technologies Limited and BPL Limited, similar reliefs as claimed in O.P.No.16488 of 1988 are claimed. The petitioners also prayed to set aside all actions initiated as per Exts. P1, P2, P5 and P8 show cause notice and Ext. P11 order issued by the Controller of Legal Metrology, Thiruvananthapuram. As per Ext. P11, the third respondent has granted sanction to file complaint against the first petitioner and others. Following the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No Order as to costs.

**O.P.No.12395 of 2001** The petitioner is engaged in the business of distribution of electronic spares and accessories. The goods distributed by the petitioner include amplifiers, cables, capacitors, plugs and sockets, cords and connectors, cable T.V equipments, meters diodes and leads, eliminators, headphones, micro-motors, circuit boards, radios, soldering materials, loud speakers, stabilizers, switches, decks, cassette players, VCD Players etc. More or less similar prayers

as in O.P.No.16488 of 1998 are made in this Original Petition as well. For the reason stated in the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs

**O.P.No.13446 of 2001** The first petitioner Company, namely Xerox Modicorp Ltd, is engaged in the manufacturing and marketing of Copier machines, Faxes, Printers etc. Apart from claiming similar reliefs as claimed in O.P.No.16488 of 1998, the petitioners have sought for the issuance of a writ of certiorari to quash various notices issued by the Senior Inspector, Legal Metrology, Ernakulam. For the reasons stated in the judgment in W.A. Nos.218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No.24323 of 2001** The petitioner, Jeyemjay Techno Forms, a partnership firm is engaged in the manufacture of computer stationery. During the course of inspection in the trade premises of M/s. Koluthara Systems Pvt. Ltd., Edappally by the Inspector of Legal Metrology, it was detected that certain packets of computer paper manufactured by the petitioner and kept for sale did not bear the mandatory declarations as envisaged in the Standards of Weights and Measures (Packaged Commodities) Rules. The packages were seized, prosecution was initiated against the petitioner and others. The contention of the petitioner is that the firm supplies computer stationery for the use of different parties as per their orders. The orders are being placed on the basis of tender/quotation. The quantity, quality and size may vary from customer to customer. The products of the petitioner are not generally displayed or stored in any shop. The computer papers are supplied as per the requirement of the customer. Therefore, the products cannot be termed as packaged commodity within the meaning of the Act. In the counter affidavit filed on behalf of respondents 3 and 4 these averments are disputed. According to the respondents, the packages containing computer paper were kept for sale.

The petitioner prayed for a declaration that the products manufactured and marketed by the petitioner do not attract the Standards Act, the Enforcement Act and the Rules. There is also a prayer for a writ of mandamus restraining the respondents from initiating any legal proceedings against the petitioner. Since disputed questions of fact are involved in the Original Petition and in view of the pendency of the prosecution against the petitioner, the Original Petition is closed leaving open all the contentions of the petitioner.

**O.P.No.15944 of 1994** The petitioner is a partnership firm engaged in the business of wholesale distribution and sale of paper and paper boards. For the reasons stated in the judgment in W.A. Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No.21966 of 1999** The petitioner in the Original Petition, namely, Garware-Wall Ropers Limited, is engaged in the manufacture and distribution of different types of synthetic ropes, polypropylene, multifilament yarn twines etc. The Inspector of Legal Metrology seized package containing synthetic ropes kept for sale on the ground that the package does not contain the statutory declarations. The contentions put forward by the petitioner are similar to the contentions raised in W.A.Nos.218 of 2003 and 1098 of 2003. For the reasons stated in the judgment in W.A. Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No.12058 of 1993, O.P.No.1656 of 2003, O.P.No.16338 of 2001, O.P.No.16411 of 1998, O.P.No.21966 of 1999 O.P.No.16410 of 1993 and 17873 of 1993** : In these Original Petitions, the commodities involved for consideration are ready-made garments, sarees, dothies, shirts, trousers, kerchiefs, neck-ties and similar textile items in packets.

It cannot be said that ready-made garments do not come within the purview of the Standards Act, the Enforcement Act and the Rules. Item 21 in the Fifth Schedule is the entry relating to ready-made garments. The fifth schedule is provided with reference to Rule 12(2) of the Rules. The contentions put forward by the petitioner are similar to the contentions raised in W.A.Nos. 218 of 2003 and 1098 of 2003. For the reasons stated in the judgment in W.A.Nos.218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

In O.P.No.1656 of 2003, V-Star Creations Pvt. Ltd., and another have intervened as additional respondents 5 and 6. Respondents 5 and 6 deal with churidar sets. The contentions of the interveners are left open to be considered in appropriate proceedings.

**O.P.No.21390 of 1999** The petitioner, Samrat Sanitary Saturation, is engaged in the manufacture of sanitary items like gate valve, foot valve, shower, soap dish etc. The contentions put forward by the petitioner are similar to the contentions raised in W.A.Nos. 218 of 2003 and 1098 of 2003. For the reasons



stated in the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No.21869 of 1998** The petitioner, Usha international Limited is engaged in the business of distribution of fans, sewing machines, air conditioners etc. The Senior Inspector of Legal Metrology seized an air conditioner on the ground that the necessary statutory declarations were absent on the package. The contentions put forward by the petitioner are similar to the contentions raised in W.A.Nos. 218 of 2003 and 1098 of 2003. For the reasons stated in the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No. 11318 of 2000** The first petitioner, Protech Appliances Private Limited is a manufacturer of home soda makers. On inspection in the trade premises of the retailer, the Inspector of Legal Metrology found that the necessary statutory declarations are not shown on the package. The contentions put forward by the petitioners are similar to the contentions raised in W.A.Nos. 218 of 2003 and 1098 of 2003. For the reasons stated in the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No.17181 of 1999** The petitioner namely T.T.K. Prestige Limited is engaged in the manufacturing and marketing of pressure cookers, pressure pans, cook wear, non-stick cook wear etc. The contentions put forward by the petitioner are similar to the contentions raised in W.A.Nos. 218 of 2003 and 1098 of 2003. For the reason stated in the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No. 27234 of 1999** The petitioner, M/s. Falcon Agencies Private Limited, is an authorized distributor of footwear items manufactured by 25 Companies mentioned in the Original Petition. The contention of the petitioner is that the package containing footwear does not attract the provisions of the Standards Act, the enforcement Act and the Rules. The contentions put forward by the petitioner are similar to the contentions raised in W.A.Nos. 218 of 2003 and 1098 of 2003. For the reasons stated in the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No. 7575 of 2000** The petitioner, namely, M/s. Paragon Rubber Industries and another are manufacturers of Hawai Chappels in the brand name “Paragon”. The contentions put forward by the petitioner are similar to the contentions raised in W.A.Nos. 218 of 2003 and 1098 of 2003. For the reasons stated in the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No.19313 of 2001** The petitioner, namely Duroflex Limited, is engaged in the manufacture of rubberized coir mattresses and pillows under the brand names of “Duroflex” and “Duro”. The contentions put forward by the petitioner are similar to the contentions raised in W.A.Nos. 218 of 2003 and 1098 of 2003. For the reasons stated in the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No.18575 of 1998** Amco Batteries Ltd, the petitioner in the Original Petition, is the manufacturer of lead acid storage battery. The contention of the petitioner is that battery does not come within the scope of the Standards Act, the Enforcement Act and the Rules. The contentions put forward by the petitioner are similar to the contentions raised in W.A.Nos. 218 of 2003 and 1098 of 2003. For the reasons stated in the judgment in W.A.Nos 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P. No.17675 of 2002** The first petitioner Safana Cosmetics & Perfumes is a manufacturer of soaps. The contention of the petitioner is that the soap manufactured by the petitioner does not attract the provisions of the Standards Act, the Enforcement Act and the Rules. The soap is an item specifically referred to in Schedule III of the Rules. Schedule III relates to the commodities to be packaged in specified quantities. The III Schedule is related to Rule 5 of the Rules. Rule 5 provides that on an from the commencement of the Rules, no person shall pre pack or cause or permit to be pre packed any commodity for sale, distribution, or delivery except in such standard quantities as are specified in relation to that commodity in the Third Schedule. For the reasons stated in the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

**O.P.No.32784 of 2000** The first petitioner, M/s. Manfold Paints Private Limited, is the manufacturer of paints. On inspection in the trade premises of a dealer, it was detected that the packages containing the paint did not bear the

declarations as envisaged in the Rules. The reliefs prayed for in the Original Petition is to quash Ext.P4 order passed by the Controller of Legal Metrology granting sanction for prosecution and to restrain the respondent from initiating any legal proceedings. Paint is an item in serial number 20 of the III Schedule appended to the Rules. It cannot be said that the items manufactured by the petitioner do not attract the provisions of the Standards Act, the Enforcement Act and the Rules. For the reasons stated in the judgment in W.A.Nos. 218 of 2003 and 1098 of 2003, the Original Petition is dismissed. No order as to costs.

It is made clear that the disposal of the Writ Appeals and the Original Petitions as per this common judgment would not stand in the way of the respective petitioners in the Original Petitions from raising appropriate defence in the prosecution, if any initiated against them. This judgment would not be a bar for compounding the offence alleged against the petitioners.

Pending interlocutory applications, if any, are also dismissed.

**334**

**THE HIGH COURT OF  
KERALA AT ERNAKULAM  
PRESENT:**

**THE HONOURABLE Mr. JUSTICE M.SASIDHARAN NAMBIAR 19<sup>TH</sup>  
AUGUST 2009/28<sup>TH</sup> SRAVANA 1931 CrI.MC. No. 1940/ 2009**

**335 794/2006 of JUDL.MAGISTRATE OF FIRST CLASS-I,  
ALUVA BADUSHA and Six others V. STATE OF KERALA**

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**CrI. M. C. No. 1947 of 2009**  
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**ORDER**

Petitioners are the accused in C.C. No, 794/2006 on the file of Judicial First Class Magistrate's Court-I, Aluva. This petition is filed under Section 482 of Code of Criminal Procedure to quash the proceedings. Learned Magistrate took cognizance of the offences on Annexure- A1 complaint filed by the second respondent, Inspector of Legal Metrology. Allegation in Annexure – A1 complaint is that on 17.7.2001, second respondent, along with Assistant

Controller of Legal Metrology (Flying Squad), Ernakulam, inspected the trade premises of M/s. Blayees Duty Paid Shop, Vazhakkala and detected that first accused had stored and exhibited for sale packages, which did not bear the declarations as required under Rule 6(1) of Standards of Weights and Measures (Packages Commodities) Rules, 1977 read with Section 39 of Standards of Weights and Measures Act, 1976 and Section 33 of Standards of Weights and Measures (Enforcement) Act, 1985 and there is violation of Rules 4, 6(1) and 23(1) of Standards of Weights and Measures (Packaged Commodities) Rules 1977.

Prosecution case is that petitioners prevented and obstructed second respondent and other officers of Legal Metrology from seizing the false packages and prevented them from exercising the powers and discharging the functions conferred under the provisions of Standards of Weights and Measures Act, 1976 and Standards of Weight and Measures (Enforcement )Act 1985 and thereby committed the alleged offences. Case of the petitioners is that in respect of the very same incident, Crime No. 151/2001 of , Thrikkakara Police Station was registered for the offences under Sections 143, 147, 342, 294(b) and 353 read with section 149 of Indian Penal and as seen from Annexure-A2 final report in that case and the allegations in the complaint are identical. It is contended that though petitioners were tried by Judicial First Class Magistrate-I, Aluva on Annexure – A2 final report, under Annexure – A3 judgment, they were acquitted and therefore, continuation of proceedings in respect of the same incident and that too on the same allegations is only an abuse of process of the court and is to be quashed.

336 Learned Counsel appearing for the petitioners and learned Prosecutor were heard.

337 Argument of the learned Counsel appearing for the petitioners is that police submitted Annexure- A2 charge sheet on identical facts in respect of the same incident and under Annexure- A3 judgment, whereby petitioners were acquitted by the learned Magistrate, even if petitioners are to be tried in C.C.No. 794/2006, there is no chance of a successful conviction and in such circumstances, it is only an abuse of process of the court and is to be quashed.

Learned Public Prosecutor pointed out that the offences, taken cognizance by the learned Magistrate on the basis of Annexure- A1 complaint, are only offences provided under Standards of Weights and Measures Act, 1976, Standards of Weights and Measures (Enforcement) Act, 1985 and Standards of Weights and Measures (Packaged Commodities) Rules, 1977 and petitioners were not tried for the said offences in C.C.No.1836/2002 and therefore, for the reason that petitioners were acquitted under Annexure- A3 Judgment the case cannot be quashed.

On hearing the learned counsel appearing for the petitioners and learned public prosecutor, I cannot agree with the submissions of the learned counsel that for the reason that petitioners were tried and acquitted in C.C.No.1836/2002, the proceedings in C.C.No. 794/2006 is to be quashed. If the ingredients of the offences tried by the learned Magistrate in C.C.No.1836/2002 and the ingredients of the offences being tried in C.C. No. 794/2006 are the same, it could have been said that continuation of the proceedings in C.C.No.794/2006 is an abuse of process of the court or that when petitioners, on the very same set of facts, were acquitted under Annexure-A3 judgment, there is no possibility of a conviction even if petitioners are to be tried in C.C.No.794/2006 and therefore, this court has to invoke the extraordinary inherent power under Section 482 of Code of Criminal Procedure. But, that is not the case herein. Petitioners were tried for the offences under sections 143, 147, 342, 294(b) and 353 read with section 149 of Indian Penal Code. Though learned counsel appearing for the petitioners submitted that ingredients of the offence under Section 353 of Indian Penal Code and ingredients of the offences being tried in C.C.No.794/2006 are the same, I cannot agree with the submission.

- 338 An offence under Section 353 of Indian Penal Code is attracted only if petitioners have assaulted or used criminal force to any person being a public servant in execution of his duty as a public servant or with intent to prevent or deter that person from discharging his duty as a public servant or in consequence of any thing done or attempted to be done by such person in the lawful discharge of his duty as a public servant. Therefore, if there is no evidence to establish assault or use by criminal

force, petitioners could only be acquitted for the offence under Section 353 of Indian Penal Code.

339 Section 50 of Standards of Weights and Measures (Enforcement) Act, 1985 provides penalty for contravention of sections 30 and 31. Under Section 50, whoever prevents the Controller or any officer authorized by the Controller from searching any premises or prevents any Inspector from making any seizure of any weight, measure, packaged commodity, goods, documents, records or label shall be punishable for the said offence. Therefore, even if there was no use of criminal force or assault, if the Controller or any officer authorized by the Controller was prevented from searching or making seizure, the offence is attracted. Therefore, the ingredients are different. Hence for the reason that petitioners were acquitted for the offence under Section 353 of Indian penal Code, it cannot be said that petitioners shall, necessarily, be acquitted for the offence under Section 50 of the Act. Whether there are evidence to convict the petitioners or not is to be looked into by the Magistrate at the time of trial. But, for the reason that petitioners were earlier tried and acquitted for the offences under the provisions of Indian Penal Code, prosecution for the offences under Standards of Weights and Measures Act, 1976 and Standards of weights and Measures (Enforcement) Act, 1985 cannot be quashed as sought for.

Petition is dismissed. Petitioners are entitled to take up all the contentions raised herein before the learned Magistrate.

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3. IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE M.SASIDHARAN NAMBIAR

6<sup>TH</sup> AUGUST 2009/15<sup>TH</sup> SRAVANA 1931

Op. No.12540 of 2003 (P)

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M/s.ALFA ELECTRONICS V. UNION OF INDIA and 3 others

JUDGMENT

This petition is filed under Article 226 of Constitution of India for a writ of certiorari to quash Exhibit P1 notice issued by the Inspector of Legal Metrology to show cause why prosecution shall not be initiated against the petitioner under Sections 29 and 35 of Standards of Weights and Measures Act, 1976, 23 and 28 of Standards of Weights and Measures (Enforcement) Act, 1985, punishable under Sections 54 and 58 of the said Act and to declare that Rules 3(1) and 23 of Standards of Weights and Measures (Packaged Commodities) Rules, 1977 are ultra virus of Standards of Weights and Measures Act, 1976 and for a writ of mandamus or direction restraining respondents from taking further action for implementing the provisions of Standards of Weights and Measures Act, 1976, Standards of Weights and Measures (Enforcement) Act, 1985 and Standards of Weights and Measures (Packaged Commodities) Rules, 1977 and to declare that provisions of Standards of Weights and Measures (enforcement) Act, 1985 and Standards of Weights and Measures (Packaged Commodities) Rules, 1977 do not apply to the products distributed by the petitioner.

The Contentions canvassed by the petitioner are squarely covered by the Division Bench decision of this Court dated 9.4.2008 in O.P.No. 7575/2005 and connected cases (M/s. Paragon Rubber Industries V. Union of India and others). The Division Bench held that Standards Act and Rules and the Enforcement Act even apply to a case where the package contains only one piece and sale of that commodity is effected after opening the package. Items manufactured by the petitioner attract the provisions of Standards Act, Enforcement Act and the Rules and therefore, the order passed by the Controller of Legal Metrology, granting sanction for prosecution, cannot be quashed and the officers cannot be

restrained from initiating any legal proceedings and all the original petitions were dismissed. It was made clear that dismissal of the original petitions will not stand in the way of respective petitioners from raising appropriate defence in the prosecution, if any and also will not be a bar for compounding the offences alleged against them. In the light of the said decision, this original petition can only be dismissed.

The original petition is, therefore, dismissed. It is made clear that dismissal of the original petition will not be a bar to raise all the available contentions before the Magistrate or seeking compounding of the offences.

340 IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS.JUSTICE K. HEMA 30<sup>TH</sup> SEPTEMBER  
2009/8<sup>TH</sup> ASWINA 1931 CrI. MC. No. 2031 of 2007 BATA INDIA LIMITED  
V. STATE OF KERALA

### ORDER

This petition is filed under section 482 Cr.PC to quash Annexure D complaint filed by the first respondent against the petitioners, alleging that an article of footwear manufactured and sold by first petitioner-company through the distributors and dealers did not contain the declaration with regard to the maximum retail price as envisaged under Rule 6 (1)(b) of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977. The second and third petitioners are Senior Manager and Depot Manager of the Company.

The main contention raised in this petition is that the footwear is not a packaged commodity. It is only if the footwear is a packaged commodity, the alleged offence can be said to have been committed. Learned Public Prosecutor referred to a decision of the Division Bench of this Court reported in 2008(3) KLT 694 UNION OF INDIA VS. GODREJ GE APPLIANCES LTD., and argued that the footwear is a packaged commodity, as held by this Court in the said decision. It was submitted that certain paragraphs are deleted while reporting the judgement. But in OP No. 27234/99 which relates to the footwear, relying upon the principle laid down in above said decision the said OP was also



dismissed. In the light of the above judgment, it is submitted that the petitioner's contentions will not be sustainable.

Learned counsel appearing for petitioners submitted that the decision can be distinguished on the facts. According to him, before a customer purchases footwear, he tries them and then only, purchase the article. For other reasons also the footwear can be treated as a packaged commodity and no offence will lie, it is argued.

On hearing both sides, I find that I need not go into the merits of the case since the issue to be resolved in this case involves mixed questions of facts and law. So, a conclusion can be made only on the basis of evidence to be adduced. On hearing both sides and going through the judgment referred to by learned Public Prosecutor, I do not find any ground to quash the complaint on the ground urged. If the petitioner can distinguish the decision on facts, he may do so, at appropriate stage.

This petition is dismissed

PRESENT:

THE HONOURABLE Mr.JUSTICE  
342 SATHEESA CHANDRAN,

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W.P.(C) 10917/2011 & 20384/2011  
20387/2011 &  
Crl.M.C. No. 951, 1607, 1608 of 2011

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Dated this the 13<sup>th</sup> day of March, 2013

J U D G E M E N T

The above Writ Petitions and Crl. M.Cs are filed by the accused persons who are being prosecuted on a complaint filed by the Inspector of Legal Metrology, Circle-1, Irinjalakkuda. Imputing against them violation of Rule 6 (1A) of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, hereinafter referred to as the „PC Rules“ and thus contravention of section 39 of the Standard of Weights and Measures Act, 1976 hereinafter referred to as Standards Act, petitioners are prosecuted for the offence under section 63 of the above Act.

343 Cognizance taken of the offence imputed in the complaint and process issued, the case numbered as S.T.No.6367 of 2010 now awaits enquiry before the judicial First Class Magistrate, Irinjalakuda.

344 The accused persons some of them joining together and one of them separately, have filed the Crl.M.C.s and writ petitions. Accused persons ranked 9 to 14 have filed Crl. M.C.No.951 of 2011 and W.P.(C) No. 10917 of 2011, accused person ranked 1 to 7, Crl. M.C. 1608 of 2011 and W.P.(C) No.20384 of 2011 and accused No.8, Crl.M.C.No. 1607 of 2011 and W.P.(C) No. 20387, of 2011. They have filed the Crl.M.C.s to quash the Complaint invoking the inherent powers of this court contending that Criminal proceedings initiated against them are an abuse of process of the Court. Writ petitions are filed challenging the constitutional validity of sub-rule (IA) of Rule 6 of the PC Rules contending that it is beyond the rule making power vested with the Central Government under Section 39 read with Section 83 of the „Standards Act, and for striking down that rule by a writ of certiorari or other appropriate writ, order

or direction and also to quash the complaint filed against the writ petitioners imputing violation of that rule.

345 Though challenges raised in the Crl.M.C.s and writ petitions stand on different footing, indisputably, criminal proceedings initiated against the petitioners arraying them as accused on the complaint of the Inspector, Legal Metrology imputing violation of Rule 6 (1A) of the PC Rules by them has given rise to both the proceedings before this court. In the Crl.M.C.s prosecution proceedings launched against the petitioners/accused is impeached as an abuse of process of the court setting forth a challenge that the newly added sub-rule, sub-rule (1A) to Rule 6 of the PC Rules cannot have application over intrastate sale of packaged goods if a true and correct interpretation is given to the words “as in force immediately before the commencement of this Act” in sub section (1) section 33 of the Standards of Weights and Measures (Enforcement) Act, 1985 for short the „Enforcement Act“. In the writ petitions challenge raised is over the rule making power of the Central Government to incorporate sub-rule (1A) to Rule 6 of the PC Rules impeaching its competency and authority to do so. Striking down of Sub-rule (1A) to Rule 6 of the PC Rules on the challenge as aforesaid and quashing of the complaint giving rise to prosecution of the writ petitioners is canvassed in the writ petitions invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

346 Since the questions to be resolved in the Crl. M.C. s and writ petitions primarily rest upon the interpretation to be placed over one or other provisions of Standards Act, the PC Rules and also the Enforcement Act, and the fulcrum on which the prosecution under the complaint rests on the alleged violation of a Rule under the PC Rules, all petitions were heard together.

I heard learned senior counsel Sri.Chacko George, who appeared for the petitioners in the Crl. M.C.s and writ petitions, the learned Additional State Prosecutor Sri.K.I.Abdul Rasheed, who appeared for the respondent/complainant and also Assistant Solicitor General Sri.P.Parameswaran Nair for Central Government.

Inspector of Legal Metrology, Circle-I, Irinjalakuda on 18.07.2008 conducted an inspection over the retail trade premises of M/s. Lan Mark Shops 347 Private Limited, Thalore, Thrichur. On such inspection he seized two items of packages, three each in number which were stored, displayed and exposed for sale without conforming to the PC Rules and the Standards Act. One among the

two items of packages relating to a product voltage stabilizer manufactured by a concern, namely, V-Guard Industries Limited is the subject matter of the complaint. The packets, three in number containing the product and printed V-Guard Voltage Stabilizer did not bear the statutory declaration regarding the name, address, telephone number and E-mail address of the person who can be or office which can be contacted in case of consumer complaints, is the gist of the accusation to impute violation of PC Rules and provisions of the Standards Act, to prosecute the accused persons. Among the accused, accused No.1 is the Managing Director and accused Nos. 2 to 7 are the Directors of M/s. Lan Mark Shops (I) Private Limited, the retail dealer of the aforesaid packages. Accused No.9 is the Managing Director and accused Nos. 10 to 14 are the Directors of M/s. V-Guard Industries, Kochi, the manufacturer of the aforesaid packages. After issuing show cause notice to the above persons, and explanation offered by them found to be not satisfactory, complaint was filed before the magistrate of competent jurisdiction to prosecute them.

348 Common challenge in all three CrI. M.Cs against the prosecution of petitioners, the accused in the complaint case, is that the newly made sub-rule (IA) of Rule-6 of P.C. Rules, violation of which is the basis for prosecution is inapplicable to the state of Kerala where Enforcement Act has been brought into force only with effect from 24.07.1992. That challenge is built on the premises that Section 33 of the „Enforcement Act“ which made applicable the provisions of Standards Act and the Rules thereunder to intra-state sale of packaged commodities sold or distributed, stipulates that provisions of the Standards Act applicable to Interstate sale or distribution of commodities in packaged form as in force at the time when the Act was extended to the State to intra state sale or distribution alone can be applied to packaged commodities sold or distributed in the State. Sub-rule (IA) of Rule-6 of the Packaged Rules which was brought in by amendment and enforceable with effect from 13.01.2007 cannot have application to intra state sale or distribution of a packaged commodity, according to petitioners, since provisions of the Standards Act and the Rules as in force when the Enforcement Act was made applicable, that alone , will be applicable. Subsequent Amendments to the provisions of the Standards Act and rules cannot apply to intra state sale or distribution of packaged commodities, is the case canvassed giving emphasis to the clauses „as in force immediately before the commencement of this Act“ in sub section (1) of Section 33 of the Enforcement Act“. When that be the challenge in the CrI.M.Cs to assail the prosecution, in

the writ petitions rule making power of the Central Government to include sub-rule (IA) of Rule-6 of the PC Rules is challenged contending that Section 39 read with Section 83 of the Standards Act does not empower the Central Government to make such a Rule. Section 39 of the Standards Act states what are the matters to be declared on the packaged commodity and as such any prescription by Rules with respect to such declaration should confine to the matters covered by that section, and that alone is the challenge. The manner in which the declarations to be made, that too with respect to the matters covered by Section 39 alone, can be prescribed under the Rules according to petitioners. Rule making power vested with the Central Government for carrying out the provisions of the Standards Act, covered under Section 83 of that Act has a specific provision, according to petitioners, with respect to the manner of declaration of the contents of a package. Rule making power under subsection (2)(r) of Section 83 of the Standards Act with respect to the declaration to be made under Section 39 of the Act is confined to the manner of making such declarations, that alone, and not addition of any matter which is not contemplated by Section 39, is the case projected to assail sub-rule (IA) of Rule 6 as beyond the rule making power of the Central Government. In short, Central Government is not empowered to make sub-rule (IA) of Rule-6 which takes within its purview declaration of new matters not covered by section 39 of the standards Act, and, the rule making power of the Central Government is confined to the manner of declaration of the matters covered by that section alone, is the case canvassed to strike down sub-rule (IA) of Rule -6 of the PC Rules as falling outside the rule making power vested with the Central Government, and on that ground to quash the complaint.

349 The questions posed for consideration in the Crl. M.Cs. and the writ petitions to assail the prosecution of petitioners can be formulated as indicated hereunder. In the Crl.M.Cs. the question arising for consideration is over the interpretation of the clause „as in force immediately before the commencement of this Act“ in sub section (1) of Section 33 of the Enforcement Act. Does the clause „as in force immediately before the commencement of this „Act“ in Section 33 of the Enforcement Act in any way curtail or restrict the applicability of the provisions of Standards Act and Rules to intra state sale or distribution of packaged commodities as it existed when the Enforcement Act was brought into force in the state, or is it explanatory in nature that on the operation of

Enforcement Act whatever provisions of the Standards Act and Rules made thereunder shall have application over packaged commodities sold or distributed within the State? In the writ petitions the question for consideration is whether sub-rule (IA) of Rule-6 of the PC Rules is beyond the rule making power vested with the Central Government and thus, liable to be struck down.

350 First I shall advert to the challenge canvassed in the Crl.M.Cs to assail prosecution of petitioners. That challenge as already indicated is based on the clause “as in force immediately before the commencement of this Act” in sub section (1) of Section 33 of the Enforcement Act. The aforesaid sub section as a whole has to be reproduced to examine whether there is any merit in that challenge, which reads thus :

“33. Provisions of the Standards Act and the rules made thereunder relating to commodities in packaged form to apply to commodities in packaged form sold or distributed within the state : (1) The Provisions of the Standards Act and the rules made thereunder, as in force immediately before the commencement of this Act, with regard to commodities in packaged form shall, as far as may be; apply to every commodity in packaged form which is distributed, sold, or kept, offered or exposed for sale, in the state as if the provisions aforesaid were enacted by, or made under, this Act subject to the modification that any reference therein to the “Central Government”. “Standards Act” and the “Director” shall be construed as references respectively, to the “State Government”, “this Act” and the “Controller”.

Standards Act was enacted to establish standards of weights and measures to regulate inter-state trade or commerce in weights, measures and other goods and all incidental matters connected thereof. Enforcement Act was later enacted to provide for enforcement of the standards of weights and measures established by or under the Standards Act and the Rules thereof to intra-State trade or commerce. The aforesaid Enforcement Act was brought into force in State of Kerala with effect from 24.07.1992. At the most provisions of the Standards Act and the Rules there under „as in force“ when the Enforcement Act was made applicable to the State of Kerala, that alone, can be enforced in the State, and not any later amendment made in the Standards Act and Rules, is the challenge projected banking upon the clause „as in force immediately before

the commencement of this Act“ in sub section (1) of Section 33 of the Enforcement Act.

351 The very purpose of the Enforcement Act as could be seen from the preamble of that Act is “for the enforcement of the Standards of weights and measures established by or under the standards of weights and measures Act, 1976 or incidental thereto” in trade or commerce in the States as well with effect from the date the State Government may by notification appoint with respect to the various provisions of the Standards Act, fixing classes of goods, areas etc. for its applicability. By virtue of sub section (1) of section 33 of the Enforcement Act the provisions of the Standards Act and the Rules there under relating to commodities in packaged form as applicable to interstate trade or commerce has been extended to intra- state trade or commerce of packaged products.

The clause „as“ in force immediately before the commencement of this Act appearing in sub section (1) Section 33 of the Enforcement Act no way permits of an interpretation that when the Enforcement Act is brought into effect by notification by the State Government intra state trade or commerce of packaged commodities has to be governed by provisions of the Standards Act and the Rules thereof as it existed, that alone, when the Enforcement Act was brought into force in the State. On the contrary, whatever provisions of the Standards Act and Rules in force and continuing to be in force shall apply to the trade or commerce of packaged commodities in the State once the Enforcement Act is made applicable to the State. Any interpretation over the clause „as in force immediately before the commencement of this Act“ in the manner canvassed by the petitioners with respect to the applicability of the Standards Act and Rules there under over the trade or commerce of packaged commodities within the State is totally misconceived and not reflective of the legislative mandate covered by Section 33 of the Act. The clause „as in force immediately before the commencement of this Act“ has to be read only as a parenthetic clause, which does not in any way govern the principal clause spells out the legislative mandate over the applicability of the provisions of the Standards Act and Rules over intra state once the Enforcement Act is notified in the State.

352 Learned senior counsel has relied on a decision rendered by a learned single Judge of Andhra Pradesh High Court in V-Guard Industries Ltd. V. Controller of Legal Metrology and Others (2012(2) KHC 853) where the

interpretation placed over the clause “as in force immediately before commencement of this Act” in sub section (1) of Section 33 of the Enforcement Act has been accepted to hold that provisions of the Standards Act and the Rules made there under as it existed when Enforcement Act was notified and made applicable to the State will govern intra state trade or commerce of Packaged Commodities. No reasoning has been given in the decision to hold that the above mentioned clause in Section 33 has to be interpreted in the manner stated. With respect I may state that learned single Judge has interpreted Section 33 of the Enforcement Act as if it is governed by the clause “as in force immediately before the commencement of this Act”, but not analyzing that clause in the scheme of that Section itself under the Act and the mischief that is sought to be taken care of by the legislation with respect to intra state sale of packaged goods making the provisions of the Standards Act and the Rules there under applicable to such sale. In the back drop that the legislation over weights and measures was earlier in the state list but to bring about countrywide uniformity not only the enforcement procedures but also the legal control of Weights and Measures the above subject has been brought into concurrent list under 42<sup>nd</sup> amendment to the Constitution, the above said clause “as in force immediately before the commencement of this Act” under sub section (1) Section 33 of the Enforcement Act, has to be examined and interpreted. In the context the mandate covered under section 4 of the Enforcement Act also assumes much significance. That Section reads thus:-

353Provisions 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.”

The provisions of the Enforcement Act shall have overriding effect over laws other than that Act and, the Standards Act. So the provisions of the Enforcement Act even if it is inconsistent with provisions of any other Act shall prevail, but, other than the Standards Act. If the clause “as in force immediately before the commencement of such narrow interpretation placed is shown to be militating against the mischief that is sought to be avoided by the legislation. It is an elementary rule that construction of a section is to be made of all arts together



and not of one part only by itself and if at all there is inconsistency to ascertain the meaning the whole section should be read together and also an attempt should be made to reconcile both the parts. A sound interpretation and meaning of the statute is with a view taking note of the enacting clause and proviso all of them taken together. A sincere attempt should be made to reconcile the enacting clause with any clause which by itself may give rise to a different meaning to avoid repugnancy between the two. Where narrower of the interpretation would fail to achieve the manifest purpose of the legislation the established rule of construction based on the view parliament would legislate only for the purpose of bringing about an effective result. Manifest absurdity or futility, palpable injustice this Act is interpreted as suggested to hold that in respect of intra state sale of packaged commodities the provisions of the Act and the Rules under the Standards Act as it existed when the Enforcement Act was notified and brought into force in that state alone would apply, then, whatever later provisions brought or changes made by repeal or amendment would not have any applicability at all to intra state sale or distribution of packaged goods. A provision which existed earlier, but later repealed or amended in the standards Act and the Rules thereunder, to avoid or rectify a mischief noticed, may have to be applied in the state if the aforesaid clause is interpreted as suggested, over intrastate sale of packaged goods.

354 It is a settled principle of construction that to ascertain the legislative intend all the constituent parts of a statute are to be taken together and each word, phrase or sentence is to be considered in the light of the general purpose and object of the Act itself. Too much significance cannot be attached to a particular clause where any brought into force on different dates, and it depended upon the issue of a Notification by the respective State Government. Section (1) (3) of the Enforcement Act also makes it clear that the State Government is empowered to issue Notification fixing different dates for the applicability of different provisions under the Act. That also has to be taken note in interpreting the clause “as in force immediately before the commencement of the Act” in sub section (1) of Section 33 of the Act. Whatever be the Rules made in respect of packaged commodity under the Standards Act competency and empowerment of the Central Government to bring in amendment, modification, changes etc. to such Rules is not open to doubt. So much so if any amendment to such Rules is made, normally,

it will have only prospective operation. Applicability of that amended Rule and relevant provisions of the Standards Act and other Rules thereunder in relation to the Enforcement Act depend upon the Notification issued by the State Government. In a State where notification over the or absurd inconvenience or anomaly is to be avoid in interpreting a Statute is highlighted by Maxwell in „Interpretation of Statutes“. Craies on „Statute law“ has stated that every clause of a statue should be construed with reference to the context or the other clauses of the Act. So far as possible, to make a consistent enactment of the whole statute or series of statutes relating to the subject matter.

- 355 The clause „as in force immediately before commencement of this Act“ in sub section(1) Section 33 of the Enforcement Act if it is interpreted in the manner suggested by the learned counsel the provisions of the Standard Act and the Rules as on the date when Enforcement Act was notified in a state have to be applied with respect to intra state sale of packaged goods in the state that would result in absurdity and negate the very purpose for which the Standards Act and the Rules have been made applicable to intra state sale/or distribution of packaged commodities. In different States the Enforcement Act has been Enforcement Act by the State Government is after such an amendment, definitely, the amended Rule will have to be applied. However, in respect of a transaction in intra state sale of packaged goods before the amendment came into force, in a State where Enforcement Act has already been brought into force by Notification, then, existing provisions of the Standards Act and the Rules alone would apply to such transaction. A meaningful and purposeful interpretation to advance the legislative intent covered by Section 33 of the Act reading the section as a whole would clearly demonstrate that the clause „as in force immediately before the commencement of this Act“ has impact to the applicability of the Standards Act and the rules thereunder in respect of intra state sale of packaged goods with reference to the date of transaction, and not in the manner canvassed by counsel that the provisions of the Standards Act and the Rules as existed when brought into and enforced by Notification of the Government. Such narrow interpretation canvassed by petitioners over the clause “as in force immediately before the commencement of this Act” in sub section(1) of

Section 33 would defeat the very purpose for which section 33 has been brought into the statute. Clause as in force immediately commencement of this Act“ in sub section (1) of Section 33 of the Enforcement Act is only explanatory in nature and it no way interdict the applicability of the standards Act and the provisions as in force on the date of transaction of packaged commodities in intra state sale. Challenge canvassed by petitioner/accused persons to assail their prosecution on the basis of interpretation sought to be placed over the aforesaid clause has no merit.

356 In the Writ Petitions challenge is over the rule making power of the Central Government to set down sub rule (IA) of Rule 6 of PC Rules on the premise that Section 39 of the Standards Act govern matters over which prescription by rules can be made, and what is prescribed under Rule (IA) of Rule 6 of PC Rules is outside the rule making power. The relevant sections and rules have to be taken note of in considering the challenges raised in the Writ Petitions as aforesaid.

357 Chapter IV in the Standards Act deal with commodities in packaged form intended to be sold or distributed in the course of inter-state trade or commerce. Section 39(2) in that Chapter reads thus:-

“39. Quantities and origin of commodities in packaged Form to be declared –

358 .....

359 Every package to which this part applies shall  
bear thereon the name of the manufacturer and also of the  
packer or distributor”

Section 83 deals with the power to make rules under the Standards Act by the Central Government Section 83 (2) (r ) deals with the rule making power of the Central Government with respect to the manner of declarations of the contents and other details made over a package of good. That sub section reads thus:

360 Power to make rules –

.....

In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, Namely :-

361 .....

(r ) the manner of declaration of the contents of a package and specification of the unit of weight, measure or number in accordance with which the retail sale price shall be declared on the package:

Packaged rules framed under section 83 of the Standards Act deal with various provisions over the sale, distribution or delivery of packaged commodities. Petitioners are being prosecuted alleging violation of Rule 6(1A) of the above Rules. That Rule reads thus:-

“6. Declaration to be made on every package-

362.....

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

Rule 6 (1A) has been brought in by amendment under a Notification G.S.R. 425(E) dated 17.7.2006. Several other changes have been brought in the packaged rules under the aforesaid notification with which we are not concerned, laying down that the amended rules would come into effect immediately on expiry of 180 days from the date of its publication in the official gazette. Transaction over the packaged goods in the present case covered by the WritPetitions, admittedly, took place after the above Rule 6(1A) of the Packaged Rules came into force.

363 Learned senior counsel for the writ petitioners argued before me that Rule 6(1) of the packages rules takes within its ambit whatever is legitimately comprehended under section 39(2) read with section 83 of the Act in respect of which prescription by way of Rules could be made. What is mandated under section 39(2) of that Act is only that every package should bear the name of the manufacturer and also the packer or distributor is pointed out by the counsel to contend that the Rule 6(1)

framed, in exercise of the rule making power under section 83(2) (r ) of the Act takes care of the prescription over the declaration to be made in the packaged commodity Rule 6(1A) which causes an additional sub standard obligation to be performed by the manufacturer or packer, that too by way of statutory declaration is beyond the rule making power covered by section 83 of the Act and further it transgresses the scope and limit under section 39(2) of the Act, is the submission of the counsel. Such a Rule [Rule 6 (1A)] can be brought into effect only after amending section 39(2) of the Act by proper legislation, is the further submission of the counsel.

- 364 The question is whether Rule 6(1A) brought in by amendment is beyond the rule making power of the Central Government and does it transgress or violate the provisions covered by Section 39 (2) and section 83 of the Standards Act. Section 39(2) of the above Act, quoted above only directs furnishing the name of the manufacturer and also of the packer and distributor in the package. Rule making power of the Government under Section 83 (2) (r ) of the Act, enables only framing of rules over the manner in which the declaration of the contents of a package and specification of the unit of weight, measure or number is to be made on the package, is the submission of the counsel for petitioners. What is dealt under section 83 (2) (r ) referred, to above is something which falls under sub section (1) and not under subsection (2) of section 39 of the Act mandating that the packaged good shall bear the name of the manufacturer and also the packer or distributor. So reliance placed on section 83(2) (r ) of the Act by the learned counsel for petitioners to impeach the rule making power of the Government to frame Rule 6(1A) of the Packaged Rules has no merit. Now, coming to the rule making power of the Government also, it is to be noticed that what is given under sub section (2) of Section 83 of the Act in framing of Rules are only illustrative for giving effect to the Act and not exhaustive. Without prejudice to the generality of the rule making power of the government, it is stated, the rule framed may provide for all or any of the matters illustrated. None of the matters spelt out under Rule (2) curtail the rule making power of the government to frame such rules as may be necessary for the purpose of carrying out the provisions of the Act. That

is all the more visible from the last clause provided as rule (2) (zd) stating that rule making power of the government extends to any other matter which is required to be, or may be, prescribed. Prescribed has been defined under section 2(s) of the Act thus :-

365 S.2 Definitions – In this Act, unless the  
context otherwise requires -

.....

366 “prescribed” means prescribed by rules made  
under this Act and “prescribed authority” means  
Such authority as may be specified by such rules

What could be prescribed in exercise of the rule making power under Rules to give effect and enforce the provisions of the Act cannot at all be whittled down by placing too much significance on illustrative matters provided under sub section (2) of Section 83(2) of the Act in framing Rules. A reading of sub section (2) of section 83 of the Act providing the illustrations over which rules may be made it can be seen that clauses (r) to (v), five illustrations, alone have nexus with packaged commodities. If the argument of the senior counsel is accepted, then, only with respect to those five matters covered under sub section 367 of Section 83 alone the Government can frame rules over packaged commodities. Packaged rules as already indicated was brought into regulate the sale, distribution or delivery of packaged commodities in interstate trade and commerce. Now, by virtue of Section 33 of the Enforcement Act, such rules are applicable to intra state trade and commerce also. Section 39 (2) of the Standards Act specifically mandated furnishing of the name of the manufacturer and also of the packer and distributor of a packaged commodity, no way limits the rule making power of the Government to prescribe under Rules the manner in which the declaration has to be made. No amendment to that section is required to empower the government when it enjoys the Rule making power to frame whatever rules necessary for giving effect and enforcing the Standards Act including any matter how the declaration is to be made in a packaged good by the manufacturer, packer or distributor. What is prescribed under Rule 6 (1A) of P. C. Rules brought in by amendment is a mandatory requirement that every package shall bear the name, address, telephone number, E-mail address, if

available of the person who can be contacted or the office which can be contacted in case of consumer complaints. For redressing any complaint from a consumer of a packaged goods, it is evidently clear such a declaration with particulars specified on the package is insisted in the new rule. A consumer purchasing the packaged good if he has any complaint thereof can immediately contact the person or the office, if necessary information thereof is shown in the package. Insistence for such declaration rather furnishing of information on the packaged commodity which is intended to give effect to the provisions of the Act and Rules and also to safeguard the interest of the consumers, cannot be impeached on the ground that the government do not have the rule making power to prescribe such a rule. The rule making power of the government to frame such a rule insisting upon the manufacturer, packer or distributor to furnish the details as mandated in the packaged commodity has to be examined with reference to the provisions of the Act and the empowerment of the government to frame rules for carrying out the provisions of the Act. When that is so examined, there is absolutely no merit in the challenge canvassed that Rule 6(1A) brought in by amendment to the Packaged Rules is beyond the Rule making power of the Government. There is no merit in the challenge canvassed to assail Rule 6(1A) of Packaged Rules as falling outside the rule making power of the Central Government.

Writ petitions and Crl. M.Cs. are devoid of any merit and all petitions are dismissed.

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PRESENT:

THE HONOURABLE Mr.JUSTICE  
N.K.BALAKRISHNAN

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Crl. A. No.782 of 2002  
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Dated this the 17<sup>th</sup> day of November 2012

J U D G E M E N T

This appeal was filed by the State Challenging the verdict of acquittal rendered by the learned Magistrate in favour of accused Nos.1 and 2 in S.T.Case No.663/2000. The complaint was filed alleging violation of Rule 4, Rule 6(1) and Rule 23(1) of Standards of Weights and Measures (Packaged Commodities) Rules, 1977 which are punishable under Section.63 of 1976 Act and Section.51 of 1981 Act and Rule 39 of Packaged Commodities Rules.

369 The allegation is that PW1, the Legal Metrology Inspector had inspected the business premises of the first accused on 6.11.1998 at about 1 PM. Two items of properties, MO1 series and MO2 series according to the complainant were not labeled as required under the Rules as mentioned earlier. Mahazar was prepared for that purpose. Those two items, MO1 series and MO2 series were seized 2<sup>nd</sup> accused is stated to be the distributor of those items. A3 was stated to be the manufacturer. A3 appeared before court and pleaded guilty, it is submitted.

370 The complaint was filed before court on 5.7.1999. The case was detected o 6.11.1998. A petition was filed by the complainant under Section 473 of Cr.P.C. for condonation of delay in filing the complaint. Even though no specific order was passed on that petition, the learned Magistrate took cognizance and issued process against the accused. Therefore, according to the prosecution, the delay occurred in filing the complaint must be deemed to have been condoned by the Magistrate. Not only that the order taking cognizance was not challenged by the accused before the superior courts.

371The complainant was examined before court on 21.5.2002 as PW1. Exts.P1 and P2 were marked. MO1 series and MO2 series were also identified and marked. The learned Magistrate acquitted the respondents/accused contending that the allegations made in the complaint are not proved and also on the ground that the complaint was filed beyond the period of 6 months. Since



the punishment prescribed for the offence is only fine, the limitation prescribed is 6 months as provided under Section. 468 of Cr.P.C. Hence on the aforesaid ground the accused/respondents were acquitted.

Learned Public Prosecutor submits that since the petition to condone delay was filed along with the complaint and cognizance was taken by the learned Magistrate, the complainant cannot be found fault with since it has to be assumed that the learned Magistrate has condoned the delay in filing the complaint. At any rate, when the learned Magistrate took cognizance of the case, delay must be deemed to have been condoned. Here, the successor Magistrate found fault with the cognizance already taken by his predecessor Magistrate and held that the complaint is barred by limitation. The cognizance taken by the learned Magistrate was not challenged before the superior court. Hence that finding is unsustainable.

372 The other ground projected by the learned Magistrate to non suit the complainant is that though in the complaint it was stated that the labels as required under the Rules mentioned earlier were not affixed, during cross examination it was stated by PW1 that there were stickers affixed on MO1 series and MO2 series. It seems the learned Magistrate did not even bother to go through the mahazar and MO1 and MO2 series. It was specifically mentioned in the mahazar that the labels found on MO1 series were not in accordance with the Rules. Similar was the statement pertaining to MO2 series. It was specifically stated that at the place where the retail price was to be mentioned a small sticker was seen affixed which was not in accordance with the Rules. Therefore, the complainant contended that there was violation of Rules 6(1) and 23(1) of Packaged Commodities Rules etc.

It was pointed out that on the particular date when the evidence of PW1 was recorded, the learned APP was not present. Therefore, the prosecution could not be properly conducted. In a case of this nature, the learned Magistrate ought to have given opportunity to the prosecution to let in evidence. It is only the Prosecutor who can give assistance to the complainant as to what all are the documents to be produced and how the prosecution case is to be established. After PW1 was examined he was stated to have told the court that he is not interested in examining the remaining witnesses. That observation also cannot

be correct since it is for the learned Prosecutor to decide as to who are the witnesses to be examined to establish the charge against the accused. It seems, the learned Magistrate was perturbed by the absence of the Prosecutor on that particular day and thus the case was disposed of post haste. By disposing the case in that line, actually the respondents are also to suffer now. There was no fault on the part of the complainant in producing the necessary evidence. The fault was in fact committed by the court below by not allowing the prosecution to have a proper culmination. It is observed in paragraph 10 of the judgment of the court below that the manufacturer was not included in the array of the accused. But, it is pointed out that the manufacturer (A3) has already pleaded guilty and that was why the case was proceeded only against A1 and A2. Since there is failure of justice in having the case disposed of without permitting the complainant to examine other witnesses and also because the learned Magistrate did not verify MO1 series and MO2 series with reference to the Rule quoted in the complaint, the verdict of acquittal is to be set aside. As said earlier, the finding that the complaint is barred by limitation and so on that ground the accused is to be acquitted is also cannot be sustained.

In the result, this Crl.R.P. is allowed. The verdict of acquittal against the respondents is set aside. The respondents will cause appearance before the learned Magistrate on 5.12.2012. Since the physical presence of the respondents may not be required they can be allowed to be represented by the counsel under Section. 205 Cr.P.C. if application is filed and on such condition as may be imposed by the learned Magistrate. Both sides are to be given opportunity to adduce evidence.

PRESENT:

THE HONOURABLE Mr.JUSTICE S.S. SATHEESA CHANDRAN,

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W.P.(C).No.27915 OF 2009

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Dated this the 20<sup>th</sup> day of March, 2013

J U D G E M E N T

Petitioners are the accused in a pending case on the file of the Judicial First Class Magistrate Court – II, Aluva. They are being prosecuted on a complaint filed by 2<sup>nd</sup> respondent, Inspector of Legal Metrology, Circle II, Aluva for offences punishable under Section 39 of the Standards of Weights and Measures Act, 1976, hereinafter referred to as the “Standards Act” and Rules 6(1)(a), (f), 23 and 39 of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, for short, the “PC Rules” and Sections 31 and 33 of the Standards of Weights and Measures (Enforcement) Act, 1985, for short, the “Enforcement Act”. Ext.P5 is copy of the complaint. Petitioners have filed the above writ petition for quashing Ext. P5 complaint and all further proceedings arising there from contending that prosecution proceedings initiated against them are thoroughly vitiated and without jurisdiction and liable to be quashed exercising the extraordinary jurisdiction of this Court.

374 Prosecution case as disclosed by Ext. P5 complaint is that on 07.02.2006 the 2<sup>nd</sup> respondent, Inspector of Legal Metrology Circle II, Aluva inspected the trade premises of a firm the 1<sup>st</sup> petitioner/1<sup>st</sup> accused and thereupon detected packages containing “Benvara Marble Tiles” exhibited for sale without bearing the label having MRP, packing date etc, as mandated by the Standards Act, and the Rules thereunder. He prepared Ext.P1 Mahazar over such packages but it is alleged that he was prevented from seizing the packages by the 4<sup>th</sup> accused who was then present in the trade premises. 4<sup>th</sup> accused also refused to attest in the mahazar and seizure receipt. After conducting further enquiries and ascertaining who are all the Directors of the Firm and issuing show cause notice to them, and replies furnished found not satisfactory, complaint was filed before magistrate to prosecute the firm and its Directors, petitioners for the offences stated supra.

Cognizance taken of the offences and process issued against the petitioners/accused, the case now awaits further steps for trial.

375 I heard counsel for petitioners and also learned Government Pleader. Learned counsel for petitioners assailed Ext. P5 complaint and further proceedings taken against petitioners/accused contending that the entire prosecution proceedings are thoroughly vitiated and, further no offence under the Standards Act and Rules thereunder or Enforcement Act is prima facie disclosed by the allegations imputed. Adverting to Ext.P1 mahazar, learned counsel contended that search, if any, conducted was totally in violation of the provisions of Section 102 of the Code of Criminal Procedure for short, the „Code“ and it is thoroughly illegal. Referring to Ext. P7 copies of invoices which are alleged to have been seized from the trade premises during the inspection by the Inspector of Legal Metrology, learned counsel contended that granite and marble tiles are not sold in packaged form but only on area wise measurement, as could be seen from the above invoices. The allegation imputed that such marble/granite tiles were kept in packaged form which is the basis for violation of PC Rules and thus, the offences under the Standards Act, in the facts of the case, would not lie, is the further submission of the counsel. Lastly, it is contended that there is no whisper of allegation in Ext.P5 complaint as to who among the directors were present when inspection was conducted nor who among them was in charge of that firm. Referring to Section 74 of the Standards Act and Section 62 of the Enforcement Act learned counsel for petitioners contended that the company/firm and the person who was in charge of the company or firm at the time the offence was committed alone is liable to be prosecuted and where Ext.P5 complaint is silent as to who among the petitioners 376 to 4, the directors of firm was/were in charge of the firm when the alleged inspection was conducted by the Inspector. Ext. P5 complaint and all proceedings commenced therefrom are liable to be quashed.

377 A copy of the seizure receipt prepared by Inspector on his inspection of the trade premises of 1<sup>st</sup> petitioner firm was made available for my perusal. The first item referred to therein is marble tiles (Benzwara) packets three numbers. When that be so, in Ext.P1 mahazar, seizure of such packets are not specifically spelt out cannot be given much significance and dispute canvassed by counsel for petitioners that marble/granite tiles are not sold in packets but only area wise with reference to its particulars shown in Ext. P7 invoices. If canvassed, is a

matter that can be gone into only in trial of the case. Where seizure receipt prima facie indicates that marble packets were seized and allegation is that such packaged goods did not confirm to PC Rules, challenge canvassed that marble, granite tiles are not sold in packaged form cannot be accepted. Challenge canvassed to impeach the prosecution that search was not conducted by the Inspector of Legal Metrology in compliance with the mandatory requirements covered by Section 102 of the Code does not impress me. That challenge was canvassed on the premise that independent witnesses are not shown as attestors to Ext.P1 mahazar. In carrying out a search, what is insisted upon is that the searching officer should take steps to secure the presence of two independent witnesses and not that the search list prepared after search should be invariably attested to by such independent witnesses. There may be very many cases where searching officer despite his earnest efforts is not able to secure the presence of independent witnesses and search list prepared by him has to be attested by those who were present, which may include officials who assisted him. So much so, whether he made efforts to secure independent witnesses or not and search list was attested by others due to their non-availability are all matters that have to be considered in trial. Merely because Ext.P1 mahazar was not attested by independent witnesses, it cannot be stated that search/inspection conducted and seizure made was illegal. I also take note the submissions made by the Government Pleader that what was conducted was not a search but only inspection of the trade premises of petitioners, and then noticing violation of the PC Rules, some invoices and packaged goods were seized and there was obstruction by the person in charge, one among the petitioners herein. Whether there was inspection only or was it a case of search, is a matter that has to be gone into in trial. Challenge canvassed to assail the prosecution contending that there was a search over the trade premises and it was illegal cannot be accepted, but, I leave it open to be considered by the magistrate if so canvassed in trial.

378 In Ext.P5 complaint, no specific allegation is imputed against any of the directors of 1<sup>st</sup> accused firm as to who among them obstructed the inspection and also who was in charge when such inspection was conducted has been canvassed by the counsel to impeach the merit of prosecution case. Section.74 of the Standards Act and also Section 62 of the Enforcement Act, both of them, spell out that not only the company/firm but the person who at the time the offence was committed was in charge of and was responsible for the conduct of the business of the company/firm is liable to be proceeded against and punished for

offences under the two Acts. We find identical provisions casting vicarious penal liability on such persons in charge or control of company or firm with the company/firm in other statutes like Negotiable Instruments Act, Drugs and Cosmetics Act and Prevention of food Adulteration Act. When such vicarious liability, that too penal liability is sought to be pinned upon a person for commission of an offence by a company or firm there must be a specific averment in the complaint that such person/persons who is/are proceeded with the company was/ were in charge of and responsible for the conduct of the business of the company. The Apex Court analyzing almost identical statutory provision, under Section 141 of the Negotiable Instruments Act, 1881 has held so in **S.M.S.Pharmaceuticals V. Neeta Bhalla (2007 (3) KLT 672 (SC))**.

In Ext.P5 complaint, there is no specific averment as to who among the directors of 1<sup>st</sup> petitioner firm proceeded as accused nos. 2 to 4 was in charge and responsible for the conduct of the business of the firm when the alleged offences were committed. However, the complaints with the annexures produced have to be considered in examining the offences imputed under the relevant Act and Rules. In the complaint there is allegation as to obstruction caused to inspection by person/persons in charge of the trade premises, and statement made in Ext.P1 Mahazar is that such obstruction was caused by 4<sup>th</sup> petitioner. When that be so, his prosecution as a director of 1<sup>st</sup> accused firm in charge or in control of the firm, when offences alleged were committed cannot be impeached invoking the extraordinary jurisdiction of this Court. So far as petitioners 2 and 3, the other two directors of the company taking note there is nothing to show or indicate that they too were in charge or control of the firm nor in any way of causing obstruction to inspection, I find criminal proceedings against them under Ext. P5 complaint are liable to be quashed.

379 I make it clear that none of the observations made in this judgment would stand in the way of compounding of the offences if so sanctioned under the aforesaid Act and Rules. Criminal proceedings against petitioners 2 and 3, accused Nos.2 and 3 in C.C.No.633 of 2008 on the file of Judicial First Class Magistrate Court II, Aluva, are quashed. Challenge raised by petitioners 1 and 4 (accused Nos.1 and 4) against the criminal proceedings are negative, and the case against them shall continue in accordance with law.

Subject to the above direction, writ petition is disposed of.

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## **CHAPTER 14**

### **380 ADDRESS OF HEAD OFFICE , PHONE NUMBER AND EMAIL ID**

**DEPARTMENT OF LEGAL METROLOGY**

**CONTROLLER  
LEGAL METROLOGY  
THIRUVANANTHAPURAM  
KERALA STATE**

**TELEPHONE No: 0471 - 2303821, 2305996**

**MOBILE No: 8281698100**

**Email id : [clm.lmd@kerala.gov.in](mailto:clm.lmd@kerala.gov.in)  
[clmkerala@gmail.com](mailto:clmkerala@gmail.com)**

**Website : [www.lmd.kerala.gov.in](http://www.lmd.kerala.gov.in)**

**381 OFFICE ADDRESS, JURISDICTION, TELEPHONE NUMBER AND  
EMAIL ID**

Sl. No.	Designation of Legal Metrology Officers & Office Address	Local Limits (Jurisdiction of the Legal Metrology Officer)	Phone Number & email id [Land phone & Mobile Number (official)]
1	2	3	4
1.	Joint Controller of Legal Metrology, Head Quarters, Vikas Bhavan, Thiruvananthapuram Kerala State, Pin -695033	Throughout the State of Kerala	0471-2303821, 2305996 8281698001 <a href="mailto:jctvm.lmd@kerala.gov.in">jctvm.lmd@kerala.gov.in</a>
2.	Deputy Controller of Legal Metrology (Southern Region) Mangalasseri Lane, Kaimanam, Pappanamcode, Thiruvananthapuram	Within the revenue districts of Thiruvananthapuram, Kollam, Alappuzha, Pathanamthitta, Kottayam,	0471 -2495058 8281698002 <a href="mailto:dctvm.lmd@kerala.gov.in">dctvm.lmd@kerala.gov.in</a>
3.	Deputy Controller of Legal Metrology (Central Region), Legal Metrology Bhavan, Kakkanad, Ernakulam, Pin – 682030	Within the revenue districts of Ernakulam, Thrissur, Palakkad. Idukki.	0484-2428761 8281698003 <a href="mailto:dckem.lmd@kerala.gov.in">dckem.lmd@kerala.gov.in</a>
4.	Deputy Controller of Legal Metrology (Northern Region), Legal Metrology, Civil Station, Kozhikkode - 673020	Within the revenue districts of Kozhikkode, Malappuram, Kannur, Kasargod, Wayanad	0495-2371897 8281698004 <a href="mailto:dckkd.lmd@kerala.gov.in">dckkd.lmd@kerala.gov.in</a>



5	Administrative Officer, Legal Metrology, VikasBhavan, Thiruvananthapuram.		0471-2303821, 2305996 8281698005  <a href="mailto:ao.lmd@kerala.gov.in">ao.lmd@kerala.gov.in</a>
6	Law Officer, Legal Metrology, VikasBhavan, Thiruvananthapuram		0471-2303821, 2305996 8281698006  <a href="mailto:lo.lmd@kerala.gov.in">lo.lmd@kerala.gov.in</a>
7	Assistant Controller of Legal Metrology,Head Quarters, Vikas Bhavan, Thiruvananthapuram		0471-2303821, 2305996 8281698007  <a href="mailto:achq.lmd@keala.gov.in">achq.lmd@keala.gov.in</a>
8	Senior Superintendent Legal Metrology VikasBhavan Thiruvananthapuram		0471-2303821, 2305996 8281698008  <a href="mailto:ss.lmd@kerala.gov.in">ss.lmd@kerala.gov.in</a>
9	Junior Superintendent I Legal Metrology VikasBhavan Thiruvananthapuram		0471-2303821, 2305996 8281698009  <a href="mailto:js1.lmd@kerala.gov.in">js1.lmd@kerala.gov.in</a>
10	Junior Superintendent II Legal Metrology VikasBhavan Thiruvananthapuram		0471-2303821, 2305996 8281698010  <a href="mailto:js2.lmd@kerala.gov.in">js2.lmd@kerala.gov.in</a>



11	Assistant Controller of Legal Metrology, Mangalasseri Lane, Kaimanam, Pappanamcode, Thiruvananthapuram	Within the revenue district of Thiruvananthapuram	0471-2496227 8281698011 <a href="mailto:actvm.lmd@kerala.gov.in">actvm.lmd@kerala.gov.in</a>
12	Assistant Controller of Legal Metrology, KMC 3/408, Pathibha Jn., Kadappakkada, Kollam	Within the revenue district of Kollam	0474-2745631 8281698021 <a href="mailto:acklm.lmd@kerala.gov.in">acklm.lmd@kerala.gov.in</a>
13	Assistant Controller of Legal Metrology, PMC 7/182(5,6,9,10) Ground Floor & Ist Floor, Thaikkavu Lane, Pettah, Pathanamthitta -689645	Within the revenue district of Pathanamthitta	0468-2322853 8281698029 <a href="mailto:acpta.lmd@kerala.gov.in">acpta.lmd@kerala.gov.in</a>
14	Assistant Controller of Legal Metrology, Civil Station Annex, Near Boat Jetty, Thathampalli.P.O., Alappuzha -688013	Within the revenue district of Alappuzha	0477-2230647 8281698036 <a href="mailto:acalp.lmd@kerala.gov.in">acalp.lmd@kerala.gov.in</a>
15	Assistant Controller of Legal Metrology, Mini Civil Station, Kottayam – 686001	Within the revenue district of Kottayam	0481-2582998 8281698044 <a href="mailto:acktm.lmd@kerala.gov.in">acktm.lmd@kerala.gov.in</a>
16	Assistant Controller of Legal Metrology, Mini Civil Station, New Block, Thodupuzha, Idukki -685584	Within the revenue district of Idukki	0486-2222638 8281698052 <a href="mailto:acidk.lmd@kerala.gov.in">acidk.lmd@kerala.gov.in</a>
17	Assistant Controller of Legal Metrology, Legal Metrology Bhavan, Kakkanad, Ernakulam – 682030	Within the revenue district of Ernakulam	0484-2423180 8281698058 <a href="mailto:acekm.lmd@kerala.gov.in">acekm.lmd@kerala.gov.in</a>

18	Assistant Controller of Legal Metrology, Legal Metrology Bhavan, Olarikkara, Thrissur- 680012	Within the revenue district of Thrissur	0487-2363612 8281698075 <a href="mailto:actsr.lmd@kerala.gov.in">actsr.lmd@kerala.gov.in</a>
19	Assistant Controller of Legal Metrology, Civil Station, Palakkad – 678001	Within the revenue district of Palakkad	0491-2505268 8281698085 <a href="mailto:acplkd.lmd@kerala.gov.in">acplkd.lmd@kerala.gov.in</a>
20	Assistant Controller of Legal Metrology, Mini Civil Station, Manjeri Malappuram – 676123	Within the revenue district of Malappuram	0483-2766157 8281698093 <a href="mailto:acmlpm.lmd@kerala.gov.in">acmlpm.lmd@kerala.gov.in</a>
21	Assistant Controller of Legal Metrology, Civil Station, Kozhikkode- 673020	Within the revenue district of Kozhikkode	0495-2374203 8281698104 <a href="mailto:ackkd.lmd@kerala.gov.in">ackkd.lmd@kerala.gov.in</a>
22	Assistant Controller of Legal Metrology, Near Olacherikkavu, Kannur-670002	Within the revenue district of Kannur	0497-2706503 8281698121 <a href="mailto:acknr.lmd@kerala.gov.in">acknr.lmd@kerala.gov.in</a>
23	Assistant Controller of Legal Metrology, Civil Station, Vidhya Nagar P.O., Kasaragod -671123	Within the revenue district of Kasargod	04994-256228 8281698128 <a href="mailto:acksd.lmd@kerala.gov.in">acksd.lmd@kerala.gov.in</a>
24	Assistant Controller of Legal Metrology, Municipality Building, Kalpetta – 673121, Wayanad	Within the revenue district of Wayanad	0493-6203370 8281698116 <a href="mailto:acwyd.lmd@kerala.gov.in">acwyd.lmd@kerala.gov.in</a>
25	Assistant Controller of Legal Metrology, (Flying Squad), Mangalasseri Lane, Kaimanam, Pappanamcode,	Within the revenue district of Thiruvananthapuram	0471-2494752 8281698020 <a href="mailto:asfstvm.lmd@kerala.gov.in">asfstvm.lmd@kerala.gov.in</a>

	Thiruvananthapuram		
26	Assistant Controller of Legal Metrology, (Flying Squad), KMC-3/408, Pathibha Jn., Kadappakkada, Kollam	Within the revenue district of Kollam	0474-2745631 8281698028 <a href="mailto:acfsklm.lmd@kerala.gov.in">acfsklm.lmd@kerala.gov.in</a>
27	Assistant Controller of Legal Metrology, (Flying Squad), PMC 7/182(5,6,9,10) Ground Floor & Ist Floor, Thaikkavu Lane, Pettah, Pathanamthitta -689645	Within the revenue district of Pathanamthitta	0468-2322853 8281698035 <a href="mailto:acfspta.lmd@kerala.gov.in">acfspta.lmd@kerala.gov.in</a>
28	Assistant Controller of Legal Metrology, (Flying Squad), Civil Station Annex, Near Boat Jetty, Thathampalli.P.O., Alappuzha -688013	Within the revenue district of Alappuzha	0477-2230647 8281698043 <a href="mailto:acfsalp.lmd@kerala.gov.in">acfsalp.lmd@kerala.gov.in</a>
29	Assistant Controller of Legal Metrology, (Flying Squad), Mini Civil Station, Kottayam - 686001	Within the revenue district of Kottayam	0481-2582998 8281698051 <a href="mailto:acfsktm.lmd@kerala.gov.in">acfsktm.lmd@kerala.gov.in</a>
30	Assistant Controller of Legal Metrology, (Flying Squad), Mini Civil Station, New Block, Thodupuzha, Idduki - 685584	Within the revenue district of Idukki	0486-2222638 8281698057 <a href="mailto:acfsidk.lmd@kerala.gov.in">acfsidk.lmd@kerala.gov.in</a>
31	Assistant Controller of Legal Metrology, (Flying Squad), Legal Metrology Bhavan, Kakkanad, Ernakulam – 682030	Within the revenue district of Ernakulam	0484-2428772 8281698067 <a href="mailto:acfsekm.lmd@kerala.gov.in">acfsekm.lmd@kerala.gov.in</a>
32	Assistant Controller of Legal Metrology, (Flying Squad), Legal Metrology Bhavan, Olarikkara, Thrissur- 680012	Within the revenue district of Thrissur	0487-2363615 8281698084

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33	Assistant Controller of Legal Metrology, Flying Squad, Civil Station, Palakkad - 678001	Within the revenue districts of Palakkad	0491-2505268 8281698092 <a href="mailto:acfsplkd.lmd@kerala.gov.in">acfsplkd.lmd@kerala.gov.in</a>
34	Assistant Controller of Legal Metrology, Flying Squad, Mini Civil Station, Malappuram – 676123	Within the revenue districts of Malappuram	0483-2766157 8281698103 <a href="mailto:acfsmplm@kerala.gov.in">acfsmplm@kerala.gov.in</a>
35	Assistant Controller of Legal Metrology, Flying Squad, Civil Station, Kozhikkode- 673020	Within the revenue districts of Kozhikkode	0495-2371757 8281698115 <a href="mailto:acfskkd.lmd@kerala.gov.in">acfskkd.lmd@kerala.gov.in</a>
36	Assistant Controller of Legal Metrology, Flying Squad, Near Olacherikkavu, Yogasala Road 670002 Chirakkal.P.O., Kannur-2	Within the revenue districts of Kannur	0497-2706504 8281698127 <a href="mailto:acfsknr.lmd@kerala.gov.in">acfsknr.lmd@kerala.gov.in</a>
37	Assistant Controller of Legal Metrology, Flying Squad, Civil Station, Vidya Nagar P.O., Kasaragod -671123	Within the revenue districts of Kasargod	04994-256228 8281698132 <a href="mailto:acfsksd.lmd@kerala.gov.in">acfsksd.lmd@kerala.gov.in</a>
38	Assistant Controller of Legal Metrology, Flying Squad, Municipality Building, Kalppetta – 673121, Wyanad	Within the revenue districts of Wayanad	0493-6203370 8281698120 <a href="mailto:acfswyd.lmd@kerala.gov.in">acfswyd.lmd@kerala.gov.in</a>
39	Assistant Controller of Legal Metrology, (Central Lab), Legal Metrology Bhavan, Kakkanad, Ernakulam – 682030	Throughout the State of Kerala	0484-2428771 8281698068 <a href="mailto:acclekm.lmd@kerala.gov.in">acclekm.lmd@kerala.gov.in</a>
40	Assistant Controller of Legal Metrology, (Net Content Verification Unit), Legal Metrology Bhavan, Kakkanad, Ernakulam –	Throughout the State of Kerala	8281698073 <a href="mailto:acncekm.lmd@kerala.gov.in">acncekm.lmd@kerala.gov.in</a>

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41	Senior Inspector of Legal Metrology, Mangalasseri Lane, Kaimanam, Pappanamcode, Thiruvananthapuram	Within the Taluk of Thiruvananthapuram	0471-2496227 8281698012  silmtvm.lmd@kerala.gov.in
42	Senior Inspector (Taxi Meter) of Legal Metrology, Mangalasseri Lane, Kaimanam, Pappanamcode, Thiruvananthapuram	Within the Taluk of Thiruvananthapuram	0471-2496227 8281698013 silmattvm@kerala.gov.in
43	Senior Inspector of Legal Metrology, KMC 3/408, Pathibha Jn., Kadappakkada, Kollam	Within the Taluk of Kollam	0474-2745631 8281698022 silmklm.lmd@kerala.gov.in
44	Senior Inspector of Legal Metrology, PMC 7/182(5,6,9,10) Ground Floor & Ist Floor, Thaikkavu Lane, Pettah, Pathanamthitta -689645	Within the Taluks of Konni& Kozhencherry .	0468- 2322853 8281698030  silmppta.lmd@kerala.gov.in
45	Senior Inspector of Legal Metrology, Civil Station Annex, Near Boat Jetty, Thathampalli.P.O., Alappuzha -688013	Within the Taluk of Ambalappuzha	0477-2230647 8281698037  silmalp.lmd@kerala.gov.in
46	Senior Inspector of Legal Metrology, Mini Civil Station, Kottayam - 686001	Within the Taluk of Kottayam	0481-2582998 8281698045 silmktm.lmd@kerala.gov.in
47	Senior Inspector of Legal Metrology, Mini Civil Station, New Block, Thodupuzha, Idduki -685584	Within the Taluk of Thodupuzha	0486-2222638 8281698053 silmidk.lmd@kerala.gov.in



48	Senior Inspector of Legal Metrology, Legal Metrology Bhavan, Kakkanad, Ernakulam - 682030	Corporation area under Kanayannoor Taluk	0484-2423180 8281698059 silmekm.lmd@kerala.gov.in
49	Senior Inspector of Legal Metrology(Taxi Meter), Legal Metrology Bhavan, Kakkanad, Ernakulam - 682030	Corporation area under Kanayannoor Taluk	0484-2423180 8281698069 silmatekm.lmd@kerala.gov.in
50	Senior Inspector of Legal Metrology, (Vehicle Tank), Legal Metrology Bhavan, Kakkanad, Ernakulam - 682030	Throughout the State of Kerala	0484-2428771 8281698070 silmvt.lmd@kerala.gov.in
51	Senior Inspector of Legal Metrology, Legal Metrology Bhavan, Olarikkara, Thrissur- 680012	Within the Trissur Corporation and Thrissur Taluk	0487-2363612 8281698076 silmtsr.lmd@kerala.gov.in
52	Senior Inspector of Legal Metrology, Civil Station, Palakkad – 678001	Within the Taluk of Palakkad	0491-2505268 8281698086 silmpldk.lmd@kerala.gov.in
53	Senior Inspector of Legal Metrology, Mini Civil Station, Manjeri Malappuram – 676123	Within the Taluk of Eranad	0483-2766157 8281698094 silmmllpm.lmd@kerala.gov.in
54	Senior Inspector of Legal Metrology, Civil Station, Kozhikkode- 673020	Within the Taluk of Kozhikkode	0495-2374203 8281698105 silmkkd.lmd@kerala.gov.in
55	Senior Inspector of Legal Metrology, (Taxi Meter), Kozhikkode . Civil Station, Kozhikkode- 673020	Within the Taluks of Kozhikkode and Thamarasserry	0495-2374203 8281698106 silmatkdd.lmd@kerala.gov.in
56	Senior Inspector of Legal Metrology, Municipality Building, Kalpetta – 673121, Wayanad	Within the Taluk of Vythiri	0493-6203370 8281698117 silmwyd.lmd@kerala.gov.in

57	Senior Inspector of Legal Metrology, Highway Junction, Near Olacherikkavu, Yogasala Road Kannur-670002	Within the Taluk of Kannur	0497-2706503 8281698122 silmknr.lmd@ kerala.gov.in
58	Senior Inspector of Legal Metrology, Civil Station, Vidhya Nagar P.O., Kasaragod -671123	Within the Taluk of Kasaragod and Manjeshwaram	04994-256228 8281698129 silmksd.lmd@ kerala.gov.in
59	Inspector of Legal Metrology, (Circle – II), Mangalasseri Lane, Kaimanam, Pappanamcode, Thiruvananthapuram	Within the Taluk of Thiruvananthapuram.	0471-2496227 8281698014 ilmtvm2.lmd@ kerala.gov.in
60	Inspector of Legal Metrology, (Flying Squad), Mangalasseri Lane, Kaimanam, Pappanamcode, Thiruvananthapuram	Within the Revenue District of Thiruvananthapuram	ilmfstvm.lmd@ kerala.gov.in
61	Inspector of Legal Metrology, Civil Station, Neyyattinkara (Circle – I) Thiruvananthapuram - 695121	Within the Taluk of Neyyattinkara	0471-2224710 8281698017 ilmnta.lmd@ kerala.gov.in.
62	Inspector of Legal Metrology, (Circle – II) Civil Station, Neyyattinkara Thiruvananthapuram	Within the Taluks of Neyyattinkara and Kattakkada.	0471-2224710 8281698018 ilmnta2.lmd@ kerala.gov.in
63	Inspector of Legal Metrology, Mancha, Nedumangad -695541 Thiruvananthapuram	Within the Taluk of Nedumangad	0472-2803965 8281698016 ilmnidd.lmd@ kerala.gov.in.
64	Inspector of Legal Metrology, Civil Station, Kacheri Jn,	Within the Taluks of Chirayankeezhu	0470-2625499 8281698015

	Attingal. Thiruvananthapuram	and Varkala	ilmatl.lmd@ kerala.gov.in
65	Inspector of Legal Metrology(Tzxi Meter), T.C.22/15, Kizhakkathil Veedu, Sainik School.P.O., Kazhakkootam Thiruvananthapuram-695585	Kazhakkootam	8281698019 ilmatkkm.lmd@ kerala.gov.in
66	Inspector of Legal Metrology, (Circle – II), KMC 3/408, Pathibha Jn., Kadappakkada, Kollam	Within the Taluks of Kollam , Kunnathoor and Kottarakkara	0474-2745631 8281698023 ilmklm2.lmd@ kerala.gov.in
67	Inspector of Legal Metrology, (Flying Squad), KMC 3/408, Pathibha Jn., Kadappakkada, Kollam	Within the Revenue District of Kollam	ilmfsklm.lmd@ kerala.gov.in
68	Inspector of Legal Metrology, Padanayar South Karunagappally -691008 Kollam Dist.	Within the Taluk of Karunagappally	0476-2631231 8281698025 ilmkly.lmd@ kerala.gov.in
69	Inspector of Legal Metrology, Near Head Post Office, Govt. H.S. Jn., Kottarakkara. Kollam Dist.-691506	Within the Taluks of Kollam , Kunnathoor and Kottarakkara	0474-2453330 8281698026 ilmktra.lmd@ kerala.gov.in
70	Inspector of Legal Metrology, Kuthirachira, Punalur, Kollam Dist.691305	Within the Taluks of Punalur and Pathanapuram	0475-2220185 8281698027 ilmpnl.lmd@ kerala.gov.in
71	Inspector of Legal Metrology, Bharanikkavu, Sasthamkotta, Kunnathoor. Kollam Dist.- 690521	Within the Taluks of Kollam , Kunnathoor and Kottarakkara	0476-2834499 8281698024 ilmkntr.lmd@ kerala.gov.in
72	Inspector of Legal Metrology(Flying Squad), PMC 7/182(5,6,9,10)	Within the Revenue District of	ilmfspta.lmd@kerala.gov.in

	Ground Floor & Ist Floor, Thaikkavu Lane, Pettah, Pathanamthitta -689645	Pathanamthitta	0468-2322853
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73	Inspector of Legal Metrology, Chenganur .P.O., Mussarikkavala Mallappally-689594 Pathanamthitta Dist.	Within the Taluk of Mallappally	0469-2785064 8281698034 ilmmy.lmd@ kerala.gov.in
74	Inspector of Legal Metrology, Revenue Tower, Adoor. Pathanamthitta Dist. 691523	Within the Taluk of Adoor and Konni	0473-4221749 8281698031 ilmadr.lmd@ kerala.gov.in
75	Inspector of Legal Metrology, Thottamon, Ranni. Pathanamthitta Dist.- 689672	Within the Taluks of Ranni and Konni	0473-5223194 8281698033 ilmrni.lmd@ kerala.gov.in
76	Inspector of Legal Metrology, Revenue Tower, Thiruvalla. Pathanamthitta Dist. 689101	Within the Taluk of Thiruvalla	0496-2636525 8281698032 ilmtvla.lmd@ kerala.gov.in
77	Inspector of Legal Metrology, Mini Civil Station, Chenganur Alappuzha Dist.- PIN-689121	Within the Taluk of Chenganoor	0479-2457270 8281698040 ilmcngr.lmd@ kerala.gov.in
78	Inspector of Legal Metrology (Flying Squad), Civil Station Annex, Near Boat Jetty, Thathampalli.P.O., Alappuzha -688013	Within the revenue districts of Alappuzha	ilmfsalp.lmd@ kerala.gov.in 0477-2230647
79	Inspector of Legal Metrology, Mini Civil Station, Near Power House, Mavelikkara. Alappuzha Dist. 690101	Within the Taluk of Mavelikara	0479-2309568 8281698039 ilmmvl.lmd@ kerala.gov.in

80	Inspector of Legal Metrology, 1/201, Harippad, Karthikappally. Alappuzha Dist-690514.	Within the Taluk of Karthikappally	0479-2418031 8281698038 ilmkply.lmd@kerala.gov.in
81	Inspector of Legal Metrology, Thekkekkara, Mankompu, Kuttanad, Alappuzha Dist.- 688503	Within the Taluk of Kuttanad	0477-2703474 8281698041 ilmktnd.lmd@kerala.gov.in
82	Inspector of Legal Metrology, Mini Civil Station, Cherthala. Alappuzha Dist.- 688524	Within the Taluk of Cherthala	0478-2818741 8281698042 ilmchl.lmd@kerala.gov.in
83	Inspector of Legal Metrology (Flying Squad), Mini Civil Station, Kottayam – 686001	Within the revenue districts of Kottayam	ilmfsktm.lmd@kerala.gov.in 0481-2582998
84	Inspector of Legal Metrology, Kottayam (circle –II), Mini Civil Station, Kottayam – 686001	Within the Taluk of Kottayam	0481-2582998 8281698046 ilmktm2.lmd@kerala.gov.in
85	Inspector of Legal Metrology, Chethimattam, Pala, Kottayam – 686141	Within the Taluk of Meenachil	0482-2213860 8281698049 ilmpla.lmd@kerala.gov.in
86	Inspector of Legal Metrology, Vaikom, Vadakke Nada, Kottayam Dist- 686141	Within the Taluk of Vaikom	0482-9214140 8281698048 ilmvkm.lmd@kerala.gov.in
87	Inspector of Legal Metrology, K.V. M.S. Road, Ponkunnam Kanjirappally. Kottayam Dist- 686506	Within the Taluk of Kanjirappally	0482-8225423 8281698050 ilmknply.lmd@kerala.gov.in

88	Inspector of Legal Metrology, Revenue Tower, Changanassery. Kottayam Dist- 686101	Within the Taluk of Changanassery	0481-2412155 8281698047 ilmcng.lmd@ kerala.gov.in
89	Inspector of Legal Metrology, Near K.S.R.T.C Bus stand, Munnar. Idukki Dist-685531	Within the Taluk of Devikulam	0486-5232634 8281698055 ilmmnr.lmd@ kerala.gov.in
90	Inspector of Legal Metrology, (Flying Squad), Mini Civil Station, New Block, Thodupuzha, Idduki -685584	Within the revenue districts of Idukki	ilmfsidk.lmd@ kerala.gov.in 0486-2222638
91	Inspector of Legal Metrology, Peerumedu, Idukki Dist.- 685531	Within the Taluk of Peerumedu	0486-9233084 8281698056 ilmprmd.lmd@ kerala.gov.in
92	Inspector of Legal Metrology, Irattayar Jn., Vellayamkudi, Kattappana. Idukki Dist.- 685608	Within the Taluk of Udumpanchola	0486-8251197 8281698054 ilmktpna.lmd@ kerala.gov.in
93	Inspector of Legal Metrology, (Flying Squad), Legal Metrology Bhavan, Kakkanad, Ernakulam Dist	Within the revenue districts of Ernakulam	ilmfsekm.lmd@ kerala.gov.in 0484-2428772
94	Inspector of Legal Metrology, Ernakulam (Circle –II), Legal Metrology Bhavan, Kakkanad, Ernakulam Dist.	All Panchayaths and Municipalities under Kanayannoor Taluk except Corporation area	0484-2423180 8281698060 ilmekm2.lmd@ kerala.gov.in
95	Inspector, Net Content Verification Unit, Legal Metrology Bhavan, Kakkanad, Ernakulam Dist	With in the District of Ernakulam	ilmncekm.lmd@kerala.gov.in 8281698074
96	Inspector of Legal Metrology, 13/482 E1, Near Sara Maria Hospital, Chullikkal, Kochi, Ernakulam Dist-682005	Within the Taluk of Kochi	0484-2227219 8281698061 ilmkochi.lmd@ kerala.gov.in





97	Inspector of Legal Metrology, Mini Civil Station, Aluva Main Ernakulam Dist.-683010	Within the Taluk of Aluva	0484-2621746 8281698063 ilmalv.lmd@ kerala.gov.in
98	Inspector of Legal Metrology (North Paravoor), Mini Civil Station, Kacherippadi, Paravoor Main, Ernakulam Dist- 683613.	Within the Taluk of North Paravoor	0484-2444676 8281698062 ilmprvr.lmd@ kerala.gov.in
99	Inspector of Legal Metrology, Mini Civil Station, Vazhappally, Mudavoor P.O. Muvattupuzha. Ernakulam Dist.-686669	Within the Taluk of Muvattupuzha	0484-2812995 8281698065 ilmmvp.lmd@ kerala.gov.in
100	Inspector of Legal Metrology, Nellimattam.P.O. Kothamangalam. Ernakulam Dist-686693.	Within the Taluk of Kothamangalam	0484-2859569 8281698066 ilmktmlg.lmd@ kerala.gov.in
101	Inspector of Legal Metrology, Kalady Jn, Perumbavoor. Ernakulam Dist.-683542	Within the Taluk of Kunnathunad	0484-2596496 8281698064 ilmpmbr.lmd@ kerala.gov.in
102	Inspector of Legal Metrology, (Vertical Storage Tank-I), Legal Metrology Bhavan, Kakkanad Ernakulam -682030	Within the Revenue District of Ernakulam	0484-2428771 8281698071 ilmvst1.lmd@ kerala.gov.in
103	Inspector of Legal Metrology, (Vertical Storage Tank-II), Legal Metrology Bhavan, Kakkanad Ernakulam -682030	Within the Revenue District of Ernakulam	0484-2428771 8281698072 ilmvst2.lmd@ kerala.gov.in
104	Inspector of Legal Metrology, (Flying Squad), Legal Metrology Bhavan, Olarikkara, Thrissur- 680012	Within the revenue districts of Thrissur	0487-2363612 ilmfstsr.lmd@ kerala.gov.in



105	Inspector of Legal Metrology, Thrissur (Circle –II), Legal Metrology Bhavan, Olarikkara.P.O., Thrissur – 680012	Within the Taluk of Thrissur	0487-2363612 8281698077 ilmtsr2.lmd@ kerala.gov.in
106	Inspector of Legal Metrology, Thrissur ( Taxi Meter & Water Meter) Legal Metrology Bhavan, Olarikkara.P.O., Thrissur – 680012	Within the Taluk of Thrissur	0487-2363612 82816980 ilmattsr.lmd@ kerala.gov.in
107	Inspector of Legal Metrology, Iringalakuda (Circle –I), Mini Civil Station, Irinjalakuda Thrissur Dist. 680125	Within the Taluk of Mukundapuram	0480-2833744 8281698081 ilminj1.lmd@ kerala.gov.in
108	Inspector of Legal Metrology, Irinjalakuda (Circle –II) Mini Civil Station, Irinjalakuda, Thrissur Dist- 680125	Within the Taluk of Chalakkudy	0480-2833744 8281698082 ilminj2.lmd@ kerala.gov.in
109	Inspector of Legal Metrology,Railway Station Road, Vadakanchery Thrissur Dist.-680623	Within the Taluk of Thalappilly	0484-234205 8281698079 ilmvdry.lmd@ kerala.gov.in
110	Inspector of Legal Metrology, Mini Civil Station, Kodungallur Thrissur Dist.- 680664	Within the Taluk of Kodungallor	0480-2809065 8281698083 ilmkdlr.lmd@ kerala.gov.in
111	Inspector of Legal Metrology, Mini Civil Station, Chavakkadu, Thrissur Dist.680506	Within the Taluk of Chavakkadu	0487-2502208 8281698078 ilmcvkd.lmd@ kerala.gov.in

112	Inspector of Legal Metrology, (Flying Squad), Civil Station, Palakkad – 678001	Within the revenue districts of Palakkad	ilmfSplkd.lmd@kerala.gov.in 0491-2505268
113	Inspector of Legal Metrology(Circle –I), 8/476 96, T.K. Building, Ottappalam Palakkad Dist-679101.	Within the Taluk of Ottappalam	0466-2249796 8281698089 ilmotplm1.lmd@kerala.gov.in
114	Inspector of Legal Metrology(Circle –II), 8/476 96, T.K. Building, Ottappalam, Palakkad Dist 679101.	Within the Taluk of Ottappalam	0466-2249796 8281698090 ilmotplm2.lmd@kerala.gov.in
115	Inspector of Legal Metrology, Puthiyangam,P.O., Alathoor, Palakkad Dist.-678545	Within the Taluks of Alathoor	0492-2225785 8281698091 ilmalthr.lmd@kerala.gov.in
116	Inspector of Legal Metrology, Puthupally theruvu, Puthu Nagaram, H.S.P.O. Chittoor. Palakkad Dist.-678102	Within the Taluks of Chittur and Palakkad	0492-3227081 8281698087 ilmchtr.lmd@kerala.gov.in
117	Inspector of Legal Metrology, Nini Civil Station, Kodathippadi, Mannarkkad. Palakkad Dist.-678582	Within the Taluk of Mannarkkad	0492-4226671 8281698088 ilmmnrd.lmd@kerala.gov.in
118	Inspector of Legal Metrology, (Flying Squad), Mini Civil Station, Manjeri, Malappuram – 676123	Within the revenue districts of Malappuram	0483-2766157 ilmfsmplpm.lmd@kerala.gov.in

119	Inspector of Legal Metrology, (Circle –II), Mini Civil Station, Manjeri, Malappuram Dist.- 676123	Within the Taluks of Eranad, Nilamboor, Kondotty	0483-2766157 8281698095 ilmmlpm2.lmd@kerala.gov.in
120	Inspector of Legal Metrology, Thirur (Circle –I) Legal Metrology Block Office Compound, Thekkummuri.P.O. Thirur, Malappuram Dist.- 676105	Within the Taluk of Thirur	0494-2430101 8281698096 ilmtrur1.lmd@kerala.gov.in
121	Inspector of Legal Metrology, (Circle –II) Legal Metrology Block Office Compound, Thekkummuri.P.O. Thirur Malappuram Dist.-676105	Within the Taluk of Thirur	0494-2430101 8281698097 ilmtrur2.lmd@kerala.gov.in
122	Inspector of Legal Metrology, Kodathippadi, Ponnani.P.O., Malappuram Dist.- 679583	Within the Taluk of Ponnani	0494-2665434 8281698099 ilmpni.lmd@kerala.gov.in
123	Inspector of Legal Metrology, Near II nd Court, Perinthalmanna. Malappuram Dist- 679322.	Perinthalmanna Thaluk	0493-3224857 8281698102 ilmplmna.lmd@kerala.gov.in
124	Inspector of Legal Metrology, Jyothippadi, Nilambur. Malappuram Dist.-679329	Within the Taluk of Nilambur	04931-223114 8281698101 ilmnlmbr.lmd@kerala.gov.in
125	Inspector of Legal Metrology, Mini Civil Station, Ist floor, Chemmad Thirurangadi. Malappuram Dist.-679306	Thirurangadi Taluk	0494-2464445 8281698098 ilmtngdy.lmd@kerala.gov.in

126	Inspector of Legal Metrology, (Flying Squad), Civil Station, Kozhikkode Dist.-673020	Within the revenue districts of Kozhikkode	ilmfsskdd.lmd@kerala.gov.in 0495-2371757
127	Inspector of Legal Metrology, (Circle –II) Civil Station, Kozhikkode Dist.-673020	Kozhikkode Thaluk	0495-2374203 8281698107 ilmkdd2.lmd@kerala.gov.in
128	Inspector of Legal Metrology, (Circle –III ) Civil Station, Kozhikkode Dist.-673020	Kozhikkode Taluk	0495-2374203 8281698108 ilmkdd3.lmd@kerala.gov.in
129	Inspector of Legal Metrology, (Circle –IV) Civil Station, Kozhikkode Dist.-673020	Kozhikkode Taluk	0495-2374203 8281698109 ilmkdd4.lmd@kerala.gov.in
130	Inspector of Legal Metrology(Circle –I), Kulam Bazar, Vadakara Kozhikkode Dist.-673701	Vadakara Taluk	0496-2524441 8281698113 ilmvdra1.lmd@kerala.gov.in
131	Inspector of Legal Metrology (Circle –II), Kulam Bazar, Vadakara Kozhikkode Dist.	Vadakara Taluk	0496-2524441 8281698114 ilmvdra2.lmd@kerala.gov.in
132	Inspector of Legal Metrology, (Circle –I) Bappancode Jn., Near New Bus stand, Dream Mall Koyilandi Kozhikkode Dist.-673305	Within the Taluks of Kozhikkode & Thamarasserry	0496-2623032 8281698110 ilmkldy1.lmd@kerala.gov.in

133	Inspector of Legal Metrology, (Circle –II) Near New Bus stand, Dream Mall Koyilandi, Kozhikkode Dist.- 673305	Koyilandi Thaluk	0496-2623032 8281698112 ilmkldy2.lmd@ kerala.gov.in
134	Inspector of Legal Metrology, (Flying Squad), Municipality Building, Kalppetta – 673121, Wyanad	Within the revenue districts of Wayanad	ilmfswyd.lmd@ kerala.gov.in 0493-6203370
135	Inspector of Legal Metrology, Dwaraka Mananthavadi. Wyanad Dist-	Mananthavadi Thaluk	04935-244863 8281698119 ilmmnvdi.lmd@ kerala.gov.in
136	Inspector of Legal Metrology, Meenangadi.P.O., Sulthanbathery. Wyanad Dist-673121	Within the Taluk of Sulthanbathery	04936-246395 8281698118 ilmslbry.lmd@ kerala.gov.in
137	Inspector of Legal Metrology, (Flying Squad), Highway Junction, Near Olacherikkavu, Yogasala Road Chirakkal.P.O., 670002	Within the revenue districts of Kannur	ilmfsknr.lmd@ kerala.gov.in
138	Inspector of Legal Metrology, (Circle –II) Yogasala Road, Olacherikkavu 670002	Kannur Taluk.	0497-2706503 8281698123 ilmknr2.lmd@ kerala.gov.in
139	Inspector of Legal Metrology, (Circle –I) Civil Station, Thalasseri, Kannur Dist.	Within the Taluk of Thalasseri	0490-2325621 8281698126 ilmtslry1.lmd@ kerala.gov.in

140	Inspector of Legal Metrology(Circle –II), Civil Station, Thalasseri, Kannur Dist.	Within the Taluk of Thalasseri and Iritty	0490-2325621 ilmtslry2.lmd@kerala.gov.in
141	Inspector of Legal Metrology, Civil Station Thaliparampu (Circle –I) Kannur Dist.-670142	Within the Taluk of Thaliparampu	0460-2200586 828169812 ilmtlmb1.lmd@kerala.gov.in
142	Inspector of Legal Metrology, Civil Station Thaliparampu (Circle –II) Kannur Dist.-670142	Within the Taluk of Thaliparampu and Iritty	0460-2200586 8281698125 ilmtlmb.lmd@kerala.gov.in
143	Inspector of Legal Metrology, (Flying Squad), Civil Station, Vidhya Nagar Kasaragod, Dist.-671123	Within the revenue districts of Kasaragod	ilmfksd.lmd@kerala.gov.in 04994256228
144	Inspector of Legal Metrology(Circle –II), Civil Station, Vidhya Nagar Kasargod, Dist.-671123	Manjeshewaram, Hosdurg and Vellarikkundu Taluk	04994-256228 8281698130 ilmksd2.lmd@kerala.gov.in
145	Inspector of Legal Metrology,Mini Civil Station, Kanhangad Kanhangad. Kasaragod Dist.-671315	Within the Taluk of Hosdurg and Vellarikkundu	0467-2201073 8281698131 ilmknjd.lmd@kerala.gov.in



## **SCHEDULES**

Schedule – I  
(See Rule 10)

### **Exceptions referred to in Rule 10**

382 The following commodities may be sold by weight, measure or number as show against the commodity.

TABLE

Sl.No.	Commodity	Whether declaration to be expressed in terms of weight, measure 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 liquefied Petroleum gas)	weight and equivalent volume at stated temperature and pressure
4	Butter (incl.peanut butter), cheese, curd, ghee	weight
5	Electric cables	length and weight
6	Electric wire	length or weight
7	Fencing wire	length or weight
8	Hair oil, unperfumed	weight or volume
9	Fruits and vegetables	number or weight
10	Furnace oil	weight or volume
11	Linseed oil and other vegetable oils	weight or volume
12	Heavy residual fuel oil	weight
13	Diesel/Petrol	volume at base temperature
14	Honey, malt extract, golden syrup treacle	weight

383	Ice cream and other similar frozen products	weight or volume
384	Liquid chemicals	weight or
385	Liquid petroleum gas	volume weight
386	Nails, wood screws	number or
387	Paint(other than paste paints or solid paint),varnish and varnish stairs, enamels	weight volume
388	Papad	number and
389	Paste Paint, solid paint	weight weight
390	Ressogulla, Gulabjamun and other sweet preparations	weight
391	Ready made garments	number and size
392	Sauce, all kinds	weight
393	Tyres and tubes	number
394	Yarn	weight or length of
395	Tiles	yarn number/size/area
396	Granite	volume/weight/area
	Sand	”
	Laterite	”
	Clay	”
397	Wood and Timber	volume
398	Precious Metals Like Gold, Diamond, Platinum, White Gold, Silver	by weight & carat (Fineness)
399	TV & Computer Monitor	length, breadth in metre and centimetre
400	Drinking water	volume
401	Liquor	volume
402	Milk	volume

SCHEDULE- II A

(See Rule 11(1))

Form-LM-1

**[Application form for licence as manufacturer of Weights and Measures  
under the Legal Metrology Act, 2009]**

To,

	To be filled by Applicant)	( Comments of the inspection officer)
(1)	(2)	(3)
403 Name of the manufacturing concern for which licence is desired		
404 Complete address of the concern. Whether premises are owned/rented/taken on lease/leave licence, duly supported by documents.		
405 Date of establishment of workshop/factory		
406 Name (s) and address(s) along with their father's/ husband's name of proprietor(s) and/or partners and Managing Director(s) in the case of Limited company		
407 The date and current registration number of factory/shop/establishment/		

Municipal Trade Licence



408 Nature of  
manufacturing activities  
at present

409 The type of weights  
and measures proposed  
to be manufactured  
viz. :

Weights

Measures

Weighing Instruments

Measuring Instruments

with details in each case

410 The number of  
persons  
employed/proposed to  
be employed

Skilled

Semi-skilled

Unskilled

Specialist trained in  
the line

411 The monogram or trademark  
Intended to be imprinted on  
weights and measures to be  
manufactured

412 Details of machinery, tools  
accessories, owned and  
used for manufacturing  
weights measures etc.

413 Details of foundry/workshop  
facilities arranged. Whether  
ownership, long term lease etc.

414 Facilities of steel casting



and hardness testing of

Vital parts etc. or other means.

415 Availability of electric energy

416 Details of loan received from

Government or financial

institution. If so, give details

417 Name of bankers, if any

418 VAT/Sales Tax Registration

Number/CST Number/

Professional Tax Registration

Number/IT Number

419 Have you applied previously

for a manufacturer's licence?

if so, when and with what results?

420 (a) Whether the item (s) proposed

to be manufactured will be

sold within the State or out

side the state or both

421 Details of Model Approval

received from Government

of

India;

422 When can you produce

for inspection samples of

your products for which

licence is desired ?

**To be certified by the applicant(s)**

Certified that I/We have read the Legal Metrology Act, 2009 and the Kerala Legal Metrology (Enforcement) Rules, 2012 and agree to abide by the same and also the administrative orders and instructions issued or to be issued there under.

I/We agree to deposit the Scheduled licence fees with Government as soon as required to do so by the Licencing Authority.

All the information furnished above is true to the best of my/our knowledge.

Place : .....  
Date : Signature and Designation  
of the applicant

**To be filled in by Departmental Officer of the State Government**

Date of Receipt of Application :

Serial Number of application :

Date of inspection :

Recommendation of  
Inspecting Officer :

Place : .....  
Date : Signature and Designation  
of Inspecting Officer



## Final Orders of Licensing Authority

Licence granted/ refused :

Licence Number :

Valid till :

Place :

Date :

.....  
Signature and Designation  
of Licensing Authority

### SCHEDULE –II A

[See Rule 11(1)]

Form LR -1

**[Application for licence as repairers of Weights and Measures under  
the Legal Metrology Act, 2009]**

**To,**

(To be filled by the  
applicants)

(Comments of  
Inspecting Officer)

(1)

(2)

(3)

1. Name of the concern

seeking the licence

2. Complete address of

the workshop

3. (a) Whether premises

are owned/rented/ taken

on lease (duly supported

by documents)

(b) Date of establishment

of work shop

- 423 Name(s) and address(s) along with their father's /husband's name of proprietor(s) and/ or partners and Managing Director(s) in the case of Limited company.
- 424 Number and date of shop/ establishment/current Municipal Trade Licence
- 425 Professional Tax/ IT Tax Registration Number etc. if any
- 426 The type of weights and measures proposed to be repaired
- 427 Area in which you wish to operate
- 428 Previous experience in the line
- 429 Number of skilled staff employed or proposed to be employed;
- skilled
  - Semi-skilled
  - Un skilled
  - Employees trained in the line



430Details of machinery/

tools/accessories

available

431 Availability of electric energy

13.Have you sufficient stock of loan/

test weights etc.? Give details

432 Have you applied previously

for a repairer's licence ? If so,

When and with what results?

**To be certified by the applicant (s)**

Certified that I/We have read the Legal Metrology Act, 2009 and the Kerala Legal Metrology (Enforcement ) Rules, 2012 and agree to abide by the same and also the administrative orders and instructions issued or to be issued there under.

I/We agree to deposit the Scheduled licence fees with Government as soon as required to do so by the Licencing Authority.

All the information furnished above is true to the best of my/our knowledge.

Place :

.....

Date :

Signature and Designation  
of the applicant

**To be filled in by Departmental Officer of the State Government**

Date of Receipt of Application :

Serial Number of Application :

Date of Inspection :

Recommendation of Inspecting Officer :

Place : .....

Date : Signature and Designation  
of Inspecting Officer

**Final Orders of Licensing Authority**

Licence granted/refused :

Licence Number :

Valid till :

Place : .....

Date : Signature and Designation of the  
Licensing Authority

**SCHEDULE –II A**

[See Rule 11(1)]

Form LD -1

**[Application form for Licence as Dealers in Weights and Measures  
under the Legal Metrology Act, 2009]**

To,

	(To be filled by the applicants)	(Comments of Inspecting Officer)
(1)	(2)	(3)

433 Name of the  
establishment/ shop/person  
seeking the licence.

434 Complete address  
of the establishment  
etc.

435 Date of establishment.

436 Name(s) and  
address(s) of proprietors  
and/or partners and  
Managing Director(s) in  
the case of Limited  
company.

437 Number and date of  
Registration Number of  
current shop/establishment/  
Municipal Trade Licence.

438 Categories of weights  
and measures  
sold/proposed to be sold at  
present

439 Registration  
Number of  
VAT/CST/Sales Tax/  
Professional Tax/  
Income tax

440 Do you intend to import



weights, etc. from places  
outside the State/Country ?

If so indicate sources of  
supply (Give details of  
manufacturer's trade  
mark/monogram and  
his licence number)  
and provide.

Registration of Importer  
of Weights and Measures,  
if any

Approval of model  
imported into India by  
Central Government.

441 Have you applied  
previously for a dealer's  
licence, either in this State  
or elsewhere? If so give  
details

**To be certified by the applicant (s)**

Certified that I/We have read the Legal Metrology Act, 2009 and the Kerala Legal Metrology (Enforcement) Rules, 2012 and agree to abide by the same and also the administrative orders and instructions issued or to be issued there under.

I/We agree to deposit the Scheduled licence fees with Government as soon as required to do so by the Licencing Authority.

All the information furnished above is true to the best of my/our knowledge.

Place :

Date :

.....

Signature and Designation  
of the applicant



**To be filled in by Departmental Officer of the State Government**

Date of Receipt of Application :

Serial Number of application :

Date of Inspection :

Recommendation of Inspecting Officer :

Place : .....

Date : Signature and Designation  
of the Inspecting Officer

**Final Orders of Licensing Authority**

Licence granted/refused :

Licence Number :

Valid till :

Place : .....

Date : Signature and Designation  
of the Licensing Authority

**SCHEDULE –II B**

[See Rule 11(2)]

Form LM -2

**[Application for renewal of licence as Manufacturer or Weights and Measures under the Legal Metrology Act, 2009]**

**To**

	(To be filled by the applicant )	(Comments of Inspecting Officer)
(1)	(2)	(3)

442 Name and complete address of the manufacturing concern for which renewal of licence is desired.

443 Manufacturing Licence No.

444 Name(s) and address(s) along with their father's/ husband's name of proprietor(s) and /or partners and Managing Director(s) in the case of Limited company.

445 (a) Type of weights and Measures which are manufactured as per licence granted

Do you propose any change?

446 The monogram or trade marks used on weights and measures manufactured by you

447 Details of workshop facilities available.

448 ~~Details of production~~ and sales in the last 5 years



449 Number and date of  
shop/ establishment  
Registration Number

450 Registration  
Number of VAT/Sales  
Tax/ CST/ Professional  
Tax/ Income Tax

**To be certified by the applicant (s)**

Certified that I/We have read the Legal Metrology Act, 2009 and the Kerala Legal Metrology (Enforcement) Rules, 2012 and agree to abide by the same and also the administrative orders and instructions issued or to be issued there under.

I/We have deposited the Scheduled licence fees of Rs. ....  
(Rupees ..... ) to the Sub-Treasury/ Bank  
on ..... and the original challan is enclosed.

All the information furnished above is true to the best of my/our knowledge.

Place : .....

Date : Signature and Designation  
of the applicant

SCHEDULE –II B

[See Rule 11(2)]

Form LR -2

**[Application for renewal of Licence as repairer of  
Weights and Measures under the Legal Metrology  
Act, 2009]**

To

(To be filled by  
the applicants )

(Comments of the  
inspecting officer)

(1)

(2)

(3)

451 Name and complete  
address of the repairing  
concern/ person seeking  
renewal of the licence

452 Repairer's Licence Number

453 Name(s) and address(s)  
along with their father's/  
husband's name of  
proprietor(s) and/ or partners  
and Managing Director(s) in  
the case of Limited company

454 Registration Number  
and date of current shop/  
establishment Municipal  
Trade Licence.

455 Registration Number of  
VAT/Sales Tax/CST/  
Professional Tax/Income Tax.

456 (a) The Type of weights  
and measures repaired  
as per licence granted

Do you propose  
any change ?

457 Area in which  
you are operating

458 Have you  
sufficient stock of  
loan/test weights,  
etc ?

459 Please give  
details with  
particulars of  
stamping

### **To be certified by the applicant (s)**

Certified that I/We have read the Legal Metrology Act, 2009 and the Kerala Legal Metrology (Enforcement) Rules, 2012 and agree to abide by the same and also the administrative orders and instructions issued or to be issued there under.

I/We have deposited the Scheduled licence fees of Rs.....  
(Rupees ..... ) to the Sub- Treasury/ Bank  
on ..... and the original challan is enclosed.

All the information furnished above is true to the best of my/our  
knowledge.

Place :

Date :

.....  
Signature and Designation  
of the applicant

SCHEDULE –II B

[See Rule 11(2)]

Form LD -2

**[Application for renewal of Licence as Dealer in Weights and Measures  
under the Legal Metrology Act, 2009]**

To

	(To be filled by the applicants )	(Comments of the inspecting officer)
--	--------------------------------------	-----------------------------------------

(1)

(2)

(3)

460 Name of the  
establishment/ shop/person  
seeking the renewal of  
licence

461 Dealer's Licence Number

462 Date of  
establishment of the  
shop

463 Name(s) and  
address(s) along with  
their father's/ husband's  
name of proprietor(s)  
and/or partners and  
Managing Director(s) in  
the case of Limited  
company.

464 Registration Number  
and date of shop/  
establishment/current  
Municipal Trade Licence.

465 Categories of weights  
and measures sold at  
present

466 Registration Number  
of VAT/CST/Sales Tax/  
Professional Tax/  
Income Tax

467 Are you intending to





import weights and measures etc. from places outside the State/Country?  
If so, indicate sources of supply from the State(s) Country(s) (Give details of manufacturer's trade mark/monogram and his licence number)

**To be certified by the applicant (s)**

Certified that I/We have read the Legal Metrology Act, 2009 and the Kerala Legal Metrology (Enforcement) Rules, 2012 and agree to abide by the same and also the administrative orders and instructions issued or to be issued there under.

I/We have deposited the Scheduled licence fees of Rs.....  
(Rupees.....) to the Sub-Treasury/ Bank on .....and the original challan is enclosed.

All the information furnished above is true to the best of my/our knowledge.

Place : .....  
Date : Signature and Designation of  
the applicant.

**SCHEDULE –III**

[See Rule 11(3)]

**Licencing Forms**

Form LM -3

GOVERNMENT OF KERALA

OFFICE OF THE CONTROLLER OF LEGAL METROLOGY

Licence to manufacture, weights, Measures,  
weighing or measuring instruments

Licence No. ....

Year.....

468 The Controller of Legal Metrology hereby grants to .....

(Name and address of party or parties) a licence to manufacture the following. (Include details of the weights, measures, weighing instruments or measuring instruments that are licenced to be manufactured by the party).

469 The licence is valid for the party named above in respect of  
his workshop located at .....

470 This licence is valid from .....to .....

471 The manufacturer shall comply with the conditions noted below.  
If he fails to comply with any one of these, his licence is liable to be cancelled.

472 The trade mark monogram being used by the manufacturer is as  
under

.....

(Signature)

Controller of Legal Metrology  
Government of Kerala

(Seal)

Date .....

Place .....

Note :- In the case of firm, its name with the names of all names of all persons having interest in the business should be given in paragraph I.

### **CONDITIONS OF LICENCE**

- 473 The person in whose favour this licence is issued shall, -
- Comply with all the relevant provisions of the Act and Rules for the time being in force;
  - Not encourage or countenance any infringement of the provisions of the Act or the Rules amended from time to time;
- 474 Exhibit this licence in some conspicuous part of the premises to which it relates;
- 475 Comply with any general or special directions that may be given by the Controller of Legal Metrology;
- 476 Surrender the licence in the event of closure of business and/or cancellation of Licence;
- 477 Present the weights, measures, weighing or measuring instruments as the case may be manufactured and meant for use within the State, to the Legal Metrology Officer for verification and stamping before sale;
- 478 Submit the application for renewal of this licence as required under the rules within thirty days of expiry of the validity of the licence;
- 479 Submit a detailed list of skilled employees and the same should be updated from time to time.
- Every condition prescribed after the issue of this licence shall if notified in the Official Gazette, be binding on the persons to whom the licence has been granted.

### Renewal entries

<p>Current No.....Date.....</p> <p>Renewed for</p> <div style="border: 1px solid black; width: 60px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px;">Seal</div> <p style="text-align: center;">Controller of Legal Metrology</p>	<p>Current No.....Date.....</p> <p>Renewed for</p> <div style="border: 1px solid black; width: 60px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px;">Seal</div> <p style="text-align: center;">Controller of Legal Metrology</p>
<p>Current No.....Date.....</p> <p>Renewed for</p> <div style="border: 1px solid black; width: 60px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px;">Seal</div> <p style="text-align: center;">Controller of Legal Metrology</p>	<p>Current No.....Date.....</p> <p>Renewed for</p> <div style="border: 1px solid black; width: 60px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px;">Seal</div> <p style="text-align: center;">Controller of Legal Metrology</p>
<p>Current No.....Date.....</p> <p>Renewed for</p> <div style="border: 1px solid black; width: 60px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px;">Seal</div> <p style="text-align: center;">Controller of Legal Metrology</p>	<p>Current No.....Date.....</p> <p>Renewed for</p> <div style="border: 1px solid black; width: 60px; height: 40px; margin: 5px auto; text-align: center; line-height: 40px;">Seal</div> <p style="text-align: center;">Controller of Legal Metrology</p>

SCHEDULE –III

[See Rule 11(3)]

LICENCING FORMS

Form LR -3

GOVERNMENT OF KERALA

**Officer of the Controller of Legal Metrology**

Licence to Repair Weights, Measures, Weighing Instruments or  
Measuring Instruments

Licence No.....

Year .....

1. The Controller of Legal Metrology hereby grants to .....

(Name and address of party or parties ) a licence to repair the following :- (include details of the types of weights, measures, weighing instruments or measuring instruments that are licenced to be repaired by the party)

480 The licence is valid for the party named above in respect of his workshop located at .....

481 This licence is valid  
from .....to .....

482 The repairer shall comply with the conditions noted below. If he fails to comply with any one, his licence is liable to be cancelled.

483 The party is licenced to repair weights, measures, weighing and measuring instruments in the areas mentioned below –

(Signature)

Controller of Legal Metrology

(Seal)

Date .....

Place.....

Note :In the case of firm, its name with the names of all persons having any interest in the business should be given in paragraph (1).

## **CONDITIONS OF LICENCE**

1. The person in whose favour this licence is issued shall, -

Comply with all the relevant provisions of the Act and Rules for the time being in force;

Not encourage or countenance any infringement of the provisions of the Act or the Rules for the time being in force;

Exhibit this licence in some conspicuous part of the premises to which it relates;

Comply with any general or special directions that may be given by the Controller of Legal Metrology;

Surrender the licence in the event of closure of business and/or cancellation of Licence;

(i) Present the weights, measures, weighing or measuring instruments as the case may be duly repaired to the Legal Metrology Officer for undertaking verification and stamping before delivery to the user.

In the case of weights, measures, weighing or measuring instruments, if they are serviced/repared before the date on which the verification falls due and where, in the process and the verification stamp of the Legal Metrology Officer is defaced, removed or broken, they shall be presented duly repaired to the Legal Metrology Officer for re-verification and stamping before delivery to the user.

Submit the application for renewal of this licence as required under the rules within thirty days of expiry of the validity of the licence.

Submit a detailed list of skilled employees for repairing and the same should be updated and to be submitted each year.

484 Every condition prescribed after the issue of this licence shall, if notified in the Official Gazette, be binding on the persons to whom the licence has been granted.

**Renewal Entries**

<p>Current No.....Date.....</p> <p>Renewed for</p> <div><div>Seal</div></div> <p>Controller</p>	<p>Current No.....Date.....</p> <p>Renewed for</p> <div><div>Seal</div></div> <p>Controller</p>
<p>Current No.....Date.....</p> <p>Renewed for</p> <div><div>Seal</div></div> <p>Controller</p>	<p>Current No.....Date.....</p> <p>Renewed for</p> <div><div>Seal</div></div> <p>Controller</p>

SCHEDULE –III

[See Rule 11(3)]

LICENCING FORM

Form - LD -3

GOVERNMENT OF KERALA

**Office of the Controller of Legal Metrology**

Licence to a dealer in weights, measures, weighing instruments  
of measuring instruments

Licence No.....

Year.....

1. The Controller of Legal Metrology hereby grants to  
..... (Name and address of party or parties) a licence to  
deal in the following (Indicate details of the types weights and  
measures, weights or measuring instruments that are licenced to be  
dealt with by party)

485 The licence is valid for the party named above in respect  
of his premises located at.....

486 This licence is valid from ..... to .....

487 The dealer shall comply with the conditions noted below. If he fails to  
comply with any one of those, his licence is liable to be cancelled.

(Signature)

Controller of Legal Metrology

Date..... (Seal)

Place.....

Note - In the case of firm its name with the names of all persons having  
any interest in the business should be given in paragraph (1).



## **CONDITIONS OF LICENCE**

- 488 The person whose favour this licence is issued shall,-  
comply with all the relevant provisions of the Act and Rules for the time being in force;  
not encourage or countenance any infringement of the provisions of the Act or the Rules for the time being in force;  
exhibit this licence in some conspicuous part of the premises to which it relates;  
comply with any general or special directions that may be given by the Controller of Legal Metrology;  
surrender the licence in the event of closure of business and/or cancellation of Licence;  
submit the application for renewal of this licence as required under the rules within thirty days of expiry of the validity of the licence;  
not sell or offer, expose or possess for sale any non-standard weight or measure.
- 489 Every condition prescribed after the issue of this licence shall, if notified in the Official Gazette, be binding on the persons to whom the licence has been granted.

## Renewal entries

<p>Current No.....Date.....</p> <p>Renewed for</p> <div style="border: 1px solid black; width: 50px; height: 40px; margin: 5px auto; display: flex; align-items: center; justify-content: center;">Seal</div> <p style="text-align: center;">Controller of Legal Metrology</p>	<p>Current No.....Date.....</p> <p>Renewed for</p> <div style="border: 1px solid black; width: 50px; height: 40px; margin: 5px auto; display: flex; align-items: center; justify-content: center;">Seal</div> <p style="text-align: center;">Controller of Legal Metrology</p>
<p>Current No.....Date.....</p> <p>Renewed for</p> <div style="border: 1px solid black; width: 50px; height: 40px; margin: 5px auto; display: flex; align-items: center; justify-content: center;">Seal</div> <p style="text-align: center;">Controller of Legal Metrology</p>	<p>Current No.....Date.....</p> <p>Renewed for</p> <div style="border: 1px solid black; width: 50px; height: 40px; margin: 5px auto; display: flex; align-items: center; justify-content: center;">Seal</div> <p style="text-align: center;">Controller of Legal Metrology</p>
<p>Current No.....Date.....</p> <p>Renewed for</p> <div style="border: 1px solid black; width: 50px; height: 40px; margin: 5px auto; display: flex; align-items: center; justify-content: center;">Seal</div> <p style="text-align: center;">Controller of Legal Metrology</p>	<p>Current No.....Date.....</p> <p>Renewed for</p> <div style="border: 1px solid black; width: 50px; height: 40px; margin: 5px auto; display: flex; align-items: center; justify-content: center;">Seal</div> <p style="text-align: center;">Controller of Legal Metrology</p>

SCHEDULE –IV  
[See Rule -11(4) and (5)]

GOVERNMENT OF KERALA

**Office of the Controller of Legal Metrology**

Licencing and renewal fees to be paid by manufacturers, repairers and  
dealers of weights and measures

1. Issue of licence/renewal of licence to :

(i) Manufacturers : Rs.5000 (Five thousand rupees) per year

(ii) Repairers : (i) Rs.5000 (Five thousand rupees)per  
year (including electronic  
equipments)

(ii) Rs.1000 (One thousand rupees) per  
year (excluding electronics)

(iii) Dealers : Rs.5000 (Five thousand rupees) per year

2. Alteration of licence : Rs.500 (Five hundred rupees)

3. Issue of duplicate licence : Rs.250 (Two hundred and fifty rupees)

SCHEDULE –V  
[See Rule 11(6)]

GOVERNMENT OF KERALA

**Officer of the Controller of Legal Metrology**

Register of licenced Manufacturers/Repairers/Dealers of weights, measures,  
weighing/ measuring instruments

Office of .....

Licence Number	Date of issue / renewal	Name and complete address of the manufacturer/repairer/dealer	Place where work shop/factory is situated	Articles to be manufactured/ repaired/sold	Trade mark/monogram being used	Orders regarding cancellation of licence	Result of appeal	Signature of competent authority	Remarks
1	2	3	4	5	6	7	8	9	10

Note :- Column (4) does not apply to dealers, column (6) does not apply to repairers and dealers.

SCHEDULE VI

[See Rule 11(8)]

GOVERNMENT OF KERALA

**Office of the Controller of Legal Metrology**

Security deposit to be made by licenced repairer

Repairer of weights and measures, including : Rs.5000 (Five thousand rupees)  
weighing and measuring instruments.

# SCHEDULE –VIIA

[See Rule 13]

FORM LM 4

Register to be maintained by the manufacturers of weights and measurers

1. Name and address of the manufacturer .....
2. Description of the weight or measure .....
3. (i) No. of the manufacturing licence .....
- (ii) Date on which the licence was issued .....
- (iii) Period of validity of the licence .....
4. Particulars of order, if any, suspending or revoking the licence .....

Sl. No.	Month	Unsold stock from previous month	Quantity manufactured during the month	Total 3+4	Sold within the state	
					No. of item sold	Dispatch voucher No. and date
1	2	3	4	5	6	7

Sold outside the state		Dispatch voucher No. and date	Total sold (6+9)	Balance (5-11)	Remarks
Name of the state	No. of items sold				
8	9	10	11	12	13

# SCHEDULE –VIIA

[See Rule 13]

FORM LR- 4

Register to be maintained by the repairer in respect of weights, measurers

Name and address of the repairer .....Licence No.....

Date of Licensing .....

Sl.No.	Date	Name of the user from whom received	Items and their Nos. booked for repair	Receipt No. and date of issue to the user
1	2	3	4	5

Amount repairing charges	Amount of verification fee	Total amount charged	Date of return to the user	Remarks
6	7	8	9	10

SCHEDULE –VIIIA  
[See Rule 13]  
FORM LD- 4

Register to be maintained by dealer in weights and measurers

490 Name and address of the dealer .....

491 Description of the weight or measure .....

492 (i) Dealer licence No. ....

Date on which the licence was issued .....

(iii) Period of validity of licence .....

493 Particulars of order, if any suspending or .....  
revoking the licence.

494 Category of weight or measure .....  
(Category A or B)

Sl.No.	Month	Unsold stock from the previous month	Brought from within the state during the month	Brought from outside the state during the month	Total (3+4+5)
1	2	3	4	5	6

Sold within the State		Sold outside the state			Total sold (7+9)	Balance (6-12)	R e m a r k s
No. of items sold	Dispatch voucher No. and date	No. of items sold	Dispatch voucher No. and Date	Name of the State			
7	8	9	10	11	12	13	14



# SCHEDULE –VII B

[See Rule 13]

FORM LM- 5

Periodical return to be submitted by the manufacturer for every three months within ten days from last date of such 3<sup>rd</sup> month

495 Name of the Manufacturer

496 Address of the Manufacturer

497 Contact phone number (s) and e-mails address

498 Trade Mark

499 Licence No.

500 Validity of the licence up to :

501 Report for the months. 1. January, February and March/ 2. April, May and June /3. July, August and September/ 4. October, November and December

Sl.No.	Month	Unsold stock from the previous month	Quantity manufactured during the month	Total
1	2	3	4	5

Details of articles sold out				Remarks
Name and address of the firm to whom supplied	Invoice No. and date	Particulars of the w & m supplied. Quantity, machine No., model No.	Balance at the end of the month	
6	7	8	9	10

Station :

Date :

Signature of the manufacturer.

# SCHEDULE –VII B

[See Rule 13]

FORM LR- 5

Periodical return to be submitted by the repairer for every three months within ten days from last date of such 3<sup>rd</sup> month

502 Name of the repairer

503 Address of the repairer

504 Contact phone number (s) and e-mails/ address

505 Licence No.

506 Validity of the licence up to :

507 Report for the months. 1. January, February and March/ 2. April, May and June 3. July, August and September/  
4. October, November and December

7. Name(s) of skilled worker 1.  
2.  
3.

Sl.No.	Date of booking articles for repair	Name and address of the user from whom articles received	Particulars of articles booked for repair including machine No and Quantity	Chalan No. and date of the repairer	VC No. and date of the LMO	Date of return of the Article to the user	Remarks
1	2	3	4	5	6	7	8

Station :

Date :

Signature of the repairer.

# SCHEDULE –VII B

[See Rule 13]

## FORM LD- 5

Periodical return to be submitted by the dealer for every three months within ten days from last date of such 3<sup>rd</sup> month

508 Name of the dealer

509 Address of the Dealer

510 Contact phone no (s) and email address

511 Licence No.

Validity of the Licence upto:

512 Report for the months. 1. January, February and March/ 2. April, May and June

July, August and September/  
October, November and December

Sl. No.	Month	Unsold stock from the previous month	Quantity purchased during the month	Total	Details of the supplier		
					Name and address of the supplier	Invoice No. and date	Particulars of the W&M supplied Quantity, machine No, model No.
1	2	3	4	5	6	7	8

Details of articles sold out				Remarks
Name and address of the firm to whom supplied	Invoice No./Bill No. and date	Particulars of the W&M supplied. Quantity, machine No., model No.	Balance at the end of the month	
9	10	11	12	13

Station :

Date :

Signature of the dealer.



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SCHEDULE –IX A

[See Rule 14 (4)]

GOVERNMENT OF KERALA

**User fee for verification and stamping of weight/measure**

513 VEHICLE TANK – Rs.5 per 100 LITRE

514 WEIGH BRIDGE – Rs. 5,000 PER UNIT

## SCHEDULE –IX B

[See Rule 17 ]

### Kerala Legal Metrology Department Day Book (Stamping fee Register)

OFFICE :

DISTRICT :

TALUK :

DATE:

Sl. No	Registration. ID No	No. in Census Register	Name & Address	Fee Collected		Verification Certificate No.	Date of next verification	Remarks
				Receipt No.	Amount Rs.			
1	2	3	4	5	6	7	8	9

### DAILY ABSTRACT

Registration/Renewal Fee :

Verification Fee :

Miscellaneous Fee :

Additional Fee :

Compounding Fee :

Licence Fee :

Others :

SCHEDULE XI  
[See Rule 25(1)]

Form of appeal against an order of a Legal Metrology Officer/Controller  
of Legal Metrology :-

515 Name and address of the appellant

516 No. and date of order of Legal Metrology Officer/ Controller of  
Legal Metrology against which the appeal is preferred.

517 Whether the appellant desires to be heard in person or through  
an authorised representative.

518 Grounds of appeal

Appellant.

Schedule XII  
[See Rule 26]  
**Compounding fees for various offences**

Sl. No.	Section and nature of offence	Penal Section	Proposed Compounding Fee Rs.
(1)	(2)	(3)	(4)
1.	S.8(3)- Use of weight, measure or numeration other than the standard weight, measure or numeration	25	5000.00
2.	S.8(4)- Manufacture of weight or measure not conforming to standards	27	4000.00
3.	S.10 – Transaction or dealing or contract in respect of goods etc., by weight, measure or number than prescribed	28	2000.00
4.	S. 11-Quote or make announcement or issue or exhibit of price list or changing of price other than in accordance with standard unit of weight or measure or numeration	29	2000.00
5.	S.12- Demanding or receiving any articles or thing on service in excess or less than the quantity specified by contract or agreement	30	5000.00
6.	S.17- Non Maintenance of records, non-production of registers by manufacturer, dealer or repairer and production of weight, measure , document, register on demand	31	1000.00



7. S.18(1)- Non Compliance of declaration in respect of pre-packaged commodity by manufacturer/dealer	36(1)	5000.00
8. S. 18(1)-Non Compliance of net quantity requirement of pre-packaged commodity by manufacturer	36(2)	10,000.00
9. S. 23- Manufacturer of weight or measure without licence	45	5000.00
10. S. 23- Repair/sale of weight or measure without licence	46	2500.00
11. S.24- Use of unverified weight or measure in transaction or protection	33	2000.00
12. S.33- Sale of weight or measure without verification	33	5000.00
13. S.34- Sale or delivery of commodities by non-standard weights or measure	34	2000.00
14. S.35- Rendering service by non-standard weight or measure	35	2500.00
15. S.47- Tampering with licence	47	5000.00
16. S.53(3)- Provision of any rule made under the Act	53(3)	1000.00

**a. Acknowledgement of return of goods that are subject to speedy or natural decay**

Serial No.	Description of goods	Actual weight/measure of the goods	No.and date of seizure receipt	From whom

Signature, name and address  
of the trader/agent/offender

Signature, name and address  
of the trader/agent/offender

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**b.**

**CERTIFICATE OF REJECTION OF WEIGHTS/MEASURES**  
(See Rule 14(8)(b))

Office of the Controller of Legal Metrology,  
The Kerala Legal Metrology (Enforcement) Rules, 2012

No.

Id No.

Census. No.

Date :

Name of Legal Metrology Officer with office address

I hereby certify that I have this day verified and rejected the under mentioned  
weights/measures, etc belonging to .....

Locality.....

Weights/Measures	Quantity	Manufacturer's mark and serial number	Reason for rejection

Note : The above said weight/measure shall be presented for re-verification  
after rectifying the defects within eight days from this day.

Signature of the Legal Metrology Officer

Place :

Date :

## ANNEXURES

### Annexure 1

#### **Inspection report in respect of manufacturer of Weight or Measure.**

Sl. No.	Particulars	Comments
1	Name and address of licensee/ firm	
2	Name and addresses of (Proprietor./Partners/Directors)	
3	Licence No., Validity and Jurisdiction	
4	Address of manufacturing premises	
5	Date of last inspection	
6	Date of current inspection	
7	Whether manufacturing premises is owned or rented? Details of area acquired.	
8	If the premises is rented, is there valid agreement?	
9	Give particulars of approval of model	
10	Is there any change in licence?	
11	Whether other licences such as Shops and Establishments Act, SSI etc. are valid or renewed at the date of inspection?	
12	Whether licensee kept updated register as per Rule 11 of the Kerala Legal Metrology (Enforcement) Rules, 2012 ?	
13	Is there any complaint against licensee ? If yes, give details.	
14	Is any violation noticed ? If yes, give details of action taken.	
15	Details of spareparts for the last year (e.g. transducers, load cell and other such things)	
16	Whether total production tallies with the amount of Stamping fees	

17	Whether licensee submits periodical reports or returns in due time.	
18	Whether noticed any discrepancy in the register or in the periodical returns? If yes, give details.	
19	Whether noticed any discrepancy between purchase, sale and in unsold stock? If yes, give details.	
20	Is any weight or measure exported/imported? If yes, give details	
21	Weight or Measure Import- Export Registration No	
22	Model Approval No. in relation to Import	
23	Is there any transaction of weight or measure without billing?	
24	Whether noticed any violation of provisions of the Legal Metrology Act, 2009 and Rules made thereunder? If yes details of action taken.	
25	Details of test weight or measure along with verification certificate	
26	General Remarks	

Place:

Date:

Name and designation of the  
inspecting officer

## **Annexure 2**

### **Inspection Report in respect of Repairer of Weight or Measure**

Sl. No.	Particulars	Comments
1	Name and address of licensee/ firm	
2	Name and addresses of (Proprietor/Partners/Directors)	
3	Licence No., validity and Jurisdiction	
4	Address of workshop	
5	Date of latest inspection	
6	Date of current inspection	
7	Whether place of workshop is owned or rented?	
8	If the workshop is rented, is there any valid agreement?	
9	Is there any change in licence?	
10	Whether licences from LSGD etc. are valid or renewed on the date of inspection?	
11	How many repairing fee receipt books and number of receipts used since last inspection?	
12	Number of testing and loan weight or measure kept by repairer and whether it is verified and stamped? Give details of verification and stamping.	
13	Names of skilled and unskilled employees.	
14	Number of occasions licensee made delay in returning the accepted weight or measure to the trader.	
15	Whether licensee kept updated register as per Rule 11 of The Kerala Legal Metrology (Enforcement) Rules, 2011	
16	Whether licensee submits periodical reports or returns in due time?	
17	Is there any complaint against licensee? If yes, give details.	

519	Whether noticed any discrepancy in the register or in the periodical returns? If yes, give details.	
520	General comments Whether licence displayed or not ? Whether the name board of the firm displayed ? Whether electricity is available?	
521	Whether noticed any violation of provisions of the Legal Metrology Act, 2009 and Rules made thereunder? If yes details or action taken.	
522	General Remarks	

Place:

Name and designation of the

Date:

inspecting officer

### **Annexure 3**

#### **Inspection Report in respect of Dealer in Weight or Measure**

Sr. No.	Particulars	Comments
1	Name and address of licensee/ firm	
2	Name and addresses of (Proprietor/Partners/Directors)	
3	Licence No. and validity	
4	Address of business place	
5	Date of last inspection	
6	Date of current inspection	
7	Whether place of business is owned or rented?	
8	If the premises is rented, is there valid agreement?	
9	Is there any change in licence?	
10	Whether other licences such as shops and establishment Act, VAT, CST etc. is valid or renewed on the date of inspection?	
11	Whether licensee maintains updated register as per Rule 11 of the Kerala Legal Metrology (Enforcement) Rules, 2012	
12	Is there any complaint against licensee? If yes, give details.	
13	Whether licensee submits periodical reports or returns in due time .	
14	Whether noticed any discrepancy in the register or in the periodical returns? If yes, give details.	
15	Whether noticed any discrepancy between purchase and sale in unsold stock? If yes, give details.	
16	Is there any weight or measure exported and imported? Give details.	
17	Weight or Measure Import- Export Registration No.	
18	Model approval No. in relation to import.	



523	Is there any transaction of weight or measure without billing?	
524	Whether noticed any violation of provisions of the Legal Metrology Act, 2009 and Rules made thereunder? If yes details of action taken.	
525	General Remarks	

Place:

Date:

Name and designation of the  
inspecting officer

## Annexure 4

### Right to Service Act 2012 - Legal Metrology Department vide Notification No. C1-5933/12, dt. 26.04.2013

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Government of Kerala  
കേരള സർക്കാർ  
2013



Regn. No. KERBIL/2012/4507  
dated 5-9-2012 with RN1

Reg. No. രജി നമ്പർ  
KL/TV(N)/634/2012-14

**KERALA GAZETTE**

കേരള ഗസറ്റ്

**EXTRAORDINARY**

അസാധാരണം

**PUBLISHED BY AUTHORITY**

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. II	}	Thiruvananthapuram,	30th April 2013	No. } 1213
വാല്യം 2		Tuesday	2013 ഏപ്രിൽ 30	
		തിരുവനന്തപുരം,	10th Vaisakha 1935	
		ചൊവ്വ	1935 വൈശാഖം 10	

#### **LEGAL METROLOGY DEPARTMENT**

#### **NOTIFICATION**

No. C1-5933/12.

*Dated, Thiruvananthapuram, 26th April, 2013.*

In exercise of the powers conferred under section (3) of the Kerala State Right to Service Act, 2012 (Act 18 of 2012) the Controller of Legal Metrology hereby notify the services, that will be rendered by the Legal Metrology Department of the Government of Kerala and also notify the designated officers, First Appellate Authority, Second Appellate Authority and the stipulated time limit in respect of such services, namely:—

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33/2008/2013/DTP.

Sl. No.	Name of Service	Designated Officer	Stipulated Time Limit	1st Appellate Authority	2nd Appellate Authority
(1)	(2)	(3)	(4)	(5)	(6)
1	Re-verification and stamping of Weight or Measure instruments				
	(a) Camp/Office	Inspector/ Senior Inspector	(Same day)	Assistant Controller	Deputy Controller
	(b) Insitu	"	Within 30 working days	"	"
2	(1) Original Verification and stamping of Weight or Measure instruments				
	(a) Camp/Office	Assistant Controller	(Same day)	Deputy Controller	Controller
	(b) Insitu	"	Within 30 working days	"	"
	(Verification at the site of user)	"	Within 30 working days	"	"
	(2) Original	"	Within 30 working days	"	"
	(Verification/Re-stamping of fuel dispensing stations and weigh bridges)	"	"	"	"
3	Registration of manufacturer/packer	Controller	Within 60 working days	Secretary, Consumer Affairs Department	Chief Secretary

4	Licensing of Manufacturer/ Repairer/Dealer	Controller	Within 60 working days	Secretary, Consumer Affairs Department	Chief Secretary
5	Renewal of Licence of repairer/dealer/manufacturer	Assistant Controller	Within 30 working days	Deputy Controller	Controller
6	Alterations in registration certificate issued to Manufacturer/Packer	Controller	Within 60 working days	Secretary, Consumer Affairs Department	Chief Secretary
7	Alterations in repair, dealer, Manufacturing Licenses	Controller	Within 60 working days	Secretary, Consumer Affairs Department	Chief Secretary
8	Issue of duplicate repair, dealer, Manufacturing Licenses	Controller	Within 15 working days	Secretary, Consumer Affairs Department	Chief Secretary
9	Complaints on Contravention of Legal Metrology Acts and Rules Received by Inspectors/Senior Inspectors	Inspector/ Senior Inspector	Within 30 working days	Assistant Controller	Deputy Controller
10	Complaints on Contravention of Legal Metrology Acts and Rules Received by Assistant Controllers	Assistant Controller	Within 30 working days	Deputy Controller	Controller

The applications submitted shall include all details and be complete in all respect.

The period of time limit stipulated above in relation to a service shall commence only after all documents required for providing a service are duly submitted before the designated officers.

(Sd.)

*Controller,  
Legal Metrology Department.*

#### **Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.) \*

Section 3 of the Kerala State Right to Service Act, 2012 (Act 18 of 2012) empowers every Department of the Government, Heads of Departments, Local Self Government Institutions and Statutory Bodies to notify in the Gazette, the services that will be rendered by each of them, along with details of stipulated time limit, Designated Officers, First Appellate Authority and Second Appellate Authority. The Government have decided to notify the services to be rendered by Legal Metrology Department.

The notification is intended to achieve the said purpose.

---

**Annexure 5**

**Petition to withdraw the complaint before the Court of Law**

Before the Hon<sup>ble</sup> First Class Judicial Magistrate Court/  
Additional First Class Judicial Magistrate Court at ..... (Place)

u/ s 257 of CrPC

S.T./CC No.....

Name and Designation of LMO

.....District

Complainant .....

M/s. ....V/s.

.....

Accused .....

.....

The accused in the above complaint before this Hon<sup>ble</sup> Court has requested to compound the offence. The compounding fees has been deposited and the copy of the TR-5 receipt towards the same is attached herewith.

This Hon<sup>ble</sup> Court may take steps to stop all further proceedings against the accused invoking Section.257 of the CrPC.

Dated this .....day of .....20...

Signature, Name and Designation

.....

.....

## **Annexure 6**

### **List of naturally decaying substances**

This list is only illustrative and not exhaustive and can be included/ excluded as per order of the Controller.

List of speedy or naturally decaying substances are given below :-

Meat

Fish

526 Fast foods

527 Cheese

528 Fruits

529 Ice Cream

530 Liquid Milk and other liquid products.

531 Bread, Butter, Buttermilk and Curd

532 Camphor

533 Seeds and Fertilizers

534 Explosives including Crackers

535 Vegetables

536 Petrol, Diesel, Kerosene, LPG, and CNG etc

537 Sweets

## Annexure 7

### APPLICATION FOR IN-SITU STAMPING [see rule (14) The Legal Metrology (Enforcement) Rules, 2012]

1. Name of Applicant :
2. Address of stamping premise :
3. Contact Telephone Number :
4. Name of local body :
5. Details of weight or measure :

Sl. No.	Type of weight/measure	Accuracy class	Maximum Capacity	Serial No. and make if any	Details of LVC/Bill (ID, BILL No. LVC No., date)
1	2	3	4	5	6

I.....  
.....

(Name and address)here by request that the above weight and measure may be stamped in-situ.

I will arrange conveyance and handling of test/working standard weight or measure.

Yours faithfully,

Place:

Date :

Signature of applicant



## **Annexure 8**

### **Authorisation for repairing of weight or measure**

.....  
....(Name and address) here by authorize the person mentioned below to repair weight or measure and to receive the verification certificate on my behalf

The following weight or measure owned and possessed by me and receive the certificate of verification on my behalf.

Name of licenced repairer :

Licence No :

Sl.No	Type of weight/measure	Accuracy Class	Maximum Capacity	Serial No and Make	Details of LVC/Bill (ID, BILL No. LVC No., date)
1	2	3	4	5	6

Signature of Licenced repairer

Place :

Date:

Signature attested( by the user)

Signature and Name of user

## **Annexure 9**

### **Intimation letter for insitu / verification to be given to the user of weight or measure**

No. ....

Office of .....

Legal Metrology

Date .....

### **NOTICE**

Sub: Government of Kerala – Legal Metrology Dept – Verification of weight or measure under the Legal Metrology Act, 2009 and the Kerala Legal Metrology (Enforcement) Rules, 2012 – visit for – notice issued- reg.

This is to inform you that the undersigned visits your premises for the verification of the weight or measure owned and possessed by you between ..... (Time and Date) . You are hereby directed under Rule 14(3) of the Rules, 2012 to comply with the following points without fail.

538 The weight or measure shall be presented for verification in a very clean condition and be complete in itself.

539 The verification certificate of the weight or measure shall be presented in original before the commencement of verification.

540 Sufficient man power to handle/carry the weights and instruments shall be provided

The owner/manager, who is fully conversant with the location, nature of use etc. of each weight or measure and having absolute control over the employees of the firm shall accompany the Legal Metrology Officer till the verification is complete.

541 All the points likely to be passed through by the Legal Metrology Officer including the main gate shall be informed of the visit in advance.

No obstruction of any kind shall be caused to the entry/inspection/verification/other duties of the Legal Metrology Officer. Any such obstruction caused will be tantamount to violation of section 15 of the Legal Metrology Act, 2009 which is punishable with imprisonment up to two years under section 40 of the said Act.

Legal Metrology Officer

To .....  
.....

**Annexure 10****Stop Memo for Fuel Dispensers**

Place

Date

Time

.....District

.....Taluk

.....Location

M/s.....

(Address).....

.....

.....

..... inspected by me.

During the course of my inspection, the following irregularities were noticed in the sale of petrol/diesel/kerosene in the following dispensing units. The details are shown below:-

Serial No.	Unit		Difference in each 5 litre/10 litre measure (in milli litres)				Totalizer reading after inspection
	Make	Sl.No.	1 +or -	2 +or -	3 +or -	4 +or -	
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							

The delivery of the above fuel dispensers Serial No. .... are beyond the limit of tolerance as specified in the Act and Rules and hence the stamps of the same are hereby obliterated. The delivery through the above mentioned units are stopped herewith. Corresponding totalizer readings are recorded and the sale through the said units are stopped until further orders. You are also hereby informed that the aforesaid fuel dispensers shall not be used until the same is got reverified and stamped. The relevent totaliizer reading at which the stamps are obliterate are also recorded.

During the time of inspection the following members were present

- 542 Owner (Name & Signature) .....
- 543 Manager (Name & Signature) .....
- 544 Empolyee (Name & Signature) .....

I have Seen and convinced with measurement and totalizer reading

Signature

Name and designation of Legal Metrology Officer

- Witness :
- 1.
  - 2.

**Annexure 11**

**Before the Hon'ble Judicial First Class Magistrate Court**

.....

**Report of Seizure as per Section 15 of the Legal Metrology Act, 2009 read  
with Section 102 of Code of Criminal Procedure, 1973**

Report No. .... /20....

I, .....  
.....appointed under Section 14 of the Legal Metrology Act, 2009,  
in exercise of the powers and in discharge of the duties under the said Act in the  
Jurisdictional area of the Taluk of ..... District  
conducted inspection on ..... at .....am/pm in the  
trade premises of .....have seized the  
following  
items on having found  
that .....

.....  
.....which is an  
offence under Section .....of the Legal Metrology  
Act, 2009 read with Rule .....of  
the

Legal Metrology .....Rules.

The place of detection of the offence falls within the jurisdiction of this Hon'ble  
Court.



Sl. No.	Discription of items/ packets/Commodities/ Products	Batch No.	Number of articles/ packets/ Commodities	Quantity of each item/ Packet/ Commodity

The seizure of above Articles /Packets/ Commodities is hereby reported under Section 15 of the Legal Metrology Act, 2009 read with Section 102 of the Code of Criminal Procedure, 1973. Detailed Complaint will be filed subsequently.

Dated this .....day of .....20..

Signature

Name and Designation

Office Seal



## APPLICATION FOR REGISTRATION AS MANUFACTURER/PACKER/IMPORTER

(All entries in capital letters)

- |                            |               |
|----------------------------|---------------|
| Proprietorship             | <i>Indian</i> |
| Partnership                | <i>Others</i> |
| Co-op.society              |               |
| <i>Company/Corporation</i> |               |

- [illegible]

[illegible][illegible]

- [illegible]

- [illegible]

- [illegible]

[illegible][illegible][illegible][illegible]

d) Address of the premises  
where packing storing or  
labeling is  
done(withPIN


e) Date of commencement

d	d	m	m	y	y	y	y

6. Name of Commodities

to be pre- packed or imported

1																	
2																	
3																	
4																	
5																	

#### DECLARATION

I hereby declare that the information given above is true to the best of my knowledge and I will abide by the Legal Metrology (Packaged Commodities) Rules 2011 as amended from time to time.

Place:

Date:

Signature of the applicant

With name

#### Acknowledgement

Application for Registration as Manufacturer/Packer/Importer from .....

.....has  
been

Received in this office and collected Rs.....

(Rupees .....

.....only) towards registration fee vide Receipt No.....

Dated .....

Assistant Controller

Name and Designation

#### Recommendation

Ref. No. .... The above application for Registration as Manufacturer/Packer/Importer is recommended.

Place :

Date :

Assistant Controller

Name and Designation

**Annexure 13**  
**APPLICATION FORM FOR REGISTRATION OF IMPORTER**  
**OF WEIGHT OR MEASURE**

[Rule 15 the Legal Metrology (General Rules 2011)]

To

The Director of Legal Metrology,  
Government of India,  
New Delhi

Sir,

I/We hereby apply for registration of my/our name(s) as importer of weights and/or measures.

Particulars with regard to items specified in the table below are given against each such item. The registration fee of Rs..... has been paid in the treasury at.....vide Challan No..... dated.....enclosed.

545 Name and full address :

546 Whether individual/undivided Hindu family/registered firm:

547 Income tax registration No.(if any) :

548 Date of registration as manufacturer/dealer, registration No. and name of registering authority :

549 Date & No. of the licence to carry on the business of weights and measures; the name of authority by whom the licence was issued/renewed:

buying and selling, or

Manufacturing.

550 Item(s) of weights and measures in relation to which the applicant has been registered as manufacturer and/ or dealer:

551 Items of weights and measures for which application is being made for registration as importer:

552 Items, if any, imported during the period of two years immediately preceding the year in which the application is made:

553 Remarks:

Signature

**Annexure 14****NET QUANTITY CHECKING OF PACKAGED****COMMODITIES FORM A****WEIGHT CHECKING – DATA SHEET****(for net quantity checking for packaged commodities)**

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

## **Annexure 15**

### **The essential equipments to be kept in every Legal Metrology Officer's office**

1	Bullion check weights	1 kg to 1 mg	1set
2	Cast Iron weights	20kg	10 Numbers
		10kg	10 Numbers
		5kg to 50g	2 sets
3	Glass Measures	1 litre with 1ml graduation	1Number
		500 ml with 1 ml graduation	1 Number
		100ml with 1 ml graduation	2 Numbers
4	Pipette (Working Standard)	5m l with 0.5 ml graduation	1 Number
		5 ml	1 Number
		10 ml	1 Number
5	Conical Measure ( Brass)	20 litre – 100 ml	1set
6	Measuring tape	5m steel tape 1 mm graduation	1 Number
		30 metre woven tape	1 Number
7	Screw Gauge	0.01mm least count	1 Number
8	Vernier Caliperse	0.1 mm least count	1 Number
9	Micro meter	0.001 mm least count	1 Number
10	Stop watch	High accuracy (Digital)	1 Number
11	Magnifying Glass	..	1 Number
12	Rechargeable torch	..	1 Number
13	Electronic Balance	Class II with high accuracy, capacity above 50 kg	1 Number