

Notification

New Delhi 7th February 2011

GSR 71 (E): In exercise of the powers conferred by sub-section (1) read with clauses (c), (f), (h), (i) and (s) of sub-section (2) of section 52 of The Legal Metrology Act 2009, (1 of 2010), the Central Government hereby makes the following rules, namely

CHAPTER I PRELIMINARY

1. Short title and commencement

- (1) These rules may be called the Legal Metrology (General) Rules, 2011.
- (2) They shall come into force on the 1st day of April 2011.

2. Definitions

In these rules, unless the context otherwise requires,—

- (a) "Act" means the Legal Metrology , 2009 (1 of 2010);
- (b) "Schedule" means a Schedule appended to these rules;
- (c) "Section" means a Section of the Act;
- (d) words and expressions used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II SPECIFICATIONS OF STANDARDS OF WEIGHTS AND MEASURES

3. Reference standards

(1) Every reference standard weight shall conform, as regards denomination, material used in construction, and design, to the specifications laid down in Part I of First Schedule.

(2) The maximum permissible error in respect of any reference standard weight, on verification or re-verification after adjustment, shall be such as is specified in Part I of First Schedule.

(3) Every reference standard metre bar shall conform, as regards material used in construction, and design, to the specifications laid down in Part II of First Schedule.

(4) The maximum permissible error in respect of any reference standard metre bar, on verification or re-verification, shall be such as is specified in Part II of First Schedule.

4. Secondary standards

(1) Every secondary standard weight shall conform, as regards denomination, material used in construction, and design, to the specifications laid down in Part I of Second Schedule.

(2) The maximum permissible error in respect of any secondary standard weight, on verification or re-verification after adjustment, shall be such as is specified in Part I of Second Schedule.

(3) Every secondary standard metre bar shall conform, as regards material used in construction, and design, to the specifications laid down in Part II of Second Schedule.

(4) The maximum permissible error in respect of any secondary standard metre bar, on verification or re-verification, shall be such as is specified in Part II of Second Schedule.

(5) Every secondary standard capacity measure shall conform, as regards denomination, material used in construction, and design, to the specifications laid down in Part III of Second Schedule.

(6) The maximum permissible error in respect of any secondary standard capacity measure, on verification or re-verification after adjustment, shall be such as is specified in Part III of Second Schedule.

5. Working standards

(1) Every working standard weight shall conform, as regards denomination, material used in construction, and design, to the specifications laid down in Part I of Third Schedule.

(2) The maximum permissible error in respect of any working standard weight, on verification or re-verification after adjustment, shall be such as is specified in Part I of Third Schedule.

(3) Every working standard metre bar shall conform, as regards material used in construction, and design, to the specifications laid down in Part II of Third Schedule.

(4) The maximum permissible error in respect of any working standard metre bar, on verification or re-verification, shall be such as is specified in Part II of Third Schedule.

(5) Every working standard capacity measure shall conform, as regards denomination, material used in construction, and design, to the specifications laid down in Part III of Third Schedule.

(6) The maximum permissible error in respect of any working standard capacity measure, on verification or re-verification after adjustment, shall be such as is specified in Part III of Third Schedule.

6. Power to specify any other reference, secondary or working standard

(1) Any other reference standard, or secondary standard, or working standard shall conform as regards the denomination, material used in construction, and design, to such specifications as the Central Government may, from time to time, by notification, specify.

(2) The maximum permissible error in relation to such other reference standard, or secondary standard, or working standard shall be such as the Central Government may, from time to time, by notification, specify and different maximum permissible errors may be specified in relation to different types of reference standards, or secondary standards, or working standards.

CHAPTER III

SPECIFICATIONS OF STANDARD EQUIPMENT

7. Reference standard balances

(1) A set of reference standard balances shall be maintained at every place where the reference standard weights are kept for the purpose of verification of secondary standards.

(2) The number, types and specifications of such balances shall be as are specified in Part I of Forth Schedule.

(3) Every reference standard balance shall be verified at least once in six months and shall be adjusted, if necessary, to make it correct within the limits of sensitivity and other metrological qualities as are specified in Part I of Forth Schedule.

8. Secondary standard balances

(1) A set of secondary standard balances shall be maintained at every place where secondary standard weights are kept for the purpose of verification of working standards.

(2) The number, types and specifications of such balances shall be as are specified in Part II of Forth Schedule.

(3) Every secondary standard balance shall be verified at least once in one year and shall be adjusted, if necessary, to make it correct within the limits of sensitivity and other metrological qualities as are specified in Part II of Forth Schedule.

9. Working standard balances

(1) A set of working standard balances shall be maintained at every place where working standard weights are kept for the purpose of verification of weights intended to be used for transaction, or protection, or industrial production.

(2) The number, types and specifications of such balances shall be as are laid down in Part III of Forth Schedule.

(3) 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 in Part III of Forth Schedule.

10. Power to specify the standard equipment

The Central Government may, by notification, specify such other standard equipment as it may think necessary to carry out the provisions of the Act and every such standard equipment shall conform, as regards the metrological qualities, to such specifications as the Central Government may, in the same notification or subsequent notification, specify.

CHAPTER IV

WEIGHTS OR MEASURES AND WEIGHING AND MEASURING INSTRUMENTS

11. Weights

- (1) Save as otherwise provided in these rules, every weight used or intended to be used—
- (a) in any transaction, or
 - (b) for protection,

shall conform, as regards physical characteristics, configuration, constructional details, materials, performance, tolerances and such other details, to the corresponding specifications laid down for such weight in Fifth Schedule.

(2) The maximum permissible error in respect of such weight shall be such as is specified in Fifth Schedule.

(3) Nothing in this rule shall apply to the product of an industry which is required, by or under any law for the time being in force, to conform to any other specifications with regard to the matters specified in sub-rule (1) or sub-rule (2), if, under such law, the product is required to conform to the specifications laid down by the International Organisation of Legal Metrology with regard to the matters aforesaid.

12. Measures (other than measuring instruments)

- (1) Every measure used or intended to be used for—
- (a) any transaction, or
 - (b) protection,

shall conform, as regards physical characteristics, configuration, constructional details, materials, performance, tolerances and such other details, to the corresponding specifications laid down for such measure in Sixth Schedule.

(2) The maximum permissible error in such measure shall be such as is specified in the corresponding specifications laid down for such measure in Sixth Schedule.

13. Weighing and measuring instruments

- (1) Every weighing instrument used or intended to be used—
- (a) in any transaction, or
 - (b) for protection,

shall conform, as regards physical characteristics, configuration, constructional details, materials, performance, tolerances and such other details, to the corresponding specifications laid down for such weighing instrument in Seventh Schedule:

- (2) Every measuring instrument used or intended to be used—
- (a) in any transaction, or
 - (b) for protection,

shall conform, as regards physical characteristics, configuration, constructional details, materials, performance, tolerances and such other details, to the corresponding specifications laid down for such measuring instrument in Eight Schedule.

(3) The maximum permissible error on such weighing or measuring instrument shall be such as is specified in the corresponding specifications laid down for such weighing or measuring instrument in Schedule VII or as the case may be in Eight Schedule.

14. Procedure for carrying out calibration of vehicle tanks, etc.

The procedure for carrying out calibration of vehicle tanks, etc. shall be as is specified in Ninth A Schedule.

CHAPTER V

IMPORT OF WEIGHTS AND MEASURES

15. Registration of importer

(1) 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 the State in which he carries on such business, for registration of his name as importer in the form specified in Tenth Schedule.

(2) Every application received by the Controller under sub-rule (1) or sub-rule (2), as the case may be, shall be forwarded by him to the Director with a report as to the antecedents and technical capabilities of the applicant.

(3) Nothing in this rule shall take away or abridge the right of any person referred to in sub-rule (2) to carry on the business of exporting or importing of any weight or measure until he has been informed by the Director in writing that he cannot be registered as an importer, and on receipt of such letter he shall stop forthwith the import of any weight or measure :

PROVIDED that registration of a person carrying on, at the commencement of these rules, the business of importing weights or measures shall not be refused except after giving him a reasonable opportunity of showing cause against the proposed action.

(4) Every application for the registration of an importer shall be submitted to the Director, in the manner aforesaid, together with the fee specified in Twelfth Schedule, at least one month before the date on which import is proposed to be made.

(5) The registration of a person as an importer shall remain effective for a period of five years from the date of such registration.

(6) On the expiry of the period of registration as an importer, the Director may, on the application of the registered importer and on payment of the prescribed fee, renew registration for a like period.

(7) The registration or renewal of the registration of a person as an importer may be suspended or revoked before the expiry of the period of validity thereof, if the Director is satisfied after an inquiry, and after giving to the person concerned a reasonable opportunity of being heard, that any statement made by such person in the application for registration or renewal of registration was false or incorrect in material particulars or that such person has contravened any provision of the Act or rules made there under or any term or condition of such registration.

16. Conditions, etc. for manufacture of a weight or measure exclusively for export

(1) The provisions of this rule shall apply to weights or measures which are made or manufactured exclusively for the purpose of export.

(2) No non-standard weight or measure shall be made or manufactured by any person unless he has obtained the previous permission from the Central Government:

(3) Every person intending to manufacture any non-standard weight or measure for the purpose of export shall make an application for permission to the Central Government on payment of a fee of rupees five hundred for such permission authorising him to manufacture such weight or measure and shall in such application indicate—

(a) his name and full address;

- (b) location of the factory in which such weight or measure is proposed to be manufactured;
- (c) description of weight or measure proposed to be manufactured;
- (d) documentary or other evidence indicating the existence of a firm contract for the export aforesaid or where there is no such firm contract for export, documentary or other evidence indicating that there is likely to be a demand for the export of non-standard weight or measure.

(4) The Central Government shall, if it is satisfied from the documentary or other evidence produced by the applicant or otherwise that the applicant intends to manufacture non-standard weight or measure for export, grant the permission authorising him to manufacture such weight or measure:

PROVIDED that the Central Government may, if it is satisfied that the applicant has contravened any of terms and conditions of the permission or that weights or measures manufactured by the applicant have found their way into the Indian market or that the applicant had made any statement in his application for the permission which is false in material particulars or he had concealed some material particulars, cancel the permission:

PROVIDED FURTHER that no permission shall be cancelled except after giving to the applicant a reasonable opportunity of showing cause against the proposed action.

(5) Every permission granted under sub-rule (4) shall remain valid for a period of one year and shall be renewed for a like period on payment of a like fee unless the Central Government is satisfied that the applicant has made any statement in his application which is false in material particulars or that he had concealed some material particulars or had contravened any provision of the Act or any rule made there under:

PROVIDED that no order for the refusal to renew a licence shall be made by the Central Government except after giving the applicant a reasonable opportunity of showing cause against the proposed action.

(6) Every person who is granted permission under this rule shall submit to the Central Government, at the end of the calendar year, a statement as to the quantity of the non-standard weights and measures exported by him and the particulars of the person to whom such export has been made.

17. Prohibition on sale of non-standard weight or measure within the country

No non-standard weight or measure made or manufactured exclusively for export shall be sold or otherwise distributed within the territory of India.

18. Maintenance of record in relation to non-standard weight or measure

Every person who makes or manufactures any non-standard weight or measure for export shall maintain a monthly record of the number of such non-standard weights or measures manufactured by him, number of weights or measures already exported by him, and number of weights or measures in stock or under production. The record so maintained shall be open to inspection by any officer authorised by the Central Government in this behalf.

19. Sample checking of weight and measure

(1) Standard weights or measures which are intended for export shall not ordinarily require any verification and stamping, but if the party to whom the export is to be made so requires, a sample checking of such weight or measure shall be made by such agency as the Central Government may specify in this behalf, and thereupon the agency so specified shall, after checking the weight or measure, issue a certificate indicating whether or not such weight or measure conforms to the requirements of the Act and the rules made there under.

(2) The weight or measure to be checked as sample under this rule shall be selected at random and proper records shall be maintained with regard to the sample checking so made.

(3) The Central Government shall, while specifying the agency for checking the weight or measure, ensure that the agency completes the checking well in time so that the export of the weight or measure is not delayed by reason of such checking.

20. Checking of non-standard weights and measures sample which are to be exported

(1) Non-standard weight or measure, which is made or manufactured exclusively for export, shall not ordinarily require any verification and stamping, but if the party to whom the export is to be made so requires, a sample checking of such weight or measure shall be made by such agency as the Central Government may specify in this behalf; and thereupon the agency so specified shall, after checking the weight or measure, issue a certificate indicating whether or not such weight or measure conforms to the specifications given by the party to whom the export is to be made or, where the party aforesaid has not given any specification, whether the weight or measure conforms to the specifications laid down by the manufacturer.

(2) The weight or measure to be checked as sample under this rule shall be selected at random and proper records shall be maintained with regard to the sample checking so made.

(3) The fee for checking of any non-standard weight or measure shall be—

- (i) if it is similar to any standard weight or measure, equal to the fee leviable for the verification and stamping of such standard weight or measure; and
- (ii) where such non-standard weight or measure is not similar to any standard weight or measure, the Central Government may specify such amount as fees as is commensurate with the labour involved in checking the non-standard weight or measure.

(4) The Central Government shall, while specifying the agency for checking the non-standard weight or measure, ensure that the agency completes the checking well in time so that the export of such weight or measure is not delayed by reason of such checking.

CHAPTER VI

NON-STANDARD WEIGHT OR MEASURE TO BE USED FOR SCIENTIFIC INVESTIGATION OR RESEARCH

21. Permission to get manufactured non-standard weight or measure for scientific investigation or research

Where the manufacture of any non-standard weight or measure is needed exclusively for the purpose of scientific investigation or research, the person needing such non-standard weight or measure shall make an application to the Central Government for permission to get such non-standard weight or measure manufactured and on receipt of such application, if the Central Government is satisfied that the manufacture of such non-standard weight or measure is needed for the purpose aforesaid, it may authorise the applicant to get the non-standard weight or measure needed by him manufactured by such manufacturer as he may think fit, and thereupon, it shall be lawful for such manufacturer to manufacture the said non-standard weight or measure in accordance with the specifications given by the applicant.

Explanation : For the purpose of this rule, a non-standard weight or measure means a weight or measure which is, or is proposed to be, manufactured in accordance with any unit of weight or measure, other than standard unit of weight of measure specified by or under the Act.

CHAPTER VII

MISCELLANEOUS

22. The manner of disposal of goods seized under this Act/rule

(1) Where any goods seized under sub-section (3) of section 15 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 Director 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 the other person (who has committed the offence) refuses to sign the form, the Director or the person authorised by him in this behalf shall obtain the signature of not less than two persons present at the time of such refusal by the trader or his agent or other person.

(2) 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 there under and the goods in such package 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, so far as may be, may dispose of the goods in such package in accordance with the provisions of sub-rule (1).

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

23. Time within which unverified weight and measure to be verified and stamped

No unverified weight or measure, seized under sub-section (3) of section 15, 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 a reasonable opportunity by returning such weight or measure exclusively for the verification and stamping.

24. Register and reports to be maintained by persons referred to in section 17 of the Act

(1) Every person referred to in sub-section (1) of section 17 shall maintain a register in the appropriate form set out in Eleventh Schedule.

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

25. Scale of fee

The scale of fees to be collected for the service specified in column (2) of Twelfth Schedule shall be at the rate specified in column 3 of the said Schedule.

26. Use of regional languages

Any legend or denomination specified in any Schedule to these rules, which is required to be indicated on any weight or measure in English, or in Devanagri script, may also be indicated (in addition to English or Devanagri) on such weight or measure in such regional language as the manufacturer may consider to be practicable.

27. Periodical interval for the verification of weights or measures –

(1) Every weight or measure used or intended to be used in any transaction or for protection shall be verified and stamped by the legal metrology officer in the state in which such weight or measure is put to use and shall be re-verified and stamped at periodical intervals.

(2) The period of re-verification shall be,

(a) twenty four months (two years) for all weights, capacity measures, length measures, tape , beam scale, counter machine,

(b) sixty months for storage tanks,

(ci) twelve months for all weight or measure including tank lorry other than that mentioned in (a) & (b).

(3) Notwithstanding anything contained in sub-rule (2) every weight or measure which has been verified and stamped in situ shall, if it is dismantled and re-installed before the date on which the verification falls due be duly re-verified and stamped, before being put into use.

(4) Notwithstanding anything contained in sub-rule (1) every weight or measure which has been verified and stamped shall, if it is repaired before the date on which the verification falls due be duly re-verified and stamped before being put use.

28. Qualifications of Legal Metrology Officer:

(1) No person shall be appointed as Legal Metrology Officer unless he –

(a) is a graduate of a recognized university in Science (with physics as one of the subjects), technology or engineering or holds a recognized diploma in engineering with three years professional experience; and

(b) Is able to speak, read and write at least one of the regional languages of the state.

(2) Nothing in sub-rule (i) shall apply to persons who have been working as Legal Metrology officer are eligible for promotion as Legal Metrology officer before the commencement of these rules.

(3) The person appointed to the post of Legal Metrology Officer shall have to successfully complete the basic training course at the Indian Institute of Legal Metrology, Ranchi before posting.

(4) The Central Government may, in consideration of the practical difficulty faced by the State Government and on its recommendation, relax the qualification for the legal metrology officers for that state.

29. Nomination of Director by a Company under the Act:

Every company shall inform the Director or the concerned Controller or his authorized officer, by notice in duplicate, in the format specified in Thirteenth Schedule containing the name and address of the Director, who has been nominated by it under sub-section (2) of Section 49 of the Act to be in-charge of and responsible to the company for the conduct of the business of the company or any establishment, branch or unit thereof.

30. Repeal and Savings

(1) The Standards of Weights and Measures (General) Rules, 1987 are hereby repealed.

Provided that such repeal shall not affect:

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

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

rules; or

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

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

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

(2) Notwithstanding such repeal anything done or any action taken or purported to have been done or taken including approval of letter, exemption granted, fees collected, any adjudication, enquiry or investigation commenced, license and registration of manufacturers, dealers, importers of pre-packaged commodities, or show cause notice, decision, determination, approval, authorisation issued, given or done under the said rules shall if in force at the commencement of the said rules continue to be in force and have effect as if issued, given or done under the corresponding provisions of these rules.

(3) The provisions of these rules shall apply to any application made to the Central Government or as the case may be the State Government under the said rules for licence, registration of manufacturers, importers, dealers of pre-packaged commodities pending at the commencement of these rules and to any proceedings consequent thereon and to any registration granted in pursuance thereof.

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

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

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