The Vision of Legal Metrology Act, 2009

Ranganath Vadapalli, VG.
The Vision of Legal Metrology Act, 2009

Metrology (from Ancient Greek metron (measure) and logos (study of)) is the science of measurement. Metrology includes all theoretical and practical aspects of measurement. Metrology is defined by the International Bureau of Weights and Measures (BIPM) as “the science of measurement, embracing both experimental and theoretical determinations at any level of uncertainty in any field of science and technology”. The ontology and international vocabulary of metrology (VIM) is maintained by the International Organisation for Standardisation.

Metrology is a very broad field and may be divided into three subfields:
1. Scientific or fundamental metrology concerns the establishment of quantity systems, unit systems, units of measurement, the development of new measurement methods, realisation of measurement standards and the transfer of traceability from these standards to users in society.

2. Applied or industrial metrology concerns the application of measurement science to manufacturing and other processes and their use in society, ensuring the suitability of measurement instruments, their calibration and quality control of measurements.

3. Legal metrology concerns regulatory requirements of measurements and measuring instruments for the protection of health, public safety, the environment, enabling taxation, protection of consumers and fair trade.

The Legal Metrology Act 2009 has come into effect after its publication in the Official Gazette on the 14th January 2010. It replaces The Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Enforcement) Act, 1985. The new Act will become operative after the Rules there under is also notified. The new features of the Act are:

- Appointment of Government approved Test Centers for verification of weights and measures.
- Allowing the companies to nominate a person who will be held responsible for breach of provisions of the Act.
- Simplified definition of Packaged Commodity and more stringent punishment for violation of provisions.
Legal Metrology means that part of metrology which treats units of weighment and measurement, methods of weighment and measurement and weighing and measuring instruments, in relation to the mandatory technical and legal requirements which have the object of ensuring public guarantee from the point of view of security and accuracy of the weighments and measurements.

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

Stamp
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 –
(i) certifying that such weight or measure conforms to the standard specified by or under this Act, or
(ii) 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;

Standard Weight or Measure
Any weight or measure which conforms to the standard unit of such weight or measure (based on metric system or prescribed derived units) and also conforms to such of the provisions of section 7 (namely, the physical characteristics, configuration, construction details, materials, equipment, performance, tolerances, period of re-verification, methods or procedures of tests shall be such as may be prescribed) as are applicable to it shall be the standard weight or measure\(^1\).

Every non-standard or un-verified weight or measure are liable to seizure and may also be forfeiture\(^2\).

Appointment of Controller and Other Officers of Legal Metrology

\(^{1}\) Section 8 of the Legal Metrology Act, 2009
\(^{2}\) Section 16 of the Act
Officers will be appointed by the State Government under Section 14(1) but their qualification will be prescribed by the Central Government under Section 52(2)(h)

Declaration on Pre-packaged commodities

Manufacturing, packing, selling or importing any pre-packaged commodity is prohibited unless it is in a standard quantity and carries all prescribed declarations\(^1\) and penal provision is also there\(^2\). Any advertisement mentioning retail price of packaged commodity shall also contain the net quantity thereof\(^3\). If the net quantity in a pre-packaged commodity is short or excess beyond the prescribed MPE, the offence will be punishable\(^4\).

Approval of Model

All weights or measures, except cast iron, brass, bullion or carat weight, beam scales, length measure (but not measuring tape) and capacity measures up to 20 litre capacity, will require approval of model before manufacturing or importing\(^5\) and the penal provision\(^6\) is also mentioned under this Act.

License

No person shall manufacture, sell or repair any weight or measure without obtaining a license from the Controller of Legal Metrology\(^7\). A licensee is required to maintain records and registers as prescribed\(^8\). He is also required to produce the records and registers at the time of inspection\(^9\).

Verification of Weights and Measures

Every weight or measure are required to be get verified before putting them into use in any transaction. The Central Government may prescribe the kinds of weights and measures which will be verified by the Government Approved Test Centres. The Test Centres will be notified by the Central/State Governments\(^10\).

Compounding of Offenses

---

1. Section 18(1) of the Act
2. Section 36(1) of the Act
3. Section 18(2) of the Act
4. Section 36(2) of the Act
5. Section 22 of the Act
6. Section 32 of the Act
7. Section 23 of the Act
8. Section 17(1) of the Act
9. Section 17(2) of the Act
10. Section 24 of the Act
Some of the offenses may be compounded before or after the institution of a prosecution on payment of a prescribed sum\(^1\). The Director may compound certain offences under 25, 27-39 and Rules under S. 52(3). The Controller may compound certain offences under 25, 27-31, 33-37, 45-47 and Rules made under S. 52(3). No offense can be compounded if the same or similar offense was committed earlier by the person within three years of date of first offense which was compounded.

**Offences by Companies**

A company may nominate a person who will be responsible for the conduct of the company. Such nomination should be communicated to the Director of Legal Metrology or the concerned Controller. The nominated person and the company itself will be held responsible for violation of provisions of the Act. When no person is nominated, the person who is in charge or responsible to the company will be held responsible. Even if a person is nominated, any other person responsible to the company and due to whose consent or negligence led to the violation will also be held liable for any offence committed. When a company is convicted, the Court may direct the company to publish its name and the offence committed by it in the newspapers at the cost of the company\(^2\).

**Appeal**

Every decision or order of an officer of Legal Metrology will be appealable to the next higher authority within 60 days of passing the order or decision. The Central or the State Government may call for records from its officer for examination and passing appropriate orders\(^3\).

**Conclusion:** In present day Scenario, the role of metrology is very important and need also. This Act may protect and promote the consumers in every aspect of life. The stringent penal provisions provided may be enforced and no unfair practices may occur in future.

---

1. Section 48 of the Act
2. Section 49 of the Act
3. Section 50 of the Act

*The Author is V.G.Ranganath working as an Assistant Professor, Padala Rama Reddi Law College, Hyderabad and Research Scholar(part-time), Dr.B.R.Ambedkar College of Law, Andhra University, Visakhapatnam.*