

श्रेणी : I
SERIES : I

Daman 1st April, 2011, 11 Chaitra 1933 (Saka)

सं. : 04
No.

सरकारी राजपत्र OFFICIAL GAZETTE



सत्यमेव जयते

भारत सरकार
Government of India

संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित
PUBLISHED BY AUTHORITY

U.T. ADMINISTRATION OF DAMAN AND DIU,
DEPARTMENT OF FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS,
LEGAL METROLOGY OF WEIGHTS AND MEASURES, DAMAN AND DIU.


No. ACLM/DMN/E.R.2011-12/ 309

Date:-31/03/2011

NOTIFICATION.

In exercise of the power conferred by sub-Section (1) of Section 53 of the Legal Metrology Act, 2009 (1 of 2010), and Sub Rule – 3 of Rule-1 of the Daman and Diu Legal Metrology (Enforcement) Rule-2011, the Administrator of Daman and Diu hereby appoints 1st April as the date on which the Daman & Diu Legal metrology (enforcement) Rule – 2011 shall come into force in the Union Territory of Daman and Diu.

By order and in the name of The
Administrator, U.T. of Daman and Diu.


Manoj Kumar Sahoo
Secretary (C.S.)

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U.T. ADMINISTRATION OF DAMAN AND DIU,
DEPARTMENT OF FOOD CIVIL SUPPLIES AND
CONSUMER- AFFAIRS , DAMAN & Diu.

No.ACLM/DMN/E.R.2011/2011-12/308

Date: 31.03.2011.

NOTIFICATION

THE DAMAN AND DIU LEGAL METROLOGY (ENFORCEMENT) RULES, 2011.

WHEREAS on enactment of the Legal Metrology Act. 2009. (No.1 of 2010) and Notified on 14th January, 2010 in the Official Gazette of the Government of India, Extra Ordinary, part II, Section-I, the Administrator of Daman & Diu, in exercise of the power conferred by Sub-Section (1) & (4) of Section 53 of the said Act, and as required framed and published the draft Daman & Diu, Legal Metrology(Enforcement) Rules,2011, in the Official Gazette of Daman & Diu, Administration Series I No. 03 dated 21-01-2011, inviting suggestion/objection if any from the general public, within 15 days of this publication in the official gazette.

AND WHEREAS, the copies of the said Gazette were made available to the public on the 20/01/2011.

AND WHEREAS, no objection or suggestion are received within the specified period on the said draft Rules. And The suggestion received on the said draft rules, from the Government of India Ministry of food & public Distribution, Department of Consumer Affairs, New Delhi, have been accepted by this Administration.

NOW, THEREFORE, in exercise of the power conferred by sub-section- (1) & (4) of section-53 of the said Act, the Administration of Daman & Diu is pleased to make the following Daman & Diu Legal Metrology (Enforcement) Rules, 2011.

1. Short title and commencement-(1) These rules may be called the *Daman & Diu.*) Legal Metrology (Enforcement) Rules, 2011.
(2) They extend to the whole of *U.T. of Daman & Diu.*
(3) They shall come into force on such date as the Administrator may, by notification, appoint, and different dates may be appointed for different provisions of these rules.
2. Definitions – In these rules, unless the context otherwise requires -
(a)“Act” means the Legal Metrology Act, 2009.
(b)“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:
(c) “Schedule” means a schedule appended to these rules:
(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.
3. Reference Standards – The Reference Standards shall be kept at such place, in such manner and in such custody as prescribed under the Legal Metrology (National Standards) Rules, 2011.
4. Secondary Standards – (1) Every secondary Standards shall be verified at any of the Reference Standards Laboratories, in such manner and at such periodical intervals as may be prescribed under the rules and shall, if found on such verification to conform to the Standards established by or under that Act, be stamped by Reference Standard Laboratory or a certificate of verification will be issued by that laboratory.
(2) The Secondary Standards shall be kept at such place, and in such custody as the controller may direct.
5. Working Standards – (1) Every Working Standard shall be verified either at any of the Reference Standards laboratories or at any of the Secondary Standards Laboratories maintained by the (*U.T. of Daman & Diu.*) in such manner and at such periodical intervals as may be prescribed under the rules and shall, if found on such verification to conform to the Standards established by or under the Act, be stamped or certificate of verification will be issued by that laboratory as the case may be.
(2) The Working Standards shall be kept in the custody of legal metrology officer.

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6. Secondary Standard balances – (1) A set of Secondary standard balances shall be maintained at every place where Secondary Standard Weights are kept.
(2) The number, types and specifications of such balances shall be such as may be prescribed under the Legal Metrology (General) Rules, 2011.
(3) Every Secondary 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 prescribed under the Act, by the Reference Standards Laboratory or by the Controller or such other officer as may be authorized by the Controller in this behalf.

7. Working Standard Balances: (1) A set of Working Standard balances shall be maintained at every place where Working Standard Weights are kept.
(2) The number, types and specifications of such balances shall be such as may be prescribed under the Legal Metrology (General) Rules, 2011.

(3) 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 prescribed under the Legal Metrology (General) Rules, 2011, by the Reference Standard Laboratory or at any of the place where Working Standards are maintained by the (*U.T. Administration of Daman & Diu*).

8. Physical characteristics, configuration, constructional details of Weights and Measures – Every Weight or measure used or intended to be used in any transaction or for protection shall conform as regards physical characteristic, configuration, constructional details, materials, performance, tolerances and such other details, to the specifications prescribed under the Act or the Legal Metrology (General) Rules, 2011.

9. Use of Bullion Weights, Carat Weights etc. – (1) No Weight other than a Bullion Weight as specified in General Rule, 2011 shall be used in any transaction or Protection in bullion including precious metals, pearls, ornaments or other articles made of gold or silver.
(2) No weight other than a carat weight shall be used in any transaction in precious stones.
(3) Only beam scale of class A or class B category or a non automatic weighing instrument of high accuracy class (class II) or special accuracy class (class I) shall be used in any transaction referred to in sub-rules (1) and (2).

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10. Use of weights only or measures only or number only in certain cases. – Except in the cases of commodities specified in Schedule I, the declaration of quantity in every transaction, dealing or contract, or for protection shall be terms of the unit of -
- (a) weight, if the commodity is solid, semi-solid, viscous or a mixture of solid and liquid ;
 - (b) length, if the commodity is sold by linear measure;
 - (c) area, if the commodity is sold by area measure;
 - (d) volume, if the commodity is liquid or is sold by cubic measure; or
 - (e) number, if the commodity is sold by number.
- 11) Licensing of manufacturer, repairer and dealer of Weights and Measures
- (1) Every manufacturer or repairer of, or dealer in, weight or measure shall make an application for the issue of a licence to the Controller legal metrology or such other Legal Metrology Officer as may be authorized by him in this behalf, in the appropriate form set out in Schedule II-A. Provided that no licence to repair shall be required by a manufacturer to repair weight or measure manufactured by him and used in a *U.T. of Daman & Diu* other than the state of manufacture of the same/ but the manufacturer has to inform in advance the concerned legal metrology officer about the repairing. Provided that a person who bonofid repairs any weight or measure owned or possessed by him shall not require a repairer licence. Provided that licence shall not be issued unless the applicant has passed technical ability test as may be specified by the Controller.
 - (2) Every manufacturer or repairer of, or dealer in weight or measure shall make an application for the renewal of a licence thirty days before the expiry of validity of the licence to the Controller legal metrology or such other officer as may be authorized by him in this behalf, in the appropriate form set out in Schedule II-B. Provided that no licence shall be renewed unless the holder of licence has done such a minimum manufacturing / repairing work as may be specified by the Controller without any reasonable ground .
 - (3) Every licence issued to a manufacturer, repairer or dealer shall be in the appropriate form set out in Schedule III.
 - (4) Every licence issued to a manufacturer, repairer, or dealer shall be valid for a minimum period of one calendar year and may be renewed for a period of one to five calendar years, by the Controller or such other officer as maybe authorized by him in this behalf on payment of necessary fee as specified in the Schedule IV.

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(5) The fee payable for the alteration of a licence or for the issue of a duplicate licence shall be as specified in Schedule IV. Provided that an additional fee per year at full the rates specified in Schedule IV shall be 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. Provided that an additional fee per year at half the rates specified in Schedule IV shall be payable by the applicant within a period of thirty days before the date of expiry of the period of validity of the licence.

(6) The Controller or such other officer as may be authorized by him in this behalf shall maintain a register of licenced manufacturers, dealers and repairers in the form set out in Schedule V.

(7) Every manufacturer / repairer / dealer licenced under the Act and these rules shall maintain such workshop / equipments / tools/registers etc. as the case may be, as per the terms and conditions of the licence.

(8) Every repairer licenced under the Act and these rules shall furnish a security deposit for each licence to the U.T. Administration of Daman and Diu as specified in Schedule VI.

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

(10) A licence issued or renewed under this Act shall neither be salable nor transferable.

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

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

(12) No person shall be given licence to manufacture or repair unless he himself or a person employed by him- is a graduate of a recognized University in Science (with Physics as one of the subjects), engineering or holds a recognized diploma in engineering or ITI in respective trade or equivalent course.

Provided that nothing in the sub rule 12 shall apply to the person who have been holding a valid licence before the commencement of these rules.

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11 A) Conditions of licence for Manufacturer-

- (1) The person in whose favour this licence is issued shall.
 - (a) Comply with all the relevant provisions of the Act and Rules for the time being in force;
 - (b) Not encourage or countenance any infringement of the provisions of the Act or the Rules for the time being in force;
 - (c) Exhibit this licence in some conspicuous part of the premises to which it relates;
 - (d) Comply with any general or special directions that may be given by the Controller of Legal Metrology;
 - (e) Surrender the licence in the event of closure of business and/or cancellation of licence;
 - (f) Submit the application for renewal of this licence as required under the rules.
 - (g) Not sell or offer, expose or possess for sale any non-standard weight or measure.
- 2) 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."
- 3) The manufacturing / repairing work shall be done by qualified persons as prescribed by the rules.
- 4) Any change in qualified persons should be reported within one month to the licence issuing authority.
- 5) Any change in the constitution of the firm should be reported to the licence issuing authority within one month.
- 6) Nothing in the rules shall confer on the licensee any assignable or transmissible right.

Explanation 1 :- The licensee shall not be deemed to have been assigned or transmitted within the meaning of this rule in the following cases, namely

- (a) where the licensee being an individual enters into a partnership with any other person for carrying on the business concerned; but in any such case the firm may use the licence, if otherwise in force only for so long as the licensee is member of the firm;
- (b) where the licensee being a firm subsequently undergoes a change in its constitution; but in any such case the reconstituted firm may use the licence, if otherwise in force, only for so long as any partner of the original firm at the time of issuance of the licence, continues to be partner of the reconstituted firm.

Explanation 2 :- For the purpose of explanation 1, "firm" has the same meaning as in the Indian Partnership Act, 1932.

11 B) Conditions of licence for Repairer-

- 1) The person in whose favour this licence is issued shall.
 - (a) Comply with all the relevant provisions of the Act and Rules for the time being in force;
 - (b) Not encourage or countenance any infringement of the provisions of the Act or the Rules for the time being in force;
 - (c) Exhibit this licence in some conspicuous part of the premises to which it relates;
 - (d) Comply with any general or special directions that may be given by the Controller of Legal Metrology;
 - (e) Surrender the licence in the event of closure of business and/or cancellation of licence; (f) Submit the application for renewal of this licence as required under the rules.
 - (g) Not sell or offer, expose or possess for sale any non-standard weight or measure.
- 2) 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."
- 3) The manufacturing / repairing work shall be done by qualified persons as prescribed by the rules.
- 4) Any change in qualified persons should be reported within one month to the licence issuing authority.
- 5) Any change in the constitution of the firm should be reported to the licence issuing authority within one month.
- 6) Nothing in the rules shall confer on the licensee any assignable or transmissible right.

Explanation 1 :- The licensee shall not be deemed to have been assigned or transmitted within the meaning of this rule in the following cases, namely

- (a) where the licensee being an individual enters into a partnership with any other person for carrying on the business concerned; but in any such case the firm may use the licence, if otherwise in force only for so long as the licensee is a member of the firm;
- (b) where the licensee being a firm subsequently undergoes a change in its constitution; but in any such case the reconstituted firm may use the licence, if otherwise in force, only for so long as

any partner of the original firm at the time of issuance of the licence, continues to be partner of the reconstituted firm.

Explanation 2 :- For the purpose of explanation 1, "firm" has the same meaning as in the Indian Partnership Act, 1932.

7) The Controller may cause a co-ordinate programme to be undertaken, at such a place and in such a manner as he may think fit for the establishment of maximum repairing charges for a weight or measure. The repairer shall abide to the ceiling of maximum repairing charges.

11 C) Conditions of licence for Dealer

1. The person in whose favour this licence is issued shall. -

(a) Comply with all the relevant provisions of the Act and Rules for the time being in force;

(b) Not encourage or countenance any infringement of the provisions of the Act. or the Rules for the time being in force;

(c) Exhibit this licence in some conspicuous part of the premises to which it relates;

(d) Comply with any general or special directions that may be given by the Controller of legal metrology;

(e) Surrender the licence in the event of closure of business and/or cancellation of Licence;

(f) Submit the application for renewal of this licence as required under the rules within ninety days of expiry of the validity of the licence.

(g) Not sell or offer, expose or possess for sale any non-standard weight or measure.

2. 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.

3. Any change in the constitution of the firm should be reported to the licence issuing authority within one month.

4. Nothing in the rules shall confer on the licensee any assignable or transmissible right. Explanation 1 :- The licensee shall not be deemed to have been assigned or transmitted within the meaning of this rule in the following cases, namely

(a) where the licensee being an individual enters into a partnership with any other person for carrying on the business concerned; but in any such case the firm may use the licence, if otherwise in force only for so long as the licensee is a member of the firm;

(b) where the licensee being a firm subsequently undergoes a change in its constitution; but in any such case the reconstituted firm may use the licence, if otherwise in force, only for so long as any partner of the original firm at the time of issuance of the licence, continues to be partner of the reconstituted firm.

Explanation 2 :- For the purpose of explanation 1, "firm" has the same meaning as in the Indian Partnership Act, 1932.

12. Suspension and cancellation of licence granted:

(1) The Controller or such other officer authorized by him on behalf may, if he has any reasonable cause to believe that the holder of any licence issued, renewed or continued under this Act has made any statement in, or in relation to, any application for the issue, renewal or continuance of the licence, which is incorrect or false in any material particular or has contravened any provision of the Act or any rule or order made there under, suspend such licence, pending the completion of any inquiry against the holder of such licence:

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

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

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

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

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

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

- (5) Every licensee whose licence has been cancelled shall, within a period of thirty days from the date of such cancellation, or within such further period, not exceeding three months from such date, as the Controller or such other officer authorized by him on behalf may, on sufficient cause being shown, allow, dispose of the weights or measures which were in his possession, custody or control on the date of such cancellation and in the event of his failure to do so, the Controller or any other officer authorized by him, in writing, in this behalf, may seize and dispose of the same and distribute the proceeds thereof in such manner as may be prescribed.
13. Records to be maintained by manufacturers, etc - Every manufacturer or repairer of, or dealer in weight or measure licenced under the Act and these rules shall maintain records and registers in the appropriate form set out in Schedule VII and also submit such periodical report / returns as may be specified.
14. Periodical interval for the verification of weights or measures –as has been specified in the Legal Metrology(General)Rules, 2011.
- (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 *U.T. of Daman and Diu* in where such weight or measure is put to use on receipt of such fee as specified in the Schedule IX and shall be re-verified and stamped at periodical intervals.
- (2) The period of re-verification shall be,
- (i) twenty four months for all types of weights, capacity measures, length measures, beam scales, counter machine, tank lorries,
- (ii) five years for storage tanks,
- (iii) twelve months for weight or measure other than that mentioned in (i) & (ii) above.
- (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 on payment of the prescribed fee, 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 on payment of the prescribed fee, before being put use.

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15. Verification and inspection of weights or measures –
- (1) Every person using any weight or measure in any transaction or for protection shall present such weight or measure for verification / re-verification, 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 on which the verification falls due:
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 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, Legal Metrology Officer shall take necessary steps for the verification of such weight or measure at the place of its location.
- (3) For the verification of weight or measure referred to in sub-rule (2) the user shall provide such facilities as may be specified by the Controller.
- (4) Every weight or measure presented for verification shall be complete in itself.
- (5) 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.
- (6) A Legal Metrology Officer may visit, as frequently as possible during the period specified in rule 14, 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.
- (7) The legal metrology officer shall obliterate the stamp on any weight or measure, if it is found during inspection that:-
- (a) Any weight or measure which being due for re-verification has not been submitted for such re-verification.
- (b) 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 call upon user to remove the defect or error within such time, not exceeding eight days and shall-

(i) if user fails to remove the defect or error within that period, obliterate the stamp, or

(ii) if the defect or error is so removed as to make the weight or measure conform to the standards established by or under the Act, verify and stamp such weight or measure.

Explanation: The obliteration of the stamp on any weight or measure shall not take, away or abridge the power of the legal metrology officer to seize such weight or measure in accordance with the Provisions of the Act.

16. Stamping of weights or measures – (1) 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.

Provided that if by reason of the size or nature of any weight or measure it is not desirable or practicable to put a stamp thereon, the Legal Metrology Officer shall take such action as may be directed by the controller by a general or a special order in writing.

(2) The Legal Metrology Officer shall also mark the year and its quarter of stamping on every verified weight or measure except when the size or nature of such weight or measure makes it impracticable.

Explanation – A year shall be deemed to consist of four quarters of which first quarter shall be of the months of January, February and March which shall be marked as A; second quarter shall be of the months of April, May and June which shall be marked as B, third quarter shall be of the months of July, August and September which shall be marked as C and fourth quarter shall be of the months of October, November and December which shall be marked as D.

(3) On completion of verification and stamping the Legal Metrology Officer shall issue a certificate of verification in the form set out in Schedule VIII.

(4) Where a certificate of verification is lost or destroyed, the holder of the certificate of verification shall forthwith apply to the Legal Metrology

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Officer who had issued the certificate, for the issue of a duplicate certificate, of verification. Every such application for the issue of a duplicate certificate shall be accompanied by a fee of rupees ten.

(5) On receipt of an application under sub-rule (4), the Legal Metrology Officer shall issue to the applicant a duplicate copy of the certificate of verification marked 'DUPLICATE'.

17. Fee for verification - (1) Fees payable for verification and stamping of weight or measure at the office or camp office of the Legal Metrology Officer shall be as specified in Schedule IX.

(2) If, at the request of the user of weight or measure, verification is done at any premises other than the office or camp office of the Legal Metrology Officer, an additional fee shall be charged at half the rate specified in the Schedule IX and the user of the weight or measure shall pay the expenses incurred by the Legal Metrology Officer for visiting the premises including the cost of transporting and handling the Working Standard and other equipment subject to a minimum of rupees one hundred.

Provided that no additional fee shall be charged for verification and stamping of weights and measures in situ of,-

(i) vehicle tanks for petroleum products and other liquids, Meter for Liquids Other than Water (Fuel Dispenser, Liquid Petroleum Gas, Milk Dispensers), Compressed Natural Gas Dispensers, Non-automatic Weighing Instruments like weighbridges, platform machines, crane scale, Automatic Gravimetric Filling Instruments, Automatic Rail-weighbridge, Discontinuous Totalizing Automatic Weighing Instruments, and such other weight or measure which cannot, and should not be moved from its location;

(ii) Weight or measure in the premises of manufacturer or dealer of such weight or measure.

(3) If a weight or measure is presented to the Legal Metrology Officer for re-verification after expiry of the validity of the stamp, an additional fee at half the rates specified in Schedule IX shall be payable for every quarter of the year or part thereof.

(4) Full fee shall be payable for re-stamping any weight or measure held in stock with manufacturer or dealer within the period specified, in rule 14 from the date on which it was last stamped, provided that the original stamp was not obliterated

- (5) A weight or measure which on verification/inspection is found to be incorrect shall be returned to the person concerned for adjustment informing him, in a proforma specified by the Controller, of the defects found in the weight or measure, and calling upon him to remove the defects within a period not exceeding seven days. When the necessary adjustment has been carried out, such weight or measure shall be verified on payment of the fees specified in schedule IX and if found correct shall be stamped.
18. Collection of fees and deposit into the Treasury - (1) 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 authorized by the controller and issue a receipt on the form approved by the Controller, one copy of such receipt being kept on record.
- Provided that fees payable by a department of the Central or State Government under these rules may be realized in such manner as may be directed by the Controller.
- (2) The Legal Metrology Officer shall maintain a register, in the form approved by the Controller, which shall be written up from day-to-day and shall show the amount of fees and other charges collected during the day.
- (3) All payment received by the Legal Metrology Officer during the week shall be paid into the Government Treasury under the appropriate "Head of Account" on such dates or days as may be specified by the Controller from time to time, and a receipt thereof be obtained and an intimation to that effect be sent to the Controller or other officer authorized by him in this behalf.
19. Disposal of seized weights, measures, etc. -(1) any un-verified 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 fifteen 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.
- (2) Any weight or measure or document or thing or goods seized and detained under sections 15 of the Act, which is to be the subject of proceedings in a court shall be produced by the legal metrology officer before the court shall after conclusion of the proceedings, be taken

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possession of by the legal metrology officer and dealt with in accordance with the orders of the court:

Provided that in the absence of the orders of the court, weight or measure or document or thing or goods shall be dealt with as the controller may by special order direct and the material thereof shall be sold and the proceeds credited to the Government.

(3) If any goods, seized under sections 15 of the Act, are subject to speedy or natural decay, the legal metrology officer shall have the goods weighed or measured on a verified weighting or measuring instrument available with him or nearest the place of offense and enter the actual weight or measure of the goods in a form specified by the controller for this purposes, 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 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 legal metrology officer 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. in the case of goods returned to the traders he shall give an undertaking that he shall not sell the defective goods without rectifying the defects thereon.

(4) Where the goods seized under sub-section (1) of Section 15 of the Act 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 legal metrology officer so far as may be, may dispose of the goods in such package in accordance with the provisions of sub-rule (3).

Provided that the controller shall be the final authority to decide whether the goods seized and detained are subject to speedy or natural decay.

(5) Where the goods seized under sub-section (1) of Section 15 of the Act are not subject to speedy or natural decay, the legal metrology officer 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.

(6) The goods referred under sub-rule (4) &(5) 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 by special order direct.

20. Validity of weights or Measures duly stamped- (1) A weight or measure which is, or is deemed to be, duly verified and stamped under this Rule shall be deemed to conform to the standards established by or under the Act at every place within the State in which it is stamped unless it is found on inspection or verification that such weight or measure has ceased to conform to the standards established by or under the Act.
- (2) No weight or measure which is, or is deemed to be, duly verified and stamped under this Act shall require to be re-stamped merely by reason of the fact that it is being used at any place within the State other than the place at which it was originally verified and stamped:
Provided that where a verified weight or measure, installed at one place is dismantled and re-installed at a different place, such weight or measure shall not be put into use unless it has been duly re-verified and stamped, notwithstanding that periodical re-verification of such weight or measure has not become due.
- (3) Where a verified weight or measure has been repaired, whether by a licenced repaired or by the person owning and possessing the same, such weight or measure shall not be put into use unless it has been duly re-verified and stamped, notwithstanding that periodical re-verification of such weight or measure has not become due.
21. 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/U.T. viz Gujarati, Hindi
- (2) Nothing in sub-rule (i) shall apply to persons who have been working as Legal Metrology officer or 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 established by the Central Government under section 21 of the Act before he is given the duties under the Act and the Rules for new Recruitment considered for confirmation to the post.

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

22. Provision of supply of Working/Secondary Standards, equipment, etc. to the Legal Metrology Officer – (1) Every Legal Metrology Officer shall be provided with Working /Secondary Standards weights, Working/Secondary Standard balances, and such other equipment includes weighing and measuring devices as may be approved by the Controller from time to time.
- (2) Every Legal Metrology Officer shall be provided with such dies, punches, *paper seal / sticker* and such other equipment as may be necessary for affixing the verification stamp, the design and number of which are to be approved by the Controller.
- (3) Every Legal Metrology Officer shall be provided with punches of suitable sizes of eight-pointed star as shown below for obliterating stamps.
23. Provisions relating to use of weights measure, etc – (1) Every person using a beam scale in any transactions in his premises shall suspend the same to a stand or to a chain by a hook:
- Provided that this sub-rule shall not apply to itinerant vendors.
- (2) Every weight or measure shall be used in a clean condition and in proper lighting arrangement
- (3) Any weight or measure, which has been verified and stamped in situ, shall not be dismantled and removed from its original site without prior intimation to the Controller or other person authorized by him in this behalf.
- (4) To ensure a proper check of the accuracy of a weighing instrument the user shall keep at the site of each weighing instrument duly verified and stamped weights equal to *one-tenth* of the capacity of the instrument
- or one tonne whichever is less and consumer can also check the accuracy of the weighing instrument.
- Provided that the Controller may specify the total number of verified and stamped weights to be maintained in trade premises where the number of weighing instruments are more than one.
- (5) To ensure proper delivery of the petrol / diesel pumps, the retail dealer of the pump shall keep a verified 5 litre/10litre capacity measure in his premises and check the out put from the pump every day to ensure its correct delivery. In case of any short delivery the dealer shall stop the delivery through the pump immediately and inform the legal metrology officer concerned to recalibrate the pump.

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

24. Certificate of verification to be exhibited – The person to whom a certificate of verification is issued shall exhibit the same in a conspicuous place in the premises where the weights, measures or weighting or measuring instruments to which the certificate relates are used:
Provided that in the case of itinerant vendor, the certificate shall be kept with the person:
Provided further that in the case of vehicle tank, the certificate of verification shall be kept with the vehicle.
25. Penalty for contravention of rules – Whoever contravenes any provision of these rules, for the contravention of which no punishment has been separately provided in the Act, shall be punished with fine, which may extend to five thousand rupees. Whenever rules are in conflict with the provisions of the Act, the Act will prevail the rules.
26. Form of appeal - (1) Every appeal under the Act and these rules shall be preferred in the form set out in schedule X, and shall be accompanied by a copy of the order appealed against.
(2) An application for appeal to Administrator shall be accompanied by fee of ` 500 and for appeal to Controller shall be accompanied by fee of ` 200 *paid either by cash or by affixing court fee stamp for the said value as the case may be.*
27. Fee for compounding of offences- The fee for compounding of offences committed under the Act shall be as prescribed in Schedule XI.

SCHEDULE - I

(See Rule 10)

Exceptions referred to in Rule 10

- 1- The following commodities may be sold by weight, measure or number as show against the commodity.

TABLE

Sr. 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 liquefied 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 or weight
6-	Electric wire	length or weight
7-	Fencing wire	length or weight
8-	Hair oil, un perfumed	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-	Industrial diesel fuel	volume
14-	Honey, malt extract, golden syrup treacle	weight
15-	Ice cream and other similar frozen products	weight or volume
16-	Liquid chemicals	weight or volume
17-	Liquid petroleum gas	weight
18-	Nails, wood screws	number or weight
19-	Paint (other than paste paints or solid paint), varnish and varnish stais, enamels	volume
20-	Papad	number and weight
21-	Paste paint, solid paint	weight
22-	Ressogulla, Gulabjamun and other sweet preparations	weight
23-	Ready made garments	number and size
24-	Sauce, all kinds	weight
25-	Tyres and tubes	number
26-	Yarn	Weight or length of yarn

SCHEDULE - II "A"
[See rule 11 (1)]
Form - LM - 1

[Application form for licence as manufacturer of weights & measures under the Legal Metrology Act, 2009]

To,

(1)	To be filled by the Applicant (2)	Comments of the inspection officer (3)
1. Name of the manufacturing concern for which licence is desired.		
2. Complete address of the concern. Whether premises are owned/rented/taken on lease/leave licence, duly supported by documents.		
3. Date of Establishment of workshop/factory.		
4. 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		
5. The date and current registration number of factory/ shop/ establishment/ Municipal Trade licence.		
6. Nature of manufacturing activities at present.		
7. The type of weights and measures proposed to be manufactured viz : (i) Weights (ii) Measures (iii) Weighing Instruments (iv) Measuring Instruments with details in each case.		
8. The number of persons employed/proposed to be employed (i) Skilled (ii) Semi-skilled (iii) Unskilled (iv) Specialist trained in the line		

9. The monogram or trade mark intended to be Imprinted
on weights and measures to be manufactured.
10. Details of machinery, tools accessories, owned and
used for manufacturing weights measures etc.
11. Details of foundry/workshop facilities arranged.
Whether ownership, long term lease etc.
12. Facilities of steel casting and hardness testing of
Vital parts etc or other means.
13. Availability of electric energy.....
14. Details of loan received from Government or financial
Institution. If so, give details.
15. Name of bankers, if any.
16. VAT/ Sales Tax Registration Number/CST Number/
Professional Tax registration Number/IT Number.
17. Have you applied previously for a manufacturer's
licence? If so, when and with what results ?
18. (a) Whether the item (s) proposed to be
manufactured will be sold within the State or
out side the state or both.
(b) Details of Model Approval received from
Government of India;
(c) When can you produce
for inspection samples of your products for which
licence is desired ?

To be certified by the applicant (s)

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

Certified that I/We have read the Legal Metrology Act, 2009 and the Daman and Diu Legal Metrology (Enforcement) Rules, 2011 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

To be filled in by Departmental Officer of the Administration.
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

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

SCHEDULE - IIA
[See rule 11 (1)]
Form LR - 1

[Application for licence as repairers of Weights & Measures under the Legal Metrology Act, 2009]

To,

1	To be filled by the applicants	Comments of the inspecting officer
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 dully supported by documents. (b) Date of establishment.	
4. 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.	
5. Number and date of shop/establishment/current Municipal Trade Licence.	
6. Professional Tax/IT Tax registration Number etc if any.	
7. The type of weights and measures proposed to repaired.	
8. Area in which you wish to operate.	
9. Previous experience in the line.	
10. Number of skilled staff employed or proposed to be employed: (i) Skilled (ii) Semi-skilled (iii) Unskilled (iv) Employees trained in the line	

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

- 11. Details of machinery/tools/accessories available.
- 12. Availability of electric energy.
- 13. Have you sufficient stock of loan/test weights. etc.?
Give details.
- 14. 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 Daman and Diu Legal Metrology (Enforcement) Rules, 2011 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 Licensing Authority.

All the information furnished above is true to the best of my/our knowledge.

Place :
Date : Signature and Designation

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

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

SCHEDULE - IIA
 [See rule 11 (1)]
 Form LD-1

[Application Form for Licence as Dealers in Weights & Measures under the Legal Metrology Act, 2009]

To,

	To be filled by the applicant	Comments of the inspecting officer
1	2	3

1. Name of the establishment/shop/person seeking the licence.
2. Complete address of the establishment etc.
3. Date of establishment.
4. Name (s) and address (s) of proprietors and / or partners
and Managing Director (s) in the case of Limited company.
5. Number and date of Registration Number of current
shop/establishment/Municipal Trade licence.
6. Categories of weights and measures sold/proposed
to be sold at present.
7. Registration Number of VAT/CST/Sales Tax/Professional
Tax/Income Tax.
8. 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
 - (a) Registration of Importer of Weights and Measures, if any
 - (b) Approval of model imported into India by Central Government.
9. Have you applied previously for a dealer's licence,
either in this State or elsewhere ? If so give details ?

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

To be certified by the applicant(s)

Certified that I/We have read the Legal Metrology Act, 2009 , Daman and Diu Legal Metrology (Enforcement) Rules, 2011 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 Licensing Authority.

All the information furnished above is true to the best of my/our knowledge.

Place :

Date :

.....
Signature and Designation

To be filled in by Departmental Officer of the Administration

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

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

SCHEDULE IIB
[See rule 11 (2)]
Form LM-2

[Application for renewal Licence as Manufacturer of Weights & Measures under the Legal Metrology Act, 2009]

To,

	To be filled by the applicants	Comments of the inspecting officer
1	2	3
1.	Name and complete address of the manufacturing concern for which renewal of licence is desired.	.....
2.	Manufacturing Licence No.	.....
3.	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.	.....
4.	(a) Type of weights and measures which are manufactured as per licence granted.	.....
	(b) Do you propose any change.	.....
5.	The monogram or trade marks used on weights and measures manufactured by you.	.....
6.	Details of workshop facilities available.	.....
7.	Details of production and sales in the last 5 years.	.....
8.	Number and date of shop/establishment Registration Number.	.....
9.	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 Daman and Diu Legal Metrology (Enforcement) Rules, 2011 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 ` (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

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

SCHEDULE IIB
 [See rule 11 (2)]
 Form LR-2

[Application for renewal Licence as repairer of Weights & Measures under the Legal Metrology Act 2009]

To,

	To be filled by the applicants	Comments of the inspecting officer
1	2	3

1. Name and complete address of the repairing concern/
person seeking renewal of the licence .
2. Repairer's Licence Number.
3. 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.
4. Registration Number and date of current shop/
establishment/Municipal Trade Licence.
5. Registration Number of VAT/Sales Tax/CST/Professional
Tax/Income Tax.
6. (a) The Type of weights and measures repaired
as per licence granted.
(b) Do you propose any change.
7. Area in which you are operating.
8. Have you sufficient stock of loan/test weights, etc.?
9. 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 Daman and Diu Legal Metrology (Enforcement) Rules, 2011 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 ` (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

SERIES - I No. : 04
DATED : 1ST APRIL, 2011.

SCHEDULE IIB
[See rule 11 (2)]
Form LD-2

[Application for renewal Licence as Dealer in Weights & Measures under the Legal Metrology Act 2009]

To,

	To be filled by the applicants	Comments of the inspecting officer
1	2	3

1. Name of the establishment/shop/person seeking the renewal of licence .
2. Dealer's Licence Number.
3. Date of establishment.
4. 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.
5. Registration Number and date of shop/establishment/ current Municipal Trade Licence.
6. Categories of weights and measures sold at present.
7. Registration Number of VAT/ CST/Sales Tax/Professional Tax/Income Tax.
8. Are you intending to import weights and measures etc.
from places outside the U.T. of D&D ? 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 the Legal Metrology Act, 2009 and the Daman and Diu Legal Metrology (Enforcement) Rules, 2011 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 ` (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.

SERIES - I	No. : 04
DATED : 1 ST APRIL, 2011.	

SCHEDULE III
 [See rule 11 (3)]
 Licensing Forms
 FORM LM-3

Administration of Daman & Diu.

OFFICE OF THE CONTROLLER OF LEGAL METROLOGY

Licence to manufacture, weights, measures, weighing 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 manufacture the following:-
 (Include details of the weights, measures, weighting instruments or measuring instruments that are licenced to be manufactured by the party).
- 2- The licence is valid for the party named above in respect of his workshop located at
- 3- This licence is valid from to
- 4- The manufacturer shall comply with the conditions noted below. If he fails to comply with anyone of these, his licence is liable to be cancelled.
- 5- The trade mark monogram being used by the manufacturer is as under.

.....

(Signature)
Controller of legal Metrology

(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 1.

CONDITIONS OF LICENCE

1. The person in whose favour this licence is issued shall. -
 - (a) Comply with all the relevant provisions of the Act and Rules for the time being in force;
 - (b) Not encourage or countenance any infringement of the provisions of the Act. or the Rules amended from time to time;
 - (c) Exhibit this licence in some conspicuous part of the premises to which it relates;

- (d) Comply with any general or special directions that may be given by the Controller of legal metrology;
 - (e) Surrender the licence in the event of closure of business and/ or cancellation of Licence;
 - (f) 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;
 - (g) Submit the application for renewal of this licence as required under the rules within thirty days of expiry of the validity of the licence.
2. 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

Current No..... Date Renewed for <div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">Seal</div> <div style="text-align: center; margin-top: 10px;">Controller of Legal Metrology</div>	Current No..... Date Renewed for <div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">Seal</div> <div style="text-align: center; margin-top: 10px;">Controller of Legal Metrology</div>
Current No..... Date Renewed for <div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">Seal</div> <div style="text-align: center; margin-top: 10px;">Controller of Legal Metrology</div>	Current No..... Date Renewed for <div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">Seal</div> <div style="text-align: center; margin-top: 10px;">Controller of Legal Metrology</div>
Current No..... Date Renewed for <div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">Seal</div> <div style="text-align: center; margin-top: 10px;">Controller of Legal Metrology</div>	Current No..... Date Renewed for <div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">Seal</div> <div style="text-align: center; margin-top: 10px;">Controller of Legal Metrology</div>

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DATED : 1ST APRIL, 2011.

SCHEDULE III
[See rule 11 (3)]
Licencing Forms
FORM LR-3

ADMINISTRATION OF DAMAN AND DIU.

OFFICE 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)
- 2- The licence is valid for the party named above in respect of his workshop located at
- 3- This licence is valid from to
- 4- The repairer shall comply with the conditions noted below. If he fails to comply with any one, his licence is liable to be cancelled.
- 5- The party is licenced to repair weights, measures, weighting 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. -
 - (a) Comply with all the relevant provisions of the Act and Rules for the time being in force;
 - (b) Not encourage or countenance any infringement of the provisions of the Act or the Rules for the time being in force;

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

- (c) Exhibit this licence in some conspicuous part of the premises to which it relates;
 - (d) Comply with any general or special directions that may be given by the Controller of legal metrology;
 - (e) Surrender the licence in the event of closure of business and/or cancellation of Licence;
 - (f) (i) Present the weights, measures, weighing or measuring instruments as the case may be duly repaired to the legal metrology officer for under taking verification and stamping as specified in rule 14(1), before delivery to the user.
(ii) 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.
 - (g) Submit the application for renewal of this licence as required under the rules within ninety days of expiry of the validity of the licence.
2. 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

Current No..... Date	Current No..... Date
Renewed for	Renewed for
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">Seal</div>	<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">Seal</div>
Controller of Legal Metrology	Controller of Legal Metrology
Current No..... Date	Current No..... Date
Renewed for	Renewed for
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">Seal</div>	<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">Seal</div>
Controller of Legal Metrology	Controller of Legal Metrology

SERIES - I No. : 04
DATED : 1ST APRIL, 2011.

Schedule III
[See rule 11 (3)]
Licencing form
FORM - LD- 3
ADMINISTRATION OF DAMAN AND DIU.

Office of the controller of legal metrology

Licence to a dealer in 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 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)
- 2- The licence is valid for the party named above in respect of his premises located at
- 3- This licence is valid form To.
- 4- 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.

(Seal)

(Signature)

Date

Controller of Legal Metrology

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. -
 - (a) Comply with all the relevant provisions of the Act and Rules for the time being in force;
 - (b) Not encourage or countenance any infringement of the provisions of the Act. or the Rules for the time being in force;
 - (c) Exhibit this licence in some conspicuous part of the premises to which it relates;
 - (d) Comply with any general or special directions that may be given by the Controller of legal metrology;

- (e) Surrender the licence in the event of closure of business and/or cancellation of Licence;
 - (f) Submit the application for renewal of this licence as required under the rules within ninety days of expiry of the validity of the licence.
 - (g) Not sell or offer, expose or possess for sale any non-standard weight or measure.
2. 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

Current No..... Date	Current No..... Date
Renewed for	Renewed for
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">Seal</div>	<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">Seal</div>
Controller of Legal Metrology	Controller of Legal Metrology
Current No..... Date	Current No..... Date
Renewed for	Renewed for
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">Seal</div>	<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">Seal</div>
Controller of Legal Metrology	Controller of Legal Metrology
Current No..... Date	Current No..... Date
Renewed for	Renewed for
<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">Seal</div>	<div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center;">Seal</div>
Controller of Legal Metrology	Controller of Legal Metrology

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

SCHEDULE - IV
[Sec rule- 11 (4) & (5)]
ADMINISTRATION OF DAMAN AND DIU.
Office of Controller of Legal Metrology

Licencing and renewal fees for manufacturers, repairers of dealers of weights and measures

Issue of licence / renewal of licence to:

(1)	(i) Manufacturers	` 500/-
	(ii) Repairers	` 100/-
	(iii) Dealers	` 100/-
(2)	Alteration of License	` 50/-
(3)	Issue of duplicate license	` 10/-

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

SCHEDULE-V

[See rule 11 (6)]

Administration of Daman and Diu
Office of 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/ r/repairer/ dealer	Place where workshop /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	Remark
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.

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

SCHEDULE - VII

[See rule 13]

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
- (i) Period of validity of the licence
- 4- Particulars of order, if any, suspending or revoking
the licence.

S.No.	Month	Unsold stock from previous month	Quantity manufactured during the month	Total 3+4	Sold within the U.T. of Daman & Diu.	
					No. of item sold	Dispatch voucher no. and date
1	2	3	4	5	6	7

Sold outside the U.T. of Daman & Diu.		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

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

Schedule - VII
[See rule 13]
Form LR-4

Register to be maintained by the repairer in respect of weights, Measures

Name and address of the repairer Licence No.....

Date of Licensing

S. 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 of repairing charges	Amount of verification fee	Total amount charged	Date of return to the user	Remarks
6	7	8	9	10

SERIES - I No. : 04
DATED : 1ST APRIL, 2011.

Schedule - VIII
[See rule 16 (3)]
Administration of Daman and Diu-
Office of the Asstt. Controller, legal metrology,
Certificate of verification

Name of Legal Metrology Officer
No.....

I hereby certify that I have this day verified and stamped / rejected the under mentioned weights, measurers, etc.

Belonging to Locality

Quantity	Denomination		Weighing instruments				Measuring instruments	Verification Fee Rs, p	Carriage, cane adjusting charges etc.
	Weights	Measures	Capacity	Class	Manufacturer	Type			
1	2	3	4	5	6	7	8	9	10

Total Rs. deposited vide T. Receipt/ Money receipt .No. dated
Repaired by/ Used by

(Signature)

Next verification due on

Legal Metrology Officer

Note:- In the case of rejected weights, measures, etc the legal metrology officer shall give separate Certificate of rejection mentioning the reasons of rejection against each item.

Schedule-IX

[See Rule 14 (1)]

Fee payable for verification and Stamping of Weights and Measures and Weighing and Measuring Instruments

1- (a) Bullion Weights:

Denomination (1)	Fee per piece (₹) (2)
10 Kg.	30.00
5 Kg.	20.00
2 Kg.	20.00
1 Kg.	20.00
500 g.	15.00
200 g.	15.00
100 g.	15.00
50 g.	15.00
20 g.	15.00
10 g.	15.00
5 g.	15.00
2 g.	15.00
1g	15.00

(b) Carat Weights:

100g (500 c)	20.00
40g (200 c)	20.00
20g (100 c)	20.00
10g (50 c)	20.00
4g (20 c)	20.00
2g (10 c)	20.00
1g (5 c)	20.00
400mg (2 c)	20.00
200mg (1 c)	20.00
100mg (0.5 c)	20.00
40mg (0.02 c)	20.00
20mg (0.01 c)	20.00

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10mg (0.05 c)	20.00
4mg (0.02c)	20.00
2mg (0.01 c)	20.00
1mg (0.005c)	20.00

(c) Cylindrical knob type weights:

Denomination (1)	Fee per piece () (2)
10 Kg.	20.00
5 Kg.	20.00
2 Kg.	15.00
1 Kg.	10.00
500 g.	5.00
200 g.	5.00
100 g.	5.00
50 g.	5.00
20 g.	5.00
10 g.	5.00
5 g.	5.00
2 g.	5.00
1g	5.00

(d) Sheet metal Weight (other than Bullion)

Denomination (1)	Fee per piece () (2)
500 mg.	5.00
200 mg.	5.00
100 mg.	5.00
50 mg.	5.00
20 mg.	5.00

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10 mg.	5.00
5 mg.	5.00
2 mg.	5.00
1 mg.	5.00

(e) Iron hexagonal, knob type weights and parallelepiped weights:

Denomination (1)	Fee per piece (°) (2)
50 Kg.	25.00
20 Kg.	20.00
10 Kg.	20.00
5 Kg.	20.00
2 Kg.	15.00
1 Kg.	10.00
500 g.	5.00
200 g.	5.00
100 g.	5.00
50 g.	5.00
20g	5.00
10g	5.00
5g	5.00
2g	5.00
1g	5.00

(f) Standard weights for testing of high capacity weighing machines:

Denominations	Fee corresponding to Max permissible relative error 0.5/10000 in `	Fee corresponding to Max permissible relative error 3.3/10000, 1.7/10000 and 1.0/10000 in `
100kg	75.00	50.00
200kg	150.00	100.00
500kg	300.00	200.00
1000kg	750.00	500.00
2000kg	1500.00	1000.00
5000kg	3000.00	2000.00

2- Capacity Measures:

Denomination (1)	Fee per piece (`) (2)
100 liter and above	` 50 for the 1st 100 litre plus ` 7 for every additional 100 litre or part thereof subject to maximum of ` 5000.
50 l	50.00
20 l	20.00
10 l	20.00
5 l	10.00
2 l	10.00
1 l	10.00
500 ml	10.00
200 ml	10.00
100 ml	10.00
50 ml	10.00
20 ml	10.00
10 ml	10.00
5 ml	10.00
2 ml	10.00
1 ml	10.00

3- Length Measures:

(a) Non-Flexible –

Denomination (1)	Fee per piece (₹) (2)
2 m.	10.00
1 m.	10.00
0.5 m.	20.00
1 m. graduated (at every cm)	20.00
0.5 m. graduated (at every cm)	20.00

(b) Fabric Plastic/ Woven/Steel tapes –

Accuracy Class (1)	Fee per meter in `
Class-I	1.00
Class-II	0.50
Class-III	0.50

(c) Folding Scales –

Denomination (1)	Fee per piece (Rs.) (2)
1 m.	10.00
0.5 m.	10.00

(d) Surveying Chain –

Denomination (1)	Fee per piece (Rs.) (2)
30 m.	100.00
20 m.	100.00

4- Beam Scale Class A & B:

Denomination (1)	Fee per piece (₹) (2)
200 kg.	400.00
100 kg.	300.00
50 kg.	150.00

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20 kg.	150.00
10 kg.	150.00
5 kg.	100.00
2 kg.	100.00
1 kg.	100.00
500 g and below	60.00

5- Beam Scales Class C& D:

Denomination (1)	Fee per piece (₹) (2)
1000 kg.	200.00
500 kg	200.00
300 kg	200.00
200 kg	100.00
100 kg	100.00
50 kg	20.00
20 kg	20.00
10 kg	20.00
5 kg	15.00
2 kg	15.00
1 kg	15.00
500 g and below	10.00

6- Non-Automatic Weighing Instruments - Mechanical (analogue) Class III & III :

400 t	4000.00
300 t	3000.00
200t	3000.00
150 t	2000.00
100 t	2000.00
80 t	2000.00
60 t	2000.00
50 t	2000.00
40 t	2000.00

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30 t	2000.00
25 t	2000.00
20 t	2000.00
15 t	2000.00
10 t	1000.00
5 t	500.00
3 t	400.00
2 t	400.00
1500 kg	300.00
1000 kg	300.00
500 kg	300.00
300 kg	200.00
250 kg	200.00
200 kg	100.00
150 kg	100.00
100 kg	100.00
50 kg	100.00
30 kg	100.00
25 kg	60.00
20 kg	60.00
15 kg	30.00
10 kg	30.00
5 kg	30.00
3 kg	30.00
2 kg	30.00
1 kg	15.00
500 g. and below	15.00

7- Non-Automatic Weighing Instruments - Electronic Class III & III :

400 t	4000.00
300 t	3000.00
200t	3000.00
150 t	2000.00
100 t	2000.00
80 t	2000.00
60 t	2000.00
50 t	2000.00
40 t	2000.00
30 t	2000.00
25 t	2000.00
20 t	2000.00
15 t	2000.00
10 t	1000.00
5 t	1000.00
3 t	500.00
2 t	500.00
1500 kg	250.00
1000 kg	250.00
500 kg	250.00
300 kg	200.00
250 kg	200.00
200 kg	200.00
150 kg	200.00
100 kg	200.00
50 kg	200.00
30 kg	200.00
25 kg	200.00
20 kg	100.00
15 kg	100.00

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DATED : 1 ST APRIL, 2011.

10 kg	100.00
5 kg	100.00
3 kg	100.00
2 kg	100.00
1 kg	100.00
500 g. and below	100.00

8- Non Automatic Weighing instruments both mechanical and electronics class I & II:

Capacity	Fee (₹)
Exceeding 50 t	3000.00
Not exceed 50t but exceed 10t	2000.00
Not exceed 10t but exceed 1t	1000.00
Not exceed 1t but exceed 50kg	500.00
Not exceed 50kg but exceed 10kg	250.00
Not exceed 10kg	200.00

9- Automatic Weighing Instrument:

Capacity	Fee in `
Exceeding 100 t	4000.00
Not exceeding 100t but exceeding 50t	3000.00
Not exceeding 50t but exceeding 10t	2000.00
Not exceeding 10t but exceeding 1t	1000.00
Not exceeding 1t but exceeding 50kg	500.00
Not exceeding 50kg but exceeding 10kg	250.00
Not exceeding 10kg	200.00

10- Volumetric measuring instruments:

- (a) Dispensing pumps each pump : Rs.1000.00 per unit
- (b) Totalizing counter : ` 500.00 per unit
- (c) Other instruments :

Capacity	Fee in `
Exceeding 100 litre	` 500 for the 1st 100 liters plus ` 250 for every additional 100 liters or part thereof
Not exceeding 100 litre but exceeding 50 litre	500.00
Not exceeding 50 litre but exceeding 20 litre	250.00
Not exceed 20 litre	200.00

11- Flow meters:

Flow rate up to 100 litre/ min.	`2000.00
Above 100 litre/ min upto 500 litre/ min	`3000.00
Above 500 litre /min.	`5000.00

12- Linear Measuring Instruments:

Taxi, Autorishaw meters	`100.00
Other meters	`50 for the 1st 1000 m. or part there of Plus ` 5.00 for every additional 100 m. or part thereof

13- Clinical Thermometer ` 0.50 per unit

14- Water meter ` 25.00 per unit

15- Peg Measure:

30 ml	50.00
60 ml	50.00
100 ml	50.00

16. CNG Dispensers: ` 1000.00 per unit

17. LPG Dispensers: ` 1000.00 per unit

18. Counter Machine-

- | | | |
|----------------------------|---|-------|
| (i) Up to capacity 10 Kg. | : | `20/- |
| (ii) Above capacity 10 Kg. | : | `50/- |

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

SCHEDULE-X

(See Rules-19(3) of the Daman and Diu legal Metrology ((Enforcement) Rules,2011)

WEIGHT OR MESURE OR THE GOODS SUBJECT TO SPEEDY OR NATURAL
DECAY

1. Name & address of the Manufacturer/ Packer if the goods are seized. :
2. Name and address of the .MANUFACTURER/Packer :
if the goods seized are in package from.
3. Nature & description of the goods seized.
4. Actual weigh or measure of the goods seized. :
5. Approximate value of the goods seized. :
6. Remarks :

Signature of the Legal Metrology officer.

DECLARATION OF THE TRADER

The above seized goods valued about
(Rupees _____) have been returned to
me as they are subject to speedy to or natural decay. I am responsible for the value of the
goods and I undertake to abide by the instructions of the Department or Court.

I solemnly state that the facts mentioned above are true.

SIGNATURE OF THE TRADER OR HIS AGENT.

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

SCHEDULE -XI
[See rule 26(1)]

Form of appeal against an order of a Legal Metrology Officer/ Controller Legal Metrology:-

- 1- Name and address of the appellant
- 2- No. and date of order of Legal Metrology Officer/ Controller of Legal Metrology against which the appeal is preferred.
- 3- Whether the appellant desires to be heard in person or through an authorized representative.
- 4- Grounds of appeal

Place :

Date :


Signature of appellant.

SERIES - I No. : 04
DATED : 1ST APRIL, 2011.

SCHEDULE -XII
[See rule 27]
Compounding fees for various offences

Sr. No.	Section and nature of offence	Penal Section	Compounding fee
1	S. 8(3) Use of weight, measure or numeration other than the Standard weight, measure or numeration	25	2500.00
2	S.8(4) Manufacture of weight or measure not conforming to Standards	27	2000.00
3	S. 10 Transaction or dealing or contract in respect of goods etc, by weight, measure or number than prescribed.	28	1000.00
4	S. 11 Quote or make announcement or issue or exhibit of price list or changing of price than in accordance with standard unit of weight or measure or numeration.	29	1000.00
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	1000.00
6	S. 17 Maintenance of records, registers by manufacturer, dealer or repairer and production of weight, measure document, register on demand	31	500.00
7	S. 24 Use of verified weight or measure in transaction or protection	33	2000.00
8	S.33 Sale of weights or measure without verification	33	5000.00
9	S.34 Sale or delivery of commodities by non-standards weights or measure	34	2500.00
10	S.35 Rendering service by non-standard weight or measure	35	2500.00
11	S.18(1) Compliance of declaration in respect of pre-packaged commodity by manufacturer/ dealer	36(1)	2500.00
12	S. 18(1) Compliance of net quantity- requirement of pre-packaged commodity by manufacturer	36(2)	15000.00
13	S.23 Manufacturer of weight or measure only with licence	45	5000.00
14	S.23 Repair/sale of weight or measure only with licence	46	2000.00
15	S.47 Tampering with licence	47	5000.00
16	S. 53(3) Provision of any rule made under the Act	53(3)	500.00

By Order & in the name of the Administrator
UT Administration of Daman & Diu.


Manoj Kumar Sahoo
Secretary (C.S.)

AS PASSED BY THE RAJYA SABHA
ON 1ST DECEMBER, 2009

Bill No. LIII-C of 2008

THE LEGAL METROLOGY BILL, 2009

ARRANGEMENT OF CLAUSES

CHAPTER I

PRELIMINARY

CLAUSES

1. Short title, extent and commencement.
2. Definitions.
3. Provisions of this Act to override provisions of any other law.

CHAPTER II

STANDARD WEIGHTS AND MEASURES

4. Units of weights and measures to be based on metric system.
5. Base unit of weights and measures.
6. Base unit of numeration.
7. Standard units of weights and measures.
8. Standard weight, measure or numeral.
9. Reference, secondary and working standard.
10. Use of weight or measure for particular purposes.
11. Prohibition of quotation, etc., otherwise than in terms of standard units of weight, measure or numeration.
12. Any custom, usage, etc., contrary to standard weight, measure or numeration to be void.

CHAPTER III

APPOINTMENT AND POWERS OF DIRECTOR, CONTROLLER AND LEGAL METROLOGY OFFICERS

13. Appointment of Director, legal metrology officers and other employees.
14. Appointment of Controller, legal metrology officers and other employees.
15. Power of inspection, seizure, etc.
16. Forfeiture.
17. Manufacturers, etc., to maintain records and registers.
18. Declarations on pre-packaged commodities.
19. Registration for importer of weight or measure.
20. Non-standard weights and measures not to be imported.
21. Training in legal metrology.
22. Approval of Model.
23. Prohibition on manufacture, repair or sale of weight or measure without licence.

CLAUSES

CHAPTER IV

VERIFICATION AND STAMPING OF WEIGHT OR MEASURE

24. Verification and stamping of weight or measure.

CHAPTER V

OFFENCES AND PENALTIES

25. Penalty for use of non-standard weight or measure.
26. Penalty for alteration of weight and measure.
27. Penalty for manufacture or sale of non-standard weight or measure.
28. Penalty for making any transaction, deal or contract in contravention of the prescribed standards.
29. Penalty for quoting or publishing, etc., of non-standard units.
30. Penalty for transactions in contravention of standard weight or measure.
31. Penalty for non-production of documents, etc.
32. Penalty for failure to get model approved.
33. Penalty for use of unverified weight or measure.
34. Penalty for sale or delivery of commodities, etc., by non-standard weight or measure.
35. Penalty for rendering services by non-standard weight, measure or number.
36. Penalty for selling, etc., of non-standard packages.
37. Penalty for contravention by Government approved Test Centre.
38. Penalty for non-registration by importer of weight or measure.
39. Penalty for import of non-standard weight or measure.
40. Penalty for obstructing Director, Controller or legal metrology officer.
41. Penalty for giving false information or false return.
42. Vexatious search.
43. Penalty for verification in contravention of Act and rules.
44. Penalty for counterfeiting of seals, etc.
45. Penalty for manufacture of weight and measure without licence.
46. Penalty for repair, sale, etc., of weight and measure without licence.
47. Penalty for tampering with licence.
48. Compounding of offences.
49. Offences by companies and power of court to publish name, place of business, etc., for companies convicted.
50. Appeals.
51. Provisions of Indian Penal Code and Code of Criminal Procedure not to apply.
52. Power of the Central Government to make rules.
53. Power of State Government to make rules.
54. Delegation of powers.
55. Act not to apply in certain cases.
56. Existing, Director, Controller and Legal Metrology Officer not to be affected by the new qualification to be prescribed.
57. Repeal of the Standards of Weights and Measures Act, 1976 and Standards of Weights and Measures (Enforcement) Act, 1985.

SERIES - I No. : 04
DATED : 1 ST APRIL, 2011.

Bill No. LIII-C of 2008

THE LEGAL METROLOGY BILL, 2009

(AS PASSED BY THE RAJYA SABHA)

A

BILL

to establish and enforce standards of weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weight, measure or number and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Legal Metrology Act, 2009.

Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Controller" means the Controller of Legal Metrology appointed under section 14;

(b) "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;

(c) "Director" means the Director of Legal Metrology appointed under section 13;

(d) "export" with its grammatical variations and cognate expressions, means taking out of India to a place outside India;

(e) "import" with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(f) "label" means any written, marked, stamped, printed or graphic matter affixed to, or appearing upon any pre-packaged commodity;

(g) "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;

(h) "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;

(i) "manufacturer" in relation to any weight or measure, means a person who —

(i) manufactures weight or measure,

(ii) 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,

(iii) 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,

(iv) 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;

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

(k) "protection" means the utilisation 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;

(l) "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;

(m) "person" includes,—

(i) a Hindu undivided family,

(ii) every department or office,

(iii) every organisation established or constituted by Government,

(iv) every local authority within the territory of India,

(v) a company, firm and association of individuals,

(vi) trust constituted under an Act,

21 of 1860.

(vii) every co-operative society, constituted under an Act,

(viii) every other society registered under the Societies Registration Act, 1860;

(n) "premises" includes—

(i) 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,

(ii) a warehouse, godown or other place where any weight or measure or other goods are stored or exhibited,

(iii) a place where any books of account or other documents pertaining to any trade or transaction are kept,

(iv) a dwelling house, if any part thereof is used for the purpose of carrying on any business, industry, production or trade,

(v) a vehicle or vessel or any other mobile device, with the help of which any transaction or business is carried on;

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

(p) "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;

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

(r) "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;

(s) "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;

(t) "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;

(u) "transaction" means,—

(i) any contract, whether for sale, purchase, exchange or any other purpose, or

(ii) any assessment of royalty, toll, duty or other dues, or

(iii) the assessment of any work done, wages due or services rendered;

(v) "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;

(w) "weight or measure" means a weight or measure specified by or under this Act and includes a weighing or measuring instrument.

Provisions of this Act to override provisions of any other law.

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

CHAPTER II

STANDARD WEIGHTS AND MEASURES

Units of weights and measures to be based on metric system.

4. Every unit of weight or measure shall be in accordance with the metric system based on the international system of units.

Base unit of weights and measures.

5. (1) The base unit of —

- (i) length shall be the metre;
- (ii) mass shall be the kilogram;
- (iii) time shall be the second;
- (iv) electric current shall be the ampere;
- (v) thermodynamic temperature shall be the kelvin;
- (vi) luminous intensity shall be the candela; and
- (vii) amount of substance shall be the mole.

(2) The specifications of the base units mentioned in sub-section (1), derived units and other units shall be such as may be prescribed.

Base unit of numeration.

6. (1) The base unit of numeration shall be the unit of the international form of Indian numerals.

(2) Every numeration shall be made in accordance with the decimal system.

(3) The decimal multiples and sub-multiples of the numerals shall be of such denominations and be written in such manner as may be prescribed.

Standard units of weights and measures.

7. (1) The base units of weights and measures specified in section 5 shall be the standard units of weights and measures.

(2) The base unit of numeration specified in section 6 shall be the standard unit of numeration.

(3) For the purpose of deriving the value of base, derived and other units mentioned in section 5, the Central Government shall prepare or cause to be prepared objects or equipments in such manner as may be prescribed.

(4) The physical characteristics, configuration, constructional details, materials, equipments, performance, tolerances, period of re-verification, methods or procedures of tests shall be such as may be prescribed.

Standard weight, measure or numeral.

8. (1) Any weight or measure which conforms to the standard unit of such weight or measure and also conforms to such of the provisions of section 7 as are applicable to it shall be the standard weight or measure.

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(2) Any numeral which conforms to the provisions of section 6 shall be the standard numeral.

(3) No weight, measure or numeral, other than the standard weight, measure or numeral, shall be used as a standard weight, measure or numeral.

(4) No weight or measure, shall be manufactured or imported unless it conforms to the standards of weight or measure specified under section 8:

Provided that provisions of this section shall not apply for manufacture done exclusively for export or for the purpose of any scientific investigation or research.

9. (1) The reference standards, secondary standards and working standards of weights and measures shall be such as may be prescribed.

Reference, secondary and working standard.

(2) Every reference standard, secondary standard and working standard shall be verified and stamped in such manner and after payment of such fee as may be prescribed.

(3) Every reference standard, secondary standard and working standard which is not verified and stamped in accordance with the provisions of sub-section (2) shall not be deemed to be a valid standard.

10. Any transaction, dealing or contract in respect of any goods, class of goods or undertakings shall be made by such weight, measure or number as may be prescribed.

Use of weight or measure for particular purposes.

11. (1) No person shall, in relation to any goods, things or service,—

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

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

(c) prepare or publish any advertisement, poster or other document, or

(d) indicate the net quantity of a pre-packaged commodity, or

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

otherwise than in accordance with the standard unit of weight, measure or numeration.

Prohibition of quotation, etc., otherwise than in terms of standard units of weight, measure or numeration.

(2) The provisions of sub-section (1) shall not be applicable for export of any goods, things or service.

12. Any custom, usage, practice or method of whatever nature which permits a person to demand, receive or cause to be demanded or received, any quantity of article, thing or service in excess of or less than, the quantity specified by weight, measure or number in the contract or other agreement in relation to the said article, thing or service, shall be void.

Any custom, usage, etc., contrary to standard weight, measure or numeration to be void.

CHAPTER III

APPOINTMENT AND POWERS OF DIRECTOR, CONTROLLER AND LEGAL METROLOGY OFFICERS

13. (1) The Central Government may, by notification, appoint a Director of legal metrology, Additional Director, Joint Director, Deputy Director, Assistant Director and other employees for exercising the powers and discharging the duties conferred or imposed on them by or under this Act in relation to inter-State trade and Commerce.

Appointment of Director, legal metrology officer and other employees.

(2) The qualifications of the Director and legal metrology officers appointed under sub-section (1) shall be such as may be prescribed.

(3) The Director and every legal metrology officer, appointed under sub-section (1), shall exercise such powers and discharge such functions in respect of such local limits as the Central Government may, by notification, specify.

(4) Every legal metrology officer appointed under sub-section (1) shall exercise powers and discharge duties under the general superintendence, direction and control of the Director.

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(5) The Director, the Controller and every legal metrology officer authorised to perform any duty by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

(6) No suit, prosecution or other legal proceeding shall lie against the Director, the Controller and legal metrology officer authorised to perform any duty by or under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

(7) The Central Government may, with the consent of the State Government and subject to such conditions, limitations and restrictions as it may specify in this behalf, delegate such of the powers of the Director under this Act as it may think fit to the Controller of legal metrology in the State, and such Controller may, if he is of opinion that it is necessary or expedient in the public interest so to do, delegate such of the powers delegated to him as he may think fit to any legal metrology officer and where any such delegation of powers is made by such Controller, the person to whom such powers are delegated shall exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this Act and not by way of delegation.

(8) Where any delegation of powers is made under sub-section (7), the powers so delegated shall be exercised under the general superintendence, direction and guidance of the Director.

Appointment of Controller, legal metrology officers and other employees.

14. (1) The State Government may, by notification, appoint a Controller of legal metrology, Additional Controller, Joint Controller, Deputy Controller, Assistant Controller, Inspector and other employees for the State for exercising the powers and discharging the duties conferred or imposed on them by or under this Act in relation to intra State trade and commerce.

(2) The qualifications of the Controller and legal metrology officers appointed under sub-section (1) shall be such as may be prescribed.

(3) The Controller and every legal metrology officer, appointed under sub-section (1), shall exercise such powers and discharge such functions in respect of such local limits as the State Government may, by notification, specify.

(4) Every legal metrology officer appointed under sub-section (1) shall exercise and discharge the duties under the general superintendence, direction and control of the Controller.

Power of inspection, seizure, etc.

15. (1) The Director, Controller or any 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 this 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 this Act has been, or is likely to be, committed in the course of, or in relation to, any trade and commerce.

(2) The Director, Controller or any legal metrology officer may also require the production of every document or other record relating to the weight or measure referred to in sub-section (1) and the person having the custody of such weight or measure shall comply with such requisition.

(3) Where any goods seized under sub-section (1) are subject to speedy or natural decay, the Director, Controller or legal metrology officer may dispose of such goods in such manner as may be prescribed.

of 1974. (4) Every search or seizure made under this section shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures.

16. (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; Forfeiture.

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.

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

17. (1) Every manufacturer, repairer or dealer of weight or measure shall maintain such records and registers as may be prescribed. Manufacturers, etc., to maintain records and registers.

(2) The records and registers maintained under sub-section (1) shall be produced at the time of inspection to the persons authorised for the said purpose under sub-section (1) of section 15.

18. (1) No person shall manufacture, pack, sell, import, distribute, deliver, offer, expose or possess for sale any pre-packaged commodity unless such package is in such standard quantities or number and bears thereon such declarations and particulars in such manner as may be prescribed. Declarations on pre-packaged commodities.

(2) Any advertisement mentioning the retail sale price of a pre-packaged commodity shall contain a declaration as to the net quantity or number of the commodity contained in the package in such form and manner as may be prescribed.

19. No person shall import any weight or measure unless he is registered with the Director in such manner and on payment of such fees, as may be prescribed. Registration for importer of weight or measure.

20. No weight or measure, whether singly or as a part or component of any machine shall be imported unless it conforms to the standards of weight or measure established by or under this Act. Non-standard weights and measures not to be imported.

21. (1) For imparting training in Legal Metrology and other allied branches of knowledge the "Indian Institute of Legal Metrology" (hereinafter referred to as the "Institute") established under the provisions of the Standards of Weights and Measures Act, 1976, shall be deemed to have been established under the corresponding provisions of this Act. Training in Legal Metrology.

60 of 1976.

(2) The management and control of the Institute, the teaching staff and other employees, the courses and curricula for training thereat, the qualifications, which a person shall possess in order to be eligible for admission thereto shall be such as may be prescribed.

22. Every person, before manufacturing or importing any weight or measure shall seek the approval of model of such weight or measure in such manner, on payment of such fee and from such authority as may be prescribed: Approval of model.

Provided that such approval of model may not be required in respect of any cast iron, brass, bullion, or carat weight or any beam scale, length measures (not being measuring tapes) which are ordinarily used in retail trade for measuring textiles or timber, capacity measures, not exceeding twenty litre in capacity, which are ordinarily used in retail trade for measuring kerosene, milk or potable liquors:

Provided further that the prescribed authority may, if he is satisfied that the model of any weight or measure which has been approved in a country outside India conforms to the standards established by or under this Act, approve such model without any test or after such test as he may deem fit.

Prohibition on manufacture, repair or sale of weight or measure without licence.

23. (1) No person shall manufacture, repair or sell, or offer, expose or possess for repair or sale, any weight or measure unless he holds a licence issued by the Controller under sub-section (2):

Provided that no licence to repair shall be required by a manufacturer for repair of his own weight or measure in a State other than the State of manufacture of the same.

(2) For the purpose of sub-section (1), the Controller shall issue a licence in such form and manner, on such conditions, for such period and such area of jurisdiction and on payment of such fee as may be prescribed.

CHAPTER IV

VERIFICATION AND STAMPING OF WEIGHT OR MEASURE

Verification and stamping of weight or measure.

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

(2) The Central Government may prescribe the kinds of weights and measures for which the verification is to be done through the Government approved Test Centre.

(3) The Government approved Test Centre shall be notified by the Central Government or the State Government, as the case may be, in such manner, on such terms and conditions and on payment of such fee as may be prescribed.

(4) The Government approved Test Centre shall appoint or engage persons having such qualifications and experience and collect such fee on such terms and conditions for the verification of weights and measures specified under sub-section (2) as may be prescribed.

CHAPTER V

OFFENCES AND PENALTIES

Penalty for use of non-standard weight or measure.

25. Whoever uses or keeps for use any weight or measure or makes use of any numeration otherwise than in accordance with the standards of weight or measure or the standard of numeration, as the case may be, specified by or under this Act, shall be punished with fine which may extend to twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.

Penalty for alteration of weight and measure.

26. Whoever tampers with, or alters in any way, any reference standard, secondary standard or working standard or increases or decreases or alters any weight or measure with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby, except where such alteration is made for the correction of any error noticed therein on verification, shall be punished with fine which may extend to fifty thousand rupees and for the second and subsequent offence with imprisonment for a term which shall not be less than six months but which may extend to one year or with fine or with both.

Penalty for manufacture or sale of non-standard weight or measure.

27. Every person who manufactures or causes to be manufactured or sells or offers, exposes or possesses for sale, any weight or measure which,—

(a) does not conform to the standards of weight or measure specified by or under this Act; or

(b) which bears thereon any inscription of weight, measure or number which does not conform to the standards of weight, measure or numeration specified by or under this Act,

except where he is permitted to do so under this Act, shall be punished with a fine which may extend to twenty thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to three years or with fine or with both.

28. Whoever makes any transaction, deal or contract in contravention of the standards of weights and measures specified under section 10 shall be punished with fine which may extend to ten thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for making any transaction, deal or contract in contravention of the prescribed standards.

29. Whoever violates section 11 shall be punished with fine which may extend to ten thousand rupees and, for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for quoting or publishing, etc., of non-standard units.

30. Whoever—

(a) in selling any article or thing by weight, measure or number, delivers or causes to be delivered to the purchaser any quantity or number of that article or thing less than the quantity or number contracted for or paid for; or

Penalty for transactions in contravention of standard weight or measure.

(b) in rendering any service by weight, measure or number, renders that service less than the service contracted for or paid for; or

(c) in buying any article or thing by weight, measure or number, fraudulently receives, or causes to be received any quantity or number of that article or thing in excess of the quantity or number contracted for or paid for; or

(d) in obtaining any service by weight, measure or number, obtains that service in excess of the service contracted for or paid for,

shall be punished with fine which may extend to ten thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

31. Whoever, being required by or under this Act or the rules made thereunder to submit returns, maintain any record or register, or being required by the Director or the Controller or any legal metrology officer to produce before him for inspection any weight or measure or any document, register or other record relating thereto, omits or fails without any reasonable excuse, so to do, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for non-production of documents, etc.

32. Whoever fails or omits to submit model of any weight or measure for approval, shall be punished with fine which may extend to twenty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for failure to get model approved.

33. Whoever, sells, distributes, delivers or otherwise transfers or uses any unverified weight or measure shall be punished with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for use of unverified weight or measure.

34. Whoever sells, or causes to be sold, delivers, or causes to be delivered, any commodity, article or thing by any means other than the standard weight or measure or number, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both.

Penalty for sale or delivery of commodities, etc., by non-standard weight or measure.

Penalty for rendering services by non-standard weight, measure or number.

35. Whoever renders or causes to be rendered, any service through means other than the weight or measure or numeration or in terms of any weight, measure or number other than the standard weight or measure, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both.

Penalty for selling, etc., of non-standard packages.

36. (1) Whoever manufactures, packs, imports, sells, distributes, delivers or otherwise transfers, offers, exposes or possesses for sale, or causes to be sold, distributed, delivered or otherwise transferred, offered, exposed for sale any pre-packaged commodity which does not conform to the declarations on the package as provided in this Act, shall be punished with fine which may extend to twenty-five thousand rupees, for the second offence, with fine which may extend to fifty thousand rupees and for the subsequent offence, with fine which shall not be less than fifty thousand rupees but which may extend to one lakh rupees or with imprisonment for a term which may extend to one year or with both.

(2) Whoever manufactures or packs or imports or causes to be manufactured or packed or imported, any pre-packaged commodity, with error in net quantity as may be prescribed shall be punished with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees and for the second and subsequent offence, with fine which may extend to one lakh rupees or with imprisonment for a term which may extend to one year or with both.

Penalty for contravention by Government approved Test Centre.

37. (1) Where any Government approved Test Centre contravenes any of the provisions of this Act or the rules made thereunder, or the conditions of the licence, it shall be punished with fine which may extend to one lakh rupees.

(2) Where any owner or employee of a Government Approved Test Centre performing duties in accordance with the provisions of this Act or the rules made thereunder, wilfully verifies or stamps any weight or measure in contravention of the provisions of this Act or the rules made thereunder, he shall, for every such contravention, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both.

Penalty for non-registration by importer of weight or measure.

38. Whoever imports any weight or measure without being registered under this Act shall be punished with fine which may extend to twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine, or with both.

Penalty for import of non-standard weight or measure.

39. Whoever imports any non-standard weight or measure shall be punished with fine, which may extend to fifty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for obstructing Director, Controller or legal metrology officer.

40. Whoever obstructs the Director, the Controller or any legal metrology officer with intent to prevent or deter the Director or the Controller or any legal metrology officer from exercising his powers or discharging his functions, or in consequence of anything done or attempted to be done by the Director or the Controller or any legal metrology officer in the lawful exercise of his powers or discharge of his functions as such, or whoever obstructs the entry of the Director or the Controller or any legal metrology officer into any premises for inspection and verification of any weight or measure or any document or record relating thereto or the net contents of any packaged commodity or for any other purpose shall be punished with imprisonment for a term which may extend to two years and for the second or subsequent offence, with imprisonment for a term which may extend to five years.

Penalty for giving false information or false return.

41. (1) Whoever gives any information to the Director, the Controller or any legal metrology officer, which he may require or ask for in the course of his duty, and which such person either knows or has reason to believe to be false, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to six months and also with fine.

(2) Whoever, being required by or under this Act so to do, submits a return or maintains any record or register which is false in material particulars, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

42. The Director, the Controller or any legal metrology officer, exercising powers under this Act or any rule made thereunder, who knows that there are no reasonable grounds for so doing, and yet—

Vexatious search.

- (a) searches, or causes to be searched, any house, conveyance or place; or
- (b) searches any person; or
- (c) seizes any weight, measure or other movable property;

shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees or with both.

43. Where the Controller or any legal metrology officer exercising powers under this Act or any rule made thereunder, wilfully verifies or stamps any weight or measure, in contravention of the provisions of this Act or of any rule made thereunder, he shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees or with both.

Penalty for verification in contravention of Act and rules.

44. (1) Whoever—

Penalty for counterfeiting of seals, etc.

- (i) counterfeits any seal specified by or under this Act or the rules made thereunder, or
- (ii) sells or otherwise disposes of any counterfeit seal, or
- (iii) possesses any counterfeit seal, or
- (iv) counterfeits or removes or tampers with any stamp, specified by or under this Act or rules made thereunder, or
- (v) affixes the stamp so removed on, or inserts the same into, any other weight or measure,

shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years.

Explanation.—In this sub-section, "counterfeit" shall have the meaning assigned to it in section 28 of the Indian Penal Code.

45 of 1860.

(2) Whoever obtains, by unlawful means, any seal specified by or under this Act or the rules made thereunder and uses, or causes to be used, any such seal for making any stamp on any weight or measure with a view to representing that the stamp made by such seal is authorised by or under this Act or the rules made thereunder shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years.

(3) Whoever, being in lawful possession of a seal specified by or under this Act or the rules made thereunder, uses, or causes to be used, such seal without any lawful authority for such use, shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years.

(4) Whoever sells or offers or exposes for sale or otherwise disposes of any weight or measure which, he knows or has reason to believe, bears thereon a counterfeit stamp, shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years.

45. Whoever, being required to obtain a licence under this Act or the rules made thereunder, manufactures, without being in possession of a valid licence, any weight or measure, shall be punished with fine which may extend to twenty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for manufacture of weight and measure without licence.

Penalty for repair, sale, etc., of weight and measure without licence.

46. Whoever, being required to obtain a licence under this Act or the rules made thereunder repairs or sells or offers, exposes or possesses for repair or sale, any weight or measure, without being in possession of a valid licence, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both.

Penalty for tampering with licence.

47. Whoever alters or otherwise tampers, with any licence issued or renewed under this Act or rules made thereunder, otherwise than in accordance with any authorisation made by the Controller in this behalf, shall be punished with fine which may extend to twenty thousand rupees, or with imprisonment for a term which may extend to one year or with both.

Compounding of offences.

48. (1) Any offence punishable under section 25, sections 27 to 39, sections 45 to 47, or any rule made under sub-section (3) of section 52 may, either before or after the institution of the prosecution, be compounded, on payment for credit to the Government of such sum as may be prescribed.

(2) The Director or legal metrology officer as may be specially authorised by him in this behalf, may compound offences punishable under section 25, sections 27 to 39, or any rule made under sub-section (3) of section 52.

(3) The Controller or legal metrology officer specially authorised by him, may compound offences punishable under section 25, sections 27 to 31, sections 33 to 37, sections 45 to 47, and any rule made under sub-section (3) of section 52:

Provided that such sum shall not, in any case, exceed the maximum amount of the fine, which may be imposed under this Act for the offence so compounded.

(4) Nothing in sub-section (1) shall apply to person who commits the same or similar offence, within a period of three years from the date on which the first offence, committed by him, was compounded.

Explanation.—For the purposes of this sub-section, any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded, shall be deemed to be a first offence.

(5) Where an offence has been compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded.

(6) No offence under this Act shall be compounded except as provided by this section.

Offences by companies and power of court to publish name, place of business, etc., for companies convicted.

49. (1) Where an offence under this Act has been committed by a company,—

(a) (i) the person, if any, who has been nominated under sub-section (2) to be in charge of, and responsible to, the company for the conduct of the business of the company (hereinafter in this section referred to as a person responsible); or

(ii) where no person has been nominated, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company; and

(b) the company,

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Any company may, by order in writing, authorise any of its directors to exercise all such powers and take all such steps as may be necessary or expedient to prevent the commission by the company of any offence under this Act and may give notice to the Director or the concerned Controller or any legal metrology officer authorised in this behalf

by such Controller (hereinafter in this section referred to as the authorised officer) in such form and in such manner as may be prescribed, that it has nominated such director as the person responsible, along with the written consent of such director for being so nominated.

Explanation.—Where a company has different establishments or branches or different units in any establishment or branch, different persons may be nominated under this sub-section in relation to different establishments or branches or units and the person nominated in relation to any establishment, branch or unit shall be deemed to be the person responsible in respect of such establishment, branch or unit.

(3) The person nominated under sub-section (2) shall, until—

(i) further notice cancelling such nomination is received from the company by the Director or the concerned Controller or the authorised officer; or

(ii) he ceases to be a director of the company; or

(iii) he makes a request in writing to the Director or the concerned Controller or the legal metrology officer under intimation to the company, to cancel the nomination, which request shall be complied with by the Director or the concerned Controller or the legal metrology officer,

whichever is the earliest, continue to be the person responsible:

Provided that where such person ceases to be a director of the company, he shall intimate the fact of such cessation to the Director or the concerned Controller or the authorised officer:

Provided further that where such person makes a request under clause (iii) the Director or the concerned Controller or the authorised officer shall not cancel such nomination with effect from a date earlier than the date on which the request is made.

(4) Notwithstanding anything contained in the foregoing sub-sections, where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to the neglect on the part of, any director, manager, secretary or other officer, not being a person nominated under sub-section (2), such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where any company is convicted under this Act for contravention of any of the provisions thereof, it shall be competent for the court convicting the company to cause the name and place of business of the company, nature of the contravention, the fact that the company has been so convicted and such other particulars as the court may consider to be appropriate in the circumstances of the case, to be published at the expense of the company in such newspaper or in such other manner as the court may direct.

(6) No publication under sub-section (5) shall be made until the period for preferring an appeal against the orders of the court has expired without any appeal having been preferred, or such an appeal, having been preferred, has been disposed of.

(7) The expenses of any publication under sub-section (5) shall be recoverable from the company as if it were a fine imposed by the court.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm but excludes nominated directors, honorary directors, Government nominated directors.

50. (1) Subject to the provisions of sub-section (2), an appeal shall lie,—

Appeals.

(a) from every decision or order under sections 15 to 20, section 22, section 25, sections 27 to 39, section 41 or any rule made under sub-section (3) of section 52 by the legal metrology officer appointed under section 13, to the Director,

(b) from every decision or order made by the Director of Legal Metrology under sections 15 to 20, section 22, section 25, sections 27 to 39, section 41 or any rule made under sub-section (3) of section 52, to the Central Government or any officer specially authorised in this behalf by that Government;

(c) from every decision given by the Controller of Legal Metrology under delegated powers of Director Legal Metrology to the Central Government;

(d) from every decision given or order made under sections 15 to 18, sections 23 to 25, sections 27 to 37, sections 45 to 47 or any rule made under sub-section (3) of section 52 by any legal metrology officer appointed under section 14, to the Controller; and

(e) from every decision given or order made by the Controller under sections 15 to 18, sections 23 to 25, sections 27 to 37, sections 45 to 47 or any rule made under sub-section (3) of section 52 not being an order made in appeal under clause (d), to the State Government or any officer specially authorised in this behalf by that Government.

(2) Every such appeal shall be preferred within sixty days from the date on which the impugned order was made:

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, permit the appellant to prefer the appeal within a further period of sixty days.

(3) On receipt of any such appeal, the appellate authority shall, after giving the parties to the appeal, a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order, as it may think fit, confirming, modifying or reversing the decision or order appealed against or may send back the case with such direction as it may think fit for a fresh decision or order after taking additional evidence, if necessary.

(4) Every appeal shall be preferred on payment of such fees, as may be prescribed.

(5) The Central Government or the State Government, as the case may be, may on its own motion or otherwise, call for and examine the record of any proceeding including a proceeding in appeal in which any decision or order has been made, for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such orders thereon as it may think fit:

Provided that no decision or order shall be varied under this sub-section so as to prejudicially affect any person unless such person has been given a reasonable opportunity of showing cause against the proposed action.

51. The provisions of the Indian Penal Code and section 153 of the Code of Criminal Procedure, 1973 in so far as such provisions relate to offences with regard to weight or measure, shall not apply to any offence which is punishable under this Act.

45 of 1860.
2 of 1974.

Provisions of Indian Penal Code and Code of Criminal Procedure not to apply. Power of the Central Government to make Rules.

52. (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) 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:—

(a) the specification of the base units of measures and base unit of mass under sub-section (2) of section 5;

(b) the manner of preparation of objects and equipments under sub-section (3) of section 7;

(c) physical characteristics, configuration, constructional details, materials, equipment, performance, tolerances, period of re-verification, methods or procedures of tests under sub-section (4) of section 7;

(d) reference standards, secondary standards and working standards of weights and measures under sub-section (1) of section 9;

(e) reference standards, secondary standards and working standards shall be verified and stamped and the fee under sub-section (2) of section 9;

(f) the weight or measure or number in which any transaction, dealing, or contract in respect of any goods, class of goods or undertakings shall be made under section 10;

(g) the qualifications of the Director and legal metrology officers under sub-section (2) of section 13;

(h) the qualification of the Controller and legal metrology officers under sub-section (2) of section 14;

(i) the manner of disposal of goods under sub-section (3) of section 15;

(j) the standard quantities or number and the manner in which the packages shall bear the declarations and the particulars under sub-section (1) of section 18;

(k) the manner and registration and the fee under section 19;

(l) the management and control of the Institute, the teaching staff and other employees, the courses and curricula for training thereat, the qualifications, which a person shall possess in order to be eligible for admission thereto under sub-section (2) of section 21;

(m) the manner, fee and authority for approval of models under section 22;

(n) the kinds of weights or measures under sub-section (2) of section 24;

(o) the manner in which, terms and conditions on which and fee on payment which the Central Government shall notify the Government approved Test Centre under sub-section (3) of section 24;

(p) the qualifications and experience of persons appointed or engaged and the fee and terms and conditions on which Government approved Test Centre shall verify the weight or measure under sub-section (4) of section 24;

(q) the error in net quantity under sub-section (2) of section 36;

(r) fee for compounding of offence under sub-section (1) of section 48;

(s) form and manner in which notice to the Director or the Controller or any other officer authorised by him shall be given under sub-section (2) of section 49.

(3) In making any rule under this section, the Central Government may provide that a breach thereof shall be punishable with fine which may extend to five thousand rupees.

(4) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

53. (1) The State Government may, by notification, and after consultation with the Central Government, make rules to carry out the provisions of this Act.

Power of State Government to make rules.

(2) 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:—

(a) the time within which the weight or measure may be got verified under provision to sub-section (1) of section 16;

(b) registers and records to be maintained by persons referred to under sub-section (1) of section 17;

(c) the form, manner, conditions, period, area of jurisdiction and fees for issuance of licence under sub-section (2) of section 23;

(d) fee for verification and stamping of any weight or measure under sub-section (1) of section 24;

(e) manner of notifying Government Approved Test Centre, terms and conditions and fee to be paid under sub-section (3) of section 24;

(f) fee for compounding of offences under sub-section (1) of section 48.

(3) In making any rule under this section, the State Government may provide that a breach thereof shall be punishable with fine which may extend to five thousand rupees.

(4) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication in Official Gazette.

(5) Every rule made under this section shall, as soon as may be after it is made, be laid before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

Delegation of Powers.

54. (1) The Central Government may, in consultation with the State Government and by notification, direct that any power exercisable by it under this Act or any rule made thereunder, not being a power conferred by section 50 relating to appeal or section 52 relating to power to make rules, in relation to such matters and subject to such conditions as may be specified, may be exercised also by such officer subordinate to it as may be specified in the notification.

(2) Subject to any general or special direction or condition imposed by the State Government, any person authorised by the Central Government to exercise any powers may exercise those powers in the same manner and to the same extent as if they had been conferred on that person directly by this Act and not by way of delegation.

Act not to apply in certain cases.

55. The provisions of this Act, in so far as they relate to verification and stamping of weights and measures, shall not apply to any weight or measure,—

(a) used in any factory exclusively engaged in the manufacture of any arms, ammunition or both, for the use of the Armed Forces of the Union;

(b) used for scientific investigation or for research;

(c) manufactured exclusively for export.

Existing Director, Controller and legal metrology officer not to be affected by the new qualification to be prescribed.

56. (1) Every Director, Controller and legal metrology officer appointed immediately before the commencement of the rules made under this Act, shall be deemed to have been appointed under sub-section (1) of sections 13 and 14, notwithstanding any rule prescribing different qualifications.

(2) The rules made by a State Government under the Standards of Weights and Measures (Enforcement) Act, 1985 which are in force immediately before the commencement of this Act shall remain in force until the State Government, makes rules in that behalf. 54 of 1985.

Repeal of the Standards of Weights and Measures Act, 1976 and Standards of Weights and Measures (Enforcement) Act, 1985.

57. (1) The Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Enforcement) Act, 1985, is hereby repealed. 60 of 1976. 54 of 1985.

(2) Without prejudice to the provisions contained in the General Clauses Act, 1897, with respect to repeals, any notification, rule or order made under the Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Enforcement) Act, 1985, shall, if in force, at the commencement of this Act, continue to be in force and have effect as if it was made under the corresponding provision of this Act. 10 of 1897. 60 of 1976. 54 of 1985.

(3) Notwithstanding such repeal, any appointment, notification, rule, order, registration, licence, certificate, notice, decision, approval, authorisation or consent made, issued or given under such law shall, if in force at the commencement of this Act, continue to be in force and have effect as if it were made, issued or given under the corresponding provisions of this Act.

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to establish and enforce standards of weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weight, measure or number and for matters connected therewith or incidental thereto.

(As passed by the Rajya Sabha)

