

STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) AMENDMENT RULES, 2006

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

NOTIFICATION

New Delhi, the 17th July, 2006

***G.S.R. 425(E).**— In exercise of the powers conferred by section 83 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby makes the following rules further to amend the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, namely:—

1. (1) These rules may be called the **Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006**.

(2) Save as otherwise provided in these rules, they shall come into force immediately on the expiry of 180 days from the date of their publication in the Official Gazette.

2. In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in rule 2,—

(a) clause (b), clause (c) and the illustration thereunder, clause (e) and clause (g) and the explanation and illustration thereunder shall be omitted;

(b) in clause (i)

(i) the words "or excess" shall be omitted;

(ii) for sub-clauses (i) and (ii), the following shall be substituted with effect from the 1st day of May, 2008, namely:—

"(i) the limits of error specified in the Second Schedule;"

(c) after clause (g), the following clause shall be inserted, namely:—

(gg) "lot" means—

(i) in the case of packages which have been stored, the total number of such packages stored; and

(ii) in the case of packages which are on or at the end of the packing line, the maximum hourly output of packages;'

(d) for clause (j) and the illustration thereunder, the following clause shall be substituted, namely:—

'(j) "net quantity", in relation to commodity contained in a package, means the quantity by weight, measure or number of such commodity contained in that package, excluding the packaging or wrapper;'

(e) for clause (l), the following clause shall be substituted, namely:—

'(l) "Pre-packed commodity", means a commodity, which without the purchaser being present, is placed in a package of whatever nature, whether sealed or opened, so that the commodity contained therein has a pre-determined value and includes

those commodities which could be taken out of the package for testing or examining or inspecting the commodity;';

(f) for clause (p), the following clause shall be substituted, namely:-

`(p) "retail package" means the packages which are intended for retail sale to the ultimate consumer for the purpose of consumption of the commodity contained therein and includes the imported packages:

Provided that for the purposes of this clause, the expression "ultimate consumer" shall not include industrial or institutional consumers.'

(g) clauses (v) and (y) shall be omitted.

3. For rule 2A of the said rules, the following rule shall be substituted, namely:-

"2A. Applicability of the Chapter-

The provisions of this chapter shall not apply to,-

(a) packages of commodities containing quantity of more than 25 kg or 25 litre excluding cement and fertilizer sold in bags up to 50 kg; and

(b) packaged commodities meant for industrial consumers or institutional consumers.

Explanation:- For the purpose of this rule,-

"a) Institutional consumer.- Means those consumers who buy packaged commodities directly from the manufacturers/packers for service industry like transportation [including airways, railways], hotel or any other similar service industry.

b) Industrial Consumer.- Means those consumers who buy packaged commodities directly from the manufacturers/packers for using the product in their industry for production, etc."

4. For rule 5 of the said rules, the following rule shall be substituted, namely:-

"5. Specific commodities to be packed and sold in recommended standard packages: The commodities specified in the Third Schedule shall be packed for sale, distribution or delivery in such standard quantities as are specified in that Schedule:

Provided that if a commodity specified in the Third Schedule is packed in a size other than that prescribed in that Schedule, a declaration that "Not a standard pack size under the Standards of Weights and Measures (Packaged Commodities) Rules, 1977" or "non-standard size under the Standards of Weights and Measures (Packaged Commodities) Rules, 1977" shall be made prominently on the label of such package."

5. In rule 6 of the said rules, in sub-rule (1),-

(a) for clause (a), the following shall be substituted, namely:-

`(a) the name and address of the manufacturer, or where the manufacturer is not the packer, the name and address of the manufacturer and packer and for any imported package the name and address of the importer.

Explanation I.- If any name and address of a company is declared on the label without any qualifying words "manufactured by" or "packed by", it shall be presumed that such name and address shall be that of the manufacturer and the liability shall be determined accordingly;

Explanation II.- If the brand name and address of the brand owner appear on the label as a marketer, then the brand owner shall be held responsible for any violation of these rules and action as may be required shall be initiated against the deemed manufacturer

and in the event of more than one name and address appearing in the label, prosecution shall be launched against the manufacturer indicated on the label in the first place and not against all of them.

Explanation III.- In respect of packages containing food articles, the provisions of this clause shall not apply and instead the requirement of the Prevention of Food Adulteration Act, 1954 (37 of 1954) and the rules made there under shall apply.;

(b) in clause (b), after the words, "contained in the package", the following shall be inserted, namely:-

"and in case of packages with more than one product, the name and number or quantity of each product shall be specified on the package."

(c) in clause (d),-

(i) after the words, "or pre-packed", the words "or imported" shall be inserted;

(ii) after the second proviso, the following proviso shall be inserted, namely:

"Provided also that a manufacturer may indicate the month and year using a rubber stamp without overwriting.";

(d) in the proviso to clause (h), in clause (C),-

(i) for sub-clause (viii), the following shall be substituted, namely:

"(viii) any domestic liquefied petroleum gas cylinder of which the price is covered under the Administered Price Mechanism of the Government.";

(ii) Explanation III shall be omitted;

(e) after sub-rule (1), the following sub-rules shall be inserted, namely:-

"(1A) Every package shall bear the name, address, telephone number, E mail address, if available, of the person who can be or the office which can be, contacted, in case of consumer complaints.

(1B) It shall not be permissible to affix individual stickers [labels] on the package for altering or making declaration required under these rules;

Provided that for reducing the Maximum Retail Price (MRP), a sticker with the revised lower MRP (inclusive of all taxes) may be affixed and the same should not cover the MRP declaration made by the manufacturer or the packer as the case may be, on the label of the package.

(1C) It shall be permissible to use stickers for making any declarations other than the declaration required to be made under these rules.";

(f) in sub-rule (2), after the words, "other accompanying packages" the following words shall be added, namely:-

"or such declaration may be given on individual packages and intimation to that effect may be given on the main package and if the components are sold as spare parts, all declarations shall be given on each package."

6. In rule 9 of the said rules,-

(a) in sub-rule (1),-

(i) for clause (a), the following clauses shall be substituted, namely:-

"(a) legible and prominent,";

(ii) clause (b) shall be omitted;

(iii) in clause (d), in the proviso, for clause (a), the following clause shall be substituted, namely:-

“(a) where any label information is blown, formed or moulded on a glass or plastic surface, such information need not be required to be presented in a contrasting colour;”;

(b) in sub-rule (3), the following proviso shall be added at the end, namely:-

“Provided that no such declarations on the inner package as required under the said rules is required if the inner package does not contain any declaration on its outer cover.”;

(c) sub-rule (5) shall be omitted.

7. For rule 10 of the said rules, the following rule shall be substituted, namely:-

“10. Declaration of name and address of the manufacturer, etc.

(1) Subject to the provisions of rule 7, every package kept, offered or exposed for sale or sold shall bear conspicuously on it, the name and complete address of the manufacturer, or where the manufacturer is not the packer, the name and address of the manufacturer and the packer and in case of imported packages, the name and address of the importer:

Provided that for packages of capacity 5 cubic cm or less, it shall be a sufficient compliance of this sub-rule, if a mark or inscription which would enable the consumer to identify the manufacturer or packer or the importer, as the case may be, is made on the package:

Provided further that where any commodity manufactured outside India is packed in India, the package shall also contain on the principal display panel the name and complete address of the packer or the importer in India.

Explanation:- In this sub-rule, “complete address” means, the postal address at which the registered office of the manufacturer is situated or the factory is situated, and, in any other case, the name of the street, number (if any) assigned to the premises of the manufacturer or packer, and either the name of the city and State where the business is carried on by the manufacturer or packer or the Postal Index Number (PIN) Code so that a consumer can identify and locate the manufacturer or packer, as the case may be.

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

8. In rule 11 of the said rules, with effect from the 1st day of May, 2008,-

(a) the proviso to sub-rule (1) shall be omitted;

(b) sub-rule (4) shall be omitted.

9. In rule 12 of the said rules,-

(a) illustrations under sub-rule (4) shall be omitted;

(b) in sub-rule (5), the illustration thereunder and clauses (d), (e), (f) and (g) shall be omitted;

(c) in sub-rule (6), clause (ii) shall be omitted.

10. For rule 13 of the said rules, the following rule shall be substituted, namely:-

"13. Statement of units of weight, measure or number.- (1) The units of weight, measure or number shall be specified in accordance with the units specified in sub-rule (2) or sub-rule (3), as the case may be.

(2) When expressing a quantity less than-

- (a) one kilogram, the unit of weight shall be the gram;
- (b) one metre, the unit of length shall be the centimetre;
- (c) one square metre, the unit of area shall be the square decimetre;
- (d) one cubic metre, the unit of volume shall be one cubic centimetre;
- (e) one cubic decimetre, the unit of volume shall be the cubic centimetre;
- (f) one litre, the unit of volume shall be the millilitre.

(3) When expressing a quantity of equal to or more than-

- (a) one kilogram, the unit of weight shall be the kilogram and any fraction of a kilogram shall be expressed in terms of decimal sub-multiples of kilogram or in terms of grams;
- (b) one metre, the unit of length shall be the metre and any fraction of a metre shall be expressed in terms of decimal sub-multiples of the metre or in terms of centimetre;
- (c) square metre, the unit of the area shall be the square metre and any fraction of a square metre shall be expressed in terms of decimal sub-multiple of the square metre.
- (d) cubic metre, the unit of volume shall be the cubic metre and any fraction of a cubic metre shall be expressed in terms of decimal sub-multiple of the cubic metre;
- (e) one litre, the unit of volume shall be the litre and any fraction of a litre shall be expressed in terms of decimal sub-multiple of the litre;

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

(4) No number called the dozen, score, gross, great gross or the like shall be specified or indicated on any package.

(5) Symbol for Units:-

- (i) No system of units other than the International System of Units shall be used in furnishing the net quantity of the package.
- (ii) For items sold by number the symbol should be N or U".

11. Rules 15, 16 and 17 of the said rules shall be omitted.

12. In rule 21 of the said rules,-

- (i) the illustrations under clauses (i), (ii) and (iii) shall be omitted;
- (ii) the illustrations under Explanations I, II and III to clause (iv) shall be omitted.

13. After rule 23 of the said rules, the following rule shall be inserted, namely:-

"23 (A). Weighing facility.- (1) All retailers who are covered under the Value Added Tax [VAT] or Turn Over Tax [TOT] and dealing in packaged commodities whose net content

declaration is by weight or volume or a combination thereof shall maintain a electronic weighing machine of at least accuracy class III, with smallest division of atleast 1 g, with facility to issue a printed receipt indicating amount other things, the gross quantity, price and the like at a prominent place in their retail premises, free of cost, for the benefit of consumers.

(2) The consumers may check the weight of their packaged commodities purchased from the shop on such balances as referred to in sub-rule (1).

14. In rule 24 of the said rules,-

(a) in sub-rules (1), (4), (5) and (6), for the word, 'batch', wherever it occurs, the word 'lot' shall be substituted;

(b) after sub-rule (6), the following sub-rules shall be inserted, namely:-

"(7) the requirement of mandatory declarations on the packages shall be ensured either at the factory level or at the depot of the factory.

(8) For non-compliance of the provisions of this rule, action maybe taken after seizing five representative samples of the packages as evidence and the rest of the packages may be released once compliance is ensured by the manufacturer or the packer, as the case may be."

15. In rule 25 of the said rules,-

(a) for sub-rule (1), the following sub-rule shall be substituted, namely:-

"(1) If it appears from the report referred to in sub-rule (3) of rule 24 that,-

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

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

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

the Director or the authorized person shall take action as given below:-

(i) seize the packages drawn by him as samples and shall take adequate steps for the safe custody of the seized packages until they are produced in the appropriate court as evidence;

(ii) based on the evidence initiate action for violations of the provisions of the Act and these rules:

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

(b) sub-rule (2) shall be omitted.

16. Rules 30, 31 and 33 of the said rules shall be omitted.

17. In rule 34 of the said rules,-

(a) clause (a) shall be omitted;

(b) for clause (b), the following clause shall be substituted, namely:

“(b) the net weight or measure of the commodity is ten gram or ten millilitre or less, if sold by weight or measure.”.

18. The First Schedule and the Fourth Schedule to the said rules shall be omitted with effect from the 1st day of May, 2008.

19. In the Fifth Schedule to the said rules, in column 3, against item No. 14, the words, “or volume” shall be omitted.

20. The Sixth Schedule to the said rules shall be omitted.

21. In the Ninth Schedule to the said rules, for the words, “batch”, wherever it occurs, the word, “lot” shall be substituted.

22. In the Tenth Schedule to the said rules,

(a) paragraph 7 shall be omitted;

(b) in paragraph 8, after the words, ‘to these rules’ the following shall be added, namely:

“and may be ensured either at the factory level or at the depot of the factory”.

[F. No. WM 10(1)/04-Pt.-1]

ALKA SIROHI, Addl. Secy.

Note: The principal rules were published in the Gazette of India *vide* notification number 622(E) dated 26th September, 1977 and last amended *vide* notifications Nos.-

1. GSR 224 (E) dated 23.03.2002
2. GSR 253 (E) dated 05.04.2002
3. GSR 666 (E) dated 25.09.2002
4. GSR 495 (E) dated 17.06.2003 with corrigendum issued *vide* GSR 546 (E) dated 14.07.2003
5. GSR 760 (E) dated 24.09.03
6. GSR 113 (E) dated 12.02.04 with corrigendum issued *vide* GSR 316 (E) dated 14.05.04
7. GSR 169 (E) dated 01.03.04
8. GSR 450 (E) dated 14.07.04
9. GSR 550 (E) dated 30.08.04
10. GSR 613 (E) dated 15.09.04
11. GSR 16 (E) dated 12.01.05
12. GSR 143 (E) dated 01.03.05
13. 236 (E) dated 13.04.05
14. GSR 572 (E) dated 08.09.05
