

LEGAL METROLOGY SECTOR

1. What is Legal Metrology?

Legal metrology is the branch of metrology that deals with units and methods of weighing and measuring, as well as weighing and measuring instruments, in relation to the mandatory technical and legal requirements that aim to ensure public assurance in terms of the security and accuracy of weights and measurements. It is the process of applying legal requirements to measurements and measuring tools.

2. What is the Bureau of Indian Standards (BIS)?

The Bureau of Indian Standards (BIS) is an Indian National Standard Body. BIS is supported by the Government of India's Ministry of Consumer Affairs, Food and Public Distribution. It has provided various benefits to the national economy through standardization, testing, and certification, such as providing quality and reliable goods that are safe for internal and external consumption, minimizing health hazards to consumers, promoting export and import substitutes, and so on. BIS participates in the following activities:

- Standards Formulation
- Product Certification Scheme
- Compulsory Registration Scheme
- Foreign Manufacturers Certification Scheme
- Hall Marking Scheme
- Laboratory Services
- Laboratory Recognition Scheme
- Sale of Indian Standards
- Consumer Affairs Activities
- Promotional Activities
- Training Services, National & International level
- Information Services

The Bureau establishes Indian Standards in relation to any article or process and amends, revises or cancels the standards so established as may be necessary, by a process of consultation involving consumers, manufacturers, Government and regulatory bodies, technologists, scientists and testing laboratories through duly constituted committees.

3. What are the grounds for complaint available?

- Charging more than MRP
- Less weight than proclaimed
- Weighing the product with the box
- Missing mandatory labelling information
- Non- calibrated weighing scale
- Packing in non – standard weights

Complaints can be registered with the BIS on the following grounds:

- Quality of BIS certified product.
- Products under Registration Scheme.
- Hallmarked products.
- Services of BIS such as sales, library, technical information services and general services
- Activities of BIS such as Standard Formulation, Product and Management Systems
- Certification, Laboratory testing etc.
- Unauthorised use of BIS Standard Mark by licensees/applicants/others.
- Irregularities in operation and misuse of licence by BIS licensees.
- False or misleading advertisements and claims by licensees or applicants or non-licensees.
- Delay in grant or renewal of licences and delays in inclusion of additional varieties.
- Regarding the services rendered by BIS officers and employees.

4. What are the modes or methods of complaint available?

Consumer Redressal Mechanism:

(i) Reaching out to the Manufacturer or the shopkeeper:

The first step of redressal for the consumer shall be to reach out to the manufacturer or shopkeeper from whom the product was purchased. The consumer can take the available mechanisms if the complaint is not redressed at the shopkeeper or manufacturer level.

(ii) Reaching out to the Metrology Officers:

In the second stage, the consumers can reach out to the District Legal Metrological Officer or the Controller of the Legal Metrology of State or Union Territory. The contact details of the various Metrology officers of Karnataka are given below:

<https://www.emapan.karnataka.gov.in:86/Pages/Contact%20Details.pdf>

Complaints can be lodged with the District legal Metrology officer or the Commissioner of the respective states. For more information please visit

<http://consumeraffairs.nic.in/forms/contentpage.aspx?lid=639>

(iii) To the BIS:

- By the Consumer Engagement Portal on eBIS website, namely, www.manakonline.in
- Through the mobile application launched by BIS, namely, BIS CARE. The app can be found at https://play.google.com/store/apps/details?id=com.bis.bisapp&hl=en_IN&gl=US
- By writing email at complaints@bis.gov.in
- By contacting/writing to the Public Grievance officer of the nearest Regional/ Branch office of BIS.
- By contacting/writing directly to the Head (Complaints Management & Enforcement Department)
- The following form could be used to register the complaint:
<https://www.bis.gov.in/wp-content/uploads/2018/08/Form-for-Complaint.pdf>

(iv) Approaching any other appropriate judicial or quasi-judicial body:

The complainant is free to take the service provider to a court or any other suitable venue (judicial or quasi-judicial). The proceedings in consumer commissions are not mired by the niceties of procedure, allowing the complainant to file a complaint for himself. As a consumer, the aggrieved party can take the service provider to the appropriate consumer commission, based on the pecuniary and territorial jurisdiction. The jurisdictions of the various consumer commissions are as follows-

a) District Commission: The aggrieved consumer can reach out to the District Commission under section 34 of the CPA, 2019, which provides that the district commission shall entertain matters where the value of the goods or services paid as consideration does not exceed more than one crore rupees.

b) State Commission: In cases where the value of the goods or services paid as consideration is more than one crore, but less than 10 crores, the consumer can approach the State Commission. Moreover, in cases of unfair contracts, the State Commission has original jurisdiction and the consumer can be directly approached. An appeal against the order of the District Commission can also be made under section 47 of the CPA, 2019.

c) National Commission: The National Commission can entertain matters where the value of goods or services paid as consideration exceeds 10 crores. Section 58 also provides that complaints against unfair contracts can be entertained by NCDRC when the amount of value paid exceeds 10 crores. The NCDRC also has appellate jurisdiction against the orders of any State Commission and Central Authority.

Moreover, it must also be kept in mind that section 100 of the CPA, 2019 provides that the remedy under CPA is in addition and not in derogation of other available remedies.

Another remedy available to consumers is mediation. Chapter 5 of the Consumer Protection Act provides for establishing mediation cells and resolving consumer complaints using mediation.

The following link could be used to file complaints online:

<https://consumerhelpline.gov.in/>

(v) Central Consumer Protection Authority

If the commission finds violations of rights of consumers or in notice of trade practices which is unfair it can inquire or cause an inquiry, either on receipt of complaint or suo moto or as directed by Central Government. If the commission finds, after preliminary inquiry, of an existence of a prima facie case of consumer rights violation or it is in notice of any unfair trade practice or any wrong or inaccurate advertisement which is prejudicial to public interest or to the interests of the consumers, it can order an investigation by the District Collector or by Director General.

The consumer can complain to the District Collector of the respective district for investigation and subsequent proceedings by the CCPA. He/she/they can also submit a complaint via email, at com-ccpa@nic.in.

5. What are the rules, Acts, and Guidelines that govern this sector?

- The Legal Metrology Act, 2009:
https://www.indiacode.nic.in/bitstream/123456789/4892/1/legalmetrology_act_2009.pdf
- The Legal Metrology (Packaged Commodities) Rules, 2011:
[https://wbconsumers.gov.in/writereaddata/ACT%20&%20RULES/Act%20&%20Rules/9%20The%20Legal%20Metrology%20\(Package%20Commodities\)%20Rules.%202011.pdf](https://wbconsumers.gov.in/writereaddata/ACT%20&%20RULES/Act%20&%20Rules/9%20The%20Legal%20Metrology%20(Package%20Commodities)%20Rules.%202011.pdf)
- The Legal Metrology (Approval of Models) Rules, 2011:
<https://consumeraffairs.nic.in/en/legalmetrology/legal-metrologyapproval-models-rules2011>
- The Legal Metrology (Numeration) Rules, 2010:
<https://consumeraffairs.nic.in/en/legalmetrology/legal-metrologynumeration-rules2011>
- The Legal Metrology (General) Rules, 2011:
<https://consumeraffairs.nic.in/en/legalmetrology/legal-metrology-general-rules2011>
- The Legal Metrology (National Standards) Rules, 2011:
<https://consumeraffairs.nic.in/en/legalmetrology/legal-metrologynational-standards-rules2011>
- The Indian Institute of Legal Metrology Rules, 2011:
<https://consumeraffairs.nic.in/acts-and-rules/legal-metrology/iilm-rules-2011>

- The Legal Metrology (Government Approved Test Centre) Rules, 2013:
<https://consumeraffairs.nic.in/en/legalmetrology/legal-metrology-government-approved-test-centre-rules-2013>
- The Bureau of Indian Standards Act, 2016: It is an Act to provide for the formation of a national standards organization to ensure the smooth growth of standardization, conformity assessment, and quality assurance operations for products, articles, processes, systems, and services, as well as matters connected with or incidental thereto.
<https://www.indiacode.nic.in/bitstream/123456789/2157/3/A2016-11.pdf>

6. What is the format of the complaint to be made under this sector?

<https://cdrc.gujarat.gov.in/images/pdf/1-CC-Eng.pdf> - DCDRC format.

<https://cdrc.gujarat.gov.in/images/pdf/1-CC-Eng.pdf> - SCDRC format.

<https://ncdrc.nic.in/cc.html> - NCDRC filing.

7. What are the important links and resources?

- INGRAM Legal Metrology Frequently Asked Questions
<https://consumerhelpline.gov.in/faq-details.php?fid=Legal%20Metrology>
- Department of Consumer Affairs: Legal Metrology overview:
<https://consumeraffairs.nic.in/en/organisation-and-units/division/legal-metrology/overview#:~:text=Director%2C%20Legal%20Metrology%20is%20a,measures%20including%20pre%2Dpackaged%20commodities>
- Consumer Overview The Bureau of Indian Standards:
<https://www.bis.gov.in/consumer-overview/#:~:text=The%20Bureau%20of%20Indian%20Standards,redressal%20of%20their%20grievances%2Fcomplaints.>

8. How can I ensure that any Weights & Measures is standard or not?

Every Weight & Measure used by the dealer is stamped by the W&M Department after verification, with a special seal indicating the inspector's identification and the quarter in which it is verified. The validity of such stamped weights is two years for weights and one year for balances and scales.

9. Is there any licence to manufacture, sale or repair Weights & Measures?

Yes, the Department issues licences to manufacturers, dealers, and repairers of Weights & Measures. A licence is a must for dealing in weighing and measuring instruments. The Controller of Legal Metrology is the competent authority to grant licences. Applications can be submitted to the Inspectorate Office of the concerned district.

10. Can a person sell or use unstamped weights or measures?

No, weights or measures must be verified and stamped by the inspector of the Legal Metrology Department before they can be sold, offered, exposed, possessed for sale, or used.

11. Is the licence issued under the Legal Metrology Act transferable?

No, a licence issued or renewed under this Act is not transferable.

12. Is it necessary to display the certificate of verification?

Yes, it is necessary to display every certificate of verification granted under the Act at a conspicuous place in the premises where such weights or measures are being used.

13. How can I assess the quantity of a product before purchase?

For pre-packed commodities, consumers should always check the package marked with net quantity, not the gross quantity.

14. Is the use of words like jumbo, big, extra, or extra-large allowed on packages?

Using these words to lure consumers is an offence.

15. How can I identify a deceptive package?

If a package is designed to give a misleading impression of the quantity it contains, consumers can correlate the size of the package with the quantity of goods.

16. What should I look for on a pre-packed commodity?

Ensure the package bears the following:

- Name and address of the manufacturer, packer, and/or importer
- Net contents in terms of weight, volume, or number
- Date of manufacture/packing/import (month and year)
- Maximum Retail Price (inclusive of all taxes)
- Generic name of the commodity
- Customer care number with contact details for consumer complaints
- Size, if applicable

Every package should bear contact details for consumer complaints, including a telephone number and email address, if available. This is mandatory.

17. Can manufacturers affix stickers for mandatory declarations on the packages?

No, it is not permitted to affix stickers for mandatory declarations. It is considered an offence and can be penalised.

18. How can I know the dimension of certain commodities?

For items like aluminium foil, facial tissues, waxed paper, or toilet paper, the declaration should include the number of usable sheets and the dimensions of each sheet.

19. Are all taxes included in the MRP written on the package?

Yes, MRP should be inclusive of all taxes as indicated by the label "Max. Retail Price (inclusive of all taxes)". Overcharging is an offence for which the trader can be prosecuted.

20. How can I verify the genuineness of weights and measures?

Verified weights and measures carry a stamp indicating the month and year along with the officer's identification code. Additionally, a certificate is issued by the verifying officer.

21. How should tare weight be excluded from the actual measurement?

Consumers must see zero reading before any purchase.

22. Who is a packer?

Any person or a firm, which pre-packs any commodity whether in any bottle, tin, wrapper or otherwise in units suitable for sale, is a Packer.

23. What is pre-packed Commodity?

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 predetermined value and includes those commodities which could be taken out of the package for testing or examining or inspecting the commodity.

24. What is calibration?

Verification and stamping of the capacity of the Vehicle Tank or its compartment or any equipment is called Calibration.

25. What are the requirements while purchasing the IMPORTED Items?

The following are the compulsory declarations required on a packet which have been imported and available for sale: a. Name and complete address of the Manufacturer, Packer and / or importer of the packaged commodities. b. Net contents in terms of weight, volume or number. c. Date of manufacture/packing/import of the commodity (month and year). d. Maximum Retail Price (inclusive of all taxes). e. Generic name of the commodity. f. Customer Care Number with name, address, Telephone No. of the person/office which can be contacted in case of consumer complaints. g. Size, if applicable

It is mandatory under law that all imported packages shall bear on it -Mandatory declarations along with the Name & Address of the importer.

26. How can a consumer be safe from being deceived from misleading advertisements on lower MRP?

Law provides mentioning of net weight along with reduced MRP, consumer can co-relate actual gain.

27. What is Standard and why do you need it?

A standard is a document that provides requirements, specifications, guidelines or characteristics that can be used consistently to ensure that materials, products, processes and services are fit for their purpose.

Help make the development, manufacturing and supply of goods and services more efficient, safer and cleaner, make trade between countries easier and fairer because the same specifications are adopted for use in different countries as national or regional standards.

- Standards contribute more to economic growth than patents and licences
- Standards are of strategic significance to companies
- Companies that participate actively in standards work have a head start on their competitors in adapting to market demands
- Research risks and development costs are reduced for companies contributing to the standardisation process
- Businesses that are actively involved in standards work more frequently reap short and long term benefits with regard to costs, and competitive status than those who do not participate.
- Participating in standards development enables one to anticipate technology standardisation thereby facilitating one's products progress simultaneously with technology
- Leaders in technology should become more involved in standards

Standardisation can help to maximise compatibility, interoperability, safety, repeatability, or quality. It can also facilitate commoditization of formerly custom processes.

28. What is the ISO 9000 Quality Standard?

ISO is the International Organization for Standardization. It is located in Switzerland and was established in 1947 to develop common international standards in many areas. Its members come from over 150 national standards bodies.

ISO 9000 is a generic name given to a family of standards developed to provide a framework around which a quality management system can effectively be implemented. It is an internationally recognized standard of quality, and includes guidelines to accomplish the ISO9000 quality standard. Organizations can be optionally audited to earn ISO9000 certification.

29. What is the ISI mark?

Presence of ISI certification mark known as Standard Mark on a product is an assurance of conformity to the specifications. The conformity is ensured by regular surveillance of the licensee's performance by surprise inspections and testing of samples, drawn both from the market and factory.

30. On what products ISI mark is mandatory?

There are 16 broad categories, including textiles, packaged water, food, automobile components, plastic products and electronics, for which BIS has laid down standards.

31. What is AGMARK?

AGMARK is a certification mark employed on agricultural products in India, assuring that they conform to a set of standards approved by the Directorate of Marketing and Inspection, an agency of the Government of India.

32. What is Hallmark and from where is it done?

It certifies the purity of gold.

Hallmarking is done from the centres authorised by the government.

33. What are the signs on hallmarked jewellery?

There are 5 things to be seen on the jewellery: first is the BIS logo, second is the 3 digit number code defining the purity(carat) of gold, third is the mark of the assaying & hallmarking centre,

fourth is the a alphabetic code that describes the year of manufacturing & last is the jewelers mark.

34. How to verify the purity of gold?

These are usually the carats in which gold is found:

958 Corresponding to 23 Carat,

916 Corresponding to 22 Carat,

875 Corresponding to 21 Carat,

750 Corresponding to 18 Carat,

708 Corresponding to 17 Carat,

585 Corresponding to 14 Carat,

375 Corresponding to 9 Carat

35. How can we check the year of manufacturing?

For the year A means the manufacturing year is 2000, B is for 2001, C is for 2002 & so on.

36. How can a vegetarian & non vegetarian eatables differentiated on the basis of the color of marks on it.

In eatables green mark stands for vegetarian products & brown for non vegetarian.

37. What is a silk mark?

Silk Mark certifies that a piece of textile is pure silk. Managed by the 'Silk Mark Organization of India.

38. Is there any mark on cosmetics?

Every package containing soap, shampoos, tooth pastes & other cosmetics & toiletries brown mark will be for non vegetarian origin & green for vegetarian origin.

39. What is BEE and what is their objective?

BEE stands for Bureau of Energy Efficiency, to assist in developing policies and strategies with a thrust on self-regulation and market principles, within the overall framework of the Energy Conservation Act, 2001

The primary objective of BEE is reducing energy intensity of the Indian economy

40. What is an eco mark and what is its purpose?

Eco mark is a certification mark issued by the Bureau of Indian Standards to products conforming to a set of standards aimed at the least impact on the ecosystem.

Purposes of the mark are increasing awareness among the consumers towards reducing environment impact. The mark is issued to various product categories and the development of standards for more products is in progress. For more information of Standards FAQ's please visit following link of BIS <http://bis.org.in/>

41. How to know more about BIS & Hallmark?

Kindly refer the following links for more information:

- Hallmark FAQs:
<https://www.bis.gov.in/index.php/hallmarking-overview/hallmarking-faqs/hallmarking-faq/>
- Consumer overview FAQs:
<https://www.bis.gov.in/index.php/consumer-overview/consumer-overviews/for-consumers-faq/>