

# **The Standards of Weights and Measures (Packaged Commodities) Rules, 1977**

UNION OF INDIA

India

## **The Standards of Weights and Measures (Packaged Commodities) Rules, 1977**

### **Rule**

### **THE-STANDARDS-OF-WEIGHTS-AND-MEASURES-PACKAGED-COMM of 1977**

- Published on 26 September 1977
- Commenced on 26 September 1977
- [This is the version of this document from 26 September 1977.]
- [Note: The original publication document is not available and this content could not be verified.]

The Standards of Weights and Measures (Packaged Commodities) Rules, 1977Published vide G.S.R. 622(E), dated 26-9-1977, published vide Notification Gazette of India, Extra, Part 2, Section 3(i), dated 26-9-1977.

### **1006.**

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, namely :-

Brought into force on 26-9-1977, except rule 5, clauses (e) and (g) of sub-rule (1) of rule 6, rule 7, sub-rules (3), (4), (5) and (6) of rule 12, rules 13, 14, 18, 20, 21, 28, 29, 30, 31, 32 and 33 and so much of the provisions of rule 34 as relates to any component, part or material used in any workshop, service station or any other place where servicing and repairing of any bicycle or tricycle is undertaken, vide G.S.R. 621(E), dated 26-9-1977. Rule 5, clauses (e) and (g) of sub-rule (1) of rule 6, rule 7, sub-rules (3), (4), (5) and (6) of rule 12, rules 13, 14, 18, 20, 21, 28, 29, 30, 31, 32 and 33 and so much of the provisions of rule 34 as relates to any component, part or material used in any workshop, service station or any other place where servicing or repairing of any bicycle or tricycle is undertaken, brought into force on 1-4-1980 vide G.S.R. 604 (E), dated 31-10-1979.

# Chapter I

## Preliminary

### 1. Short title, extent, application and commencement

.(1) These rules may be called The Standards of Weights and Measures (Packaged Commodities) Rules, 1977.(2) They shall extend to the whole of India.(3)[ They shall apply to commodities in the packaged form which are, or are intended or likely to be, -(i) sold, distributed or delivered or offered or displayed for sale, distribution or delivery, or (ii) stored for sale, or for distribution or delivery, in the course of inter-State trade and commerce. ](4) They shall come into force on such date as the Central Government may, by notification, appoint, and different dates may be appointed for -(i) different provisions of these rules, and (ii) different commodities or classes of commodities, and any reference in any provision to the commencement of these rules shall be construed as a reference to the coming into force of that provision or to the coming into force of these rules in relation to any commodity or classes of commodities, as the case may be: Provided that they shall come into force in the State of Sikkim on the date on which Chapter IV of Part IV of the Act comes into force in that State.

### 2. Definitions .-In these rules, unless the context otherwise requires,-

(a) "Act" means the Standards of Weights and Measures Act, 1976 (60 of 1976); (b)[\* \* \*] [Clauses (b), (c) and the Illustration omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).] (c)[\* \* \*] [Clauses (b), (c) and the Illustration omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).] (d) "dealer", in relation to any commodity in packaged form, means a person who, or a firm or a Hindu undivided family which, carries on directly or otherwise, the business of buying, selling, supplying or distributing any such commodity, whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes a commission agent who carries on such business on behalf of any principal, but does not include a manufacturer who manufactures any commodity which is sold or distributed in a packaged form except where such commodity is sold by such manufacturer to any other person other than a dealer; (e)[\* \* \*] [Clause (e) omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).] (f)[\* \* \*] [Clause (f) omitted by G.S.R. 246(E), dated 5-4-1999 (w.e.f. 6-7-1999).] (g)[\* \* \*] [Clause (g) and the Explanation and illustration omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).] (gg) [ "lot" means- [Inserted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).] (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; ] (h) "manufacturer", in relation to any commodity in packaged form, means a person who, or a firm or a Hindu undivided family which, produces, makes or manufactures such commodity and includes a person, firm or Hindu undivided family who or which puts, or causes to be put, any mark on any packaged commodity, not produced, made or manufactured by him or it, and the mark claims the commodity in the package to be a commodity produced, made or manufactured by such person, firm or Hindu undivided family, as the case may be; (i) "maximum permissible error", in relation to the quantity [including the quantity declared to be given free by the manufacturer/packer] [Inserted by G.S.R.

246(E), dated 5-4-1999 (w.e.f. 6-7-1999).] contained in an individual package, means an error in deficiency [ \* \* \* ] [The words " or excess " omitted by G.S.R. 425(E), dated 17.7.2006 (w.e.f. 13.1.2007). ] which, subject to the provisions of these rules, does not exceed-(i)[ the limits of error specified in the Second Schedule;] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 1-5-2008).](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; ] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).](k)"packer" means a person who, or a firm or a Hindu undivided family, which pre-packs any commodity, whether in any bottle, tin, wrapper or otherwise, in units suitable for sale whether wholesale or retail;(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;] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]Explanation [I] [Explanation renumbered as Explanation I thereof by G.S.R. 50(E), dated 17-1-1992 (w.e.f. 17-1-1992).]-Where, by reason merely of the opening of a package, no alteration is caused to the value, quantity, nature or characteristic of the commodity contained therein, such commodity shall be deemed, for the purposes of these rules, to be a pre-packed commodity, for example, an electric bulb or fluorescent tube is a pre-packed commodity, even though the package containing it is required to be opened for testing the commodity.[Explanation II.-Where a commodity consists of a number of components and these components are packed in one, two or more units for sale as a single commodity, such commodity shall be deemed, for the purpose of these rules, to be a pre-packed commodity; ] [Inserted by G.S.R. 50(E), dated 17-1-1992 (w.e.f. 17-1-1992).](m)[ "principal display panel" , in relation to a package, means the total surface area of the package where the information required under these rules are to be given. This information could be given in the following manner:- [Substituted by G.S.R. 246(E), dated 5-4-1999 (w.e.f. 6-7-1999).](i)all the information could be grouped together and given at one place; or(ii)the pre-printed information could be grouped together and given in one place; and(iii)on line information grouped together in other place;](n)"quantity" , in relation to commodity contained in a package, means the quantity by weight, measure or number of such commodity contained in that package;(o)"retail dealer" , in relation to any commodity in packaged form, means a dealer who directly sells such packages to the consumer and includes, in relation to such packages as are sold directly to the consumer, a wholesale dealer who makes such direct sale;(p)[ "retail package" means a 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: [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]Provided that for the purposes of this clause, the expression "ultimate consumer" shall not include industrial or institutional consumers;] [Substituted by G.S.R. 631(E), dated 21-7-2000 (w.e.f. 22-7-2000).](q)"retail sale" , in relation to a commodity, means the sale, distribution or delivery of such commodity through retail sales agencies or other instrumentalities for consumption by an individual or a group of individuals or any other consumer;(r)[ "retail sale price" means the maximum price at which the commodity in packaged form may be sold to the ultimate consumer and where such price is mentioned on the package, there shall be printed on the packages the words ] [Substituted by G.S.R. 511(E), dated 25-5-1990 (w.e.f. 25-5-1990). ] [Maximum or Max. retail price] [Substituted by G.S.R. 50(E), dated 17-1-1992 (w.e.f. 17-1-1992).][..... inclusive

of all taxes ] [Substituted by G.S.R. 511(E), dated 25-5-1990 (w.e.f. 25-5-1990). ] [or in the form MRP Rs. .... inclusive of all taxes.] [Substituted by G.S.R. 305(E), dated 30-3-1995.] Explanation .-For the purpose of this clause "maximum price "in relation to any commodity in packaged form shall include all taxes local or otherwise, freight, transport charges, commission payable to dealers, and all charges towards advertisement, delivery, packing forwarding and the like, as the case may be;(s)[\* \* \*] [Clause (s) omitted by G.S.R. 511(E), dated 25-5-1990 (w.e.f. 25-5-1990).](t)"section "means a section of the Act;(u)"standard package "means a package containing the specified quantity of a commodity;(v)[\* \* \*] [Clause (v) omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).](w)"wholesale dealer ", in relation to any commodity in packaged form, means a dealer who does not directly sell such commodity to any consumer but distributes or sells such commodity through one or more intermediaries.Explanation .-Nothing in this clause shall be construed as preventing a wholesale dealer from functioning as a retail dealer in relation to any commodity, but where he functions in relation to any commodity as a retail dealer, he shall comply with all the provisions of these rules which a retail dealer is required by these rules to comply;(x)"wholesale package "means a package containing-(i) a number of retail packages, where such first mentioned package is intended for sale, distribution or delivery to an intermediary and is not intended for sale direct to a single consumer, [or] [Inserted by G.S.R. 113(E), dated 12-2-2004 (w.e.f. 12-2-2004).](ii) a commodity sold to an intermediary in bulk to enable such intermediary to sell, distribute or deliver such commodity to the consumer in smaller quantities, [or] [Inserted by G.S.R. 113(E), dated 12-2-2004 (w.e.f. 12-2-2004).](iii)[ packages containing ten or more than ten retail packages provided that the retail packages are labelled as required under the rules;] [Substituted by G.S.R. 631(E), dated 22-7-2000 (w.e.f. 22-7-2000). Earlier it was inserted by G.S.R. 594(E), dated 17-8-1999 (w.e.f. 16-11-1999).](y)[\* \* \*] [Clause (y) omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]

## Chapter II

### Provisions Applicable To Packages Intended For Retail Sale

[2-A. Applicability of the Chapter [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007). ].-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.. ]

### 3. Chapter to apply to packages intended for retail sale

.-The provisions of this Chapter shall apply to packages intended for retail sale and the expression "package ", wherever it occurs in this Chapter, shall be construed accordingly.

#### **4. Regulation for pre-packing and sale, etc., of commodities in packaged form**

.-On and from the commencement of these rules, no person shall pre-pack, or cause or permit to be pre-packed any commodity for sale, distribution or delivery unless the package in which the commodity is pre-packed bears thereon, or on a label securely affixed thereto, such declarations as are required to be made under these rules.[Explanation .-The existence of packages without the declaration of retail sale price within the manufacturer 's premises would not be construed as a violation of these rules. It should, however, be ensured that all packages leaving the premises of manufacturer for their destination shall have declaration of retail sale price on them as required in this rule.] [Inserted by G.S.R. 865(E), dated 19-12-2008 (w.e.f. 19-12-2008).]

#### **5. [ Specific commodities to be packed and sold in recommended standard packages [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]**

.-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.]

#### **6. Declarations to be made on every package**

.- (1) Every package shall bear thereon or on a label securely affixed thereto a definite, plain and conspicuous declaration, made in accordance with the provisions of this Chapter as, to-(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. [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007). ]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 thereunder shall apply; ](b)the common or generic names of the commodity contained in the package [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.] [Inserted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]Explanation .-Generic name in relation to a commodity means the name of the genus of the commodity, for example, in the case of

common salt, sodium chloride is the generic name;(c)the net quantity, in terms of the standard unit of weight or measure, of the commodity contained in the package or where the commodity is packed or sold by number, the number of the commodity contained in the package;(d)the month and year in which the commodity is manufactured or pre-packed [or imported] [Inserted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007). ]:[Provided that for packages containing food articles, the provisions of the Prevention of Food Adulteration Act, 1954 (37 of 1954) and the rules made thereunder shall apply:] [Inserted by G.S.R. 666(E), dated 25-9-2002 (w.e.f. 25-3-2003).][Provided further that nothing in this clause shall apply in case of packages containing seeds which are labelled and certified under the provisions of the Seeds Act, 1966 (54 of 1966) and the rules made thereunder:] [Inserted by G.S.R. 760(E), dated 24-9-2003 (w.e.f. 1-12-2003).][Provided also that a manufacturer may indicate the month and year using a rubber stamp without overwriting:] [Inserted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007). ][Provided also that for packages containing cosmetic products, the provisions of the Drugs and Cosmetics Rules, 1945 shall apply;] [Inserted by G.S.R. 533(E), dated 16-7-2009 (w.e.f. 17-7-2009).](e)[\* \* \*] [Clause (e) omitted by G.S.R. 521(E), dated 27-6-1995 (w.e.f. 27-6-1995).](f)the [retail sale price] [Substituted by G.S.R. 511(E), dated 25-5-1990 (w.e.f. 25-5-1990).] of the package;[Provided that for packages containing alcoholic beverages or spirituous liquor, the State Excise Laws and the rules made thereunder shall be applicable within the State in which it is manufactured and where the State excise laws and rules made thereunder do not provide for declaration of retail sale price, the provisions of these rules shall apply.] [Inserted by Notification No. G.S.R. 737 (E), dated 15.10.2008 (w.e.f. 26.6.1977)](g)where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece;(h)such other matters as are specified in these rules:Provided that-(A)no declaration as to the month and year in which the commodity is manufactured or pre-packed shall be required to be made on-[\* \* \*] [Clauses (i) to (v) omitted by G.S.R. 666(E), dated 25-9-2002 (w.e.f. 26-3-2003).](vi)[ any package containing bidis or incense sticks;] [Inserted by G.S.R. 224(E), dated 23-3-2002 (w.e.f. 23-3-2002).](vii)[ any domestic liquefied petroleum gas cylinder of 14.2 kg. or 5 kg., bottled and marketed by a public sector undertaking;] [Inserted by G.S.R. 238(E), dated 31-3-2004 (w.e.f. 31-3-2004).](B)where any packaging material bearing thereon the month in which any commodity was expected to have been pre-packed is not exhausted during that month, such packaging material may be used for pre-packing the concerned commodity produced or manufactured during the next succeeding month and not thereafter, but the Central Government may, if it is satisfied that such packaging material could not be exhausted during the period aforesaid by reason of any circumstance beyond the control of the manufacturer or packer, as the case may be, extend the time during which such packaging material may be used, and, where any such packaging material is exhausted before the expiry of the month indicated thereon, the packaging material intended to be used during the next succeeding month may be used for pre-packing the concerned commodity:[Provided that the said provision shall not apply to the packages containing food products, where the "Best before or Use before "period is ninety days or less from the date of manufacture or packing;] [Inserted by G.S.R. 666(E), dated 25-9-2002 (w.e.f. 25-3-2003).](C)no declaration as to the [retail sale price] [Substituted by G.S.R. 511(E), dated 25-5-1990, for " sale price" (w.e.f. 25-5-1990).] shall be required to be made on-[\* \* \*] [Clauses (i) and (ii) omitted by G.S.R. 666(E), dated 25-9-2002 (w.e.f. 25-3-2003).][\* \* \*] [Clauses (iii) omitted by G.S.R. 760(E), dated 24-9-2003 (w.e.f. 1-12-2003).][\* \*

\*] [Clauses (iv),(v) and (vi) omitted by G.S.R. 666(E), dated 25-9-2002 (w.e.f. 25-3-2003).][The commodities mentioned ] [Added by G.S.R. 314(E), dated 12-3-1994 (w.e.f. 12-3-1994). ][at (i) to (vi)] [Substituted by G.S.R. 105(E), dated 2-3-1995 (w.e.f. 2-3-1995).][where retail sale price has not been mentioned by the manufacturer or packer on the package, the retail dealer shall display prominently at a conspicuous place of the premises in which he carries on his retail sale, the retail sale price of the package for the information of consumer.] [Added by G.S.R. 314(E), dated 12-3-1994 (w.e.f. 12-3-1994). ](vii)[ any package containing bidis ] [Substituted by G.S.R. 450(E), dated 14-7-2004 (w.e.f. 14-7-2004).].(viii)[ any domestic liquefied petroleum gas cylinder of which the price is covered under the Administered Price Mechanism of the Government.] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]Explanation I.-The month and the year in which the commodity is pre-packed may be expressed either in words, or by numerals indicating the month and year, or by both.Explanation II.-Liquid milk does not include condensed milk.[\* \* \*] [Explanation III omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).][ (1-A) 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.(1-B) 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.(1-C) It shall be permissible to use stickers for making any declarations other than the declaration required to be made under these rules.] [Inserted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).](2)[ Where a commodity consists of a number of components and these components are packed in two or more units, for sale as a single commodity, the declaration required to be made under sub-rule (1) shall appear on the main package and such main package shall also carry information about the other accompanying packages ] [Inserted by G.S.R. 50(E), dated 17-1-1992 (w.e.f. 17-1-1992). Earlier it was omitted by G.S.R. 511(E), dated 25-5-1990 (w.e.f. 25-5-1990). ][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] [Added by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).].[\* \* \*] [Sub-Rule (3) omitted by G.S.R. 458(E), dated 25-5-1985 (w.e.f. 25-5-1985).]

## 7. Principal display panel-its area, size and letter, etc

.- [\* \* \*] [Sub-Rule (1) and (2) omitted by G.S.R. 246(E), Dated 5-4-1999 (w.e.f. 6-7-1999).][\* \* \*] [Sub-Rule (1) and (2) omitted by G.S.R. 246(E), Dated 5-4-1999 (w.e.f. 6-7-1999). ](3)In the case of a package having a capacity of five cubic centimetres or less, the principal display panel may be a card or tape affixed firmly to the package or container and bearing the required information.(4)[ The height of any numeral in the declaration required under these rules, on the principal display panel shall not be less than,-(i)as shown in Table I if the net quantity is declared in terms of weight or volume.(ii)as shown in Table II if the net quantity is declared in terms of length, area or number.The height of letters in the declaration shall not be less than 1mm height. When blown, formed, moulded, embossed or perforated the height of letters shall not be less than 2 mm:Provided that the width of the letter or numeral shall not be less than one-third of its height, but this proviso shall not apply in the case of numeral "1 "and letters (i), (I) and (1).] [Substituted by G.S.R. 305(E), dated

30-3-1995. ][TABLE I] [Substituted by Notification No. G.S.R. 246(E), dated 5.4.1999 (w.e.f. 26.6.1977)]Minimum Height Of Numerals

Sl. No.	Net quantity in weight/volume	Minimum height in mm	Minimum height in mm
		Normal case	When blown, formed, moulded, embossed or perforated on container
1.	Up to 200g/ml	1	2
2.	Above 200g/ml up to 500g/ml	2	4
3.	Above 500g/ml	4	6

[TABLE II] [Substituted by Notification No. G.S.R. 246(E), dated 5.4.1999 (w.e.f. 26.6.1977)]Minimum Height Of Numerals

Sl. No.	Net quantity in length, area or number, area of principal display panel	Minimum height in mm	Minimum height in mm
		Normal case	When blown, formed, moulded, embossed or perforated on container
1.	Up to 100 cm square	1	2
2.	Above 100 cm square up to 500 cm square	2	4
3.	Above 500 cm square up to 2500 cm square	4	6
4.	Above 2500 cm square	6	6.]

(5)[ The foregoing provision of these rules shall not apply to a package if the information to be specified on such package under this rule is also required to be given by or under any other law for the time being in force.] [Inserted by G.S.R. 59(E), dated 23-2-1980 and corrected by G.S.R. 836(E), dated 17-7-1980.]

## 8. Declaration where to appear

.- [(1) Every declaration required to be made under these rules shall appear on the principal display panel:Provided that the area surrounding the quantity declaration shall be free of printed information,-(a)above and below by a space equal to at least the height of the numeral in the declaration, and(b)to the left and right by a space at least twice the height of numerals in declarations.](c)[\* \* \*] [Sub-Rules (2), (3), (4) and (5) omitted by G.S.R. 246(E), dated 5-4-1999 (w.e.f. 6-7-1999).](6)[ For soft drinks, ready to serve fruit beverages or the like, the bottle which is returnable by the consumer for being refilled, the retail sale price may be indicated either on the crown cap, or on the bottle or on both. If the retail sale price is indicated on ] [Added by G.S.R. 547(E), dated 13-7-1995 (w.e.f. 13-10-1995). ][the crown cap or the bottle, it is sufficient] [Inserted by G.S.R. 6000(E), dated 20-10-1997 (w.e.f. 21-10-1997).][to indicate the retail sale price in the form "MRP Rs. .... ". ] [Added by G.S.R. 547(E), dated 13-7-1995 (w.e.f. 13-10-1995). ](7)[



Notwithstanding anything contained in sub-rule (6), any manufacturer or packer may continue up to 31st December, 1995 to pack or make any declaration on soft drinks, ready to serve fruit beverages or the like in the manner permissible immediately prior to the commencement of the Standards of Weights and Measures (Packaged Commodities) (Fourth Amendment) Rules, 1995. ] [Added by G.S.R. 693(E), dated 21-10-1995 (w.e.f. 21-10-1995).]

## **9. Manner in which declaration shall be made**

.- (1) Every declaration which is required to be made on a package under these rules shall be-(a)[ legible and prominent,] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).](b)[\* \* \*] [Clause (b) omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).](c)[\* \* \*] [Clause (c) omitted by G.S.R. 246(E), dated 5-4-1999 (w.e.f. 6-7-1999).](d)[ [Inserted by G.S.R. 314(E), dated 12-3-1994 (w.e.f. 12-3-1994).]numerals of the retail sale price and net quantity declaration ][\* \* \*] [The words " in bold form" omitted by G.S.R. 246(E), dated 5-4-1999 (w.e.f. 6-7-1999).], and shall be printed, painted or inscribed on the package in a colour that contrasts conspicuously with the background of the label:Provided that,-(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; ] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).](b)where any declaration on a package is printed either in the form of hand-writing or hand-script, such declaration shall be clear, unambiguous and legible.(2)No declaration shall be made so as to require it to be read through any liquid commodity contained in the package.(3)Where a package is provided with an outside container or wrapper, such container or wrapper shall also contain all the declarations which are required to appear on the package except where such container or wrapper itself is transparent and the declaration of the package itself is easily readable through such outside container or wrapper:[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. ] [Added by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).](4)[ The particulars of declaration required to be specified under this rule on a package shall either be in Hindi in Devnagri script or in English:Provided that nothing contained in this sub-rule shall prevent the use of any other language in addition to Hindi or English language. ] [Inserted by G.S.R. 760(E), dated 24-9-2003 (w.e.f. 1-12-2003).][\* \* \*] [Sub-Rule (5) omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]

## **10. [ Declaration of name and address of the manufacturer, etc [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]**

.- (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 ] [Substituted by G.S.R. 246(E), dated 5-4-1999 (w.e.f. 6-7-1999).] [\* \* \*] [Certain words omitted by G.S.R. 632(E), dated 2-9-2009 (w.e.f. 1-7-2010).][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.] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]

## **11. General provisions relating to declaration of quantity**

-(1) In declaring the net quantity of the commodity contained in a package, the weight of wrappers and materials other than the commodity shall be excluded:[\* \* \*] [Proviso omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 1-5-2008).](2)Where a commodity in a package is not likely to undergo any variation in weight or measure, on account of the environmental conditions, the quantity declared on the package shall correspond to the net quantity which will be received by the consumer, and the declaration of quantity on such package shall not be qualified by the words "when packed "or the like.(3)Save as otherwise provided in sub-rule (4), where a commodity in a package is likely to undergo variations in weight or measure on account of environmental conditions and such variation is negligible, the declaration of quantity in relation to such package shall be made after taking into account such variation so that the consumer may receive not less than the net quantity of the commodity as declared on the package, and the declaration of quantity on such package shall not also be qualified by the words "when packed "or the like.(4)[ The declaration of quantity in relation to commodities which are likely to undergo significant variations in weight or measures on account of environmental or other conditions may be qualified by the words "when packed, "as specified in the Fourth Schedule.] [Inserted by G.S.R. 632(E), dated 2-9-2009 (w.e.f. 2-9-2009).]

## **12. Manner in which declaration of quantity shall be expressed**

-(1) The declaration of quantity shall be expressed in terms of such unit of weight, measure or number of a combination of weight, measure or number as would give an accurate and adequate information to the consumer with regard to the quantity of the commodity contained in the package.(2)Except in the cases of commodities specified in the Fifth Schedule, the declaration of quantity shall be in terms of the unit of-(a)mass, 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:Provided that in the case of solid commodity contained in a free flowing liquid which is sold as such the declaration of quantity shall be in terms of the drained weight of such solid commodity.(3)Where the declaration of quantity has been made in terms of mass, the manufacturer or, as the case may be, the packer may, at his option, make an additional declaration on the package as to the number of commodities contained in the package.[Illustration [Substituted by G.S.R. 59(E), dated 23.2.1980 (w.e.f. 23.2.1980).]-A package containing screws may not only indicate the total weight of the screws contained in the package but

also the number and sizes of the screws contained in the package.](4)Where the declaration of quantity by weight, measure or number alone is not sufficient to give to the consumer full information with regard to the dimensions or number of commodity contained in the package, such declaration shall be accompanied by a declaration of the dimensions or number, or both, where necessary, of the commodity contained in the package.[\* \* \*] [Illustrations omitted by G.S.R. 425(E), dated 17.7.2006 (w.e.f. 13.1.2007). ](5)Where it is necessary to communicate to the consumer any additional information about the commodity contained in a package, such information shall also appear on the same panel in which the other information, as required by these rules, have been indicated.[\* \* \*] [Illustrations and Clauses (d), (e), (f) and (g) omitted by G.S.R. 425(E), dated 17.7.2006 (w.e.f. 17.1.2007).][\* \* \*] [Illustrations (a), (b) and (c) omitted by G.S.R. 105(E), dated 2.3.1995 (w.e.f. 2.3.1995).][\* \* \*] [Illustrations (a), (b) and (c) omitted by G.S.R. 105(E), dated 2.3.1995 (w.e.f. 2.3.1995).][\* \* \*] [Illustrations (a), (b) and (c) omitted by G.S.R. 105(E), dated 2.3.1995 (w.e.f. 2.3.1995).][\* \* \*] [Illustrations and Clauses (d), (e), (f) and (g) omitted by G.S.R. 425(E), dated 17.7.2006 (w.e.f. 17.1.2007).][\* \* \*] [Illustrations and Clauses (d), (e), (f) and (g) omitted by G.S.R. 425(E), dated 17.7.2006 (w.e.f. 17.1.2007).][\* \* \*] [Illustrations and Clauses (d), (e), (f) and (g) omitted by G.S.R. 425(E), dated 17.7.2006 (w.e.f. 17.1.2007).](6)The declaration of quantity shall not contain any word or expression which tends to create an exaggerated, misleading or inadequate impression as to the quantity of the commodity contained in the package, for example, words or expressions like-(i)"minimum ", "not less than ", "average ", "about ", "approximately "or any other word of a similar nature, or[\* \* \*] [Clause (ii) omitted by G.S.R. 425(E), dated 17.7.2006 (w.e.f. 13.1.2007). ](7)[ For packages having capacity 5 cubic cm or less, the declaration or quantity shall be made on a tag, card, tape, or any other similar device affixed to the container in such manner that it cannot be removed without opening the container and every such tag, card, tape or other device shall contain a mark or inscription which would enable the consumer to identify the manufacturer or packer, as the case may be. ] [Substituted by G.S.R. 246(E), dated 5.4.1999 (w.e.f. 6.7.1999). ]

### **13. [ Statement of units of weight, measure or number [Substituted by G.S.R. 425(E), dated 17.7.2006 (w.e.f. 13.1.2007). ]**

-(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 decimetre;(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 millimetre, 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.]

#### **14. Unit sale price-How to be determined**

.- [ \* \* \* ] [Rule 14 omitted by G.S.R. 521(E), dated 27.6.1995(w.e.f. 27.6.1995).]

#### **15. Additional declarations to be made on combination packages**

.-[ \* \* \* ] [Rules 15, 16 and 17 omitted by G.S.R. 425(e), dated 17-7-2006 (w.e.f. 13-1-2007).]

#### **16. Additional declarations to be made on group packages**

.- [ \* \* \* ] [Rules 15, 16 and 17 omitted by G.S.R. 425(e), dated 17-7-2006 (w.e.f. 13-1-2007).]

#### **17. Additional declarations to be made on multi-piece packages**

.- [ \* \* \* ] [Rules 15, 16 and 17 omitted by G.S.R. 425(e), dated 17-7-2006 (w.e.f. 13-1-2007).]

#### **18. Declarations with regard to dimensions of certain commodities**

.-Where a package contains commodities, like bed-sheets, hemmed fabric materials, dhoties, sarees, napkins, pillow-covers, towels, table cloths or similar other commodities, the number and the dimensions of finished size of such commodities shall also be declared on the package or on the label affixed thereto:Provided that where the package contains more than one piece of different dimensions the package shall also contain a declaration as to the dimensions and the [retail sale price] [Substituted by G.S.R. 511(E), dated 25-5-1990, for " sale price" (w.e.f. 25-5-1990). ] of each such piece: Provided further that the dimensions of the commodities and the [retail sale price] [Substituted by G.S.R. 511(E), dated 25-5-1990, for " sale price" (w.e.f. 25-5-1990).] thereof shall also be marked on each individual piece.

#### **19. Declaration with regard to dimensions and weight to be made on packages in certain cases**

.-Where the dimensions and weight, or combination thereof, of a commodity has or have a relationship to the price of that commodity, the declaration of quantity on the package containing such commodity, shall also include a declaration as to such dimensions, weight or combination.

## **20. Declarations to be made with regard to the number of usable sheets to be stated**

.-In the case of a package containing sheets like aluminium foil, facial tissues, waxed paper, toilet paper or any other type of sheet, the declaration of quantity on the package shall also include a statement as to the number of usable sheets contained in the package and the dimensions of each such sheet.

## **21. Declarations with regard to the dimensions of container type commodities-How to be expressed .-Commodities, such as bags, boxes, cups, pans or the like designed and sold in retail trade for being used as containers for other materials or objects, shall be labelled with the declaration of quantity as follows:-**

(i)For bag-type commodities. -In terms of the number of bags which the package may contain, followed by linear dimensions of the bags, whether packaged in a perforated roll or otherwise.[\* \* \*] [Illustration omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f 13-1-2007).](ii)For square, oblong, rectangular or similarly shaped containers .-In terms of the number of containers which the package may contain, followed by length, width, and if required, depth of the container.[\* \* \*] [Illustration omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f 13-1-2007).](iii)For circular or generally round-shaped containers, not being cups or the like .-In terms of the number of commodities contained therein followed by diameter and, if necessary, depth of the container.[\* \* \*] [Illustration omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f 13-1-2007).](iv)When the use of a container is related by label references, in terms of standard weight or measure, to the capability of the container to hold a specific quantity of a commodity or a class of commodities such references shall be included in the declaration of quantity.Explanation I.-Containers which are intended to be used for liquids, semi-solids, viscous materials or mixtures of solids and liquids shall fall within the ambit of this rule.[\* \* \*] [Illustration omitted by G.S.R. 425(e), dated 17-7-2006 (w.e.f. 13-1-2007).]Explanation II.-Containers intended to be used for solids shall fall within the ambit of this rule.[\* \* \*] [Illustration omitted by G.S.R. 425(e), dated 17-7-2006 (w.e.f. 13-1-2007).]Explanation III.-Where containers are used as liners for other more permanent containers, the declaration shall be in the same terms as are normally used to express the capacity of the permanent containers.[\* \* \*] [Illustration omitted by G.S.R. 425(e), dated 17-7-2006 (w.e.f. 13-1-2007).]

## **22. Cases in which the responsibility of marking sale price may be left to the wholesale dealer**

[\*\*\*] [Rule 22 omitted by G.S.R. 393(E), dated 23-5-1984 (w.e.f. 23-5-1984).]

## 23. Provisions relating to whole sale dealer and retail dealers

-(1) No whole sale dealer or retail dealer shall sell, distribute, deliver, display or store for sale any commodity in the packaged form unless the package complies with, in all respects, the provisions of the Act and these rules.(2)[ No retail dealer or other person including manufacturer, packer and wholesale dealer shall make any sale of any commodity in packaged form at a price exceeding the retail sale price thereof. ] [Substituted by G.S.R 50(e) dated 17-1-1992 (w.e.f. 17-1-1992).][Explanation .-For the removal of doubts, it is hereby declared that a sale, distribution or delivery by a wholesale dealer to a retail dealer or other person is a "retail sale "within the meaning of this sub-rule.] [Inserted by G.S.R. 303 (E) dated 31-3-1983 (w.e.f 31-3-1983).][\* \* \*] [Sub-Rule (3) omitted by G.S.R. 105(E), dated 2-3-1995 (w.e.f 2-3-1995).](4)[ Where, after any commodity has been pre-packed for sale, any tax payable in relation to such commodity is revised, the retail dealer or any other person shall not make any retail sale of such commodity at a price exceeding the revised retail sale price, communicated to him by the manufacturer, or where the manufacturer is not the packer, the packer and it shall be the duty of the manufacturer or packer, as the case may be, to indicate by not less than two advertisements in one or more newspapers and also by circulation of notices to the dealers and to the Director in the Central Government and Controllers of Legal Metrology in the States and Union Territories, the revised prices of such packages but the difference between the price marked on the package and the revised price shall not, in any case, be higher than the extent of increase in the tax or in the case of imposition of fresh tax higher than the fresh tax so imposed:Provided that publication in any newspaper, of such revised price shall not be necessary where such revision is due to any increase in, or in imposition of, any tax payable under any law made by the State Legislatures:Provided further that the retail dealer or other person shall not charge such revised prices in relation to any packages except those packages which bear marking indicating that they were pre-packed in the month in which such tax has been revised or fresh tax has been imposed or in the month immediately following the month aforesaid:Provided also that where the revised prices are lower than the price marked on the package the retail dealer or other person shall not charge any price in excess of the revised price, irrespective of the month in which the commodity was pre-packed.] [Substituted by G.S.R. 578(E), dated 26-8-1993 (w.e.f. 26-8-1993). ](5)Nothing in sub-rule (4) shall apply to a package which is not required under these rules to indicate the month and the year in which it was pre-packed.(6)No retail dealer or other person shall obliterate, smudge or alter the [retail sale price] [Substituted by G.S.R. 511(E), dated 25-5-1990 (w.e.f. 25-5-1990).], indicated by the manufacturer or the packer, as the case may be, on the package or on the label affixed thereto.(7)[ The manufacturer or packer shall not alter the price on the wrapper once printed and used for packing.] [Inserted by G.S.R. 578(E), dated 26-8-1993 (w.e.f. 26-8-1993).][23-A. Weighing facility [Inserted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).].-(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 among 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).]

## **24. Procedure for examination of and determination of quantity and error in packages at the premises of the manufacturer or packer**

-(1) With a view to ascertaining whether any package or [lot] [Substituted by G.S.R. 425(E), dated 17-7-2006, for " batch" (w.e.f. 13-1-2007).] of packages complies with the provisions of these rules in all respects, the Director or any other person authorised under section 29 (hereafter referred to in these rules as the authorised person) may examine the packages and carry out the tests at the premises of the manufacturer or, where the manufacturer is not the packer, of the packer, and when he carries out such examination or tests, he shall draw samples from such [lot] [Substituted by G.S.R. 425(E), dated 17-7-2006, for " batch" (w.e.f. 13-1-2007).] of packages, in such manner and in such number as are specified in the Ninth Schedule and the tests aforesaid shall be carried out in accordance with the method specified in the Tenth Schedule.(2)The Director or the authorised person shall enter, in the Form set out in the Eleventh Schedule, the detailed results of the tests carried out by him under sub-rule (1) and shall obtain, on the said Form, the signature of the manufacturer or, as the case may be of the packer, or his authorised agent, or, in the absence of both, or on their refusal to affix such signature, the signature of a competent witness. A copy of the data sheet containing the results shall be given to the manufacturer or packer, as the case may be.(3)On the completion of the examination and tests carried out under sub-rule (1), the Director or the authorised person shall make a report indicating therein his findings with regard to the declarations required to be made under these rules and as to the net quantity actually contained in the sample packages and the extent of error, if any, noticed by him and furnish a copy of such report to the manufacturer or the packer, as the case may be.(4)If it appears from the report referred to in sub-rule (3) that,-(a)the statistical average of the net quantity contained in the packages drawn as samples is lesser than the quantity declared on the packages or on the labels affixed thereto; or(b)[\* \* \*] [Clause (B) omitted by G.S.R. 113(E), dated 12-2-2004 (w.e.f. 1-9-2004).](c)any such package shows an error in deficiency greater than [\* \* \*] [The word " twice" omitted by G.S.R. 113(E), dated 12-2-2004 (w.e.f. 1-9-2004).] the maximum permissible error, the Director or the authorised person shall, if for good and sufficient reason, requested by the manufacturer or packer or his authorised agent, so to do, take out as soon as may be practicable, fresh samples and carry out fresh tests in accordance with the provisions of these rules and where fresh tests are made, the Director or the authorised person, as the case may be, shall collect by way of reimbursement, from the manufacturer or packer, such sum, not exceeding [rupees five thousand] [Substituted by G.S.R. 246(E), dated 5-4-1999 (w.e.f. 6-7-1999).] as is, in his opinion, commensurate with the services so rendered:Provided that where fresh tests are carried out, no package contained in the [lot] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).], which was previously tested under this rule, shall be sold or distributed by the manufacturer or packer, as the case may be, unless the provisions of sub-rule (5) or, as the case may be, sub-rule (6), are complied with.(5)(a)Where, as a result of any test carried out under this rule, it is found that any package contained in the batch does not conform to all or any of the provisions of the Act or of these rules, the manufacturer or the packer shall make a cent per cent check of the packages contained in the [lot] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).] and pick out from the [lot] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).] the packages which conform to

all the provisions of the Act and of these rules.(b)When the Director or the authorised person is satisfied that the packages picked out by the manufacturer or packer conform to all of the provisions of the Act and of these rules, he shall authorise the sale, distribution or delivery of such packages.(c)Where, as a result of such cent per cent check by the manufacturer or packer, any package is found to be not conforming to all or any of the provisions of the Act or of these rules, such package shall not be sold, distributed or delivered until it has been re-packed, re-processed or re-labelled, as the case may be, in accordance with the provisions of the Act and of these rules.(6)A [lot] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).] of packages shall be approved for sale if, and only if, as a result of the tests carried out under this rule, it is found that-(a)the statistical average of the net quantity contained in the sample packages is equal to, or more than, the quantity declared on the package or on the label affixed thereto,(b)[\* \* \*] [Clause (b) omitted by G.S.R. 113(E), dated 12-2-2004 (w.e.f. 1-9-2004).](c)the extent of error in deficiency in none of such sample packages exceeds [\* \* \*] [The word " twice" omitted by G.S.R 113(E), dated 12-2-2004 (w.e.f. 1-9-2004).] the maximum permissible error, and(d)each such package bears thereon or on a label affixed thereto-the declarations required to be made under these rules.(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 may be 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.] [Inserted by G.S.R. 425(E), dated 17-7-2006 (w.e.f 13-1-2007).]

## **25. Action to be taken on completion of examination of packages at the premises of the manufacturer or the packer**

- [(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 authorised 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 authorised 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.] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).][\* \* \*] [Sub-Rule (2) omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).](3)The disposal of the seized packages shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).



## **26. Action to be taken with regard to packages examined at the premises of the wholesale dealer or retail dealer**

.- (1) Ordinarily, any test in relation to the net quantity contained in a package shall not be carried out at the premises of the retail dealer or the wholesale dealer unless- (i) a complaint is received by the Director or the authorised person to the effect that the package sold or delivered to the complainant does not contain the quantity declared on such package or on the label affixed thereto; (ii) the Director or the authorised person has reason to suspect that any package has been tampered with or that there has been any pilferage or leakage of the commodity contained in the package; (iii) the Director or the authorised person has reason to suspect that any package, or any label affixed thereto, does not bear thereon all or any of the declarations which are required to be made under these rules. (2) Where any test is carried out in pursuance of the provisions of sub-rule (1), the Director or the authorised person shall verify whether the quantity contained in the package corresponds to the quantity declared on such package or any label affixed thereto, and where the quantity contained in the package is less than the declared quantity, whether the deficiency is more than [\* \* \*] [The word " twice" omitted by G.S.R. 113(E), dated 12-3-2004 (w.e.f. 1-9-2004).] the maximum permissible error in relation to that commodity. (3) Where the Director or the authorised person finds on a test carried out under this rule that the error in deficiency in any package kept or stored for sale, distribution or delivery at the premises of the retail or wholesale dealer, is more than [\* \* \*] [The word " twice" omitted by G.S.R. 113(E), dated 12-3-2004 (w.e.f. 1-9-2004).] the maximum permissible error in relation to that commodity, he shall seize such package and take appropriate action against the retail dealer or the wholesale dealer, as the case may be, in accordance with the provisions of the Act: Provided that where the package bears the legend "when packed ", no punitive action shall be taken against the retail dealer or wholesale dealer if the Director or the authorised person is satisfied after necessary tests, that the deficiency in the quantity contained in the package is due to environmental conditions. (4) Where, as a result of any test made under this rule, it is found that the net quantity contained in the package conforms to the declared quantity or where there is a deficiency, such deficiency is not more than [\* \* \*] [The word " twice" omitted by G.S.R. 113(E), dated 12-3-2004 (w.e.f. 1-9-2004).] the maximum permissible error, the retail dealer shall be at liberty to sell or deliver or distribute such commodity at the price determined on the basis of the quantity found on such tests. (5) Where, as a result of any test made under this rule, it is found that any package, or any label affixed thereto, does not bear thereon all or any of the declarations required to be made under these rules, it shall be lawful for the Director or the authorised person to make such inquiries as to the source from which such package was received by the wholesale dealer or retail dealer and to take such punitive action against the wholesale dealer or the retail dealer, as the case may be, as he may think fit.

## **27. Establishment of maximum permissible error on packages**

.- (1) The maximum permissible error in relation to the commodities specified in the First Schedule shall be such as is indicated in the corresponding entries in that Schedule against the concerned commodity and the maximum permissible error in relation to any commodity not specified in the First Schedule, shall be such as is specified in the Second Schedule: Provided that the Director may establish, the maximum permissible error in relation to any commodity not specified in the First

Schedule, and on such establishment, the concerned commodity and the maximum permissible error in relation thereto shall be deemed to have been included in the First Schedule.(2)The Director shall cause a co-ordinated programme to be undertaken, at such places and in such manner as he may think fit for the establishment of the maximum permissible error in relation to commodities referred to in sub-rule (1) or the proviso thereto.(3)While establishing the maximum permissible error in relation to the net quantity of commodities contained in packages, due account shall be taken of the following causes which may lead to variation in the quantity, namely:-(a)variations caused by unavoidable deviation in weighing, measuring or counting the contents of individual packages that may occur in good packaging practice;(b)variations caused by the ordinary and customary exposure to conditions, such as, climate, transport, storage or the like that normally occur in good distribution practice after the commodity is introduced in trade or commerce; and(c)variation due to the nature of packaging material or container.(4)The Director shall determine, or cause to be determined, in relation to any commodity, the declaration in respect of the net quantity of which is permitted to be qualified by the words "when packed ", the reasonable variations which may take place by reason of the environmental conditions.

## **28. Deceptive packages to be repacked or in default to be seized**

-(1) If, on the determination of the quantity contained in the sample packages, the Director or the authorised person finds that the quantity contained in the package agrees with the declaration of the quantity made on the package or label thereon but the package is a deceptive package, he shall require the manufacturer or the packer, as the case may be, to repack and relabel such package and in the event of the omission or failure on the part of the manufacturer or the packer, as the case may be, to repack or relabel such deceptive package, in accordance with the standards established by or under these rules, seize them, take appropriate punitive action in accordance with the Act and take adequate steps for the safe custody of such packages until they are produced in a Court as evidence.Explanation .-For the purposes of this rule, "deceptive package "means a package which is so designed as to deliberately give to the consumer an exaggerated or misleading impression as to the quantity of the commodity contained therein, except where bigger dimensions of the package can be justified by the manufacturer or the packer, as the case may be, on the ground that such dimensions are necessary for giving protection to the commodity contained in such package or for meeting the requirements of the machine used for filling such package.(2)If the seized packages contain any commodity which is subject to speedy or natural decay, the Director or the authorised person shall dispose of the commodity in accordance with the rules made under the Act.

## **Chapter III**

### **Provisions Applicable To Wholesale Packages**

## **29. Declaration to be made on every wholesale package**

.-Every wholesale package shall bear thereon a legible, definite, plain and conspicuous declaration as to-(a)the name and address of the manufacturer or where the manufacturer is not the packer, of the packer;(b)the identity of the commodity contained in the package; and(c)[ the total number of

retail packages contained in such wholesale package or the net quantity in terms of standard units of weight, measure or number of the commodity contained in wholesale package:] [Substituted by G.S.R. 59(E), dated 23-2-1980 (w.e.f. 23-2-1980).][Provided that nothing in this rule shall apply in relation to a wholesale package if a declaration, similar to the declarations specified in this rule, is required to be made on such wholesale packages by or under any other law for the time being in force. ] [Inserted by G.S.R. 59(E), dated 23-2-1980 (w.e.f. 23-2-1980).]

## **Chapter IV**

### **Export And Import Of Packaged Commodities**

#### **30. Declaration on packages intended for export**

.- [ \* \* \* ] [Rules 30, 31 and 33 omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]

#### **31. Export packages also to comply with the laws of the country to which they are being exported**

.- [ \* \* \* ] [Rules 30, 31 and 33 omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]

#### **32. Restrictions on sale of export packages in India**

.-An export package shall not be sold in India unless the manufacturer or packer has re-packed or re-labelled the commodity in accordance with the provisions contained in Chapter II; and where any export package is sold in India without such repacking or relabelling, such package shall be liable to be seized in accordance with the provisions of the Act.

#### **33. Provisions applicable to packaged commodities imported into India**

.- [ \* \* \* ] [Rules 30, 31 and 33 omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]

## **Chapter V**

### **Exemptions**

#### **34. Exemption in respect of certain packages**

.-Nothing contained in these rules shall apply to any package containing a commodity if-(a)[ \* \* \* ] [Clause (a) omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).](b)[ the net weight or measure of the commodity is ten gram or ten millilitre or less, if sold by weight or measure.] [Substituted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).](c)[ \* \* \* ] [Clause (c) omitted by G.S.R. 140(E), dated 7-3-1997 (w.e.f. 7-12-1997).](d)[ [Inserted by G.S.R. 105(E), dated 2-3-1995 (w.e.f. 2-3-1995).]any package containing fast food items packed by restaurant/hotel and the

like;](e)[ it contains scheduled formulations and non-scheduled formulations covered under the Drugs (Price Control) Order, 1995 made under section 3 of the Essential Commodities Act, 1955 (10 of 1955);] [Substituted by G.S.R. 760(E), dated 24-9-2003 (w.e.f. 1-12-2003).](f)[ agricultural farm produces in packages of above 50 kg. ] [Inserted by G.S.R. 246(E), dated 5-4-1999 (w.e.f. 5-7-1999).]

## Chapter VI

### Registration Of Manufacturers, Packers And Importers

#### **35. [ Registration of manufacturers, packers and importers [Substituted by G.S.R. 631(E), dated 21-7-2000 (w.e.f. 21-7-2000). ]**

-(1) Every individual, firm, Hindu undivided family, society, company or corporation who or which pre-packs or imports any commodity for sale, distribution or delivery shall make an application, accompanied by a fee of [rupees five hundred] [Substituted by G.S.R. 16(E), dated 12-1-2005, for "twenty" (w.e.f. 12-1-2005).], to the Director for the registration of his or its name and complete address; and every such application shall be made, -(i) in the case of any applicant pre-packing or importing any commodity at the commencement of these rules, within ninety days from such commencement; or (ii) in the case of any applicant who or which commences pre-packing or importing of any commodity after the commencement of these rules, within ninety days from the date on which he or it commences such pre-packing. (2) Every application referred to in sub-rule (1) shall contain the following particulars, namely: -(a) the name of the applicant; (b) the complete address of the premises at which the pre-packing or import of one or more commodities is made by the applicant; and (c) the name of the commodity or commodities pre-packed or imported by the applicant. Explanation. -In this sub-rule, "complete address" has the meaning assigned to it in the Explanation to sub-rule (1) of rule 10. [Substituted by G.S.R. 631(E), dated 21-7-2000 (w.e.f. 21-7-2000). ] (3) [ For making any alteration in the registration certificate issued under sub-rule (1), a fee of rupees one hundred shall be paid by the concerned manufacturer or packer or importer to the Director. (3-A) On receipt of the application made under sub-rule (1), the Director, who shall be the Registering Authority, shall- ] [Inserted by G.S.R. 16(E), dated 12-1-2005 (w.e.f. 12-1-2005).] (a) [ if the application is not complete in all respects, return the same to the applicant within a period of seven working days from the date of receipt of the applications; ] [Substituted by G.S.R. 572(E), dated 8-9-2005 (w.e.f. 8-9-2005).] (b) [ if the application is complete in all respects, register the applicant and grant a registration certificate to the applicant to that effect. ] [Inserted by G.S.R. 16(E), dated 12-1-2005 (w.e.f. 12-1-2005).]

#### **36. Registration of shorter address permissible**

-(1) It shall be lawful for any manufacturer or packer to make an application to the Director for the registration of a shorter address, in addition to the complete address referred to in sub-rule (2) of rule 35. (2) The Director may, if he is satisfied after inquiry that the shorter address is sufficient to enable the consumer or any other person to identify the manufacturer or the packer, register such shorter address. (3) Where a shorter address is registered by the Director, it shall be lawful for the manufacturer or packer to state such shorter address on the label of each commodity pre-packed by

him on it.

### **37. Register of manufacturers and packers, etc**

.- (1) The Director shall enter in a register, to be maintained by him for the purpose, the name and complete address of each manufacturer or packer by whom application for such registration has been made to him under rule 35. (2) The register referred to in sub-rule (1) shall be open to the inspection of the public without payment of any fee.

### **38. Compilation of lists of manufacturers or packers and their circulation**

.- The Director shall compile a State-wise list of the manufacturers and packers registered by him under rule 37 and shall circulate such list to the Controller of the concerned State to enable the Controller to take, or cause to be taken, samples at the premises of the manufacturer or, where the manufacturer is not the packer, of the packer. [CHAPTER VII [Inserted by G.S.R. 105(E), dated 2-3-1995 (w.e.f. 2-3-1995).] General]

### **39. [ Penalty for contravention of rules [Inserted by G.S.R. 59(E), dated 23-2-1980 (w.e.f. 23-2-1980).]**

.- (1) If any person contravenes the provisions of rule 6, or tampers with, obliterates or alters any declaration made on any package in accordance with these rules, he shall be punishable with fine, which may extend to two thousand rupees. (2) Whoever contravenes any provision of these rules, for the contravention of which no punishment has been separately provided either in the Act or in these rules, he shall be punished with fine which may extend to two thousand rupees.]

### **40. [ Power to relax in certain cases [Substituted by G.S.R. 594(E), dated 17-8-1999 (w.e.f. 16-11-1999). Original rule 40 was inserted by G.S.R. 105 (E), dated 2-3-1995.]**

.- The Central Government may, if satisfied, on the genuineness of the reasons stated in the application, permit a manufacturer/packer to pack for sale the packages on which corrective action are to be taken after a compounding or a Court decision, for a reasonable period, relaxing any or all the provisions of these rules. [\*\*\*] [Sch.I omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 1-5-2008).] [THE SECOND SCHEDULE ] [Substituted by G.S.R. 50(E), dated 17-1-1992 (w.e.f. 17-1-1992) and corrected by G.S.R. 544(E), dated 21-5-1992.] [See rule 2(i), (ii)] MAXIMUM PERMISSIBLE ERROR IN RELATION TO PACKAGED COMMODITIES NOT SPECIFIED IN THE FIRST SCHEDULE

### **1. Maximum permissible error on net quantity declared by weight or volume,-**

(1) The maximum permissible error, in excess or in deficiency, in the net quantity by weight or volume of any commodity not specified in the First Schedule, shall be as specified in Table I

below:-TABLE I MAXIMUM PERMISSIBLE ERRORS ON NET QUANTITIES DECLARED BY WEIGHT OR BY VOLUME

Sl. No.	Declared quantityg or ml	Maximum permissible error in excess or in deficiency	
As percentage of declared quantity	g or ml		
(i)	up to 50	9	..
(ii)	50 to 100	..	4.5
(iii)	100 to 200	4.5	..
(iv)	200 to 300	..	9
(v)	300 to 500	3	..
(vi)	500 to 1000	..	15
(vii)	1000 to 10000	1.5	..
(viii)	10000 to 15000	..	150
(ix)	More than 15000	1.0	..

(2) The maximum permissible error specified as percentage shall be rounded off to the nearest one tenth of a g or ml, for declared quantities less than or equal to 1000g or ml and to the next whole g or ml for declared quantities above 1000g or ml.

## 2. Maximum permissible error on net quantity declared by length, area or number.-

(1) The maximum permissible error, in excess or in deficiency, in the net quantity declared in terms of length, area or number of any commodity not specified in the First Schedule, shall be as specified in Table II below:-TABLE II MAXIMUM PERMISSIBLE ERRORS ON NET QUANTITIES DECLARED BY LENGTH, AREA OR NUMBER

Sl. No.	Quantity declared	Maximum permissible error in excess or in deficiency
(i)	in units of length	2% of declared quantity upto 10 metres and thereafter 1% of declared quantity.
(ii)	in units of area	4% of declared quantity upto 10 sq. metres and thereafter 1% of declared quantity.
(iii)	by number	2% of declared quantity.

[THE THIRD SCHEDULE ] [Substituted by G.S.R. 591(E), dated 20-7-1994 (w.e.f. 20-7-1994). In this regard the Note at the end inserted by G.S.R. 696(E), dated 20-9-1994 and G.S.R. 304(E), dated 30-3-1995.](See rule 5) COMMODITIES TO BE PACKED IN SPECIFIED QUANTITIES

**1. The following commodities shall be packed in such quantities by weight, measure or number as are specified in the corresponding entries against them:**

Sl. No.	Commodities	Quantities in which to be packed
1	2	3
1. [ [Inserted by G.S.R. 236(E), dated 13-4-2005 (w.e.f. 13-4-2005). ]	[ Baby food[Inserted by G.S.R. 236(E), dated 13-4-2005 (w.e.f. 13-4-2005). ] [ 100g, 200g, 300g, 400g, 500g, 600g, 700g, 800g, 900g, 1kg, 2kg, 5kg and 10kg.] [Inserted by G.S.R. 236(E), dated 13-4-2005 (w.e.f. 13-4-2005). ]	
2. [ [Substituted by G.S.R. 236(E), dated 13-4-2005 (w.e.f. 13-4-2005). ]	[ Weaning food[Substituted by G.S.R. 236(E), dated 13-4-2005 (w.e.f. 13-4-2005). ] [ 100g, 200g, 300g, 400g, 500g, 600g, 700g, 800g, 900g, 1kg, 2kg, 5kg and 10kg.] [Substituted by G.S.R. 236(E), dated 13-4-2005 (w.e.f. 13-4-2005). ]	
3.	Biscuits	25g, 50g, 75g, 100g, 150g, 200g, 250g, 300g and thereafter in multiples of 100g upto 1kg.
4. [ [Substituted by G.S.R. 600(E), dated 20-10-1997 (w.e.f. 20-10-1997). ]	[ Bread including brown bread but excluding bun,[Substituted by G.S.R. 600(E), dated 20-10-1997 (w.e.f. 20-10-1997). ] [100g and thereafter in multiples of 100g.] [Substituted by G.S.R. 600(E), dated 20-10-1997 (w.e.f. 20-10-1997). ]	
5.	Uncanned packages of butter and margarine	25g, 50g, 100g, 200g, 500g, 1kg, 2kg, 5kg and thereafter in multiples of 5kg.
6.	Cereals and pulses	

100g, 200g, 500g, 1kg, 2kg, 5kg  
and thereafter in multiples of 5kg.

- [Tea[Substituted by G.S.R. 16(E), dated 12-1-2005 (w.e.f. 12-1-2005). ]]
7. [ [Substituted by G.S.R. 16(E), dated 12-1-2005 (w.e.f. 12-1-2005). ]
- [ Coffee[Substituted by G.S.R. 16(E), dated 12-1-2005 (w.e.f. 12-1-2005). ]]
- 25g, 50g, 100g, 200g, 250g, 500g, 1kg and thereafter in multiples of 1kg.[Substituted by G.S.R. 16(E), dated 12-1-2005 (w.e.f. 12-1-2005). ]]-
8. [ [Substituted by G.S.R. 16(E), dated 12-1-2005 (w.e.f. 12-1-2005). ]
- 25g, 50g, 100g, 125g, 250g, 500g, 1kg and thereafter in multiples of 1kg.]
- [Substituted by G.S.R. 16(E), dated 12-1-2005 (w.e.f. 12-1-2005). ]
9. Materials which may be[consti-tuted or] [Inserted by G.S.R. 760(E), dated 24-9-2003 (w.e.f. 1-12-2003).]reconsti-tuted as beverages
- 25g, 50g, 100g, 200g, 500g, 1kg and thereafter in multiples of 1 kg.]
10. [ [Substituted by G.S.R. 863(E), dated 14-12-1994 (w.e.f. 14-12-1994). ]
- [ Edible oils, Vanaspati, ghee, butter oil[Substituted by G.S.R. 863(E), dated 14-12-1994 (w.e.f. 14-12-1994). ]]
- [50g, 100g, 200g, 500g, 1kg, 2kg, ]
- [Substituted by G.S.R. 863(E), dated 14-12-1994 (w.e.f. 14-12-1994). ]]
- [3kg,]
- [Inserted by G.S.R. 594(E), dated 17-8-1999 (w.e.f. 16-11-1999).]
- [5kg and thereafter in multiples of 5kg. If the net quantity is declared by volume the same number in millilitres or litres, as the case may be. If



- the net quantity is declared  
by volume then the  
equivalent quantity in terms  
of mass to be declared in  
bracket, in same sizes of  
letters/numerals ]  
[Substituted by G.S.R.  
863(E), dated 14-12-1994  
(w.e.f. 14-12-1994). ][\* \* \*]  
[The words " or vice versa"  
omitted by G.S.R. 6000(E),  
dated 20-10-1997 (w.e.f.  
20-10-1997).]  
[\* \* \*] [Item 11 omitted by  
G.S.R. 863(E), dated  
14-12-1994 (w.e.f.  
14-12-1994).]
- 11.
12. Milk powder Below 50 no restriction, 50g,  
100g, 200g, 500g, 1kg and  
thereafter in multiples of 500g.
13. [\* \* \*] [Item 13 omitted by  
G.S.R 105(E), dated 2-3-1995  
(w.e.f. 14-12-1994).]
14. Non-soapy detergents Below 50g no restriction, 50g,  
(powder) 100g, 200g, 500g, 700g, 1kg, 1.5kg,  
2kg and thereafter in multiples of  
1kg.
15. Rice (powdered), flour, atta, 100g, 200g, 500g, 1kg, 2kg, 5kg  
rawa and suji, and thereafter in multiples of 5kg.
16. Salt Below 50g in multiples of 10g,  
50g, 100g, 200g, 500g, [750g,]  
[Inserted by G.S.R. 60(E), dated  
29-1-1998 (w.e.f 19-1-1998).] 1kg,  
2kg, 5kg and thereafter in  
multiples of 5kg.
17. Soaps
- (a) Laundry soap 50g, 75g, 100g and thereafter  
in multiples of 50g.
- (b) Non-soapy 50g, 75g, 100g, 125g, 1.50g,  
detergent cakes / 200g, 250g, 300g and  
bars thereafter in multiples of  
100g.

(c) Toilet soap including all kinds of bath soap (cakes)	25g 50g, 75g, 100g, 125g, 150g and thereafter in multiples of 50g.	[Aerated soft drinks and non-alcoholic beverages[Substituted by G.S.R. 169(E), dated 1-3-2004. ]  [ 65ml (fruit based drinks only), 100ml, 125ml, (fruit based drinks only), 150ml, 200ml, 250ml, 300ml, 330ml (in cans only), 500ml, 750ml, 1 litre, 1.5 litre, 2 litre, 3 litre, 4 litre and 5 litre.] [Substituted by G.S.R. 169(E), dated 1-3-2004. ]	[ Mineral water and drinking water[Inserted by G.S.R. 869(E) dated 26-11-2001 (w.e.f. 25-2-2002). ]  [ 100ml, 130ml*, 150ml, 200ml, 250ml, 300ml, 330ml*, 500ml, 600ml*, 750ml, 1 litre, 1.2 litre*, 1.5 litre, 2 litre, 3 litre, 4 litre and 5 litre.[Inserted by G.S.R. 869(E) dated 26-11-2001 (w.e.f. 25-2-2002). ] -	[ *. The sizes 130ml, 330ml, 600ml and 1.2 litre shall be allowed only for a period of 3 years from the date of notification.] [Inserted by G.S.R. 869(E) dated 26-11-2001 (w.e.f. 25-2-2002). ]
18. [ [Substituted by G.S.R. 169(E), dated 1-3-2004. ]				
[18-A. [Inserted by G.S.R. 869(E) dated 26-11-2001 (w.e.f. 25-2-2002). ]				
19.	Cement in bags			1kg, 2kg, 5kg, 10kg, 20kg, 3[25kg,] [Inserted by G.S.R. 178, dated 31-8-1998 (w.e.f. 12-12-1998).][40kg(for white cement only)] [Substituted by G.S.R. 760(E), dated 24-9-2003 (w.e.f 1-12-2003).]and 50kg.
20.	Paint varnish, etc.			
(a) Paint (other than paste paint or solid paint), varnish, varnish	50ml, 100ml, 200ml, 500ml, 1 litre, 2 litre, 3 litre, 4 litre, 5 litre and thereafter in multiples of 5 litres.			

stains, enamels

(b) Paste paint and solid paint 500g, 1 kg, 1.5kg, 2kg, 3kg, 5kg, 7kg and thereafter in multiples of 5kg.

(c) [ Base paint[Inserted by G.S.R. 613(E), dated 15-9-2004 (w.e.f. 15-9-2004). ]| 450ml. [, 500ml., 900ml., 925ml., 950ml., 975ml., 1 litre, 3.6 litre, 3.7 litre, 3.8 litre, 3.9 litre and 4 litre and no restriction above 4 litre.] [Inserted by G.S.R. 613(E), dated 15-9-2004 (w.e.f. 15-9-2004). ]

Note.-The provisions of this Schedule shall in no way affect the mode of realising the Central Excise Duty on any of the items mentioned above.[THE FOURTH SCHEDULE ] [Inserted by G.S.R. 632(E), dated 2-9-2009 (w.e.f. 2-9-2009).][See rule 11(4)]DECLARATION OF QUANTITY IN RELATION TO COMMODITIES (SOLD BY WEIGHT OR VOLUME) WHICH MAY BE QUALIFIED BY THE WORDS "WHEN PACKED"

Sl. No. Name of Commodity

1. All kinds of soaps
2. Lotions
3. Cream (other than cream of milk)]

THE FIFTH SCHEDULE[See rule 12(2)]EXCEPTIONS REFERRED TO IN RULE 12(2)

## 1. The following commodities in packaged form may be sold by weight, measure or

number as shown against the commodity:-TABLE

Sl.No.	Commodity	Whether declaration to be expressed in terms of weight, measures 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.	Curd	Weight
5.	Electric cables	Length or weight
6.	Electric wire	[Length or weight] [Substituted by G.S.R. 59(E), dated 23-2-1980, for "Length" (w.e.f. 23-2-1980).]
7.	Fencing wire	Length or weight
8.	Fruits, all kinds	Number or weight
9.	Furnace oil	Weight or volume
10. [ [Substituted by G.S.R. 105(E), dated 2-3-1995 (w.e.f. 2-3-1995). ]	[ Non-edible vegetable oils[Substituted by G.S.R. 105(E), dated 2-3-1995 (w.e.f. 2-3-1995). ]  [ Weight or volume] [Substituted by G.S.R. 105(E), dated 2-3-1995 (w.e.f. 2-3-1995). ]	
[10-A. [Substituted by G.S.R. 863(E), dated 14-12-1994 (w.e.f. 14-12-1994). ]	[ Edible oils, vanaspati ghee and butter oils[Substituted by G.S.R. 863(E), dated 14-12-1994 (w.e.f. 14-12-1994). ]  [ Weight or volume] [Substituted by G.S.R. 863(E), dated 14-12-1994 (w.e.f. 14-12-1994). ]	
11.	Heavy residual fuel oil	Weight
12.	Industrial diesel fuel	Volume
13.	Honey, malt extract, golden syrup treacle	Weight
14.	Ice cream and other similar frozen products	Weight[***] [The words " or volume" omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]
15.	Liquid chemicals	Weight or volume
16.	Liquified petroleum gas	Weight
17.	Nails, wood screws	Number or weight
18.	Paint (other than paste paint or solid paint) varnish and varnish stains, enamels	Volume

19.	Paste paint, solid paint	Weight
20.	Rassogul]a, gulabjamun and other sweet preparations	Weight
21.	Ready-made garments	Number
22.	Sauce, all kinds	Weight
23.	Tyres and tubes	Number
24.	Yarn	Weight or length or yarn
25. [ [Added by G.S.R. 392(E), dated 17-5-1995 (w.e.f. 17-5-1995). ]	[Cosmetic including creams shampoo, lotions and perfumes[Added by G.S.R. 392(E), dated 17-5-1995 (w.e.f. 17-5-1995). ] [Weight or volume.] [Added by G.S.R. 392(E), dated 17-5-1995 (w.e.f. 17-5-1995). ]	

[\* \* \*] [Sixth Schedule omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).][\* \* \*]  
 [Seventh Schedule omitted by G.S.R. 521(E), dated 27-6-1995 (w.e.f. 27-6-1995). Earlier it was substituted by G.S.R. 314(E), dated 12-3-1992 (w.e.f. 12-3-1994).][\* \* \*] [Eighth Schedule omitted by G.S.R. 105(E), dated 2-3-1995 (w.e.f. 2-3-1995).][THE NINTH SCHEDULE ] [Substituted by G.S.R. 50(E), dated 17-1-1992 (w.e.f. 17-1-1992).](See rule 24)MANNER OF SELECTION OF SAMPLES OF PACKAGES

**1. For determination of the net quantity for any commodity contained in a package, the sample size shall be such as is specified in the corresponding entry in column 2 of the Table below against the [lot] [Substituted by G.S.R. 425(E), dated 17-7-2006, fro " batch" (w.e.f 13-1-2007).] size specified in Column 1 of the said Table.**

TABLE

[Lot] [Substituted by G.S.R. 425(E), dated 17-7-2006, for " batch" (w.e.f. 13-1-2007).]size	Sample size	[***] [Column 3 and the entries omitted by G.S.R. 113(E), dated 12-2-2004 (w.e.f. 1-9-2004).]
1	2	3
Less than 4000	32	[***] [Column 3 and the entries omitted by G.S.R. 113(E), dated 12-2-2004 (w.e.f. 1-9-2004).]
More than 4000	80	[***] [Column 3 and the entries omitted by G.S.R. 113(E), dated 12-2-2004 (w.e.f. 1-9-2004).]

**2. The sample shall be selected at random in accordance with the manner specified in paragraphs 3 and 4.**

**3. Where, for the determination of the net quantity of any commodity contained in a package it is necessary to take samples of packages stored by the manufacturer or packer in a warehouse, godown or at any other place, the sample shall be selected at random, from every [lot] [Substituted by G.S.R. 425(E), dated 17-7-2006, for " batch" (w.e.f. 13-1-2007).] of packages and shall be picked out from the top, bottom, centre, right, left, front and rear of the stocks so that the samples may adequately represent the packages in the [lot] [Substituted by G.S.R. 425(E), dated 17-7-2006, for " batch" (w.e.f. 13-1-2007).].**

**4. Where, for the determination of the net quantity of any commodity contained in a package it is necessary to take samples from the place where the package is being filled such sample shall be selected from among the packages which have already been filled, or in the alternative, the requisite number of empty containers may be taken over and each of them shall be adequately marked for proper identification and the tare weight of each container shall be accurately noted and thereafter the marked containers shall be introduced at random in the packing process so that, after the packages are filled it may be possible to determine the net quantity.**

Explanation.-In this Schedule "sample size" means the number of packages to be selected as samples. Note.-(1) Where, on the commencement of the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 1992 (hereinafter referred to as the Amendment Rules), a manufacturer or packer is not in a position to make declaration in accordance with rule 4 of the Amendment Rules he shall start doing so as early as possible but in any case before the 30th day of June, 1992. (2) Packing of butter in "300g" and "400g", cereal product in "400g", of non-soapy detergent in "50g" shall be discontinued as early as possible but in no case later than the 30th day of June, 1992. (3) Packing of Cement, Zarda, Pan Masala and Paint Varnish in the quantities specified by this Amendment Rules shall be adopted as early as possible but in any case before the 30th day of June, 1992.] THE TENTH SCHEDULE (See rule 24) DETERMINATION OF THE NET QUANTITY OF COMMODITIES CONTAINED IN PACKAGES

## **Part I – EQUIPMENTS**

**1. Equipments required.-(1) The Director, or other person authorised by or under the Act, to determine the net quantity of commodity contained in any package, shall be provided by the concerned Government with adequate equipments and facilities to carry out his work to the required degree of accuracy in an expedient and efficient manner.**

(2)The equipments, referred to in sub-paragraph (1), shall ordinarily consist of working standard weights and balances, or any other weight or measure declared by the Director to be suitable for determining the net quantity contained in the concerned package. (3) The Director or authorised person shall, before determining the net quantity contained in any package, ensure that the working standards and other equipments are functioning properly.

**2. Working standards to be ordinarily used.-(1) Ordinarily, working standards and other weights and measures, duly verified shall be used for determining the net quantities contained in packages and the errors, if any, in relation to the net quantity declared on the package:**

Provided that, where it is necessary to use the weights or measures owned or controlled by the manufacturer, packer or wholesale dealer as the case may be, such weights and measures shall not be used unless they are verified before use and no such weight or measure, shall be used unless the maximum permissible error of such weight or measure is twenty per cent or less of the maximum error permitted in relation to the net quantity of the commodity contained in the package.(2)It shall be the duty of every manufacturer, packer or wholesale dealer to render such assistance to the Director or other authorised person as the Director or the authorised person may require in order to carry out his duties expeditiously and efficiently.(3)Where any weight, measure or other equipment, owned or controlled by the manufacturer, packer or wholesale dealer is used by the Director or other authorised person for the determination of the net quantity contained in any package, such weight, measure or other equipment shall not be released by the Director or other authorised person until his work is completed.

## **Part II**

### **INSTRUCTIONS WITH REGARD TO THE DETERMINATION OF QUANTITY AND ERROR AT MANUFACTURER'S OR PACKER'S PREMISES**

**3. Procedure for determination of quantity by weight at manufacturer's or packer's premises.-**

(1)[ If empty tare packages are available, one such package shall be taken and tare package weight determined. If the tare package weight is equal to or less than three-tenth of the maximum permissible error for the concerned commodity of that quantity, it shall be assumed that the tare package weight so determined is valid for all the other packages in the sample, and the sample

packages shall then be weighed for gross weight, and thereafter the net weight of commodity contained in each package shall be obtained by subtracting the tare package weight from the gross package weight. If the tare package weight so determined is more than three-tenths of the maximum permissible error in relation to the commodity for that quantity, weight of four more empty tare packages shall be determined. If the difference between the maximum tare package weight and the minimum tare package weight of the five samples is equal to or less than four-tenths of the maximum permissible error allowed for that commodity for that quantity, the tare weight of the package shall be taken as equal to the average of the five tare package weights. The gross weight of the package in the sample shall then be determined and the average tare package weight shall be subtracted from the gross package weight to obtain the net contents of the commodity in each package in the sample. However, when the difference in the five individual tare weights of the packages exceeds the limit of four-tenths of the maximum permissible error specified above, the procedure specified in sub-paragraph (4) or sub-paragraph (5), as the case may be, shall be adopted for determining the net quantity of individual packages.] [Substituted by G.S.R. 594(E), dated 17-8-1999 (w.e.f. 16-11-1999).](2)In the absence of empty tare packages, one package from the sample shall be opened and the net weight of the commodity and the tare weight of the package determined. If the tare weight of the package is equal to or less than three-tenth of the maximum permissible error for that concerned commodity of that quality, it shall be assumed that the tare weight of one package so determined is valid for all the other packages in the sample and the remaining packages shall then be weighed for gross weight, and thereafter the net weight of commodity contained in each package shall be obtained by subtracting the tare weight from the gross weight.(3)If the tare weight of the package specified in [sub-paragraph (2)] [Substituted by G.S.R. 594(E), dated 17-8-1999 (w.e.f. 16-11-1999).] is more than three-tenths of the maximum permissible error in relation to that commodity, four more packages in the samples shall be opened and the net weight of the commodity in each package as well as the tare weight of each package shall be determined. If the difference between the maximum tare weight and the minimum tare weight of five samples is equal to or less than four-tenths of the maximum permissible error for that commodity of that quantity, the tare weight of the package shall be taken as equal to the arithmetic mean of the five tare weights. The gross weight of the packages in the sample shall then be determined to the requisite accuracy and the average tare weight of the container shall be subtracted from the gross weight to obtain the net contents of commodity in each package in the sample.(4)Where it is found on examining the first package, as described in sub-paragraph (2) that the tare weight of the container exceeds the limits specified in sub-paragraph (2) and sub-paragraph (3) and the determination of net contents cannot be carried out without opening the remaining packages, or it is not possible to use the procedure described in sub-paragraph (5), the size of the sample to be examined shall be restricted to that indicated in column (2) in accordance with the batch indicated in column (1) of [Table] [Substituted by G.S.R. 594(E), dated 17-8-1999 (w.e.f. 16-11-1999). ] of the Ninth Schedule and the determination of net quantity shall be carried out by opening all the packages in the sample.(5)Where it is likely that the process of determination of the actual net quantity may be destructive and it is possible to feed empty package into the packing process without affecting the results, the following procedure shall be used,(a)the number of empty packages, depending upon the size of the batch, in accordance with columns (1) and (2) of [Table] [Substituted by G.S.R. 594(E), dated 17-8-1999 (w.e.f. 16-11-1999). ] of the Ninth Schedule shall be selected;(b)the empty package shall be marked suitably to identify them from the other



packages;(c)the weight of each empty package, with its other parts which are to be fitted on it after it is filled shall be determined and the weight suitably recorded on the empty package and also on the Form specified in the Eleventh Schedule;(d)the empty package shall then be filled by introducing them in a random manner in the packing process, and such introduction shall be adequately spread over the duration in accordance with which the size of the batch is determined;(e)the marked packages shall be taken out after completion of the filling and sealing operations and each such filled package shall be weighed again to the requisite accuracy;(f)the net quantity shall be obtained by deducting the tare weight determined in accordance with clause (c) from the gross weight.(6)The Director or other authorised person shall enter results of his examination of gross weight, net weight and tare weight in the Form specified in the Eleventh Schedule, alongwith such other observation as he may wish to make on the basis of his examination.

**4. Determination of liquid contents by volume.-(1) If the specific gravity of the liquid commodity filled in packages remains sufficiently constant for a batch and it is possible to determine accurately its specific gravity, the method of determination of net contents by weight, described in paragraph 3 may be used.**

(2)If the method described in sub-paragraph (1) is not feasible the containers shall be opened and the contents of each package poured out carefully into the appropriate volume measure.(3)The reading of the actual net volume of the commodity in every package shall be noted carefully and recorded in the Form specified in the Eleventh Schedule.

**5. Verification of length of commodities.-(1) The sample shall be selected in the manner specified in the Ninth Schedule.**

(2)If it is not possible to measure the dimensions without opening the package, the packages shall be opened.(3)The length of the commodity shall be measured by means of a calibrated steel tape of suitable length.(4)If the actual length of the commodity is so great that it is not possible to measure it with the tape measure and a suitable length measuring instrument is available on the premises, that instrument shall be used, after duly calibrating it by suitable means, with the steel tape serving as a working standard of length.(5)The reading of the actual length of the commodity in every package shall be noted carefully and recorded in the Form specified in the Eleventh Schedule.

**6. Verification of commodities packed by number.-The Director or authorised person shall take packages from the sample drawn by him in the manner specified in the Ninth Schedule and determine the extent of error, by actual counting in each such package and may, for that purpose, open all packages.**

[\*\*\*] [Paragraph 7 omitted by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007).]

**8. Checking of other declarations.-(1) The declarations made on the package or on the label affixed thereto, shall be examined with a view to ascertaining whether such declarations confirm to these rules [and may be ensured either at the factory level or at the depot of the factory] [Added by G.S.R. 425(E), dated 17-7-2006 (w.e.f. 13-1-2007)].**

(2)The additional declarations made on the package or on the label affixed thereto in respect of items (g) and (h) of sub-rule (1) of rule 6 shall also be examined to ascertain whether they are adequate.THE ELEVENTH SCHEDULEFORM AWEIGHT CHECKING-DATA SHEET

A	Name of Manufacturer/ Packer			
Particulars of Package	Address	Price	Month	Year
B	Lot size:	Sample size:		
Commodity	Schedule First/Second			
Classification	Class A/B			
	Maximum permissible error in percentage			
C	SampleNo.	Grossweight	Tareweight	Net weight/ RemarksError
Weight	1			
Checking Data	200			
D				
Results	Declared weight	Average weight		
E				
GENERAL COMMENTS WITH REGARD TO THE COMPLIANCE WITH THE ACT AND THE RULES MADE THEREUNDER				
F				
	Signature and name of the authorised person	Signature and name of manufacturer/packer authorised by manu-facturer or any competent witness		

Designation: Date: Time: Place:

Note.-If the data sheet runs into more pages than one, each continuation sheet shall bear the signature specified in Part F. FORM B VOLUME/LENGTH CHECKING-DATA SHEET

A	Name of Manufacturer / Packer		
Particulars of Package	Address	Price	Month Year
B	Lot size:	Sample size:	
Commodity	Schedule First/Second		
Classification	Class A/B	Time	
	Maximum permissible error in percentage		
C	Sample No.	Net volume/Length	Error Remarks
Weight/ Length	1		
Checking Data	200		
D	Declared Volume/Length	Average Volume/Length	
E	GENERAL COMMENTS WITH REGARD TO THE COMPLIANCE WITH THE ACT AND THE RULES MADE THEREUNDER		
F	Signature and name of the authorized person	Signature and name of manufacturer/packer/authorised by manufacturer or any competent witness	
	Designation: Date: Time: Place:		