

STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977

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STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977

¹ Published In the Gazette of India, Extraordinary. 1977, Pt. II, Sec. 3(i) at p. 1815. 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 :

CHAPTER 1 CHAPTER I

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.

²"(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."

³ [(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 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.

Substituted for "(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 or commerce." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2000.

For notification bringing these rules in force please see G.S.R.

671(E) R., dated 26th September, 1977 and G.S.R. 459(E), dated 26th July. 1979.

2. Definitions :-

..-In these rules, unless the context otherwise requires,-

(a) Act means the Standards of Weights and Measures Act, 1976 (60 of 1976);

4(b)[***]

or

5(c)[***]

Illustration.- [***]

(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;

6(e) [***]

[**7*] **8**(g)[***]

Explanation.- [***]

Illustrations.-[***]

9(gg) "lot" means

(i) in the case of packages which has 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 packages 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

10["including the quantity declared to be given free by the manufacturer/packer"]contained in an individual package, means an error in deficiency **11**[* * *]which, subject to the provisions of these rules, does not exceed-

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

13(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;

(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:

14"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;

Explanation **15**[(I)].-Where, by reason merely of the opening of a package, no alteration is caused to the name, 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;

16[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];

17(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:-

(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;

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

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

(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 group of individuals or any other consumer;

19[(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 **20**[Maximum or Maxi. retail price].....inclusive of all taxes **21**[or in the Form M.R.P. Rs..... inclusive of all taxes]

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 advertising, delivery, packing, forwarding and the like, as the case may be.]

22[* * *]

(t) section means a section of the Act:

(u) standard package means a package containing the specified quantity of a commodity;

2324(v) [***]

(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,

(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.

2526"(iii) packages containing ten or more than ten retail packages provided that the retail packages are labelled as required under the rules."

2728 (y) [***]

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 2, clause (b) shall be omitted as follows :- "(b) batch means,- (i) in the case of packages which have been stored, where the total number of such packages does not exceed 100, all such packages, and where the total number exceeds 100 but does not exceed 10,000 all the packages of the same type and of the same production run; (ii) in the case of packages which are on or at the end of the packaging line, the maximum hourly output of packages;" by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 2, clause (c) and illustration shall be omitted as follows :- "(c) combination package means a package intended for retail sale containing two or more individual packages, or individual pieces, or dissimilar commodities; Illustration.-A package containing dissimilar commodities, such as, spoons, knives, forks, cups, napkins, or the like, is a combination package;" by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 2, clause (e) shall be omitted as follows :- "(e) drained weight, in relation to a solid commodity contained in a free-flowing liquid, means the weight of such solid commodity after the liquid has been drained for a period of two minutes;" by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

[4]Omitted for " (f) fancy package means a package, the container of which has a fancy trade value of its own in addition to the value

of the commodity contained in such package: ", vide " STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977" Dt.6th April, 1999 Published in Ministry of Food and Consumer Affairs (Deptt of Consumer Affairs), Noti. No. G.S.R. 246(E), dated April 5, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1999, pp. 6-11, No. 168 [F. No. WM-10(6)/98-Pt.]

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 2, clause (g) explanation and illustration shall be omitted as follows :- "(g) group package means a package intended for retail sale, containing two or more individual packages, or individual pieces, of similar, but not identical (whether in quantity or size), commodities; Explanation.-Commodities which are generally the same but differ in weight, measure or volume, appearance or quality are similar but not identical commodities; Illustrations.-(i) A package containing- two sponges-100 mm x 75 mm x 20 mm one sponge - 100 mm x 100 mm x 30 mm four sponges - 100 mm x 50 mm x 15 mm is a group package; (ii) a package containing assorted biscuits is a group package; (iii) a package containing similar commodities of different brands is a group package." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 2, after clause (g), the following clause shall be inserted, namely: (gg) "lot" means (i) in the case of packages which has 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; by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

The words edible oil, ghee or vanaspati, omitted by G.S.R. 393(E), published in the Gazette of India, Extraordinary. Pt. II, Sec. 3(i). dated 23rd May, 1984.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 2, in clause (i), in the words "or excess" shall be omitted, by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 2, in clause (i), sub-clauses (i) and (ii), shall be substituted w.e.f. 1.5.2008, as follows : "(i) in relation to the commodities specified in the First Schedule, the limits error specified in the Schedule; (ii) in relation to commodities not

specified in the First Schedule the limits of error specified in the Second Schedule;" by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 2, for clause (j) and the illustration thereunder, shall be substituted as follows : "(j) multi-piece package, means a package containing two or more individually packaged or labelled pieces of the same commodities of identical quantity, intended for retail sale, either in individual pieces or the package as a whole; Illustration.-A package containing 5 toilet soap cake, net weight 20 g each, total net weight 100 g is a multi-piece package;" by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 2, clause (l), clause shall be substituted, in place of :- (l) pre-packed commodity with its grammatical variations and cognate expressions, means a commodity ["or article or articles"] which, without the purchaser being present, is placed in a package of whatever nature, so that the quantity of the product contained therein has a pre-determined value and such value cannot be altered without the package or its lid or cap, as the case may be, being opened or undergoing a perceptible modification, and the expression package, wherever it occurs, shall be construed as a package containing a pre-packed commodity;" by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

Renumbered as Explanation (1), vide G.S.R. 50(E), dated 17th January, 1992.

Inserted by G.S.R. 50(E), dated 17th January, 1992.

The words soft drink, ready to serve fruit beverages or the like, omitted by G.S.R. 547(E), dated 13th July, 1995 (w.e.f. 13th July, 1995).

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 2, clause (p), shall be substituted, in place of :- "(p) retail package means a package containing any commodity which is produced, distributed, displayed, delivered or stored for sale through retail sales agencies or other instrumentalities for consumption by an individual or a group of individuals;" by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

Substituted by G.S.R. 511(E), dated 25th May, 1990. Note.-Where

any commodity is in packaged form for sale, the requirement of printing the price in the forms indicated in sub-clauses (i) and (ii) of Cl. (s) of rule 2 of the said rules which was in existence immediately before the commencement of the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 1990, may continue for a period of six months but in no case shall continue on and after the 30th November, 1990.

Substituted by G.S.R. 50(E), dated 17th January, 1992, for certain words.

Added by G.S.R. 314(E), dated 12th March, 1994 (w.e.f. 12th March, 1994). The note appended to this Amendment Rules duly amended by G.S.R. 695(E), dated 20th September, 1994 and G.S.R. 305(E), dated 30th March, 1995 reads as under : "Note.- Any manufacturer or packer allowed to continue the pack sizes or any declaration thereon permissible immediately prior to the commencement of this notification shall not be allowed to do so beyond 30th June, 1995."

Clause (s) omitted by G.S.R. 511(E), dated 25th May, 1990.

In rule 2, after clause (u), clause (v) shall be inserted by the Standards of Weights and Measure (Packaged Commodities) Amendment Rules, 2005

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 2, clause (v), shall be omitted as follows :- "(v) value based package" means a package the retail sale price of which is predetermined and indicated on such package or on its label as Rupees Ten." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

[10000]Inserted vide "Weights and Measures (Packaged Commodities) Rules, 1977" Dt. August 17, 1999 Published in Ministry of Food and Consumer Affairs (Deptt. of Consumer Affairs), Noti. No. G.S.R. 594(E), dated August 17, 1999 published in the Gazette of India, Extra., Part II, Section 3(i), dated 17th August, 1999, pp. 3-5, No. 415 (F. No. WM 10/8/99) [L]

Substituted for "(iii) more than ten packages where the total value of retail packages exceed rupees one hundred." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2000."

[10001]Inserted vide "Weights and Measures (Packaged Commodities) Rules, 1977" Dt. August 17, 1999 Published in Ministry of Food and Consumer Affairs (Deptt. of Consumer Affairs), Noti. No. G.S.R. 594(E), dated August 17, 1999 published in the Gazette of India, Extra., Part II, Section 3(i), dated 17th August,

1999, pp. 3-5, No. 415 (F. No. WM 10/8/99) [L]

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 2, clause (y), shall be omitted as follows :- "(y) Un-preserved package means a package containing a perishable commodity which is not subjected to the process of cooling, deep freezing, chemical treatment or any other process so as to increase the shelf life of that commodity." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

2A. Applicability of the Chapter :-

29 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 productions, etc.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), for Rule 2A of the said rules, shall be substituted, namely:

"2A. Applicability of the Chapter. The provisions of this chapter shall not apply to,- (a) packages of commodities containing quantity of more than 25 kg or 25 litre excluding cement and fertilizer sold in bags up to 50 kg; and (b) packaged commodities meant for industrial consumers or institutional consumers.

Explanation. For the purpose of this rule, "(a) Institutional consumer. Means those consumers who buy packaged commodities directly from the manufacturers/packers for service industry like transportation [including airways, railways], hotel or any other similar service industry. (b) Industrial Consumer. Means those consumers who buy packaged commodities directly from the manufacturers/packers for using the product in their industry for productions, etc." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

CHAPTER 2 Provisions Applicable to Packages Intended for Retail

Sale

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.

30 [Explanation.-[* * * * *]

Added by G.S.R. 50(E), dated 17th January, 1992 and omitted by G.S.R. 578(E), dated 26th August. 1993 (w.e.f. 26th August, 1993).

5. Specific commodities to be packed and sold in recommended standard packages :-

31 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.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), Rule 5 of the said rules, the following rule shall be in place of :- "5. Specific commodities to be packed and sold only in standard packages.-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 except in such standard quantities as are specified in relation to that

commodity in the Third Schedule: Provided that the Central Government may, if it is satisfied that for any technical or mechanical reason it is not possible to pre-pack any commodity in the standard quantities specified in the Third Schedule, authorize the pre-packing of such commodities in such quantities as it may specify. Provided also that for value based packages in respect of coffee, tea, edible oils, vanaspathi, ghee, butter oil and toilet soap including all kinds of bath soaps (cakes) retail sale price of which is Rs 5 or Rs 10, as the case may be, the quantities specified in the Third Schedule shall not apply for a period of one year from the date of commencement of the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2005." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

6. Declaration 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-

99(a) the name and address of the manufacturer, or where the manufacturer is not the packer, the name and address of the manufacturer and packer and for any imported package the name and address of the importer. Explanation I. If any name and address of a company is declared on the label without any qualifying words "manufactured by" or "packed by", it shall be presumed that such name and address shall be that of the manufacturer and the liability shall be determined accordingly; Explanation II. If the brand name and address of the brand owner appear on the label as a marketer, then the brand owner shall be held responsible for any violation of these rules and action as may be required shall be initiated against the deemed manufacturer and in the event of more than one name and address appearing in the label, prosecution shall be launched against the manufacturer indicated on the label in the first place and not against all of them. Explanation III. In respect of packages containing food articles, the provisions of this clause shall not apply and instead the requirement of the Prevention of Food Adulteration Act, 1954 (37 of 1954) and the rules made thereunder shall apply.

(b) the common or generic names of the commodity contained in the package **9**"and in case of packages with more than one product, name and number or quantity of each product shall be specified on the package."

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 ⁹"or imported";

⁹"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."

¹³"Provided also that a manufacturer may indicate the month and year using a rubber stamp without overwriting.";

¹³[(e) * * * * *]

(f) the ¹³[retail sale price] of the package;

(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 price;

(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-

(i) ¹³[* * * * *]

(ii) ¹³[* * * * *]

(ii-a) ⁴²[* * * * *]

(iii) ⁴³[* * * * *]

(iv) ⁴⁴[* * * * *]

(v) ⁴⁵[* * * * *]

⁴⁶"(vi) any package containing bidis or incense sticks";

(vii) any domestic liquefied petroleum gas cylinder of 14.2Kg or 5Kg, bottled and marketed by a public sector undertaking.

(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;

47"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."

(C) no declaration as to the **48**[retail sale price] shall be required to be made on-

(i) **49**[* * * * *]

(ii) **50**[* * * * *]

(iii) **51**[* * * * *]

(iv) **52**[* * * * *]

(v) **53**[* * * * *]

(vi) **54**[* * * * *]

"(vii) any package containing bidis or incense sticks for a period of one year from the date of notification."

5556"(viii) any domestic liquefied petroleum gas cylinder of which the price is covered under the Administered Price Mechanism of the Government." **57**[The commodities mentioned **58**[at (i) to (vi)] 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 price of the packages for the information of consumer.]

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 the year, or by both.

Explanation II.--Liquid milk does not include condensed milk.

59Explanation III- - [***]

60(1A) Every package shall bear the name, address, telephone number, E mail address, if available, of the person who can be or the office which can be, contacted, in case of consumer complaints; (1B) It shall not be permissible to affix individual stickers [labels] on the package for altering or making declaration required under these rules:

Provided that for reducing the Maximum Retail Price (MRP), a

sticker with the revised lower MRP (inclusive of all taxes) may be affixed and the same should not cover the MRP declaration made by the manufacturer or the packer as the case may be, on the label of the package;

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

61[(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.]" **62** 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."

63 [* * *]

The words edible oil, ghee or vanaspati, omitted by G.S.R. 393(E), published in the Gazette of India, Extraordinary. Pt. II, Sec. 3(i). dated 23rd May, 1984.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 6 of the said rules, in sub-rule (1), clause (a), shall be substituted, in place of :- "(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." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 6 of the said rules, in sub-rule (1), in clause (b), after the words, "contained in the package", the the following shall be inserted, namely: "and in case of packages with more than one product, name and number or quantity of each product shall be specified on the package."; by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 6 of the said rules, in sub-rule (1), in clause (d), after the words, "or pre-packed", the words "or imported" shall be inserted , by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In Rule 6, sub-rule (1) in clause (d) proviso shall be inserted by Standards of Weights and Measures (Packaged Commodities) Third Amendment Rules, 2002. Noti. No. G.S.R.666(E), dated September 25, 2002, published in the Gazette of India, Extra., Part II, Section 3(i), dated 26th September, 2002, pp. 2-3, No. 442

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 6 of the said rules, in sub-rule (1), in clause (d), after the words, after the second proviso, the following proviso shall be inserted, namely: "Provided also that a manufacturer may indicate the month and year using a rubber stamp without overwriting."; by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

Omitted by G.S.R. 521(E), dated 27th June, 1995 (w.c.f. 27th June, 1995).

Substituted by G.S.R. 511(E), dated 25th May. 1990.

In Rule 6, in proviso (A) , clause (i) to (v) shall be omitted by Standards of Weights and Measures (Packaged Commodities) Third Amendment Rules, 2002. Noti. No. G.S.R. 666(E), dated September 25, 2002, published in the Gazette of India, Extra., Part II, Section 3(i), dated 26th September, 2002, pp. 2-3, No. 442

In rule 6, sub-rule (1), proviso (A) item (vi), and proviso (C) item (vii) shall be inserted by Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2002., published in the Gazette of India, Extra., Part II, Section 3(i), dated 23rd March, 2002, p. 2, No. 141.

In Rule 6, sub-rule (1) in proviso(B), proviso shall be inserted by Standards of Weights and Measures (Packaged Commodities) Third Amendment Rules, 2002. Noti. No. G.S.R.666(E), dated September 25, 2002, published in the Gazette of India, Extra., Part II, Section 3(i), dated 26th September, 2002, pp. 2-3, No. 442

Subs by G.S.R. 511 (E), dated 25th May, 1990.

In Rule 6, in proviso (C) , clause (i) to (vi) shall be omitted by Standards of Weights and Measures (Packaged Commodities) Third Amendment Rules, 2002. Noti. No. G.S.R. 666(E), dated September 25, 2002, published in the Gazette of India, Extra., Part II, Section 3(i), dated 26th September, 2002, pp. 2-3, No. 442

Inserted by Standards of Weights and Measures (Packaged Commodities) 3rd Amendment Rules, 2004

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said

rules), In Rule 6 of the said rules, in sub-rule (1), in the proviso to clause (h), in clause (C), sub-clause (viii), the following shall be substituted, in place of :- "(viii) any domestic liquefied petroleum gas cylinder of 14.2Kg or 5kg, bottled and marketed by a public sector undertaking." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

Added by G.S.R. 314(E), dated 12th March, 1994 (w.e.f. 12th March, 1994).

Subs by G.S.R. 105(E), dated 2nd March, 1995 (w.e.f. 2nd March, 1995).

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 6 of the said rules, in sub-rule (1), in the proviso to clause (h), in clause (C), Explanation III shall be omitted as follows :- " Explanation III- - The declaration of the year 2000 may be made on the package by figures 00 " by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 6 of the said rules, after sub-rule (1), the following sub-rules shall be inserted, namely: "(1A) Every package shall bear the name, address, telephone number, E mail address, if available, of the person who can be or the office which can be, contacted, in case of consumer complaints; (1B) It shall not be permissible to affix individual stickers [labels] on the package for altering or making declaration required under these rules: Provided that for reducing the Maximum Retail Price (MRP), a sticker with the revised lower MRP (inclusive of all taxes) may be affixed and the same should not cover the MRP declaration made by the manufacturer or the packer as the case may be, on the label of the package; (1C) It shall be permissible to use stickers for making any declarations other than the declaration required to be made under these rules." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

Inserted by G.S.R. 50(E), dated 17th January, 1992.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 6 of the said rules, in sub-rule (2), after the words, "other accompanying packages" the following words shall be added, namely: "or such declaration may be given on individual packages and intimation to that effect may be given on the main package and if the components are sold as spare parts, all declarations shall be given on each package." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

Omitted by G.S.R. 1005(E), dated 8th August, 1986 (w.e.f. 8th August, 1986).

7. Principal display panel-Its area, size and letter, etc :-

..-

(1) [**64*]

65(2) [* * *]

(3) In case of a package having a capacity of five cubic centimetres or less, the principal display panel may be a cord or tape affixed firmly to the package or container and bearing the required information.

66[(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 1 mm 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 the proviso shall not apply In the case of numeral 1 and letters (i), (I) and (1).

TABLE I				
Minimum height of numeral				
Sl. No.	Net quantity in weight/ volume	Minimum height in mm		
		Normal case	When blown, embossed,	formed, moulded, perforate container
1.	Upto 50 g/ml.	1		2
2.	Above 50 g/ml.	2		4
	200 g/ml.			
3.	Above 200 g/ml.	4		6
	upto 1 Kg/litre			
4.	Above 1 Kg/litre	6		8

67 (5) The foregoing provisions of these rules shall not apply to a package if t information to be specified on such package under this rule is also required to be giv by or under any other law for the time being in force].

TABLE I				
Minimum Height of Letter and Number				

Sl. No.	Area of principal display panel	Minimum height of letter or number	Minimum height of label information blown, formed, moulded, embossed or perforated on container
	cm	mm	mm
1	2	3	4
1.	Not greater than 25	1.0	2.0
2.	25 but not greater than 50	1.5	3.0
3.	50 but not greater than 100	2.0	4.0
4.	100 but not greater than 500	3.0	6.0
5.	500 but not greater than 2500	5.0	10.0
6.	2500 or more	10.0	15.0

[10]Omitted for "The area of the principal display panel shall be not less than- (a) in the case of a rectangular container, forty per cent of the product of height and weight of the panel of such container having the largest area; (b) in the case of a cylindrical or nearly cylindrical, round or nearly round, oval or nearly oval container, twenty per cent, of the product of the height and average circumference of such container; (c) in the case of a container of any other shape, twenty per cent. of the total surface area of the container unless there is a label securely affixed to the container, and such label has a surface area of not less than ten per cent of the total surface area of the container. ", vide " STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977" Dt.6th April, 1999 Published in Ministry of Food and Consumer Affairs (Deptt of Consumer Affairs), Noti. No. G.S.R. 246(E), dated April 5, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1999, pp. 6-11, No. 168 [F. No. WM-10(6)/98-Pt.]

[11]Omitted for "In computing the area of the principal display panel, the tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars, shall be excluded. ", vide " STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977" Dt.6th April, 1999 Published in Ministry of Food and Consumer Affairs (Deptt of Consumer Affairs), Noti. No. G.S.R. 246(E), dated April 5, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1999, pp. 6-11, No. 168 [F. No. WM-10(6)/98-Pt.]

Subs by G.S.R. 314(E). dated 12th March,1994 (w.e.f. 12th March. 1994). A note appended to this Amending Rules duly

amended by G.S.R. 695(E), dated 20th September, 1994 and G.S.R. 305(E), dated 30th March, 1995 reads as under : "Note.- Any manufacturer or packer allowed to continue the pack sizes or any declaration thereon permissible prior to the commencement of this notification shall not be allowed to do so beyond 30th June, 1995."

Inserted G.S.R. No.159(E). dated 23rd February. 1980.

8. Declaration where to appear :-

..-

68(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

(2) [****69***]

(3) In a cylindrical or nearly cylindrical, round or nearly round, oval or nearly oval-shaped container. Information required to appear on the principal display panel shall as far as practicable, appear on that portion of the circumference of the container which is most likely to be displayed, presented or shown to the consumer or examined by him under usual conditions of display for retail sale.

(4) Except in the case of fancy packages, the base on which the package is intended by its manufacturer to rest shall not be used as the principal display panel.

(5) In fancy packages, the declarations required to be made under these rules may be made at the top or bottom of the package.

70[(6) For soft drinks, ready to serve 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 the crown cap, it is sufficient to indicate the retail sale price in the form MRP Rs.....]

71 [(7) Notwithstanding anything contained in sub-rule (6), any manufacturer or packer may continue upto 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.]

[12]Substituted for " 1 [(1) Subject to the provision of sub-rule (2), every declaration required to be made under these rules, shall, wherever practicable, appear on the principal display panel and shall ordinarily be parallel to the base on which the package is intended by its manufacturer to rest, and declaration in respect of the net quantity, retails sale price 2 [* * *] (if to be marked) shall always be indicated on the same panel : Provided that 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 numeral in the declaration. ", vide " STANDARDS OF WEIGHTS AND MEASURES (PACKAGEDCOMMODITIES) RULES, 1977" Dt.6th April, 1999 Published in Ministry of Food and Consumer Affairs (Deptt of Consumer Affairs), Noti. No.G.S.R. 246(E), dated April 5, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1999, pp. 6-11, No. 168 [F. No. WM-10(6)/98-Pt.]

[13]Omitted for "As far as practicable, all information which are required by these rules to appear on the package or label, as the case may be, shall appear on the same panel and, shall be indicated together : Provided that- (i) In the case of a container which is returnable by the consumer for being refilled, the required declarations may be made on the crown cork; (ii) in the case of a container made of any metal, glass, plastic or foil. the month and the year, in which the commodity contained in such container was manufactured or pre-packed, may be indicated either on the top or on the bottom of such container; (iii) in the case of a collapsible tube, the month and the year, in which the commodity contained in such tube was manufactured or pre-packed, may be indicated on the crimped end of the tube: (iv) in the case of a disc type container, the month and the year, in which the commodity contained in such container was manufactured or pre- packed, may be indicated either on the top or bottom of such container. 3 [(v) in any package. If the net weight or measure of the commodity contained in the package is 2 kilogram or 2 litre or less and the printing is possible only at top or bottom, the retail sale price, month and year may be indicated at top or bottom, and it shall be embossed or indicated conspicuously, and an indication shall be given at the main panel that such retail sale price and month and year of packing are indicated at the top or bottom.] ", vide " STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977" Dt.6th April, 1999 Published in Ministry of Food and Consumer Affairs (Deptt of Consumer Affairs), Noti. No. G.S.R. 246(E), dated April 5,1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1999, pp. 6-11, No. 168 [F. No. WM-10(6)/98-Pt.]

Added by G.S.R. 547(E). dated 13th July, 1995 (w.e.f. 13th July, 1995).

Inserted by G.S.R. 693(B). dated 21st October, 1995 (w.e.f. 21st October, 1995).

9. Manner in which declarations shall be made :-

..-

(1) Every declaration which is required to be made on a package under these rules shall be-

72(a) legible and prominent,"

73(b)[***]

(c) [**74**]

75[(d) numerals of the retail sale price and net quantity in declaration **76**[***]] and shall be printed, painted or inscribed on the package in a colour that contrasts conspicuously with the background of the label : Provided that-

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

(b) 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 on the package itself is easily readable through such outside container or wrapper.

78"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."

79 (4)The label of value based packages, shall contain the particulars of "price" and "quantity" either printed or in hand script in bold letters on the label in the same letter, size and design adjacent to each other.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 9 of the said rules, in sub-rule (1), clause (a), shall

be substituted, in place of :- "(a) legible, prominent, definite, plain and unambiguous," by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 9 of the said rules, in sub-rule (1), clause (b), shall be omitted as follows :- "(b) conspicuous as to size, number and colour," by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

[14] Omitted for "as far as practicable in such style or type of lettering as to be boldly, clearly and conspicuously presented in distinct contrast to the other type, lettering or graphic material used on the package, ", vide " STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977" Dt. 6th April, 1999 Published in Ministry of Food and Consumer Affairs (Deptt of Consumer Affairs), Noti. No. G.S.R. 246(E), dated April 5, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1999, pp. 6-11, No. 168 [F. No. WM-10(6)/98-Pt.]

Inserted by G.S.R. 314(E), dated 12th March, 1994 (w.e.f. 12th March, 1994).

[15] Omitted for "in bold form", vide " STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977" Dt. 6th April, 1999 Published in Ministry of Food and Consumer Affairs (Deptt of Consumer Affairs), Noti. No. G.S.R. 246(E), dated April 5, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1999, pp. 6-11, No. 168 [F. No. WM-10(6)/98-Pt.]

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 9 of the said rules, in sub-rule (1), in clause (d), in the proviso, for clause (a), the following clause shall be substituted, namely: "(a) where any label information is blown, formed or moulded on a glass or plastic surface or where such information is embossed or perforated on a package, such information shall not be required to be presented in a contrasting colour;" by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), in Rule 9 of the said rules, in sub-rule (3), the following proviso shall be added at the end, namely: "Provided that no such declarations on the inner package as required under the said rules is required if the inner package does not contain any declaration on its outer cover." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

after sub rule (4) In rule 2, after clause (u), the clause (v) shall be inserted, by the Standards of Weights and Measure (Packaged Commodities) Amendment Rules, 2005

10. Declaration of name and address of the manufacturer, etc :-

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

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

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

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

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

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), Rule 10 of the said rules, the following rule shall be substituted, in place of : "10. Declaration of name and address of the manufacturer, etc.-(1) Subject to the provisions of Rule 7, every package kept, offered or exposed for sale or sold shall bear conspicuously on the package, 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: Provided that for packages of capacity 5 cubic cm or less it shall be sufficient compliance with this sub-rule, if a mark or inscription which would enable the consumer to identify the manufacturer or packer 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 in India. Explanation.- "Complete Address" means, in the case of a company, the address at which its registered office 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 out by the manufacturer or packer or the PIN Code. (2) The name of the manufacturer or packer shall be the actual corporate name, or if not incorporated, the name under which the business is conducted by such manufacturer or packer." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

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 : Provided that where a package contains a large number of small items of confectionary, each of which is separately wrapped⁸¹[***], the net weight declared on the package containing such confectionary or on the label thereof may include the weight of such immediate wrappers, if and only if, the total weight of such immediate wrappers does not exceed-

⁸²(i)[***]

(ii) six per cent, in the case of any other paper, of the total net weight of all the items of confectionary contained in the package minus the weight of immediate wrapper.

(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 specified in the Fourth Schedule, that is to say, commodities which are likely to undergo significant variations in weight or measure on account of environmental or other conditions may be qualified by the words when packed **83** [***].

[16]Substituted for " (1) Subject to the provisions of rule 7 , every package kept, offered or exposed for sale or sold shall bear conspicuously on the package, the name and complete address of the manufacturer, or where manufacturer is not the packer of the package, or with the written consent of the manufacturer : Provided that where by reason of the smallness of a package it is not reasonably practicable to indicate the name and complete address of the manufacturer or packer on package, it shall be sufficient compliance with the paragraph if a mark or inscription which would enable the consumer to identify the manufacturer or packer on the package. Provided further that where any commodity manufactured outside India is packed in India, the package shall contain on the principal display panel the name and complete address of the packer in India. Explanation.-Complete address means, in the case of a company, the address at which its registered office 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 PIN Code. ", vide " STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977" Dt.6th April, 1999 Published in Ministry of Food and Consumer Affairs (Deptt of Consumer Affairs), Noti. No. G.S.R. 246(E), dated April 5, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1999, pp. 6-11, No. 168 [F. No. WM-10(6)/98-Pt.]

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 11 of the said rules, with effect from 1.5.2008, the proviso to sub-rule (1) shall be omitted as follows :- "(i) eight per cent, where such immediate wrapper is a waxed paper or any other paper with wax or aluminium foil ["under strip or"]" by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

[18]Omitted for "and when such qualification is made, the package containing such commodity shall also bear thereon information with regard to the matters specified in the said Fourth Schedule", vide "

STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977" Dt.6th April, 1999 Published in Ministry of Food and Consumer Affairs (Deptt of Consumer Affairs), Noti. No. G.S.R. 246(E), dated April 5, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1999, pp. 6-11, No. 168 [F. No. WM-10(6)/98-Pt.]

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-viscous or 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 opinion, make an additional declaration on the package as the number of commodities contained in the package.

³[Illustration.-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. Illustration

: [***]³

(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.

Illustrations : Additional information like the following Is necessary to be communicated to the consumer, namely :

86[(a) * * *]

87[(b) * * *]

88[(c) * * *]

89(d)[***]

90(e) [***]

91(f) [***]

92(g) [***]

(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

(i) minimum, not less than, average, about, approximately or any other word of a similar nature, or

(ii) jumbo, giant, full, family huge, economy, large, extra, colossal, king, queen or any other word or expression of a similar nature, shall not be used.

93 (7) For packages having capacity 5 cubic cm or less, the declaration of 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 dpvice 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. No. 59(E), dated 23rd February, 1980.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 12 of the said rules, illustrations under sub-rule (4) shall be omitted as follows : Name of the commodity \ \ \ \ Additional information required (1) \ (2) (a) Acid in liquid form \ \ \ \ Concentration In mass per unit \ volume. (b) Fencing wire \ \ \ \ Weight per 100 metre or diameter \ whichever Is applicable. (c) Nails, wood screws \ \ \ \ Size (length, diameter and type thread). (d) Ready-made garments: \ \ \ \ Linear measure. (i) Shirts and similar garments \ \ \ \ Neck size, in steps of one centimetre. (ii) Bushirts and similar \ \ \ \ Chest size, in steps of five centimetres. garments. \ (iii) Underwear intended to cover \

\ Chest size, in steps of five centimetres. upper part of the body or any part of the upper part of the body. (iv) Underwear intended to cover \ Waist size, in steps of two centimetres, lower part of the body or any \ and length, in steps of five centimetres. part of the lower part of the body. (v) Trousers and similar \ Waist size, in steps of two centimetres, garments, ladies or gents. \ and length, in steps of five centimetres. (vi) Coat, overcoat and similar \ Chest size, in steps of five centimetres garments. \ and length, in steps of five centimetres (vii) Socks and similar garments : \ Foot size, in steps of one centimetres \ and if stretchable, the limits of \ \ stretching in centimetre. (viii) Sweaters, cardigans and \ Chest size, in steps of five centimetres. similar garments (ix) Hats, caps and other \ Circumference of head in steps of one headwears centimetre. (x) Sarees, dhoties, shawls, \ Dimensions (length and breadth). handkerchiefs, bed-sheets, \ pillow covers, towels and \ napkins. (e) "As provided in the relevant Bureau of Indian Standards specification." \ Size (metric units only). (f) Yarn \ \ \ \ \ \ Count. by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

Omitted by G.S.R. 105(B), dated 2nd March,1995 (w.e.f. 2nd March, 1995).

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 12 of the said rules, in sub-rule (5), the illustration thereunder and clauses (d) shall be omitted as follows :- "(d) in the case of still films, the number of exposures which may be made and the length and width of individual exposures, to be expressed in millimetres, for example, 36 exposures, 36 mm x 24 mm;" by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 12 of the said rules, in sub-rule (5), the illustration thereunder and clauses (e) shall be omitted as follows :- "(e) in the case of motive films and bulk still films, the linear measure of the usable film, to be expressed in metres;" by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 12 of the said rules, in sub-rule (5), the illustration thereunder and clauses (f) shall be omitted as follows :- "(f) in the case of electrical or electronic appliances, the voltage and wattage, and also the output of such electrical or electronic appliances;" by the Standards of Weights and Measures (Packaged Commodities)

Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 12 of the said rules, in sub-rule (5), the illustration thereunder and clauses (g) shall be omitted as follows :- "(g) in the case of an electric bulb or other appliance intended to be used for illumination, in addition to the information specified in Cl. (f), the illuminating power of such bulb or other appliance." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

[19]Substituted for " (7) Where, by reason of the smallness of a package, the declaration of quantity cannot be written on the container or on the label thereon, such declaration 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 . ", vide " STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977" Dt.6th April, 1999 Published in sMinistry of Food and Consumer Affairs (Deptt of Consumer Affairs), Noti. No. G.S.R. 246(E),dated April 5, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1999, pp. 6-11, No. 168 [F. No. WM-10(6)/98-Pt.]

13. Statement of units of weight, measure or number :-

94 (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 centimeter;

(c) one square meter, the unit of area shall be the square decimetre;

(d) one cubic meter, the unit of volume shall be one cubic centimetre;

(e) one cubic decimetre, the unit of volume shall be the cubic centimeter;

(f) one litre, the unit of volume shall be the millilitre.

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

(a) one kilogram, the unit of weight shall be the kilogram and any fraction of a kilogram shall be expressed in terms of decimal sub-multiples of kilogram or in terms of grams;

(b) one metre, the unit of length shall be the metre and any fraction of a metre shall be expressed in terms of decimal sub-multiples of the metre or in terms of centimetre;

(c) square metre, the unit of the area shall be the square metre and any fraction of a square metre shall be expressed in terms of decimal sub-multiple of the square metre.

(d) cubic metre, the unit of volume shall be the cubic metre and any fraction of a cubic metre shall be expressed in terms of decimal sub-multiple of the cubic . metre;

(e) one litre, the unit of volume shall be the litre and any fraction of a litre shall be expressed in terms of decimal sub-multiple of the litre:

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

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

(5) Symbol for Units:

(i) No system of units other than the International System of Units shall be used in furnishing the net quantity of the package.

(ii) For items sold by number the symbol should be N or U.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), Rule 13 of the said rules, shall be substituted, in place of :
"13.Statement of units of weight, measure or number (1) The units of weight, measure or number shall be specified in accordance with the units specified in sub-rule (2) or sub-rule (3), as the case may be. (2) When expressing a quantity less than- (a) one kilogram, the unit of weight shall be the gram; (b) one metre, the unit of length shall be the centimetre: (c) one square metre, the unit of area shall be the square decimetre; (d) one cubic metre, the unit of volume shall be one cubic 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) (i) one kilogram, the unit of weight shall be the kilogram and any fraction of a kilogram shall be expressed in terms of decimal sub- multiplies of kilogram; (ii) one tonne, the unit of weight shall be the tonne and any fraction of a tonne shall be expressed in terms of decimal sub-multiples of the tonne; (b) one tonne, the unit of weight shall be the tonne and any fraction of a metre shall be expressed in terms of decimal sub-multiples of the metre; (c) one 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) one 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) (i) 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; (ii) one kilolitre, the unit of volume shall be the kilolitre and any fraction of a kilolitre shall be expressed in terms of decimal sub-multiple of the kilolitre : 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, in terms of gram, centimetre, square decimetre, cubic centimetre, cubic decimetre or millilitre as the case may be : Provided further that where the quantity to be expressed is equal to or more than 100 kilograms but less than 1,000 kilograms, such quantity may be expressed, at the option of the manufacturer or the packer, in terms of quintal which is equivalent to 100 kilograms. Illustrations : (a) Where the weight is 1,500 grams, it shall be expressed as 1.5 kilogram. (b) [* * *] (c) Where the length is 225 centimetres, it shall be expressed as 2.25 metres. (d) Where the volume is 1,200 millilitres, it shall be expressed as 1.2 litre. (4) Units of weight or measure not specified in sub-rules (2) and (3) shall be expressed in accordance with the following principles, namely : (a) when expressing a quantity less than the standard unit, the quantity shall be expressed in terms of the mill unit, and where the quantity is less than one thousand the part of a unit, in terms of the micro unit, and so on: (b) when expressing a quantity more than the standard unit, the quantity shall be expressed in terms of the unit up to, but not including one thousand units, and where the quantity is one thousand units or more, but less than one million units, the quantity shall be expressed in terms of the kilo units and where the quantity is one million units or more, the quantity shall be expressed in terms of mega units and so on; (c) when the quantity is more than one standard unit but less than the next standard unit, the fraction shall be expressed in accordance with the decimal sub-multiples of the unit. (5) When any commodity is packed by number, such number shall be expressed on the package in international form of Indian numerals, and every package intended to be sold by number shall be packed in the manner specified in the Sixth Schedule : [Provided that the Central Government may, if it is satisfied that for any technical or mechanical reason it is not possible to pre-pack any commodity in the standard quantities specified in the Sixth Schedule, authorise the pre-packing of such commodities in such numbers as it may specify.] (6) No number called the dozen (12), score (20), gross (144), great gross (1,728) or the like shall be specified or indicated on any package. [(7) Symbols for units: (a) the symbols for International system of units and none other, shall be used in

furnishing the net quantity of the package. Illustrations : Kilogram Kg. Gram g. Milligram mg. Litre 1 Millilitre ml. Metre m. Centimetre cm. Millimetre mm. Square Metre m² Square Centimetre cm² Cubic Metre m³ Cubic Centimetre cm³ (b) symbols shall not be given in capital form except for the unit derived from a proper name. Period, i.e., a dot after symbols shall not be put. As far as possible symbols shall always be written in the single form i.e., S shall not be added.] " by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

14. Unit sale price-How to be determined :-

95 [* * *]

Added by G.S.R. 50(E), dated 17th January, 1992.

15. Additional declarations to be made on combination packages :-

96 [***]

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), Rules 15 of the said rules shall be omitted, as follows : " 15. Additional declarations to be made on combination packages.- (1) A combination package shall contain, in addition to the declaration required to be made under any other provisions of these rules, an indication of the net weight, measure or number, as the case may be, in respect of each commodity contained in the package and the [retail sale price] of the combination package. (2) If individual pieces contained in the package do not carry retail sale price, it shall carry a declaration that they are not intended for retail sale." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

16. Additional declarations to be made on group packages :-

97 [***]

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), Rules 16 of the said rules shall be omitted as follows :- "16 Additional declarations to be made on group packages.- (1) The additional declarations on a group package shall be expressed as follows : (a) the number of pieces of each commodity contained in such package, followed by the net weight, measure or number, as the case may be; (b) the total number of pieces contained in the

group package; and (c) the [retail sale price] of the group package. (2) If individual pieces contained in the package do not carry retail sale price, it shall carry a declaration that they are not intended for retail sale." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

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

. **98** [***]

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), Rules 17 of the said rules shall be omitted as follows :- "17. Additional declarations to be made on multi-piece packages.- (1) Every multi-piece package shall bear thereon, in addition to the declaration required to be made under any other provision of these rules, a declaration of- (a) the number of individual pieces contained therein; (b) the [retail sale price] of the multi-piece package : Provided that where individual pieces contained in a multi-piece package are packaged or labelled separately and are capable of being sold separately each piece shall bear thereon a declaration as to the quantity and the [retail sale price] thereof. (2) If individual pieces contained in the package do not carry retail sale price, it shall carry a declaration that they are not intended for retail sale." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

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 ¹[retail sale price] of each such piece : Provided further that the dimensions of the commodities and the **100** [retail sale price] thereof shall also be marked on each individual piece.

The words as far as possible, omitted by G.S.R. 788(E), dated 8th December, 1995 (w.e.f. 10th June 1996).

19. Declaration with regard to dimensions and weight to be made on package in certain cases :-

. .-Where the dimensions and weights, 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 or 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 material 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.

Illustrations : **101** [* * *]

(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.

Illustrations : **102** [* * *]

(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.- **103** [* * *]

(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.-Freeze boxes-"4 boxes, 500 ml capacity, 120 mm x 100 mm x 70 mm".

Explanation II.-Containers intended to be used for solids shall fall within the ambit of this rule.

Illustrations :

(a) Bags-"8 bags, 100 kg capacity, 900 mm x 1,500 mm";

(b) Cups-"20 cups, 200 ml capacity".

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.-Can liners-"10 liners, 450 mm x 100 mm, fits cans up to a capacity of 100 liners".

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 21 of the said rules, under clauses (i) the, illustration, shall be omitted as follows :- Illustrations : "(a) for bags without gusset-"25 bags, 200 mm x 200 mm": (b) for bags with gusset--"100 bags, 600 mm x 800 mm x 200 mm"; " by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 21 of the said rules, under clauses (ii) the, illustration, shall be omitted as follows :- Illustrations : (a) "2 cake-pans, 200 mm x 200 mm": (b) "1 roasting pan, 250 mm x 200 mm x 50 mm"; by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 21 of the said rules, under clauses (iii) the, illustration, shall be omitted as follows :- Illustrations : "4 pans, 200 mm diameter x 100 mm"; by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

22. 22 :-

Substituted by G.S.R. 511(E), dated 25th May, 1990.

23. Provisions relating to wholesale dealer and retail dealers :-

. .-

(1) No wholesale 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.

¹[(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.]

¹⁰⁶[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.]

¹⁰⁷[(3) * * *]

¹⁰⁸[(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 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 Councillors 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 prepacked 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.]

(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 **109**[the retail sale price], indicated by the manufacturer or the packer, as the case may be, on the package or on the label affixed thereto.

110 [(7) The manufacturer or packer shall not alter the price on the wrapper once printed and used for packing.]

Omitted by G.S.R. 393(E). published in the Gazette of India. Extraordinary, Pt. II, Sec. 3(i), dated 23rd May, 1984.

Substituted by G.S.R. 50(E). dated 17th January. 1992.

Substituted by G.S.R. 578(E), dated 26th August, 1993 (w.e.f. 26th August, 1993).

Substituted by G.S.R. 511(E), dated 25th May, 1990.

Inserted by G.S.R. 578(E), dated 26th August, 1993 (w.e.f. 26th August, 1993).

23A. Weighing facility :-

111 (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 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).

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), After Rule 23 of the said rules, the following rule shall be inserted, namely: "23 (A). Weighing facility. (1) All retailers who

are covered under the Value Added Tax [VAT] or Turn Over Tax (TOT) and dealing in packaged commodities whose net content declaration is by weight or volume or a combination thereof shall maintain a electronic weighing machine of at least accuracy class III, with smallest division of atleast 1 g, with facility to issue a printed receipt indicating among other things, the gross quantity, price and the like at a prominent place in their 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)." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

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 ¹"lot " 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 as in these rules, the authorized person may ²batch, 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 authorized person shall enter, in the Form set on 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 authorized 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 be 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 authorized 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 or 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) **2*** * * *

(c) any such package shows an error in deficiency greater than **2**[***] the maximum permissible error,

116["Rupees Five Thousand"]as is, his opinion, commensurate with the services so rendered : Provided that where fresh tests are carried out, no package contained in the **117**"lot " , 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 **118**"lot " 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 batch and pick out from the batch the packages which conform to all the provisions of the Act and of these rules.

(b) When the Director of the authorized person is satisfied that the packages picked out by the manufacturer or packer conform to all the provisions of the Act and of these rules, he shall authorize 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 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 batch of package 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.

119(b)*****

(c) the extent of error in deficiency in none of such sample packages exceeds **120**[* * * *] the maximum permissible error, and

(d) each such package bears thereon or a label affixed thereto-the declarations required to be made under these rules.

121 (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."

15. In R

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 24 of the said rules, in sub-rules (1), for the words, batch, the word "lot " shall be substituted , by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

[23]Substituted for "rupees 1 [five hundred], ", vide " STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977" Dt.6th April, 1999 Published in Ministry of Food and Consumer Affairs (Deptt of Consumer Affairs), Noti. No.G.S.R. 246(E), dated April 5, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1999, pp. 6-11, No. 168 [F. No. WM-10(6)/98-Pt.]

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 24 of the said rules, in sub-rules (4), for the words, batch, the word "lot " shall be substituted , by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 24 of the said rules, in sub-rules (5), for the words, batch, the word "lot " shall be substituted , by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

Omitted by Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2004

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 24 of the said rules, after sub-rule (6), the following sub-rules shall be inserted, namely: "(7) The requirement of mandatory declarations on the packages shall be ensured either at the factory level or at the depot of the factory. (8) For non-compliance of the provisions of this rule, action 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." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

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

:-

122 (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 declaration to be made under these rules, the Director or the authorized person shall take action as given below:

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

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

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

(2) Before taking any punitive action under sub-rule (1) the Director or the authorized person shall seize, in accordance with the provisions of the Act, 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.

(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).

In the Standards of Weights and Measures (Packaged

Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 25 of the said rules, for sub-rule (1), the following sub-rule shall be substituted, in place of : "(1) If it appears from the report referred to in sub-rule (3) of rule 24 that- (a) 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) [*****] (c) any such package shows an error in deficiency greater than the maximum permissible error, or (d) any such package does not bear thereon or on a label affixed thereto the declarations to be made under these rules, the Director or the authorized person shall take punitive action in accordance with the provisions of the Act against the manufacturer or as the case may be, the packer : Provided that no such punitive action shall be taken if fresh tests are carried out under sub-rule (4) of , but if after such fresh tests any such error or omission as is referred to in this sub-rule is detected, the Director or the authorized person shall take appropriate punitive action In accordance with the provisions of the Act against the manufacturer or, as the case may be, the packer." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

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 authorized 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 authorized 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 authorized 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 authorized 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 ¹[***] the maximum permissible error in relation to that commodity.

(3) Where the Director or the authorized 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 ¹[***] the maximum permissible error in relation to the 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 authorized 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 ¹²⁵ [***] 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 authorized 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.

Omitted by Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2004

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 deviations in weighing, measuring or counting the contents or 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) variations 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 re-packed or in default to be seized :-

. .-

(1) If, on the determination of the quantity contained in the sample packages, the Director or the authorized person finds that the quantity contained in the package agrees with the declaration of the quantity made on the package of label thereon but the package is a deceptive package, he shall require the manufacturer or the packer, as the case may be, to re-pack and to re-label 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 re-pack or re-label 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 package until they are produced in a Court as evidence.

Explanation.-For the purposes of this rule, deceptive package means a package which is 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 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 authorized person shall dispose of the commodity in accordance with the rules made under the Act.

CHAPTER 3 Provisions Applicable to Wholesale Packages

29. Declaration to be made on every wholesale package :-

. . -

(1) Every whole- sale 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

126[(c) the total number of retail packages contained in such wholesale package or the net quantity in terms of the standard units of weight, measure or number of the commodity contained in wholesale package :] **127** [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 that time being in force.]

Substituted by G.S.R. 50(E), dated 17th January, 1992.

Omitted Substituted by G.S.R. 50(E), dated 17th January, 1992.

CHAPTER 4 Export and Import of Packaged Commodities

30. Declarations on packages intended for export :-

.128 [***]

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), Rules, 30 shall be omitted as follows :- "30. Declarations on packages intended for export.-(1) In this Chapter, export package means a package intended for export. (2) Every export package shall, notwithstanding anything contained in rule 6, bear on its principal display panel a legible and conspicuous declaration with regard to the following matters, namely: (i) it is intended for export; (ii) the identity of the commodity contained in the export package and the net weight, measure or number of such commodity; (iii) the name and address of the manufacturer, and where the manufacturer is not the packer, of the packer. (3) Where an export package contains two or more individually packaged or labelled pieces of the same or different commodities, such export package shall also bear on its principal display panel a legible and conspicuous declaration with regard to the following matters, namely : (i) the number and description of such individually packaged commodities; and (ii) the net weight, measure or number of the commodities contained in such individual package. (4) The Director or any other person authorized by the Director may inspect, or cause to be inspected, any package intended for export with a view of ascertaining whether the declarations as to the net weight, measure, or number on the packages are accurate, and if the Director or authorized person is of the opinion that the declaration with regard to such matters is not correct or is false in material particulars, he may bring the matter to the notice of- (i) where such checking is made In the premises of the manufacturer or packer,- (a) the appropriate officer of customs, and (b) the Ministry dealing with the export of the concerned commodity; (ii) where the checking is made at or near the custom stations,- (a) the appropriate officer of customs, and (b) the Ministry dealing with the export of the concerned commodity, for such action as they may think fit. (5) Where the person to whom any package is to be exported does not put any indication on the package to the effect that it is intended for export or that the name of the manufacturer or packer should be mentioned on the package, it shall be lawful for the manufacturer or packer to pack such commodity without complying with the provisions of sub-clause (i) or sub-clause (ii). or both, of sub-rule (2)." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

31. Export packages also to comply with the laws of the country to which, they are being exported :-

. 129 [***]

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), Rules, 31 shall be omitted as follows :- "31. Export packages also to comply with the laws of the country to which, they are being exported.-Every export package shall also comply with the law, rules and regulations in force in the country to which such package is intended to be exported." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

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 re-packing or re-labelling, 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 :-

130 [* * *]

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), Rules, 33 shall be omitted as follows :- 33. Provisions applicable to packaged commodities imported into india.- (1) All pre-packaged commodities imported into India shall carry the following declarations- (i) Name and address of the importer; Provided further that the provisions contained in the first proviso shall be applicable only for the packages containing food articles. Explanation I. An importer is an individual, company or firm whose name figures in the bill of lading/import documents as the importer. Explanation II. For the purpose of these rules, the importers premises/address shall be taken as the manufacturers/packers premises/address. "Provided that the importer shall also declare on the package, the name and address of the manufacturer, if not already given on the package." (ii)[* * * *] (iii)[* * * *] (iv) Month and year of packing in which the commodity is manufactured or packed or imported; (v) Retail sale price as per clause (r) of Rule 2. (2) Responsibility for making mandatory declarations as required in sub-rule (1) shall rest with the importer. (3) The declarations shall be made in the following manner: (i) All the declarations may be printed on a label securely affixed to the package; or (ii) All the declarations may be made on an additional wrapper and imported package may be kept inside the additional wrapper; or (iii) All declarations may be printed on the package itself; or (iv) Declarations may be made on a card or

tape affixed firmly to the package or container and bearing the required information. (4) The provision of Rules 16 to 20, Rules 23 to 28 of Chapter II, Rule 29 of Chapter III Rule 34 of Chapter V, Rules 35 to 38 of Chapter VI, Rules 39 to 40 of Chapter VII and the schedules to these rules shall be applicable for the imported packages." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

CHAPTER 5 Exemptions

34. Exemption in respect of certain packages :-

..-

(1) Nothing contained in these rules shall apply to any package containing a commodity If-

131(a)[* * *]

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

133[(c) it contains bidis or incense sticks;]

134[(d) any package containing fast food items packed by restaurant/hotel and the like;]

135[(e) drugs covered under the Drugs (Price Control) Order, 1995.]

136 (f) agricultural farm produces in packages of above 50 kg.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 34 of the said rules, in sub section (1), clause (a) shall be omitted as follows :- (a) the marking on the package unambiguously indicates that it has been specially packed for the exclusive use of any industry as a raw material or for the purpose of servicing any industry, mine or quarry : Provided that this exemption shall not be available in respect of- (i) any yarn which is sold in hands to handloom weavers; (ii) any component, part or material used in any workshop, service station or any other place where servicing or repairing of any bicycle, tricycle or motor vehicle within the meaning of the Motor Vehicles Act, 1939, is undertaken; [(iii) any package containing a commodity of net content of 5 kilograms or 5 litres or less and displayed for sale at the retail outlet; (iv) any package containing a commodity to be sold by number or length and displayed for sale at the retail outlet;] by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In Rule 34 of the said rules, in sub section (1), clause (b)

shall be omitted as follows :- (b) the net weight or measure of the commodity is twenty grams or twenty millilitres or less, if sold by weight or measure : [Provided that this exemption shall not apply to packages containing any drug or medicine.] [Provided that the declaration in respect of maximum retail price and net quantity shall be declared on package containing 10g to 20g or 10 ml to 20 ml.] by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006.

Inserted by G.S.R. 50(E), dated 17th January, 1992.

Inserted by G.S.R. 59(E), dated 23rd February, 1980.

Ins by G.S.R. 314(E), dated 12th March. 1994(w.e.f. 12th March, 1994).

[24]Inserted vide " STANDARDS OF WEIGHTS AND MEASURES (PACKAGED COMMODITIES) RULES, 1977" Dt.6th April, 1999 Published in Ministry of Food and Consumer Affairs (Deptt of Consumer Affairs), Noti. No. G.S.R. 246(E), dated April 5, 1999, published in the Gazette of India, Extra., Part II, Section 3(i), dated 6th April, 1999, pp. 6-11, No. 168 [F. No. WM-10(6)/98-Pt.]

CHAPTER 6 Registration of Manufacturers and Packers

35. Registration of manufacturers, packers and importers.

:-

137(1) Every individual, firm, Hindu undivided family, society, company or corporation who or which prepacks or imports any commodity for sale, distribution or delivery shall make an application. accompanied by a fee of **138** rupees five hundred, 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 pro-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 commence 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 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."

139(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.

(3A) On receipt of the application made under sub-rule (1), the Director, who shall be the Registering Authority, shall- **140** (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 application.

(b) if the application is complete in all respects re;, ister the applicant and grant a registration certificate to the applicant to that effect."

Substituted for rule 35 for "35. Registration of Manufacturers and packers.-(1) Every individual, firm, Hindu undivided family, society, company or corporation who or which pre-packs any commodity for sale, distribution or delivery shall make an application accompanied by a fee of [rupees twenty], 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 an applicant pre-packing 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 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 of one or more commodities is made by the applicant: and (c) the name of the commodity or commodities pre-packed by the applicant. Explanation.-In the sub-rule, complete address has the meaning assigned to it in the explanation to sub-rule (1) of rule 10." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2000.

in rule 35 in sub rule (1) for the word "rupees twenty" the words, " rupees five hundred " shall be substituted

after sub rule (2) sub rule (3) shall be inserted by the Standards of Weights and Measures(packaged Commodities)Amendent Rules,2005

In Rule 35, in sub-rule (3-A), for clause (a), the following shall be substituted by the Standards of Weights and Measures (Packaged Commodities) Fourth Amendment Rules, 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 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 or 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 opened to the inspection of the public without the 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 7 General

39. Penalty for contravention of rules :-

.. 142 .

(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 provisions 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.]

Added by G.S.R. 105(B). dated 2nd March.1995 (w.e.f. 2nd March. 1995).

40. Power to relax in certain cases :-

. **143** .-The Central Government may, if satisfied, on the genuineness of the reasons stated in the application, permit a manufacture/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.

[10005]Substituted for " 1 [40 . 40 .-The Central Government may, if it is satisfied, on the genuineness of the reasons stated in the application, may permit a manufacturer/packer to pack for sale the following types of pre-packed commodities for a reasonable period, relaxing any or all the provisions of these rules : (i) Introductory packs; (ii) innovation packs; (iii) trial packs; (iv) promotional packs; (v) packages on which corrective actions are to be taken after a compounding or a Court decision or other genuine reasons."] ", vide " Weights and Measures (Packaged Commodities) Rules, 1977" Dt.August 17, 1999 Published in Ministry of Food and Consumer Affairs (Deptt. of Consumer Affairs), Noti. No. G.S.R. 594(E), dated August 17, 1999 published in the Gazette of India, Extra., Part II, Section 3(i), dated 17th August, 1999, pp. 3-5, No. 415 (F. No. WM 10/8/99) [L]

SCHEDULE 1

FIRST SCHEDULE

(See rule 2(1)]¹⁴⁴ In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), First Schedule shall be omitted with effect from 1.5.2008 , as follows :-

Sl.	Description of commodity	Quantity declared	Maximum No.	permissible error	
1	Biscuits	(i) Up to and equal to 500g	(ii) Above 500g	(i) 7.0% (ii) 6.0%	
2	Bread	(i) Up to and equal to 400g	(ii) Above 400g up to 800g	(iii) Above 800g upto 1200g	(i) 8.0% (ii) 6.0% (iii) 8.0%
3	Cement	[For any quantity]		2.0%	
4	Detergents cleaning/ scouring powder and the like	(i) Upto and equal to 1kg	(ii) Above 1kg upto 3kg	(iii) Above 3kg	(i) 5.0% (ii) 8.0% (iii) 1.5%
5	Face cream	(i) Upto and			

equal to 8.0% upto 25 g (ii) Above 25 g upto 8.0% or 2.51 and equal to 100 g whichever is less (iii) Above 100 g 6.0% 6. Ghee, vanaspati and edible oil (i) Upto and equal to 2.00 per cent. oils 1 kg/litre (ii) Above 1 kg/litre 1.50 per cent.] upto and equal to 2 kg/litre (iii) Above 2 kg/litre 1.25 per cent. upto and equal to 4kg/litre (iv) Above 4kg/litre 0.60 per cent. 7. Hair cream (i) Upto and equal to 5g 100g (ii) Above 100g upto 5.0% or 7 g and equal to 200 g whichever is less (iii) Above 200 g 50% or 10g whichever is less 8. Infant foods including (i) Upto and equal to 5.0% malted milk foods 100 (ii) Above 100g upto 8.0% and equal 1 kg (iii) Above 1 kg 6.0% 9. Liquid milk (i) Upto and equal to 5ml 100 ml (ii) Above 100ml upto 8ml and equal to 250ml (iii) Above 250ml 10ml 10. Provisions sold in (i) Upto and equal to Polythene bags or plastic 100g 6.0% bags. Food grains, pulses, (ii) Above 100 g upto edible seeds, spices (whole and equal to 500 g 2.0% or broken but not (iii) Above 500 g upto powdered), powdered and equal to 1kg commodities (Such as, 1.5% chilli powder, pepper (iv) Above 1 kg 0.75% powder, coffee powder. washing soda, atta, table salt and the like), dry fruits seeds and other commodities (such as, sugar, gur, Khandsari and like) 11. Safety match boxes (i) containing upto 50 8.0% sticks (ii) containing more 6.0% than 50 sticks 12. Shaving cakes/sticks For all quantities 6.0% 13. Shaving cream (i) Upto and equal to 1g 50g (ii) Above 50 g upto 2g and equal to 100g 14. Soap chips (i) Up to and equal to 1.0% 1kg (ii) Above 1kg up to 6.0% and equal to 3 kg (iii) Above 3 kg 0.2% 15. Talcum and face powder (i) Up to and equal to 6.5% 50g (ii) Above 50g upto and 8.0% equal to 100g (iii) Above 100g upto 6.0% and equal to 300 g (iv) Above 300g 2.5% 16. Tea For all quantities 2.0% 17. Toilet soaps For all quantities 6.0% 18. Tooth paste (i) Up to and equal to 5.0% 50g (ii) Above 50 g upto 8.0% and equal to 125 g (iii) Above 125 g 6.0% 19. Tooth powder (i) Up to and equal to 8.0% 100g (ii) Above 100 g 8.0% or 15 g whichever is less 20. Washing soap (i) Upto and equal to 4.5% 150g (ii) Above 150g upto 8.0% and equal to 300 g (iii) Above 300 g 6.0% 21. Writing and printing paper For any quantity 2.5% 22. Wrapping paper For any quantity 5.0% (Including packing paper) by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006. [* * *]

SCHEDULE 2

THE SECOND SCHEDULE

[[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.-(I The maximum permissible error, in excess or In deficiency, in the net quantity b; weight or volume of any Commodity not specified in the First Schedule, shall be ai specified in Table 1 below-

TABLE I			
Maximum Permissible Errors on Net quantities declared by weight or by volume.			
Sl. No.	Declared quantity	Maximum permissible error in excess or in deficiency	
		As percentage of declared quantity	g or ml
1	2	3	4

(i)	5 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 not equal to 1000 g or ml and to the next whole g or ml for declared quantities above 100 g 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 upon 10 metres and thereafter 1% of declared quantity.
(ii)	in units of area	4% of declared quantity upon 10 sq. metres and thereafter 1% of declared quantity.
(iii)	by number	2% of declared quantity.

SCHEDULE 3

Commodities to be packed in specified quantities

[THE THIRD SCHEDULE (See rule 5⁴⁶ In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), Third Schedule shall be omitted with effect from 1.5.2008 , as follows :- 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. \Commodities \Quantities in which to be packed No. \ \ (1)\(2) \ (3) 1. \Baby food \100g, 200g, 300g, 400g, 500g, 600g, 700g, 800g, 900g, 1 kg, 2 kg, 5 kg, and 10 kg. 2. \Weaning Food \100g, 200g, 300g, 400g, 500g, 600g, 700g, 800g, 900g, 1 kg, 2 kg, 5kg, and 10 kg. 3. \Biscuits \25g, 50g, 75g, 100g, 150g, 200g, 250g, 300 g and thereafter in \ \multiples of 100g up to 1kg. 4. \Bread including brown \100g, 200g, 400g, 800g, 1200g. \bread but excluding \ \bun \ 5. \Uncanned packages of \25g, 50g. 100g, 200g, 500g, 1kg, 2kg, 5kg and thereafter in \butter and margarine \multiples of 5kg. 6. \Cereals and Pulses \100g, 200g, 500g, 1kg, 2kg, 5kg and thereafter in multiples \ \of 1kg. 7. \Coffee \25g, 50g, 100g, 200g, 500g, 1kg, and thereafter in multiples \ \of 1kg. 8. \Tea \25g, 50g, 100g, 250g, 500g, 1kg, and thereafter in multiples \ \of 1kg. 9.

Materials which may be reconstituted as follows: 1. Beverages: 25g, 50g, 100g, 200g, 500g, 1kg, and thereafter in multiples of 1kg. 2. Edible oils, Vanaspati, 50g, 100g, 200g, 500g, 1kg, 2kg, 5kg and thereafter in multiples of 1kg. If the net quantity is declared by volume the same number in millilitres or litres, as the case may be. 3. If the net quantity is declared by volume then equivalent quantity in terms of mass to be declared in bracket, in same size of letters/numerals, or vice-versa. 4. Milk Powder: Below 50g no restriction, 50g, 100g, 200g, 500g, 1kg and thereafter the multiples of 500g. 5. Non-soapy detergents: Below 50g no restriction, 50g, 100g, 200g, 500g, 700g, 1kg, (powder) 1.5kg, 2kg and thereafter in multiples of 1kg. 6. Rice (powdered), flour, 100g, 200g, 500g, 1kg, 2kg, 5kg and thereafter in multiples of 5kg. 7. Atta, rawa and suji of 5kg. 8. Salt: Below 50g in multiples of 10g, 50g, 100g, 200g, 500g, 1kg, 2kg, 5kg and thereafter in multiples of 5kg. 9. Shoaps: 50g, 75g, 100g and thereafter in multiples of 50g. (a.) Laundry Soap: 50g, 75g, 100g, 125g, 150g, 200g, 250, 300g and thereafter in multiples of 100g. (b) Non-soapy detergent: cakes/bars 25g, 50g, 75g, 100g, 125g, 150g and thereafter in multiples of 50g. (c) Toilet-Soap Including all kinds of bath Soap (cakes) 100ml, 150ml, 200ml, 250ml, 300ml, 330ml, (in cans only), And non-alcoholic 500ml, 750ml, 1litre, 1.5 litre, 2 litres and thereafter Beverages: multiples of 1litre up to 5 litres. 10(A) Mineral water and drinking water: 100 ml, 130 ml, 150 ml, 200 ml, 250 ml, 300 ml, 330 ml, 500 ml, 600 ml, 750 ml, 1 litre, 1.2 litre, 1.5 litre, 2 litre, 3 litre, 4 litre and 5 litre. 11. Cement in bags: 1kg, 2kg, 5kg, 10kg, 20kg and 50kg. 12. Paint, Varnish, etc.: Varnish, 50ml, 100ml, 200ml, 500ml, 1litre, (a) Paint (other than stains, enamels, 2 litres, 3 litres, 4 litres, 5 litres and paste paint or thereafter in multiples of 5 litres. (b) Paste paint and solid paint: 500g, 1kg, 1.5kg, 2kg, 3kg, 5kg, 7kg and thereafter in multiples of 5kg. by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006. [***]

SCHEDULE 4

THE FOURTH SCHEDULE

[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 and the additional information which the package or the label affixed thereto shall bear on it.

Sl. No.	Name of commodity	Additional information to be stated
		on the package
(1)	(2)	(3)
1.	Alcoholic liquors	Per cent of alcohol
2.	Animal feed	
1[2-A.	Asafoetida]	...
3.	Bread, bun and the like	...
4.	Butter and cheese including peanut	
	butter (uncanned)	Fat content
5.	Cake	
1[5-A.	Camphor]	...
6.	Cream (other than cream of	

	milk)	
7.	Fertilizers	Nutrient content
8.	Fruits	
1[8-A.	Ice-cream]	...
1[8-B.	Knitting yarn)	
9.	Lotions	...
10.	Margarine	
11.	Detergent	...
1[11-A.	Papad	
1[11-B.	Pipe tobacco]	
12.	Soap of all kinds other than toilet soap	
1[12-A.	Snuff]	
13.	Spirituos products	...
14.	Toilet soap	Total fatty matter as a percentage of the declared net weight of the soap.
2[14-A.	All kinds of bath soaps.]	...

SCHEDULE 5

THE FIFTH SCHEDULE

¹⁴⁷ In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In the Fifth Schedule to the said rules, in column 3, against item No. 14, the words, "or volume" shall be omitted, by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006. [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, measure or number or two or more of them
(1)	(2)	(3)
1.	Aerosol products	... Weight
2.	Acids in liquid form	... Weight or volume
3.	Compressed or liquefied gas (but not liquefied petroleum gas)	Weight and equivalent volume at stated temperature and pressure
4.	Curd	... Weight
5.	Electric Cables	... Length or weight
6.	Electric wire	1[Length or weight]

		... [Length or weight]
7.	Fencing wire	... [Length or weight]
8.	Fruits, all kinds	... Number or weight
9.	Furnace oil	... Weight or volume
2	Non-edible vegetable oils	... Weight or volume]
[10.		
3	Edible oils, vanaspati ghee and butter	
[10-A.		
	oils	... Weight or volume]
11.	heavy residual fuel oil	... Weight or Volume
12.	Industrial diesel fuel	... Volume
13.	Honey, malt extract, golden syrup	
	treacle	... Weight
14.	Ice-cream and other similar frozen product	Weight [***]
15.	Liquid chemicals	... Ditto
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.	Rasgulla, gulabjamun and other sweet preparations	... Ditto
21.	Ready-made garments	... Number
22.	Sauce, all kinds	... Weight
23.	Tyres and tubes	... Number
24.	Yarn	... Weight or length or yarn
4	Cosmetics including creams,	
[25.		
	shampoo, lotions and perfumes	... Weight or volume]

SCHEDULE 6

THE SIXTH SCHEDULE

¹⁴⁸ In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), Sixth Schedule to the said rules shall be omitted as follows :- "6.THE SIXTH SCHEDULE (See rule 24) "The manner in which commodities intended to be sold by number shall be packaged- Where any commodity is packaged by number, such packing shall be made unless otherwise provided in these rules in the following manner, namely : (a) where the number is less than ten, by the Integral number; (b) where the number exceeds ten but does not exceed one hundred, in multiples of five; (c)

where the number exceeds one hundred but does not exceed 1[five hundred] in multiples of ten; [(d) where the number exceeds five hundred but does not exceed one thousand in multiples of fifty: [(e) where the number exceeds one thousand, in multiples of one hundred." by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006. [***]

SCHEDULE 7

THE SEVENTH SCHEDULE

[* * *]

SCHEDULE 8

THE EIGHTH SCHEDULE

SCHEDULE 9

THE NINTH SCHEDULE

[(See rule 24) Manner of Selection of Samples of Packages 1. For the determination of the quantity for any commodity contained in package, the sample size shall be such as is specified In the corresponding entry Column 2 of the Table below against the batch size specified in Column I of the sa Table.

TABLE		
Batch size	Sample	Number of packages showing error
		more than the maximum permissible
		error but less than twice the
		maximum permissible error
1	2	3
Less than 4000	32	Not more than 2
More than 4000	80	Not more than 4

2. The sample shall be selected at random in accordance with the manner specified in Paras. 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 ¹⁵² In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In the Ninth Schedule to the said rules, for the word, "batch", the word, "lot" shall be substituted, by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006. "lot" 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 ¹⁵³ In the Standards of Weights and Measures (Packaged Commodities) Rules, 1977, (hereinafter referred to as the said rules), In the Ninth Schedule to the said rules, for the word, "batch", the word, "lot" shall be substituted, by the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 2006. "lot". 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 package 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 sample. Notes.-(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 shall start doing so as early as possible but in any case before the 30th day of June, 1992. (2) Packing of butter in 250 g and 400 g, of cereal product in 400g, of non-soapy detergent in 50 g 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.]

SCHEDULE 10

THE TENTH SCHEDULE

(See rule 24) Determination of the Net Quantity of Commodities Contained in Packages \ PART I Equipments 1. Equipment required.-(1) The Director, or other person authorized 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 authorized 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, work 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 packages : 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 packages. (2) It shall be the duty of every manufacturer, packer or wholesale dealer to render such assistance to the Director or other authorized person as the Director or other authorized 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 manufacturer, packer or wholesale dealer is used by the director or other authorized 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 authorized person until his work is completed. PART II Introduction with regard to the determination of quantity and error at manufacturers or packers premises 3. Procedure for determination of quantity by weight at manufacturs or packers premises.-¹⁵⁴[10006]. Substituted for "(1) If empty tare packages are available, take 10 such tare packages, cut them to the size which they would have on the filling and weigh them Get the weight of one tare package by dividing the weight so arrived at by ten. ", vide " Weights and Measures (Packaged Commodities) Rules, 1977" Dt. August 17, 1999 Published in Ministry of Food and Consumer Affairs (Deptt. of Consumer Affairs), Noti. No. G.S.R. 594(E), dated August 17, 1999

published in the Gazette of India, Extra., Part II, Section 3(i), dated 17th August, 1999, pp. 3-5, No. 415 (F. No. WM 10/8/99)[L] ["(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.".] (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 packages Is equal to or less than three-tenths of the maximum permissible error for that concerned commodity of that quantity, 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 ¹⁵⁵[10007]. Substituted for "Para (2) ", vide " Weights and Measures (Packaged Commodities) Rules, 1977" Dt.August 17, 1999 Published in Ministry of Food and Consumer Affairs (Deptt. of Consumer Affairs), Noti. No.G.S.R. 594(E), dated August 17, 1999 published in the Gazette of India, Extra., Part II, Section 3(i), dated 17th August, 1999, pp.3-5, No. 415 (F. No. WM 10/8/99)[L] ["sub-paragraph (2)",]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 packages^ 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 the commodity in each package in the sample. (4) Where it is found on examining the first tare 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 ¹⁵⁶[10008]. Substituted for "Table I ", vide " Weights and Measures (Packaged Commodities) Rules, 1977" Dt.August 17, 1999 Published in Ministry of Food and Consumer Affairs (Deptt. of Consumer Affairs), Noti. No. G.S.R. 594(E), dated August 17, 1999 published in the Gazette of India, Extra., Part II, Section 3(i), dated 17th August, 1999, pp.3-5, No. 415 (F. No. WM 10/8/99)[L] ["Table"]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 ¹⁵⁷[10009]. Substituted for "Table II", vide " Weights and Measures (Packaged Commodities) Rules, 1977" Dt.August 17, 1999 Published in Ministry of Food and Consumer Affairs (Deptt. of Consumer Affairs), Noti. No. G.S.R. 594(E), dated August 17, 1999 published in the Gazette of India, Extra., Part II, Section 3(i), dated 17th August, 1999, pp.3-5, No. 415 (F. No. WM 10/8/99)[L] ["Table"] of the Ninth Schedule shall be selected; (b) the empty packages 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 operation 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 Cl. (c) from the gross weight. (6) The Director or other authorized person shall enter result of his examination of gross weight, net weight and tare weight in the form specified in the Eleventh Schedule, along with 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 para 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 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 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 authorized person shall take packages from the sample drawn by him in the manner specified in the

Ninth Schedule and determine the extent or error by actual counting in each such package and may, for that purpose, open all packages. 7. Checking of unit price.- (1) The Director or authorized person shall calculate, from the total selling price of the package, and the declared net quantity, the price of the commodity in packaged form per unit of weight, measure or number by using the rule of three. (2) The Director or authorized person shall note the difference, if any, between the declared and calculated unit price. 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 conform to these rules. (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.

SCHEDULE 11

THE ELEVENTH SCHEDULE

(FORM A)				
Weight Checking Data Sheet				
A				
Particulars of package		Name of manufacturer/packer		
		Address	Price	Month
		Year		
B				
Commodity classification		Lot size:		
		Schedule First/Second Sample size :		
		Class A/B		
		Maximum permissible error in percentage.		
C				
Sample No.	Gross weight	Tare weight	Net weight/Error	Remarks
Weight	1			
.. ..				
Checking data	200			
D				
Results	Declared weight		Av. Wt.	
E GENERAL COMMENTS WITH REGARD TO THE COMPLIANCE WITH THE ACT AND THE RULES MADE THEREUNDER				
F				
Signature and name of		Signature and name of manufacturer/		
authorised person		packer authorized by manufacturer or		
		any competent witness		
Designation:				
Place:				
Date:				
Time:				
(FORM B)				

Volume/Length Checking Data Sheet				
A				
Particulars of package		Name of manufacturer/packer		
	Address	Price	Month	Year
B				
Commodity classification		Lot size:		
	Schedule First/Second	Sample size:		
	Class A/B		Time	
	Maximum permissible error in percentage.			
C				
	Sample No.	Net Volume/Error	Remarks	
	Length			
	1			
Volume/Length Checking Data 200				
D				
Results Declared Volume/Length		Av.	Volume/Length	
E GENERAL COMMENTS WITH REGARD TO THE COMPLIANCE WITH THE ACT AND THE RULES MADE THEREUNDER				
F Signature and name of authorised person		Signature and name of manufacturer/packer authorized by manufacturer or any competent witness		
Designation:				
Place:				
Date:				
Time:				
Note.If the data sheet runs into more pages than one, each continuation sheet shall bear the signatures specified in Part F.				