

PRESS NOTE

Clarification issued by the Legal Metrology Division of the Department of Consumer Affairs regarding verification & stamping of weights & measures used for any intermediatory processes in the industries during industrial production under the Legal Metrology Act, 2009: Press Note dated 6th May, 2014

The Ministry of Food Processing Industry had taken up the issue of annual verification of weight & measures in food processing industry as per the law in force. On the issue, the Legal Metrology Division of the Department of Consumer Affairs have issued a circular on 11th April 2014 to the Controller of Legal Metrology in all States/UTs clarifying that the weights and measures used for any transaction and for protection shall only be verified and stamped as required under Section 24(1) of the Legal Metrology Act, 2009. The Controllers of Legal Metrology have been advised to direct the enforcement officers to verify and stamp only those weights and measures which are covered under the 'Transaction' and 'Protection' as defined in Section 2(u) and Section 2(k) of the Act (ibid) respectively. Section 24(1) of the Legal Metrology Act, 2009 states that:

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

Where the words transaction and protection are defined under Section 2(u) and Section 2(k) of the said Act as follows:

“2 (u) “transaction” means,-

- (i) any contract, whether for sale, purchase, exchange or any other purpose, or*
- (ii) any assessment of royalty, toll, duty or other dues, or*
- (iii) the assessment of any work done, wages due or services rendered;*

2 (k) “**protection**” means the utilization of reading obtained from any weight or measure, for the purpose of determining any step which is required to be taken to safeguard the well-being of any human being or animal, or to protect any commodity, vegetation or thing, whether individually or collectively;”

In view of the aforesaid provisions in the Act, the weights and measures used for any transaction and for protection shall only be verified and stamped. The Controllers of Legal Metrology of all states/ UTs have been, accordingly, advised to direct the enforcement officers not to insist for the verification of weights and measures used for any intermediatory processes in the industries during industrial production, as these weights and measures do not affect the quantity delivered to the consumers and are not used for any transaction.
