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March 22, 2023

Shri Anupam Mishra, IAS
Joint Secretary (Legal Metrology)
Department of Consumer Affairs
Ministry of Consumer Affairs, Food & Public Distribution

Sub: Issues pertaining to Legal Metrology (Packaged Commodity) Rules

Respected Sir,

Greetings from MAIT!

At the outset, MAIT extends its heartiest thanks to the Department for its concerted efforts to engage with stakeholders on the issue of decriminalisation of the provisions of the Legal Metrology Act, 2009 [“the Act”] read with the Legal Metrology (Packaged Commodity) Rules, 2011.

While DoCA has taken a positive step in enablement of ease of doing business, however, of late, many of the industry players are facing issues with seizures and stoppage of business, based upon wrong interpretation of the legal provisions mentioned in the Legal Metrology (Package Commodity) Rules. The field officers of the Legal Metrology Department in the State of Maharashtra are seizing the goods lying at the warehouse on misinterpretation of law and on minor issues which is resulting in stoppage of business in the **critical month of March**.

The grounds on which the goods are getting seized by the Legal Metrology Department are: -

- **The Wholesale Packages** are getting seized where the name of the Manufacturer is mentioned but the name of the Importer has not been mentioned. As per the **Rule 24 of Legal Metrology (Packaged Commodity) Rules**, the name and address of the Importer **or** the name and address of Manufacturer may be mentioned. The Officers are interpreting that both the name and address of Manufacturer and Importer are required to be mentioned. Further, the Wholesale Packages are not meant for end customers. Hence, the officers are seizing the Wholesale Packages without any violation of Provisions.
- **The Retail Packages** are getting seized on minor deviations. The importers have mentioned all the particulars in very clear terms as mentioned in the **Rule 6 of the Legal Metrology (Package Commodity) Rules**, but the Legal Metrology Officers have seized the goods on the ground that there was no proper space given on the quantity declaration portion of MRP (Legal Metrology) label. The intention of the provisions is to give the declaration of the products clearly on the packages. If the declaration is clearly visible to the end customer without any assisted vision (aid of glasses) then this should not be considered as a violation. Hence, the minor discrepancy like space between the line items should not be a ground for seizure of goods.

MAIT has been informed by its industry members that the Legal Metrology Officers in Maharashtra are seizing the goods of the industry stakeholders and traders even at the minimal deviation. **This is leading to complete stoppage of business operations and creating obstacle for the industry in that particular region.**

Industry Request

We request your good office to kindly issue a direction/clarification to the enforcement agency that:-

1. The goods should not be seized where there is no violation of law.
2. A clarification should be issued that if Name and Address of the Manufacturer or the name and address of the Importer is mentioned on imported goods then it should be considered as a compliance of Rules.
3. In case of minor discrepancy, the enforcement agencies should issue notice to the dealer without seizure of the goods at the warehouse as it will lead to complete stoppage of biz operations. If the details of MRP label is clearly visible to eyes of the consumers without any assistance, then such trivial violations should not be a ground for seizure of goods.

It is important to highlight that month of March is a year-end closing in which lot of Govt. orders need to be executed. Due to seizure of goods on one hand on account of the reasons stated above and subsequent delay on compounding of offences at department end is further aggravating the situation. An ultimate result is that the organisations are not able to fulfil their orders.

We look forward to your positive consideration on our request.

Your kind consideration will go a long way in enabling ease of doing business in the IT and electronic sector.

Warm regards,



Col. AA Jafri, Retd.
Director General

CC: Shri Ashutosh Agarwal, Deputy Director, Department of Consumer Affairs