

The West Bengal Legal Metrology (Enforcement) Rules, 2011.

- (1) Short title and Commencement
 - (1) These rules may be called the West Bengal Legal Metrology (Enforcement) Rules, 2011.
 - (2) They extend to the whole of West Bengal.
 - (3) They shall come into force on such date as the State Government may, by notification in the "Official Gazette" appoint and different dates may be appointed for
 - (a) Different provisions of these rules; or
 - (b) Different areas; or
 - (c) Different class of activities.
- (2) In these rules unless the context otherwise requires -
 - (a) "Act" means the Legal Metrology Act, 2009
 - (b) "Contract" means an agreement enforceable by law.
 - (c) "Reference Standards Laboratory" means a laboratory set up by the Central Government under the 'Act' where Reference Standards, Secondary Standards and Working Standards are maintained.
 - (d) "Rule" means the West Bengal Legal Metrology (Enforcement) Rules, 2011.
 - (e) "Schedule" means a schedule appended to these rules.
 - (f) Words & expressions used in these rules and not defined in the Act shall have the meanings respectively assigned to them in the Act.
- (3) Reference Standards - The Reference Standards shall be kept at such place, in such manner and in such custody as prescribed under the Legal Metrology (National Standards) Rules, 2011.
- (4) Secondary Standards -
 - (1) Every Secondary Standards shall be verified at any of the Reference Standard Laboratory in such manner & at such periodical interval as may be prescribed under the rules and shall, if found on such verification to conform to the standards established by or under that Act, be stamped by Reference Standard Laboratory or a certificate of verification will be issued by that Laboratory.
 - (2) The Secondary Standards shall be kept at such place, and in such custody as the Controller may direct.
- (5) Working Standards-
 - (1) Every Working Standard shall be verified either at any of the Reference Standard Laboratories or any of the Secondary Standard Laboratories maintained by the West Bengal Government in such manner and at such periodical intervals as may be prescribed under the rules and shall, if found on such verification to confirm to the standards established by or under the Act be stamped or certificate of verification will be issued by that Laboratory as the case may be.
 - (2) The Working Standard shall be kept in the custody of Legal Metrology Officer.

6. **Secondary Standard balances** - (1) A set of Secondary standard balances shall be maintained at every place where Secondary Standard Weights are kept.
 - (2) The number, types and specifications of such: balances shall be such as may be prescribed under the Legal Metrology (General),”Rules, 2011.
 - (3) Every Secondary Standard balance shall be verified at least once within a period of twelve months and shall be adjusted, if necessary, to make it correct within the limits of sensitivity and other metrological qualities prescribed under the Act, by the Reference Standards Laboratory or by the Controller or such other officer as may be authorized by the Controller in this behalf.

7. **Working Standard Balances:** (1) A set of Working Standard balances shall be maintained at every place where Working Standard Weights are kept.
 - (2) The number, types and specifications of such balances shall be such as may be prescribed under the **Legal Metrology (General) Rules, 2011.**
 - (3) Every working Standard balance shall be verified at least once within a period of twelve months and shall be adjusted, if necessary, to make it correct within the limits of sensitivity and other metrological qualities prescribed under **the Legal Metrology (General) Rules, 2011,** by the Reference Standard Laboratory or at any of the place **where Secondary Standards are maintained by the State Government.**

8. **Physical characteristics, configuration,, constructional details of Weights and Measures** - Every Weight or measure used or intended to be used in any transaction or for protection , shall -conform as regards physical characteristic, configuration, constructional details, materials, performance, tolerances and such other details, to the specifications prescribed under the Act **or the Legal Metrology (General) Rules, 2011.**

9. **Use of Bullion Weights,, Carat Weights etc. :** (1) No Weight other than a Bullion Weight shall be used in any transaction on protection in bullion including precious metals, pearls, ornaments or other articles made of gold or silver. (2) No weight other than a carat weight shall be used in any transaction or protection in precious stones.
 - (3) **Only beam scale of class A or class B category or a non automatic weighing instrument of high accuracy class (class II) or-special accuracy class (class I) shall be used in any transaction on protection referred to in sub-rules (1) and (2).**

10. **Use of weights only or measures only or number only in certain cases. -**
Except in the cases of commodities specified in **Schedule I**, the declaration of quantity in every transaction, dealing or contract, or for protection shall be in terms of the unit of

- (a) Weight, if the commodity is solid, semi-solid, viscous or a mixture of solid and liquid;
- (b) Length, if the commodity is sold by linear measure;
- (c) Area, if the commodity is sold by area measure;
- (d) Volume, if the commodity is liquid or is sold by cubic measure; or
- (e) Number, if the commodity is sold by number.

11. **Licensing of manufacturer, repairer and dealer of Weights and Measures -**

- (1) Every manufacturer or repairer of, or dealer in, weight or measure shall make an application for the issue of a license to the Controller of Legal Metrology or such other officer as may be authorized by him in this behalf, in the appropriate form set out in **Schedule II-A**.

Provided that no license to repair shall be required by a manufacturer to repair weight or measure manufactured by him and used in a State other than the State of manufacture of the same, but the manufacturer has to inform in advance the concerned Legal Metrology Officer about the repairing.

Provided that a person who bonafide repairs any weight or measure owned or possessed by him shall not require a repairer license.

- (2) Every manufacturer or repairer of, or dealer in weight or measure shall make an application for the renewal of a license within **thirty days** before the expiry of validity of the license to the Controller legal metrology or such other officer as may be authorized by him in this behalf, in the appropriate form set out in **Schedule II-B**.
- (3) Every license issued to a manufacturer, repairer or dealer shall be in the appropriate form set out in **Schedule III**.
- (4) **Every license issued to a manufacturer, repairer, or dealer shall be valid for a minimum period of one calendar year and may be renewed for a period of one to five calendar years,, by the Controller or such other officer as may be authorized by him in this behalf on payment of necessary fee as specified in the Schedule IV.**

- (5) The fee payable for the alteration of a license or for the issue of a duplicate license shall be as specified in **Schedule IV**.
Provided that an additional fee at full the rates specified in *Schedule IV* shall be payable by the applicant if he is permitted by the Controller to make an application for the renewal of a license within a period of three months from the date of expiry of the license.
- (6) The Controller or such other officer as may be authorized by him in this behalf shall maintain a register of licensed manufacturers, dealers and repairers in the form set out in **Schedule V**.
- (7) Every manufacturer / repairer / repairer / dealer licensed under the act and these rules shall maintain such workshop / equipments / tools registers etc. as the case may be, as per the terms and conditions of the license.
- (8) **Every repairer licensed under the act and these rules shall furnish a security deposit for each license to the State Government as specified in Schedule VI.**
- (9) Every license issued or renewed under this Act shall be displayed in a conspicuous place in the premises where the licensee carries on business.
- (10) A license issued or renewed under this Act shall neither be salable nor transferable.

12. Suspension and cancellation of license granted:

- (1) The Controller or such other officer authorized by him on behalf may, if he has any reasonable cause to believe that the holder of any license issued, renewed or continued under this Act has made any statement in, or in relation to, any application for the issue, renewal or continuance of the license, which is incorrect or false in any material particular or has contravened any provision of the Act or any rule or order made there under, suspend such license, pending the completion of any inquiry against the holder of such license:

Provided that no such license shall be suspended unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action:

Provided further that where the inquiry referred to in this sub-rule is not completed within a period of three months from the date of

suspension of a license, such suspension shall, on the expiry of the period aforesaid, stand vacated.

- (2) The Controller or such other officer authorized by him on behalf may, if he is satisfied, after making such inquiry as he may think fit, that the holder of a license has made a false or incorrect statement of the nature referred to in **sub-rule, (1)** or has contravened any law or order referred to in that sub-rule cancel such license:

Provided that no such license shall be cancelled unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

- (3) Every person whose license has been suspended shall, immediately after such suspension, stop functioning as such licensee and shall not resume business as such licensee until the order of such suspension has been, or stands, vacated.
 - (4) Every licensee whose license has been suspended or cancelled shall, after such suspension or cancellation, as the case may be, surrender such license to the authority by which such license was issued.
 - (5) Every licensee whose license has been cancelled shall, within a period of thirty days from the date of such cancellation, or within such further period, not exceeding three months from such date, as the Controller or **such other officer authorized by him on behalf** may, on sufficient cause being shown, allow, dispose of the weights or measures which were in his possession, custody or control on the date of such cancellation and in the event of his failure to do so, the Controller or any other officer authorized by him, in writing, in this behalf, may seize and dispose of the same and distribute the proceeds thereof in such manner as may be prescribed.
13. **Records to be maintained by manufacturers, etc** - Every manufacturer or repairer of, or dealer in weight or measure licensed under the Act and these rules shall maintain records and registers in the appropriate form set out in **Schedule VII** and also submit such periodical report / returns as may be specified.

Verification and inspection of weights or measures -

- (1) Every person using any weight or measure in any transaction or for protection shall present such weight or measure for verification / re-

verification, at the office of the Legal Metrology Officer or at such other place as the Legal Metrology Officer may specify in this behalf on or before the date on which the verification falls due:

Provided that where any weight or measure is such that it cannot, or should not be moved from its location, the person using such weight measure shall report to the Legal Metrology Officer at least thirty days in advance of the date on which the verification falls due.

- (2) Where any weight or measure is such that it cannot, or should not, be moved from its location, Legal Metrology Officer shall **take** necessary steps for the verification of such weight or measure at the place of its location.
- (3) For the verification of weight or measure referred to in sub-rule (2) the user shall provide such facilities as may be specified by the Controller.
- (4) Every weight or measure presented for verification shall be complete in itself,
- (5) Every weight or measure shall be verified in a clean condition, and if necessary, the Legal Metrology Officer shall require the owner or user to make necessary arrangement for the purpose.
- (6) A Legal Metrology Officer may visit, as frequently as possible during the period specified in sub-rule (2) of rule 27, of the legal metrology (General) Rules, 2011 every premise within the local limits of his jurisdiction to inspect and test any weight or measure which is being or is intended or likely to be used in any transaction or for protection.
- (7) **The Legal Metrology Officer shall obliterate the stamp on any weight or measure, if it is found during inspection that:**
 - (a) **Any weight or measure 'Which being due for re-verification has not been submitted for such re-verification.**
 - (b) **Any weight or measure which does not conform to the Standards established by or under the Act.**

Provided that where the Legal Metrology Officer is of opinion that the defect or error in such weight or measure is not such as to require immediate obliteration of the stamp, he shall inform the user, of the defect or error found in the weight or measure and call

upon user to remove the defect or error within such time, not exceeding eight days and shall

- (i) If user fails to remove the defect or error within that period, obliterate the stamp, or
- (ii) If the defect or error is so removed as to make the weight or measure conform to the standards established by or under the Act, verify and stamp such weight or measure.

Explanation: The obliteration of the stamp on any weight or measure shall not take,, away or abridge the power of the Legal Metrology Officer to seize such weight or measure in accordance with the Provisions of the Act.

15. **Stamping of weights or measures** - (1) The Legal Metrology Officer shall stamp every weight or measure, if after testing and verification, he is satisfied that such weight or measure conforms to the standards established by or under the Act, with a stamp of uniform design, issued by the Controller, which shall indicate the number allotted for administrative purpose to the Legal Metrology Officer by whom it is stamped.

Provided that if by reason of the size or nature of any weight or measure it is not desirable or practicable to put a stamp thereon, the Legal Metrology Officer shall take such action as may be directed by the Controller by a general or a special order in writing.

- (2) The Legal Metrology Officer shall also mark the year and its quarter of stamping on every verified weight or measure except when the size or nature of such weight or measure makes it impracticable.

Explanation - A year shall be deemed to consist of four quarters of which first quarter shall be of the months of January, February and March which shall be marked as A; second quarter shall be of the months of April, May and June which shall be marked as B, third quarter shall be of the months of July, August and September which shall be marked as C and fourth quarter shall be of the months of October, November and December which shall be marked as D.

- (3) On completion of verification and stamping the Legal Metrology Officer shall issue a certificate of verification in the form set out in **Schedule VIII**.

- (4) Where a certificate of verification is lost or destroyed, the holder of the certificate of verification shall forthwith apply to the Legal Metrology Officer who had issued the certificate, for the issue of a duplicate certificate, of verification. Every such application for the issue of a duplicate certificate shall be accompanied by a fee of **rupees ten**.
- (5) On receipt of an application under sub-rule (4), the Legal Metrology Officer shall issue to the applicant a duplicate copy of the certificate of verification marked 'DUPLICATE'.

16. **Fee for verification** - (1) Fees payable for verification and stamping of weight or measure at the office or camp office of the Legal Metrology Officer shall be as specified in **Schedule IX**.

- (2) If, at the request of the user of weight or measure, verification is done at any premises other than the office or camp office of the Legal Metrology Officer, an additional fee shall be charged at half the rate specified in the **Schedule IX** and the user of the weight or measure shall pay the expenses incurred by the Legal Metrology Officer for visiting the premises including the cost of transporting and handling the Working Standard and other equipment subject to a minimum of rupees one **hundred**.

Provided that no additional fee shall be charged for verification and stamping of weights and measures in situ of,

- (i) Vehicle tanks for petroleum products. and ,other liquids, meter for liquids other than water (Fuel Dispenser, Liquid Petroleum Gas, Milk Dispensers), compressed natural, gas dispensers, non-automatic weighing instruments like weighbridges, platform machines, crane scale, automatic gravimetric filling instruments, automatic rail-weighbridge, discontinuous totalizing automatic weighing instruments, and such other weight or measure which cannot, and should not be moved from its location;
 - (ii) **Weight or measure in the premises of manufacturer or dealer of such weight or measure.**
- (3) If a weight or measure is presented to the Legal Metrology Officer for re-verification after expiry of the validity of the stamp, an additional

fee at half the rates specified in **Schedule IX** shall be payable for every quarter of the year or part thereof.

Provided that no additional fee shall be charged for a part of the quarter in which validity of the stamp is due to expire.

Provided further that if the re-verification of weight or measure could not be undertaken before expiry of the validity of stamp due to closure or suspension of works, natural calamities or other unavoidable circumstances the Controller may relax such additional fees to such extent in such areas as he may by special order direct.

- (4) Full fee shall be payable for re-stamping any weight or measure held in stock with manufacturer or dealer within the period specified, in rule 27 or the Legal Metrology (General) Rules, 2011 from the date on which it was last stamped, provide that the original stamp was not obliterated.
 - (5) A weight or measure which on verification/inspection is found to be incorrect shall be returned to the person concerned for adjustment incorrect shall be returned to the person concerned for adjustment informing him, in a proforma specified by the Controller of the defects found in the weight or measure, and calling upon him to remove the defects within a period not exceeding seven days. When the necessary adjustment has been carried out, such weight or measure shall be verified on payment of the fees specified in **Schedule IX** and if found correct shall be stamped.
17. **Collection of fees and deposit into the Treasury** - (1) Before commencing the work of verification or re-verification, the Legal Metrology Officer shall inform the person concerned of the fees payable by him and shall receive the same in the manner as **authorized** by the Controller and issue a receipt on the form approved by the Controller, one copy of such receipt being kept on record.

Provide that fees payable by a department of the Central or State Government under these rules may be realized in such manner as may be directed by the Controller.

- (2) The Legal Metrology Officer shall maintain a register, in the form approved by the Controller, which shall be written up from day-to-day and shall show the amount of fees and other charges collected during the day.

(3) All payment received by the Legal Metrology Officer during the week shall be paid Into the Government Treasury under the appropriate "Head of Account" on such dates or days as may be specified by the Controller from time to time, and a receipt thereof be obtained and an intimation to that effect be sent to the Controller or other officer authorized by him in this behalf.

18. **Disposal of seized weights, measures etc.** -(1) any un-verified weight or measure shall be returned to the person from whom such weight or measure was seized if that person gets the same verified and stamped, within fifteen days of the return, on payment of the prescribed fee including the additional fee payable for undertaking re-verification after the expiry of the validity of the stamp.

(2) Any weight or measure or document or thing or goods seized and detained under sections 15 of the Act, which is to be the subject of proceedings in a court shall be produced by the Legal Metrology Officer before the court shall after conclusion of the proceedings, be taken possession of by the Legal Metrology Officer and dealt with in accordance with the orders of the Court:

Provided that in the absence of the orders of the court, weight or measure or document or thing or goods shall be deal with as the Controller may by special order direct and the material thereof shall be sold and the proceeds credited to the Government.

(3) If any goods, seized under sections 15 of the Act. are subject to speedy or natural decay, the Legal Metrology Officer shall have the goods weighed or measured on a verified weighing or measuring instrument available with him or nearest the place of offence and enter the actual weight or measure of the goods in a form specified by the Controller for this purposes, and shall obtain the signature of the trader or his agent or such other person who has committed the offence. The goods in question shall be returned to the trader or the purchaser as the case may be:

Provided that if the trader or his agent or the other person (who has committed the offence) refuses to sign the form, the Legal Metrology Officer shall obtain the signature of not less than two persons, present at the time of such refusal by the trader or his agent or other person. In the case of goods returned to the traders he shall give an undertaking that he shall not sell the defective goods without rectifying the defects thereon.

- (4) Where the goods seized under sub-section (1) of Section 15 of the Act are contained in a package and the package is false or does not conform to the provisions of the Act or any rules made there under and the goods in such package are subject to speedy or natural decay, the Legal Metrology Officer so far as may be, may dispose of the goods in such package in accordance with the provisions of sub-rule (3).

Provided that the Controller shall be the final authority to decide whether the goods seized and detained are subject to speedy or natural decay.

- (5) Where the goods seized under sub-section (1) of Section 15 of the Act are not subject to speedy or natural decay, the Legal Metrology Officer may retain the package for the purpose of prosecution under this Act after giving the trader or his agent or the other person (who has committed the offence) a notice of such seizure.
- (6) The goods referred under sub-rule (4) and (5) which are not to be the subject of proceedings in a court, shall after the expiry of sixty days of its seizure, be so dealt with as the Controller may by special order direct.

19. **Validity of Weights or Measures duly stamped-** (1) A weight or measure which is, or is deemed to be, duly verified and stamped under this Rule shall be deemed to conform to the standards established by or under the Act at every place within the State in which it is stamped unless .it is found on inspection or verification that such weight or measure has ceased to conform to the standards established by or under the Act.

- (2) No weight or measure which is, or is deemed to be, duly verified and stamped under this Act shall require to be re-stamped merely by reason of the fact that it is being used at any place within the State other than the place at which it was originally verified and stamped:

Provided that where a verified weight or measure, installed at one place is dismantled and re-installed at a different place, such weight or measure shall not be put into use unless it has been duly re-verified and stamped, notwithstanding that periodical re-verification of such weight or measure has not become due.

(3) Where a verified weight or measure has been repaired, whether by a licensed repairer or by the person owning and possessing the same, such weight or measure shall not be put into use unless it has been duly re-verified and stamped, notwithstanding that periodical re-verification of such weight or measure has not become due.

20. **Provision of supply of Working/ Secondary Standards, equipment, etc. to the Legal Metrology Officer** - (1) Every Legal Metrology Officer shall be provided with Working /Secondary Standard weights, Working/Secondary Standard balances, and such other equipment including weighing and measuring devices as may be approved by the Controller from time to time.

(2) Every Legal Metrology Officer shall be provided with such dies, punches, *paper seal / sticker* and such other equipment as may be necessary for affixing the verification stamp, the design and number of which are to be approved by the Controller.

(3) Every Legal Metrology Officer shall be provided with punches of suitable sizes of eight-pointed star for obliterating stamps.

21. **Provisions relating to use of weight measure, etc** - (1) Every person using a beam scale in any transaction in his premises shall suspend the same to a stand or to a chain by a hook:

Provided that this sub-rule shall not apply to itinerant vendors.

(2) Every weight or measure shall be used in a clean condition and in proper lighting arrangement

(3) Any weight or measure, which has been verified and stamped in situ, shall not be dismantled and removed from its original site without prior intimation to the Controller or other person authorized by him in this behalf.

(4) To ensure a proper check of the accuracy of a weighing instrument the user shall keep at the site of each weighing instrument duly verified and stamped weights equal to *one-tenth* of the capacity of the instrument or one tone whichever is less and consumer can also check the accuracy of the weighing instrument.

Provided that the Controller may specify the total number of verified and stamped weights to be maintained in trade premises where the number of weighing instruments are more than one.

- (5) To ensure proper delivery of the petrol / diesel dispensing unit, the retail dealer of the unit shall keep a verified 5 litre/10 litre capacity measure in his premises and check the out put from the unit every day to ensure its correct delivery. In case of any short delivery the dealer shall stop the delivery through the unit immediately and inform the Legal Metrology Officer concerned to recalibrate the unit.

22. **Certificate of verification to be exhibited** - The person to whom a certificate of verification is issued shall exhibit the same in a conspicuous place in the premises where the weights, measures or weighing or measuring instruments to which the certificate relates are used:

Provided that in the case of itinerant vendor, the certificate shall be kept with the person:

Provided further that in the case of vehicle tank, the certificate of verification shall be kept with the vehicle.

23. **Penalty for contravention of rules** - Whoever contravenes any provision of these rules, for the contravention of which no punishment has been separately provided in the Act,, shall be punished with fine, which may extend to five thousand rupees. Whenever rules are in conflict with the provisions of the Act, the Act will prevail the rules.
24. **Form of appeal** - (1) Every appeal under the Act and these rules shall be preferred in the form set out in **schedule X**. and shall be accompanied by a copy of the order appealed against.
- (2) **An application for appeal to State Government shall be accompanied by fee of Rs.500 and for appeal to Controller shall be accompanied by fee of Rs.200 paid either by cash or by affixing court fee stamp for the said value as the case may be,**
25. **Fee for compounding of offences-** The fee ' for compounding of offences committed under the Act shall be as prescribed in **Schedule XI**

26. **Repeal and savings** – (1) The West Bengal Standards of Weights and Measures (Enforcement) Rules, 1990 shall cease to have effect from the date of issue of these rules.

(2) Notwithstanding any such repeal, anything done or any action taken or purported to have been taken or any license granted under the rules repealed by sub-rule (1), shall, insofar as these are not inconsistent with these rules or the Legal Metrology Act, 2009 (1 of 2009), be deemed to have been done, taken or granted under the corresponding provisions of these rules.

SCHEDULE-I

(see rule 10)

Exceptions referred to in **Rule 10**

The following commodities may be sold by weight, measure or number as shown against the commodity.

TABLE

Sr. 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-	Butter (incl. peanut butter), cheese, curd, ghee	weight
5-	Electric cables	length or weight
6-	Electric wire	length or weight
7-	Fencing wire	length. or weight
8-	Hair oil, un perfumed	weight or volume
9-	Fruits and vegetables	number or weight
10-	Furnace oil	weight or volume
11-	Linseed oil and other vegetable oils	weight or volume
12-	Heavy residual fuel oil	weight
13-	Industrial diesel fuel	volume
14-	Honey, malt extract, golden syrup treacle	weight
15-	Ice cream and other similar frozen products	weight or volume
16-	Liquid chemicals	weight or volume
17-	Liquid petroleum gas.	weight
18-	Nails, wood screws	number or weight
19-	Paint (other than paste paints or solid paint), varnish and varnish stains, enamels	volume
20-	Papad	number and weight
21-	Paste paint, solid paint	weight
22-	Ressogulla, Gulabjamun and other sweet preparations	weight
23-	Ready made garments	number and size
24-	Sauce, all kinds	weight
25-	Tyres and tubes	number
26-	Yarn	Weight or length of yarn