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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Consumer Affairs Department

Legal Metrology

NOTIFICATION

No. 843-CA/LM dated, the 20th April, 2011.— WHEREAS the draft rules namely the West Bengal Legal Metrology (Enforcement) Rules, 2011 (hereinafter referred to as the said rules) was published as required under sub-section(4) of section 53 of the Legal Metrology Act, 2009 (1 of 2009) (hereinafter referred to as the said Act) vide Notification No. 579-CA/LM dated the 21st March, 2011, of Consumer Affairs Department, Government of West Bengal, in the Kolkata Gazette, Extraordinary, dated the 21st March, 2011, inviting objections or suggestions from all persons likely to be affected thereby, within seven days from the date of its publication;

AND WHEREAS the objections and suggestions received in this regard have been duly considered by the State Government;

NOW, THEREFORE, in exercise of the power conferred by sub-section(1) of section 53 of the said Act, the Governor is pleased hereby to make the following rules :—

Rules

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, appoint, and different dates may be appointed for:
 - (a) different provisions of these rules ; or
 - (b) different areas; or
 - (c) different classes 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 and expressions used in these rules and not defined but 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 and at such periodical interval as may be prescribed under the Legal Metrology (National Standards) Rules, 2011 and shall, if found on such verification to conform to the standards established by or under that Act, be stamped by Reference Standard Laboratories 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 Legal Metrology (National Standards) Rules, 2011 and shall, if found on such verification to conform to the standards established by or under the Act be stamped or a 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, configurations, 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 characteristics, configurations, constructional details, materials, performances, 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 or 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 or 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. **Licencing 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 licence 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 licence 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 further that a person who bonafide repairs any weight or measure owned or possessed by him shall not require a repairer licence.

Provided also that if a user intends to sell any weight or measure which cannot and should not be moved from its location, he shall obtain a written permission of the controller or such other Legal Metrology Officer as may be authorised by him in this behalf.

- (2) Every manufacturer or repairer of, or dealer in weight or measure shall make an application for the renewal of a licence within thirty days before the expiry of validity of the licence 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-B**.
- (3) Every licence issued to a manufacturer, repairer or dealer shall be in the appropriate form set out in **Schedule III**.
- (4) **Every licence 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.**

No application for the issue of a license shall be rejected unless the applicant has been given a reasonable opportunity of showing cause against the proposed action.

- (5) The fee payable for the alteration of a licence or for the issue of a duplicate licence 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 licence within a period of three months from the date of expiry of the licence.

- (6) The Controller or such other officer as may be authorized by him in this behalf shall maintain a register of licenced manufacturers, dealers and repairers in the form set out in Schedule V.
- (7) Every manufacturer / repairer / dealer licenced 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 licence.

