



LEGAL METROLOGY (PACKAGED COMMODITIES) RULES, 2011

Rule 2 - Definitions

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In these rules, unless the context otherwise requires-

(a) "Act" means the Legal Metrology Act, 2009 (1 of 2010);

²[(aa) "Consumer" shall have the same meaning as assigned to it in ²[clause (7) of section 2 of the Consumer Protection Act, 2019 (35 of 2019)];]

(b) "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;

✓ ³[(bb) "industrial consumer" means the consumer who buys packaged commodities directly from the manufacturer or from an importer or from wholesale dealer for use by that industry and the package shall have declaration 'not for retail sale';]

✓ ⁸[(bc) "institutional consumer" means the institution which buys packaged commodities bearing a declaration 'not for retail sale', directly from the manufacturer or from an importer or from wholesale dealer for use by that institution and not for commercial or trade purposes;]

⁴[(bd) "E-commerce" means buying and selling of goods and services including digital products over digital and electronic network;

(be) "E-commerce entity" means a company incorporated under the Companies Act, 1956 or the companies Act, 2013 or a foreign company covered under clause (42) of section 2 of the Companies Act, 2013, or an office, branch or agency in India covered under sub-clause (ii) of clause (v) of section 2 of the foreign Exchange Management Act, 1999 (42 of 1999) owned or controlled by a person resident outside India and conducting e-commerce business;

(bf) "marketplace based model of e-commerce" means providing of an information technology platform by an e-commerce entity on a digital and electronic network to act as a facilitator between buyer and seller;]

(c) "lot" means -

(i) in the case of packages which have 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;'

(d) "manufacturer" in relation to any commodity in packaged 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 commodity produced, made or manufactured by such person, firm or Hindu undivided family, as the case may be;

(e) "Maximum permissible error", in relation to the quantity contained in an individual package, means an error in deficiency which, subject to the provision of these rules, does not exceed the limits specified in the First Schedule;

(f) "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;

(g) "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;

(h) "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 in the following manner, namely;

(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 on line information grouped together in other place;

(i) "quantity" in relation to commodity contained in a package, means the quantity by weight, measure or number of such commodity contained in that package;

(j) "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;

(i) "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;

(k) "retail sale", in relation to a commodity, means the sale, distribution or delivery of such commodity through retail sales shops agencies or other instrumentalities for consumption by an individual or a group of individuals or any other consumer;

⁵[Provided that for the purposes of "retail food package", the definition of the same contained in the rules or regulations made under the Food Safety and Standards Act, 2006 (34 of 2006) shall apply.]

⁶[***]

(l) "retail sale price" means the maximum price at which the commodity in packaged form may be sold to the consumer and the price shall be printed on the package in the manner given below;

'Maximum or Max. retail price.....inclusive of all taxes or in the form MRP Rs.....incl., of all taxes after taking into account the fraction of less than fifty paise to be rounded off to the preceding rupees and fraction of above 50 paise and up to 95 paise to the rounded off to fifty paise;

⁷[(m) "retail sale price" means the maximum price at which the commodity in packaged form may be sold to the consumer inclusive of all taxes;]

- (n) "Schedule" means a Schedule appended to these rules;
- (o) "standard package" means a package containing the specified quantity of a commodity;
- (p) "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;
- (q) "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; or
- (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; (iii) ten or more than ten retail packages provided that the retail packages are labeled as required under the rules.
- (r) words and expression used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

1. Substituted by the Legal Metrology (Packaged Commodities) (Second Amendment) Amendment Rules, 2012 vide Notification No. GSR426(E) dated 05.06.2012 w.e.f. 05.06.2012 for the following :-

2. Inserted by the Legal Metrology (Packaged Commodities) Amendment Rules, 2017 vide Notification No. GSR629(E) dated 23.06.2017 w.e.f. 01.01.2018.

3. Substituted by the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2015, for the following:-

4. Substituted by the Legal Metrology (Packaged Commodities) Amendment Rules, 2017 vide Notification No. GSR629(E) dated 23.06.2017 w.e.f. 01.01.2018 for the following:-

5. Inserted by G.S.R. 385 (E), dated 14th May, 2015 (w.e.f. 14.5.2015). Earlier proviso was omitted by G.S.R. 359(E), dated 6th June, 2013 (w.e.f. 6.6.2013). The proviso, before omission by G.S.R. 359 (E), dated 6th June, 2013, stood as under:

"Provided that for the purpose of this clause, the expression 'ultimate consumer' shall not include industrial or institutional consumers;"

6. Inserted by the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2015.

7. Omitted by the Legal Metrology (Packaged Commodities) Amendment Rules, 2013 vide Notification No. GSR359(E) dated 06.06.2013 w.e.f. 06.06.2013.

8. Substituted by the Legal Metrology (Packaged Commodities) Amendment Rules, 2017 vide Notification No. GSR629(E) dated 23.06.2017 w.e.f. 01.01.2018 for the following:-"(m) "section" means a section of the Act;"

9. Substituted by Legal Metrology (Packaged Commodities) Amendment Rules, 2021, vide Notification No. GSR779(E) dated 02.11.2021 W.e.f. 01.04.2022 for the following:-

"clause (d) of sub-section (1) of section 2 of the Consumer Protection Act, 1986 (68 of 1986)"

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