



5 THINGS WHICH YOU DID NOT KNOW WOULD FALL UNDER THE LEGAL METROLOGY ACT

After being asked to be more attentive and prosecute all violators of the Legal Metrology Laws by the National Consumer Dispute Redressal Commission on February 01, 2016 in the matter of Revision Petition No. 2038/2015 titled as *BIG Cinemas vs. Manoj Kumar*, the Legal Metrology Department has been firing on all cylinders and booking a wide variety of establishments under the Legal Metrology Act & Rules.

However, this new burst of action by the Legal Metrology Department will leave you in surprise as well, as they have exhibited by their inspections and notices, that a wide variety of objects shall be governed under the Legal Metrology Act! Here is a brief list of the objects and establishments that would fall under the ambit of the Legal Metrology Act:

1. **ELECTRONIC/DIGITAL METERS INSTALLED IN AUTO-RICKSHAWS AND CABS:**

Surprisingly, many auto-rickshaw drivers and taxi drivers are reported to have been booked by their respective State's Legal Metrology Department. Thirteen (13) auto-rickshaw drivers have already been booked by the Directorate of Civil Supplies & Consumer Affairs, Mayabunder for violating the provisions of the Andaman and Nicobar Islands Legal Metrology (Enforcement) Rules, 2011, and the Department of Legal Metrology, Bengaluru are now planning on installing Digital Meters in cabs run by App-based Aggregators like Uber and Ola.

2. **STENTS AND OTHER MEDICAL EQUIPMENT:**

Staying true to their purpose of establishment, the Legal Metrology Department have widened their ambit, and have started booking hospitals under the Legal Metrology Act & Rules for not using the correct weights or measures, or for not following the Legal Metrology (Packaged Commodities) Rules, 2011. The National Pharmaceutical Pricing Agency has laid down the foundation for the Metrology Department to build on by capping the MRP of a stent, thereby drastically reducing the cost of an angioplasty. The Union Ministry of Consumer Affairs, Food and Public Distribution has already started the machinery to include Stents under the definition of a pre-packaged commodity, thereby bringing stents under the ambit of the Packaged Commodities Rules. A recent crackdown by the Legal Metrology Department, Maharashtra, on various hospitals revealed several violations of the P.C. Rules for various medical equipment such as balloon device, angiography catheter, Euretuc Euroworld, fabric natural fiber, IV catheter, guide wire, breathing circuit, limbo single limb anesthesia, Handson gloves and blood collector. Furthermore, the Legal Metrology Department, Kerala, has reportedly found 26 private hospitals in 5 districts in violation of the Legal Metrology Act & Rules by using faulty baby-weighing measures in their practice.

3. **CINEMA HALLS, HOTELS AND RESTAURANTS:**

To protect the consumer's interests further, the Legal Metrology Department has recently started booking hotels, cinema halls, hotels and restaurants for overcharging on sale of Packaged



Commodities. The dispute with regard to hotels is still pending adjudication before the Supreme Court of India. The Metrology Department of Gujarat, Rajasthan, and Jammu and Kashmir have also started conducting surprise inspections in all the above mentioned establishments, booking them for any violation under the Legal Metrology Act & Rules.

4. LPG CYLINDERS:

The Legal Metrology Department, Kerala, conducted inspections on godowns of dealers who sold LPG cylinders, and found as many as 21 instances where there was a clear violation of the Legal Metrology Act or Rules. This inspection was part of a drive that the Department began to increase awareness amongst consumers of the Packaged Commodities Rules, which state that the LPG Cylinder must be weighed in front of the customer before the delivery is completed. A similar action took place in Baramulla in Jammu and Kashmir, where one LPG dealer was charged with for not carrying a weighing scale as mandated under the Legal Metrology Laws.

5. PETROL PUMPS

The Legal Metrology Department of Kerala has also spearheaded another movement where they have attempted to raise awareness of the malpractices and methods which petrol pumps may use to scam the consumer. The Deputy Controller for the Central Zone of the Legal Metrology Department reportedly claimed that out of 52 units they had inspected, 6 units were found to be giving a lesser quantity of fuel.

In addition to the list given above, the Legal Metrology Department has written to the Central Government for inclusion of measuring gauges such as air pressure gauges used to fill air in tyres at petrol pumps, and speed radars which are used to measure speed of a moving object (usually vehicles) under the Legal Metrology Act and Rules. Furthermore, the Controller of Legal Metrology, Maharashtra has reportedly written to the Director, Legal Metrology and Principal Secretary of Maharashtra's Food and Civil Supplies and Consumer Protection Department, for inclusion of ATM machines under the Legal Metrology Laws, stating that there have been instances where the machines have dispensed less cash to the consumer. It has been stated by the aforesaid organizations that inclusion of these objects under the ambit of the Legal Metrology Act and Rules shall be beneficial to the consumers.

The manufacturers, retailers, wholesalers and importers should be extra vigilant of whether their products/services are also falling under the Legal Metrology Act and Rules, and if so, whether they are in compliance and consonance with the requirements of law.