



E-Commerce websites now come under the purview of the Legal Metrology Act

Pursuant to the recent amendments in the Legal Metrology (Packaged Commodities) Rules, 2011, which is slated to come into effect from January 01, 2018, E-commerce websites will now fall under the ambit of the said rules. This means that all E-commerce websites are mandatorily required to comply with the said rules with respect to pre-packaged commodities. Henceforth, these rules shall be applicable on e-commerce companies as well as on e-commerce marketplaces which do not have any inventory of their own and only provide a medium to facilitate transactions between the sellers and the consumers.

The highlights of the proposed amended Rules are as under:

- i. That the E-commerce platforms will mandatorily have to declare the retail sale price, net quantity, name and address of manufacturer, packer and importer, name of the commodity, dimensions of product and grievance redressal procedure on all packaged goods.
 - ii. In addition to the aforesaid mandatory declarations required to be made on the package itself, Rule 4(10) (as amended), states that E-commerce websites will now require to ensure that all such mandatory declarations as specified in Rule 4(1), with the exception of month and year in which the commodity is packed, shall be displayed on the digital and electronic network used for e-commerce transactions.
 - iii. If a package contains a commodity which may become unfit for human consumption after a period of time, such items have to prominently display on the packet 'Best Before' or 'use by date, month and year'.
 - iv. Clause (4A) to Rule 6, wherein, a manufacturer/packer/importer shall be allowed to declare the following declarations on the package, in addition to the mandatory declarations-
 - a. Barcode/GTIN/QR Code;
 - b. 'e-code' for net quantity assurance of the commodity;
 - c. Logos of the Government Schemes like Swatch Bharat Mission, where such use is authorized by the Government.
-
- i. A proviso to Rule 9 Sub Rule 3 that no such declaration on the inner package is required, if the outer package contains all declarations under these Rules;
 - ii. The amendments would double the display size of quantity, MRP on small packets, while on bigger ones it would be increased by 1.5 times. The width of the numeral or letter shall not be less than one third of its height, except in case of numeral "1" and letters (i), (I) and (l).

Another interesting aspect of the recent amendments is the introduction of Rule 4(10). The said rule describes that in a market place model of e-commerce, responsibility of the correctness of the declarations shall lie with the manufacturer/seller/dealer/importer, only if:-

- i. The function of the e-commerce entity is limited to providing access to a communication system over which information made available by the manufacturer or seller or dealer or importer;
- ii. The e-commerce entity does not:
 - i. Initiate the transmission;
 - ii. Select the receiver of the transmission;
 - iii. Select or modify the information contained in the transmission;
- iii. The e-commerce entity has observed due diligence while discharging its duty as an intermediary under the Information Technology Act, 2000 and observes such other guidelines as the Central Government may prescribe in this behalf;

The result of this amendment is going to be an additional burden on the manufacturer, retailer, dealer or importer to ensure that all such declarations are printed on the packaging of the commodity being sold on the e-commerce website. However, this will certainly increase transparency in the way e-commerce websites operate and the consumers will end up benefitting from it.

These need for these amendments started gaining currency as a result of the numerous complaints being filed by consumers regarding inadequacy in quality, quantity and lack of information furnished by the companies on the package/e-commerce platforms. Reportedly, the decision to amend the rules was triggered by a discussion conducted by FSSAI (Food Safety and Standards Authority of India'), wherein a number of consumers had shared their grievances pertaining to products sold on e-commerce websites. Following this amendment, the Director, Controller and Legal Metrology Officer would be empowered to take action against the company or vendor or even the e-commerce platform for any violation as per the Legal Metrology (Packaged Commodity) Rules, 2011.