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2016 Amendment to the Legal Metrology Rules

Report Categories:

Sanitary/Phytosanitary/Food Safety

Exporter Guide

Trade Policy Monitoring

Grain and Feed

Dairy and Products

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Report Highlights:

On September 7, 2016, the Indian Ministry of Consumer Affairs, Food, and Public Distribution's Department of Legal Metrology amended the Legal Metrology (Packaged Commodities) Rules, 2011. The Amendment empowers Government of India (GOI) and state-level competent authorities to establish prices and quantity limits for retail-sale price of anything deemed an "essential commodity" under the Essential Commodities Act, 1955. This is 2016's first amendment to the Legal Metrology Rules.

General Information:

DISCLAIMER: The information contained in this report was retrieved from the Department of Consumer Affairs website <http://consumeraffairs.nic.in/>. The Office of Agricultural Affairs and/or the U.S. Government make no claim of accuracy or authenticity.

The Ministry of Consumer Affairs has termed its current Amendment as the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2016. In the Legal Metrology (Packaged Commodities) Rules, 2011, provisos were added to Rule 5, sub-rule (1) and Rule 6, which authorizes a competent authority to establish quantity limits and set retail prices respectively under the Essential Commodities Act, 1955.

According to media sources, such an amendment was introduced to curb the recent escalation of prices in pulses, thus enabling GOI or state-level governments to establish retail prices. Such enforcement is expected to nullify the concept of maximum retail prices and price caps of consumer-oriented commodities like pulses, milk, etc.

Details of Notification G.S.R. 858(E)

Publication Date: September 7, 2016

Date of Implementation: Immediate

Comment period: comments have not been invited

WTO notification number and date: not notified to the WTO (as of October 4, 2016)

Ministry in-charge: Ministry of Consumer Affairs, Food and Public Distribution

Products affected: All essential commodities

The full text of the notification is attached below.

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)****NOTIFICATION**

New Delhi, the 7th September, 2016

G.S.R. 858(E).—In exercise of the powers conferred by sub-section (1) read with clause (j) of sub-section (2) of section 52 of the Legal Metrology Act, 2009 (1 of 2010), the Central Government hereby makes the following rules further to amend the Legal Metrology (Packaged Commodities) Rules, 2011, namely:-

1. **(1) Short title and commencement.**—These rules may be called as the Legal Metrology (Packaged Commodities) (Amendment) Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Legal Metrology (Packaged Commodities) Rules, 2011,-

(a) in rule 5, in sub-rule (1), the following proviso shall be inserted namely:-

“Provided that if the Competent Authority under the Essential Commodities Act, 1955 (10 of 1955) fixed and notified the standard quantity of any essential commodity, the standard quantity of such essential commodities as fixed and notified shall prevail.”

(b) in rule 6,-

after Proviso of Clause (e) of sub-rule (1), the following proviso shall be inserted namely:-

“Provided further that if the retail sale price of any essential commodity is fixed and notified by the Competent Authority under the Essential Commodities Act, 1955 the same shall apply.”;

[F. No. WM-9(31)/2016]

P. V. RAMA SASTRY, Jt. Secy.

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R.202(E), dated the 7th March, 2011 and last amended, vide, notification number G.S.R. 385 (E), dated the 14th May, 2015.