



## CONSUMER UPDATE

### Understanding the role of Legal Metrology Act in consumer protection (Part I)

#### Introduction

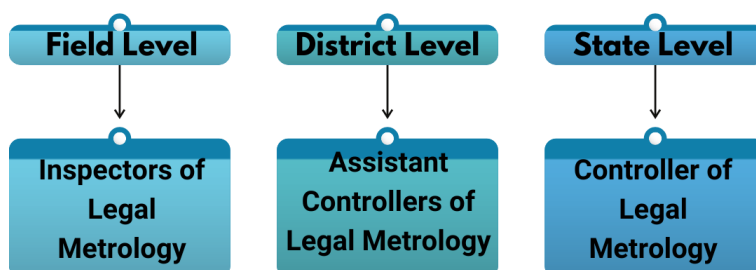
In today's complex marketplace, ensuring fair trade practices and protecting consumer rights are vital elements for any thriving economy. In India, the Legal Metrology Act of 2009 stands as a crucial legislation that aims to establish transparency, accuracy, and uniformity in weights, measures, and packaging of goods. The Act, along with its subsequent rules and regulations, creates a strong framework to safeguard the interests of consumers and promote equitable business practices. This article provides an insightful overview of the Legal Metrology Act 2009 in India, highlighting its key objectives, administration, provisions, penalties, and appeal.

The [Legal Metrology Act, 2009](#) (hereinafter referred as Act) replaced the [Standards of Weights and Measures Act, 1976](#), and the [Standard Weights and Measures \(Enforcement\) Act, 1985](#). The Act contains five chapters and 57 Sections, stipulating that the base units of weights and measures specified in the Act shall be standard units of weights and measures throughout India.

The Weights and Measures Unit of Legal Metrology is a division managed under the Ministry of Consumer Affairs, Food, and Public Distribution's [Department of Consumer Affairs](#), Government of India. In India the authority and duty to maintain weights and measures rules, regulations and proper implementation of weights and measures lies on both the Centre and the States. Matters of national policy and other related functions such as, uniform laws on weights and measures, technical regulations, training, precision laboratory facilities and implementation of the international recommendation are the concern of the Central Government. In addition, it has to guide, coordinate and supervise the enforcement activities of the state enforcement machinery. The State Governments and Union Territory Administration are responsible for the day to day enforcement of the laws.

#### Administrative Roles

The Directorate of Legal Metrology in each state is in charge of enforcing the Legal Metrology Act. The Directorate is essentially a three-tier organisation comprised of the Inspector of Legal Metrology at the field level, Assistant Controllers of Legal Metrology at the district level, and the Controller of Legal Metrology with four Deputy Controllers sitting at the state level.



#### Penalties

Offences relating to weights and measures are punished with fine or imprisonment or with both depending on the offence committed. Here are few common illegal activities and their penalties implied:

1. Altering the weights and measures of the products is punished with a fine extending up to Rs.50,000. On the second or subsequent offence, imprisonment for a term not less than 6 months, extending up to 1 year or with fine or both. **[Section 26]**
2. Manufacturing or sale of non-standard weights or measures is punished with fine up to Rs.20,000 or imprisonment extending up to 3 years on second or subsequent offence or both. **[Section 27]**
3. Demanding or receiving any article or thing on service that is in excess or less than the quantity specified by contract or agreement is punished with a fine extending up to Rs.10,000. On second or subsequent offence, imprisonment extending up to 1 year or with fine or both. **[Section 30]**
4. Sale or delivery of commodities, etc. by non-standard weight or measure is punished with a fine not less than Rs.2,000 extending up to Rs.5,000. On second or subsequent offence, imprisonment for term not less than 3 months extending up to 1 year, or with fine, or both. **[Section 34]**
5. Selling, etc., of non-standard packages is punished with a fine up to Rs.25,000. On second offence extending up to Rs 50,000, for subsequent offence, with fine not less than Rs 50,000 extending up to Rs 1,00,000 or with imprisonment for a term extending to 1 year or with both. **[Section 36 (1)]**
6. Manufacturing or packing or importing with error in net quantity is punished with imprisonment for a term extending up to 1 year or with fine extending up to Rs.10,000 or both. **[Section 36(2)]**
7. Sale of any commodity in packed form at a price exceeding the Maximum Retail Price is punished with fine up to Rs.2,000 **[Rule 32(2) of Legal Metrology (Packaged Commodities) Rules, 2011]**

Destroy or erase to alter the MRP indicated by the manufacturer or packer or importer is punished with a fine of Rs.2,000. **[Rule 32(2) of Legal Metrology (Packaged Commodities) Rules, 2011]**

*(To be contd...)*

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## World Hypertension Day 2023

For World Hypertension Day 2023, CAG released an animated [video](#) on social media platforms designed to raise awareness amongst the public on the importance of regular medical checks, eating healthy, exercising regularly and leading a stress-free life. CAG also published a [booklet](#) which was posted on social media handles highlighting the effects of hypertension and how to prevent it, breaking down medical jargon in a way that lay people could easily understand.

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## Salt Awareness Week 2023

Over Salt Awareness Week 2023 (which was in the month of May), CAG used social media platforms to convey the important message of the effect of over salt consumption on human health and the need to reduce salt in everyday diets.

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## CAG's salt awareness posters on social media



## **NCDRC Awards 2 Crores Compensation in Haircut Case**

In a significant judgement, the National Consumer Disputes Redressal Commission (NCDRC) has awarded a compensation of 2 crore rupees with 9% interest to a woman who suffered trauma and loss of career prospects due to a bad haircut and hair treatment at a salon in a Delhi five-star hotel, the ITC Maurya, in 2018. The Commission noted that the complainant, who was a model, experienced distress and trauma from the wrongful haircut, which had a detrimental impact on her modelling career. She filed a complaint against ITC Limited, alleging deficiency in service for cutting her hair against her instructions. The Commission allowed the complaint in September 2021 and directed ITC Ltd. to pay a compensation of ₹2,00,00,000/- (Rupees Two Crores only) to the complainant for not adhering to the complainants' instructions.

ITC Ltd. challenged the order before the Supreme Court, which affirmed the finding of deficiency in service and remanded the matter back to NCDRC to reconsider the compensation amount.

The complainant presented arguments about the impact of the haircut on her professional opportunities, including the loss of a senior position job interview and potential earnings of ₹1 crore per annum. She also claimed the loss of modelling assignments and film career prospects, providing evidence such as email communications and copies of advertisements. ITC Ltd. countered the claims, stating that the complainant failed to provide sufficient supporting documents or evidence.

After hearing both parties, the NCDRC reiterated its finding of deficiency in service by ITC Ltd., which had been affirmed by the Supreme Court. The Commission concluded that the complainant had substantiated her claim for compensation through cogent evidence. The NCDRC held that the complainant's career heavily relied on her hairstyle and hair care, and the incorrect haircut caused depression, trauma, and anxiety. It also acknowledged the complainant's emotional attachment to her hair and how it affected her potential assignments.

In light of the evidence presented, the NCDRC awarded ₹2,00,00,000/- (Rupees Two Crore) as compensation and ordered ITC Ltd. to pay the amount along with 9% interest per annum from the date of filing the complaint (July 19, 2018) within six weeks of receiving the order copy. Source: [The New Indian Express](#)

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## **Panel Fines Airlines Firm for Flight Delay**

The Kanyakumari District Consumer Disputes Redressal Commission has ruled in favour of a complainant, Stephen, directing an airline to provide compensation and refund the ticket fare for a significant service deficiency during his travel. Stephen, hailing from Kombavilai in Kanyakumari district, had booked flight tickets worth Rs.2,29,820 for himself, his wife, and other family members. The itinerary involved travelling from Trivandrum airport to Atlanta, with layovers in Delhi, London, and Chicago. Unfortunately, due to a delayed initial flight to Delhi which was scheduled to land at 10:35pm, but arrived in Delhi only at 1:05am, the next day. Stephen and his family missed their connecting flights to London and Chicago. The airline acknowledged the delay and issued a flight delay certificate. In order to reach Atlanta, Stephen had to rebook their travel tickets and when Stephen approached the airline to request a refund for the travel expenses incurred due to the missed connections, the airline refused his claim. Frustrated with the lack of response, Stephen approached a lawyer, who issued a legal notice seeking action. The airline failed to respond even then, following which, Stephen filed a complaint before the District Commission. On hearing the complaint, the Commission observed that there was deficiency in the services offered due to which the consumer suffered, and directed the airline to pay Rs 2,29,500 towards the fare, Rs 1 lakh for the mental agony caused, and an additional Rs.5,000 as litigation costs. Source: [DT Next](#)

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## **Compensation Awarded in Insurance Case for Plant Fire**

The Thane Additional District Consumer Redressal Commission recently ruled in favour of Sangdeep Acid Chem Pvt Ltd, a chemical company in Navi Mumbai, directing Future Generali India Insurance Company to pay the claim amount of Rs.7.29 crore, along with interest @ 9%, compensation of Rs.25,00,000 towards mental harassment and

Rs. 1 lakh to cover the cost of litigation. The ruling comes from a devastating fire that occurred at the company's plant in Navi Mumbai, in 2015.

After the fire, the insurer's surveyors estimated the losses at Rs 14 crore. The settlement covered Rs 4.75 crore for the building, plant, machinery, and laboratory equipment, while the balance claim was rejected by the insurance company. The insurer justified the rejection by claiming that the complainant could not substantiate the loss of stock and failed to meet certain requirements. However, the Commission noted that all records at the complainant's plant were destroyed in the fire, leaving them with limited evidence.

The Commission in its order stated that the complainant provided conclusive proof of the loss based on established methods, yet the opposite party falsely repudiated the claim, causing significant financial loss, mental harassment, and substantial damage to the complainant. The opposite party is responsible for this negligence, deficiency in service, and unfair trade practice. The Commission also pointed out that the insurance company failed to settle the claim within the specified 30-day period, as mandated by the Insurance Regulatory and Development Authority (IRDA), but delayed by 10 months to settle the claim. This delay further highlights the negligence, deficiency in service, and unfair trade practices of the insurance company, stated the Commission. Source: [The Print](#)

ஓட்டல்களில் தரமற்ற உணவு பற்றி புகார் தெரிவிக்க செல்போன் செயலி

ஓட்டல்கள், பேக்கரிகள் உள்ளிட்ட உணவகங்கள் மற்றும் கடைகளில் பொதுமக்களுக்கு தரமான மற்றும் ஆரோக்கியமான உணவு வழங்குவதை உறுதி செய்ய அரசின் உணவுப் பாதுகாப்புத் துறை பல நடவடிக்கைகளை மேற்கொண்டு வருகிறது. இதற்கு வசதியாக [www.foodsafety.tn.gov.in](http://www.foodsafety.tn.gov.in) என்ற பயனர் நட்பு இணையதளம் தமிழ் மற்றும் ஆங்கில மொழிகளில் தொடங்கப்பட்டுள்ளது. இந்த இணையதளம் பயனர்கள் தங்களுக்குத் தேவையான தகவல்களைத் தட்டச்சு புகார்கள் இல்லாமல் எளிதாகத் தேர்ந்தெடுக்க அனுமதிக்கிறது. கூடுதலாக, TN Food Safety Consumer என்ற மொபைல் அப்ளிகேஷன் உருவாக்கப்பட்டுள்ளது, அதை உங்கள் செல்போனில் எளிதாக பதிவிறக்கம் செய்யலாம். புகார் அளித்த 24 முதல் 48 மணி நேரத்திற்குள் உடனடி நடவடிக்கை எடுக்கப்பட்டு, புகாதாரருக்கு அறிக்கை உடனடியாக வழங்கப்படும். Source: [Dailyhunt](#)



# CAG

Citizen consumer and civic Action Group

CAG is a 37 year old non profit, non political, professional organization working towards protecting citizen's rights in consumer and environmental issues and promoting good governance including transparency, accountability and participatory decision making.

The complaints cell at CAG addresses specific problems of consumers. Also CAG regularly conducts consumer awareness programmes for schools, colleges and special target groups.

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