

# **Inspection Procedure & Check-list**

## **Inspection procedure:**

Section 15 of Legal Metrology Act, 2009 authorize Controller of Legal Metrology and Legal Metrology Officer (Jt. Controller/Deputy Controller/Asst. Controller/Inspector) for inspection of any premises within his jurisdiction and all such authorized officers may enter into any such premises and inspect any weight, measure or any goods in relation to which trade and commerce has taken place or is intended or likely to take place or such weight or measure is being or likely to be used for protection and transaction/sale/manufacture/packing etc.. In all types of inspections, after entering into a premises, an authorized officer should disclose his/ her identity to the person in-charge of the premises. However, where disclosure of identity hampers the merit of the inspection, identity should be disclosed at a proper time only. If an obstruction is created by the trader/person, the authorized officer should seek assistance of local Police and report the same to the higher authority. All Inspections, search or seizure are made in accordance with the Section 15(4). If the inspection discloses that an offence has been committed by a person, a seizure memo (Format set by the Department), complete in all respects, should be issued by the authorized officer on the spot and a copy of the said seizure memo should be handed over to the person in-charge of the premises so inspected. Seizure memo should contain, among other things, details of the articles seized by the authorised Officer along with the reasons for doing so. The name and address of the offender may be ascertained meticulously by scrutinizing the documents of the concerned premises (licences/registrations etc issued by Govt/semi-Govt departments) and identity cards/documents of the persons suspected to be offender under Legal Metrology Act, 2009. After completion of inspection, the report should be forwarded to higher authorities/concerned quarters/uploaded on the portal as per nature of the case.

## **Inspection Type and Checklist**

### **1. Inspection of establishments.**

**While going for inspection authorized officer should ascertain the**

**check list and carry the following things with him:**

- I. Identity card or Authorization letter
  - II. Seizure Receipt Book
  - III. Weighing Balance as per requirement
  - IV. Verified test weight or measure as per requirement
  - V. Copy of the Act & Rules.
  - VI. Notice Form, Seizure Memo, Stationery etc.
  - VII. Designation Stamps, sealing wire, seal etc.
- During inspection the authorized officer should carry out inspection as per provisions under Act & Rules. If there is any violation, the authorised officer should prepare seizure receipt.
  - For traceability of accused, a copies of documentary evidences such as licence issued by Government/local authority/documents like electricity bill, packer registration etc. may be taken in possession.
  - A copy of the seizure receipt should be given to the person in-charge of the premises and acknowledgement should be taken.
  - The authorised officer should seize all the articles and mentioned in the seizure receipt.
  - The the authorised officer should ensure that seized and detained property is carefully secured and preserved for producing in the court of law as and when required.

**2. Inspection of Weight or measure.**

**While going for inspection every authorised officer should ascertain the check list and carry the following things with him/her ;**

- I. Identity card or Authorization letter
- II. Inspection/Challan Book .
- III. Standard Weighing/ Measuring, equipments as per requirement.
- IV. Verified Test weight or measure as per requirement.
- V. Copy of the Act and Rules.
- VI. Designation stamps (unique code, quarter, Year issued by deptt.), sealing wire, seal and other required stationery material etc.

**Authorised Officer shall take following steps while inspecting Weight or Measure.**

- Inspect record, register or other document relating thereto.
- Obliterate the stamp on any weight or measure, if it is found during inspection that:
  - i. Any weight or measure being due for re-verification has not been

- submitted for such re-verification;
- ii. Any weight or measure which does not conform to the Standards established by or under the Act;
  - iii. Any weight or measure which , since the last verification, stamping and sealing has been repaired or readjusted;
  - iv. Any weight or measure which does not admit proper adjustment by reason of being broken, or otherwise defective.
  - v. Any weight & Measure is in violation under Legal Metrology Act, 2009 and Rules made thereunder.
- During the inspection if it is found that the user failed to produce weight or measure for verification on or before expiry of validity of stamp, the authorized Officer should take steps such as seizing of weight or measure, registering offence under relevant sections/Rules.
  - During the inspection, if short delivery by weight, measure or number is noticed, the authorized officer should take action as per Act/Rules.
  - During inspection the authorized Officer shall also check all the seals of weighing and measuring instruments and find whether they are intact or not.
  - Notwithstanding anything stated above, if during the inspection it is noticed that there is violation of any other provisions of the Act and Rules, appropriate action/proceeding shall be initiated against the user/trader/person involved in offences under the Act/Rules made thereunder.

### **3. Inspection of Packaged Commodities:**

**While going for inspection, every authorised officer should ascertain the check list and carry the following with him/her;**

- I. Identitycard indicating jurisdiction or Authorization letter.
- II. Inspection/Challan Book .
- III. Standard Weighing/Measuring equipments as per requirement.
- IV. Verified Test weight or measure as per requirement.

V. Copy of the Act and Rules.

**While inspecting the premises of Manufacturer, Packer or Importer the authorised officer shall,**

- Ask to produce registration certificate of Manufacturer, Packer or Importer.
- Check the declarations, on the packages ready for dispatch.
- Check the net content of the packages as per Packaged Commodities Rules.

**While inspecting the premises of Wholesaler & Retailer, the authorised Officer shall,**

- Check all the declarations on the packaged commodities.
- Check whether there is any alteration, obliteration, and/or smudging on MRP declared on the packages.
- In case of overcharging, at first, receipt of said packaged commodity should be procured for evidence and thereafter prosecution may be filed against the retail or wholesale dealer as the case may be.
- In case no receipt is given on demand or incorrect receipt is given, Seizure shall be prepared in presence of two witnesses and action should be initiated as per Act and Rules.
- Check the net content of the packages, on complaint or if there is any reason to suspect that any package has been tampered with as per Rule of PCR.
- Check whether the retailer is maintaining an electronic weighing machine as per rule 18(7) of Legal Metrology Packaged Commodities Rules 2011.
- Check whether the marketing companies, manufacturers, imports, distributors and delivery men are maintaining the check weigher/non automatic weighing instruments as per rule 18(8) of Legal Metrology Packaged Commodities Rules 2011.

**4. Inspection for grant of Certificate/License/Registration**

**While going for inspection, every authorised officer should ascertain the check list and carry the following with him/her;**

- I. Identity card indicating jurisdiction or Authorization letter.
- II. Inspection/Challan Book.

- III. Standard Weighing/ Measuring equipments as per requirement.
- IV. Verified Test weight or measure as per requirement.
- V. Copy of the Act and Rules.

After receipt of online application for grant of Certificate/ License /Registration under the Legal Metrology Act, the concerned authorised officer shall securitize the documents/requirements online and if found satisfactory, will communicate the date/schedule of the inspection for checking the Weights and Measure, documents in original and other requirements strict as per the SOP regarding of issuance of such Certificate/ License/Registration which is available on the departmental portal/single window portal. The concerned authorized officer may conduct any tests as required under rules and shall upload online/forward the Inspection report to higher authorities strictly in terms of SOPs related to issuance of such Certificate/ License/Registration.