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November 30, 2022

Shri Rohit Kumar Singh, IAS  
Secretary  
Department of Consumer Affairs

**Subject: Sincere thanks to the Department of Consumer Affairs for the amendment to Rule 29 of the Legal Metrology (General) Rules, 2011 through the Legal Metrology (General) Amendment Rules, 2022 dated 04.10.2022**

**A renewed request to continue the process of decriminalisation of sections of the Legal Metrology Act, to strengthen ease of doing business and stakeholder engagement in India.**

**Reference: 1. Stakeholder's Consultation held on 11.02.2022 on decriminalization of the provisions of the Legal Metrology Act, 2009 read with the Legal Metrology (Packaged Commodity) Rules, 2011.**

**2. National Conference on Decriminalisation of the Legal Metrology Act 2009 on 09.05.2022 at Vigyan Bhawan, New Delhi**

Respected Sir,

***Greetings from MAIT!***

At the outset, MAIT extends its heartiest thanks to the Department for its concerted efforts to engage with stakeholders on the issue of decriminalisation of the provisions of the Legal Metrology Act, 2009 [**"the Act"**] read with the Legal Metrology (Packaged Commodity) Rules, 2011, including by holding the National Conference on Decriminalisation of the Legal Metrology Act 2009 on 09.05.2022 at Vigyan Bhawan, New Delhi, and the stakeholders' consultation on 29.09.2022 held in hybrid mode.

We sincerely thank the Department for the amendment in Rule 29 of the Legal Metrology (General) Rules, 2011 through the Legal Metrology (General) Amendment Rules, 2022, which inter alia reads as below:

*"Provided that where a company has different establishment or branch or different unit in any establishment or branch, an officer who has the authority and responsibility for planning, directing and controlling the activities of the establishment or branch or different unit may be nominated under subsection (2) of section 49 to be in-charge of and be responsible for the conduct of business of the establishment, branch or unit thereof."*

We have consistently maintained that de-criminalisation is a vital step in improving ease of doing business, and indeed, effectively achieving the goals of the legislation, which is to encourage industry while protecting consumers. The entire industry stands unanimously behind this stand.

Once again, we emphasise that the principle of proportionality with regard to penalty for offences needs to be upheld, since *mens rea* (guilty mind) should be the guiding principle and is missing in most cases. Categorisation of offences between minor and major (the latter being issues of national security, or loss or harm to consumer life) is essential in this regard. We, therefore, strongly encourage that the decriminalisation exercise continues apace, to improve ease of doing business in India.

We sincerely request that the decriminalisation exercise continues, and especially for Sections 28, 31, 34, 35 which were discussed during the meeting on 29.09.2022 and the decision is expedited.

We look forward to continued engagement with the Department on this and augmenting a robust and pragmatic consumer protection framework in India.

Warm regards,



Col. AA Jafri, Retd.  
Director General

CC: Ms. Nidhi Khare, IAS, Additional Secretary, Department of Consumer Affairs  
CC: Shri Anupam Mishra, IES, Joint Secretary, Department of Consumer Affairs