

CHAPTER - 4 (MANUAL - 3)

PROCEDURE FOLLOWED IN DECISION MAKING PROCESS

A. WHAT IS THE PROCEDURE FOLLOWED TO TAKE A DECISION FOR VARIOUS MATTERS? *(A reference to Secretariat Manual and Rule of Business Manual, and other rules/regulations etc can be made)*

1. **Compounding of cases :** As per inspections, prosecutions are made against the offenders and notices are sent to the offender by Speed Post for compounding of case. The following Act / Rules prescribes the compounding fees for various types of offences :

1. The Legal Metrology Act, 2009
2. The Legal Metrology (Packaged Commodities) Rules, 2011
3. The Legal Metrology (General) Rules, 2011
4. The Legal Metrology (Approval of Models) Rules, 2011
5. The Legal Metrology (National Standards) Rules, 2011
6. The Legal Metrology (Numeration) Rules, 2011
7. The Indian Institute of Legal Metrology Rules, 2011
8. The Delhi Legal Metrology (Enforcement) Rules, 2011.
9. The Legal Metrology (Govt. Approved centre) Rules 2013.

The offender or his authorized agent, attends the office of the Controller / Assistant Controller as the case may be on prescribed dates, and agrees to pay the compounding fee as levied keeping in view the veracity of the offence. The Act prescribes the maximum amount of compounding fees for each offence.

2. **Issue / cancellation of licences of Manufacturer/Dealer / Repairer:** The Delhi Legal Metrology (Enforcement) Rules, 2011 prescribes the procedure for issue / regulation of the licences. The Department has also issued guidelines for issue of licences as per the Annexure.
3. **Inspections of establishments :** As per the provisions of the Legal Metrology Act, 2009 and Delhi Legal Metrology (Enforcement) Rules, 2011.
4. **Stamping / verification of Weights & Measures items :** As per the provisions of the Legal Metrology Act, 2009 and Delhi Legal Metrology (Enforcement) Rules, 2011 and the procedure prescribed in the Legal Metrology (General) Rules, 2011.
5. **Registration of Packer / Manufacturer / Importers of Packaged Commodities :** The registration of the packers / manufacturers / importers of the packaged commodities are done under the Rule 27 of the Legal Metrology (Packaged Commodities) Rule, 2011.
6. **Admn. / financial matters :** As per the Rules and orders issued by Central Government from time to time.

B. WHAT ARE DIFFERENT LEVELS THROUGH WHICH A DECISION PROCESS MOVES ?

1. **Compounding of cases :** Inspection of the business establishments are made by the inspector Grade-II & III. The notices are forwarded by the respective district officers to Assistant Controller / Controller for issue. The cases are then decided by the Controller / Assistant Controller as the case may be, on merits by imposing compounding fees. The cases which are not compounded by this Department are sent to the Courts of respective Metropolitan Magistrate.
2. **Issue / cancellation of licences of Manufacturer/Dealer / Repairer:** The applications for licences are received at the district offices. The Grade-II or Grade-III inspectors inspect the premises of the applicant and submit his / her report to district officers, who if satisfied with the inspection report sends the case file to the Zonal Officer (HQ). The Zonal Officer (HQ) scrutinizes the case and if it is found in order submit it for the approval of the Controller (W&M), who issues / rejects the licence.
3. **Inspections of establishments :** The respective inspectors of the districts offices make regular visits of commercial establishments to inspect the premises and check the violations of Weights & Measures laws.
4. **Stamping / verification of Weights & Measures items :** The stamping & verification of Weights & Measures items were done by the inspectors of the concerned districts directly, as per the norms prescribed in Act & Rules.
5. **Registration of Packer / Manufacturer / Importers of Packaged Commodities :** The registration of packer / manufacturer / importer is done by the Controller (W&M). On receipt of the application, it is scrutinized by the LMO and if it is found in order, receives the registration fees. The certificate of registration is then put up to Zonal Officer and if found in order submits to the Assistant Controller for taking approval/signature of Controller (W&M).
6. **Administrative / financial matters :** The matters regarding administrative & financial matters were dealt at the HQ level as per the Rules and orders issued by the Central Government / Delhi Government, from time to time.

C. WHAT ARE THE ARRANGEMENTS TO COMMUNICATE THE DECISION TO THE PUBLIC ?

The decisions are communicated to the public through issue of letters or certificates to the applicant or through the issue of orders / public notices.

D. WHO ARE THE OFFICERS AT VARIOUS LEVELS WHOSE OPINIONS ARE SOUGHT FOR THE PROCESS OF DECISION MAKING?

1. **Compounding of cases :** The cases are decided by the Controller / Assistant Controller directly.

2. **Issue / cancellation of licences of Manufacturer/Dealer / Repairer:** The comments / opinion of the Zonal Officer of the concerned Zone is taken into consideration for issue of licences.
3. **Inspections of establishments :** The inspections are done by the respective inspectors under the supervision of district officers. However, for specific trades inspections / raids were also organized at the HQ level under the instructions of Controller (W&M).
4. **Stamping / verification of Weights & Measures items :** The inspector takes his / her own decision within the purview of Weights & Measures laws, for stamping / verification of W & M items.
5. **Registration of Packer / Manufacturer / Importers of Packaged Commodities :** The registration of packer / manufacturer / importers is done by the Controller (W&M) on the recommendation of Zonal officer of the concerned Zone.
6. **Administrative / financial matters :** The matters are dealt in accordance with the Rules & Regulations as issued by the Central Government from time to time.

E. WHO IS THE FINAL AUTHORITY THAT VETS THE DECISION?

Controller Legal Metrology is the final authority in the decision making process relating to the implementation of Weights & Measures Act & Rules. However, if a person is not satisfied with the decision of the Controller Legal Metrology, he / she can file an appeal to Commissioner, Food & Supplies, Govt. of Delhi against any of the orders of Controller Legal Metrology on the payment of prescribed fees of Rs. 200/-. In the administrative & financial matters Commissioner (Food & Supplies) who is the Head of Department of Weights & Measures is the final authority.