



LEGAL METROLOGY

REGULATORY

Trust-Based Governance in Legal Metrology: A Critical Analysis of the Improvement Notice Mechanism Introduced via the Jan Vishwas Act, 2026

In a significant regulatory reform aimed at balancing commercial facilitation with statutory compliance, the Department of Consumer Affairs has introduced the Improvement Notice mechanism under the Legal Metrology Act, 2009, through the Jan Vishwas (Amendment of Provisions) Act, 2026. This development marks a paradigm shift from a purely punitive approach to a facilitative, trust-based regulatory [...]

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Under this framework, specified first-time procedural and regulatory non-compliances by businesses are met with an opportunity for rectification prior to the initiation of penal proceedings. The reform is anchored in the broader governmental vision of promoting **Ease of Doing Business** while ensuring that the integrity of the legal metrology system and consumer protection standards remain uncompromised.

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How the Improvement Notice Mechanism Works

The **Improvement Notice mechanism** operates on a simple yet transformative premise. Where a regulated entity commits a specified first-time procedural or regulatory non-compliance under the Legal Metrology Act, a Legal Metrology Officer may issue an Improvement Notice identifying the precise deficiency and affording the entity reasonable time to rectify the same.

If the entity complies within the prescribed period, penal proceedings and the consequent litigation burden may be avoided entirely. This mechanism represents a conscious departure from immediate prosecution for inadvertent lapses, instead encouraging *voluntary compliance* and timely self-correction.

However, the framework maintains its deterrent edge by stipulating that failure to comply with the Improvement Notice, or instances of repeated non-compliance, shall continue to attract **stringent penal action** in accordance with the provisions of the Act.

Scope of the Reform: Who It Applies To

The scope of this reform is notably comprehensive, extending across the entire spectrum of regulated activities under the legal metrology regime.

Entities Covered

The Improvement Notice mechanism applies to all entities falling within the regulatory ambit, including:

- Manufacturers
- Importers
- Packers
- Dealers
- Repairers
- Traders
- **Micro, small and medium enterprises (MSMEs)**
- All other entities falling within the regulatory ambit

Categories of Non-Compliance Eligible for the Improvement Notice

The categories of non-compliance eligible for the Improvement Notice span a wide range of regulatory obligations:

- Registration requirements
- Documentation and record maintenance obligations
- Model approval procedures
- Manufacture, sale and repair of weights and measures
- Import of weights and measures
- Transactions involving weights and measures
- Packaged commodities
- Furnishing of statutory information and returns

This wide coverage ensures that the reform addresses the practical compliance challenges faced by businesses across diverse sectors, without creating regulatory gaps.

Statutory Provisions Covered Under the Mechanism

The mechanism encompasses a substantial array of **statutory provisions** under the Legal Metrology Act, including:

- **Section 25** : Use of non-standard weights or measures
- **Section 27** : Manufacture or sale of non-standard weights or measures
- **Section 28** : Transactions in contravention of prescribed standards
- **Section 29** : Quoting or publishing of non-standard units
- **Section 31** : Non-production of documents
- **Section 32** : Failure to obtain model approval
- **Section 34** : Sale or delivery using non-standard weights or measures
- **Section 35** : Rendering of services by non-standard weight, measure or number
- **Section 36(1)** : Sale of non-standard packaged commodities
- **Section 38** : Import without registration
- **Section 39** : Import of non-standard weights and measures
- **Section 41(1) and 41(2)** : Furnishing of false information or false returns
- **Section 45** : Manufacture without registration
- **Section 46** : Repair, sale or dealing without registration
- **Section 47** : Tampering with the Registration Certificate

Policy Rationale Behind the Reform

The policy rationale underlying this reform is multifaceted and deeply aligned with contemporary regulatory philosophy. By providing businesses with a window to rectify genuine first-time procedural lapses, the mechanism delivers several key benefits:

- Reduces unnecessary litigation arising from inadvertent compliance-related errors
- Lowers compliance costs and improves **regulatory certainty** for honest market participants
- Enables enforcement authorities to redirect resources towards deliberate violations, fraud, repeated non-compliance, tampering with registration certificates, and other acts that genuinely adversely affect consumer interests

The reform thus achieves a *calibrated balance* between commercial facilitation and regulatory enforcement, ensuring that the compliance burden on law-abiding businesses is minimised without eroding the protective framework for consumers.

Consumer Protection Remains Uncompromised

It is imperative to emphasise that the introduction of the Improvement Notice mechanism does not, in any manner, **dilute consumer protection** or weaken the enforcement architecture under the Legal Metrology Act.

The Department of Consumer Affairs has explicitly clarified that the mechanism is strictly applicable only to specified first-time procedural and regulatory non-compliances. Strict penal action shall continue unabated against fraudulent conduct, repeated violations, and tampering.

The framework is designed to distinguish between *inadvertent procedural lapses* and *deliberate malfeasance*, ensuring that consumer interests remain safeguarded while honest businesses are afforded a facilitative compliance environment. This

nuanced approach reflects a mature understanding of regulatory governance, wherein proportionality and context-specific responses replace blanket penalisation.

Minimum Government, Maximum Governance in Practice

The reform is a concrete manifestation of the Government's vision of **Minimum Government, Maximum Governance**. By advancing the following principles, the Improvement Notice mechanism strengthens the foundational architecture of the legal metrology system:

- Promoting trust-based regulation
- Reducing unnecessary compliance burdens
- Encouraging voluntary compliance
- Creating a transparent, predictable and business-friendly regulatory ecosystem

It signals to the market that the regulatory State is willing to trust regulated entities to self-correct, while simultaneously reserving its coercive powers for those who violate that trust. The mechanism ultimately strikes a delicate yet essential equilibrium between supporting honest businesses in achieving compliance and preserving the integrity of the legal metrology system.

Conclusion

The introduction of the **Improvement Notice mechanism** under the Legal Metrology Act, 2009, through the Jan Vishwas Act, 2026, represents a landmark step towards modernising India's regulatory framework. It acknowledges that a facilitative approach to first-time procedural lapses can coexist with robust consumer protection and strict enforcement against deliberate violations.

For legal practitioners, compliance officers, and business enterprises, this reform necessitates a careful review of internal compliance protocols to ensure that inadvertent lapses are identified and rectified within the statutory window, thereby avoiding penal consequences.

As India continues its trajectory towards becoming a more business-friendly jurisdiction, such proportionate regulatory mechanisms will play a pivotal role in fostering a culture of voluntary compliance, reducing adversarial litigation, and ultimately strengthening the bond of trust between the State, businesses, and consumers.

For further details write to contact@indialaw.in

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