

NAGALAND STANDARDS OF WEIGHTS AND MEASURES (ENFORCEMENT) RULES, 1986

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NAGALAND STANDARDS OF WEIGHTS AND MEASURES (ENFORCEMENT) RULES, 1986

NAGALAND STANDARDS OF WEIGHTS AND MEASURES (ENFORCEMENT) RULES, 1986

1. Short title and commencement :-

- (1) These rules may be called the Nagaland Standards of Weights and Measures (Enforcement) Rules, 1986.
- (2) They shall extend to the whole of Nagaland.

2. Definitions :-

In these rules, unless the context otherwise requires

- (a) "Act" means the Standards of Weights and Measures (Enforcement) Act, 1985.
- (b) "Reference Standard Laboratory" means a laboratory set up by the Central Government under the Standards

Act, where reference "standards" and "secondary standards" are maintained.

(c) "Schedule" means a schedule appended to these rules.

(d) "Standards Act" means the Standards of Weights and Measures Act, 1976.

(e) Words and expressions used in these rules and not defined but defined in the Act and the Standards Act shall have the meanings respectively assigned to them in those Acts.

3. Reference standards :-

The reference standards shall be kept at such place, in such manner and in such custody as may be prescribed under the Standards Act.

4. Secondary standards :-

(1) Every secondary standard shall be verified at any of the Reference Standard Laboratories in such manner and at such periodical intervals as may be prescribed under the Standards Act and shall, if found on such verification to conform to the standards established by or under that Act, be stamped by the laboratory-in-charge of the Reference Standard Laboratory.

(2) The verified secondary standards shall be kept at such place and in such custody as the Controller may direct.

5. Working standards :-

(1) Every working standard shall be verified either at any of the Reference Standard Laboratories or at any of the places where secondary standards are maintained by the State Government, in such manner and at such periodical intervals as may be prescribed under the Standards Act and shall, if found on such verification to conform to the standards established by or under that Act, be stamped, as the case may be, by the laboratory-in-charge of the Reference Standards Laboratory or by the Controller or such other officer as may be authorised by the Controller in this behalf.

(2) The verified working standards shall be kept in the custody of Inspectors.

6. Secondary standard balances :-

(1) A set of secondary standard balances shall be maintained at every place where the secondary standard weights are kept.

(2) The numbers, types and specifications of such balances shall be such as may be prescribed under the Standards Act.

(3) Every secondary standard balance shall be verified at least once a year and shall be adjusted, if necessary, to make it correct within the limits of sensitivity and other metrological qualities prescribed under the Standards Act, by the laboratory-in-charge of the Reference Standard Laboratory or by the Controller or such other officer as may be authorised by the Controller in this behalf.

7. Working standard balances :-

(1) A set of working standard balances shall be maintained at every place where working standard weights are kept.

(2) The numbers, types and specifications of such balances shall be such as may be prescribed under the Standards Act.

(3) Every working standard balance shall be verified at least once a year and shall be adjusted, if necessary, to make it correct within the limits of sensitivity and other metrological qualities prescribed under the Standards Act by the Laboratory-in-charge of the Reference Standard Laboratory or by the Controller or such other officer as may be authorised by the Controller in this behalf.

8. Physical characteristics, configuration, constructional details of weights and measures :-

Every weight or measure used or intended to be used in any transaction or for industrial production or for protection shall conform as regards physical characteristics configuration, constructional details, materials, performance, tolerances and such other details, to the specifications prescribed under the Standards Act.

9. Use of bullion weights, carat weights, etc. :-

(1) No weight other than a bullion weight shall be used in any transaction in bullion including precious metals, pearls and ornaments and other articles made of gold or silver.

(2) No weight other than a carat weight, shall be used in any transaction in precious stones.

10. Registration of users of weights and measures :-

(2) The Controller or the officer authorised by him shall include the name of the applicant in a register to be known as Register of Users and issue to him a certificate in Form A-3 of Schedule II.

(3) The Register of Users referred to in sub-R. (2) shall be maintained in the form set out in Schedule III.

(4) The certificate referred to in sub-R. (2) shall be valid for five years and may be renewed on payment of a fee of rupees five.

(5) An application for renewal shall be made in Form A-2 of Schedule I, thirty days before the expiry of validity of the registration certificate.

(6) Where a certificate of registration is lost or destroyed, the holder of the certificate shall forthwith apply to the authority who has issued the certificate, for the issue of a duplicate certificate of registration. Every such application for the issue of a duplicate certificate shall be accompanied by a fee of Rs. 2.

(7) If a person, who intends to discontinue the use of weight or measure for which he has been registered desires to get his name deleted from the Register of Users, he shall surrender the Certificate of Registration to the Controller or such other officer as may be authorised by him in this behalf.

(8) If a user intends to sell any weight or measure specified in Schedule II-A he shall obtain a written permission of the Controller or such other officer as may be authorised by him in this behalf.

11. Use of weights only or measures only or number only in certain cases :-

Except in the cases of commodities specified in Schedule IV, the declaration of quantity in every transaction, dealing or contracts, or for industrial production or the protection shall be in terms of the unit of

(a) weight, if the commodity is solid, semi-solid, viscous or a mixture of solid and liquid;

(b) length, if the commodity is sold by linear measurement;

(c) area, if the commodity is sold by area measure;

(d) volume if the commodity is liquid or is sold by cubic measure; or

(e) number, if the commodity is sold by number.

12. Licensing of manufacturers, repairers and dealers of weights and measures :-

(1) Every manufacturer or repairer or dealer in weight or measure shall make an application for the issue of a licence to the Controller or such other officer as may be authorised by him in this behalf, in the appropriate form set out in Schedule V-A.

(2) Every manufacturer or repairer or dealer in weight or measure shall make an application for the renewal of a licence thirty days before the expiry of validity of the licence to the Controller or such other officer as may be authorised by him in this behalf, in the appropriate form set out in Schedule V-B.

(3) Every licence issued to a manufacturer, repairer or dealer shall be in the appropriate form set out in Schedule VI.

(4) Every licence issued to a manufacturer, repairer or dealer shall be valid for a period of one calendar year, and be renewed from year to year by the Controller or other officer as may be authorised by him in this behalf.

(6) The Controller or such other officer as may be authorised by him in this behalf shall maintain a register of licence for manufacturers, dealers and repairers in the form set out in Schedule VIII.

(8) The weights or measures seized by the Controller or any other officer authorised by him in writing, in this behalf, under sub-S. (5) of S. 20 of the Act shall be sold and proceeds thereto credited to the Government.

13. Records to be maintained by manufacturers, etc. :-

(1) Every manufacturer or repairer or dealer in weight or measure licensed under the Act and these rules shall maintain a register in the appropriate form set out in Schedule X.

(2) Every person using any weight or measure in any transaction or for industrial production or for protection shall maintain such records and registers as the Controller may direct.

14. Periodical interval for the verification of weights or measures :-

(2) Notwithstanding anything contained in sub-R. (1) every weight or measure which has been verified and stamped in situ shall, if it is dismantled and re-installed before the date on which the verification falls due, be duly re-verified and stamped on payment of the prescribed fee before being put into use.

(3) Notwithstanding anything contained in sub-R. (1) every weight or measure which has been verified and stamped shall, if it is repaired before the date on which the verification falls due, be duly re-verified and stamped on payment of the prescribed fee, before being put into use.

15. Verification and inspection of weights or measures :-

(1) Every person using any weight or measure in any transaction or for industrial production or for protection shall present such weight or measure for verification or re-verification at the office of the Inspector or at such other place as the Inspector may specify in this behalf on or before the date on which the verification falls due: Provided that where any weight or measure is such that it cannot, or should not be moved from its location, the person using such weight or measure shall report to the Inspector at least thirty days in advance the date on which the verification falls due.

(2) Where any weight or measure is such that it cannot or could not be moved from its location, the Inspector shall

take necessary steps for the verification of such weight or measure at the place of its location.

(3) For the verification of weight or measure referred to in sub-R. (2), the user shall provide such facilities as may be required by the Inspector.

(4) Every weight or measure presented for verification shall be completed in itself and shall not bear a manufacturer's mark which might be mistaken for the Inspector's stamp.

(5) Every weight or measure shall be verified in a clean version and if necessary, the Inspector shall require owner or user to make necessary arrangement for the purpose.

(6) Where a weight or measure is brought to the Inspector for verification or re-verification, he may verify the same after realisation of the prescribed fee.

(7) An Inspector shall visit, as frequently as possible during the period specified in sub-R. (1) of R. 14, every premises within the local limits of his jurisdiction to inspect and test any weight or measure which is being, or intended or likely to be used in any transaction or for industrial production or for protection.

16. Stamping of weights or measures :-

(3) On completion of verification and stamping the Inspector shall issue a Certificate of Verification in the Form set out in Schedule XI.

(4) Where a certificate of verification is lost or destroyed, the holder of the certificate of verification shall forthwith apply to the Inspector who had issued the certificate, for the issue of a duplicate certificate of verification. Every such application for the issue of a duplicate certificate shall be accompanied by a fee of rupees five.

(5) On receipt of an application under sub-R. (4) the Inspector shall issue to the applicant a duplicate copy of the Certificate of Verification marked "Duplicate".

17. Fee for verification and stamping :-

(1) Fees payable for verification and stamping of weight or measure at the office or camp office of the Inspector shall be as specified in Schedule XII.

(3) If a weight or measure is presented to the Inspector for re-verification after expiry of the validity of the stamp, an additional fee at half the rates specified in Schedule XII shall be payable for every quarter of the year or part thereof.

(4) No fee shall be payable for re-stamping any weight or measure held in stock with manufacturer or dealer within the period specified in R. 14 from the date on which it was last stamped; provided that the original stamp was not obliterated under sub- S. (3) of S. 28 of the Act.

(5) A weight or measure which on verification is found to be incorrect shall be returned to the person concerned for adjustment informing him, in proforma specified by the Controller, of the defects found in the weight or measure and calling upon him to remove the defects within a period not exceeding seven days. When the necessary adjustment has been carried out, such weight or measure shall be verified on payment of fifty per cent of the fees specified in Schedule XII and if found correct shall be stamped.

18. Collection of fees and deposit in the treasury :-

(2) The Inspector shall maintain a register, in the form approved by the Controller, which shall be written up from day-to-day and shall show the amount of fees and other charges collected during the day.

(3) All payments received by the Inspector during the week shall be paid into the Government Treasury under the appropriate "Head of Account" on such dates or days as may be specified by the Controller from time to time, and a receipt thereof be obtained and an intimation to that effect be sent to the Controller or other officer authorised by him in this behalf.

19. Disposal of seized weights, measures, etc. :-

(4) Where the goods seized under sub-S. (1) of S. 29 of the Standards Act are contained in a package and the package is false or does not conform to the provisions of the Act or any rule made thereunder and the goods in such package are subject to speedy or natural decay, the Inspector, so far as may be, may dispose of the goods in such package in accordance with the provisions of sub-R. (3).

(5) Where the goods seized under sub-S. (1) are not subject to speedy or natural decay, the Inspector may retain the package for the purpose of proceeding under this Act after giving the trader or his agent or the other person (who has committed the offence) a notice of such seizure.

20. Qualification of Inspectors :-

(2) Nothing in sub-R. (1) shall apply to persons who have been working as Inspectors or are eligible for promotion as Inspectors before the commencement of these rules.

(3) The person appointed to the post of Inspector shall have to complete the basic training course at the Indian Institute of Legal Metrology established by the Central Government under S. 76 of the Standards Act before he is considered for confirmation to the post.

21. Provision of working standards, equipment etc., to the Inspector :-

- (1) Every Inspector shall be provided with working standards, working standard balances, and such other equipment including weighing and measuring devices as may be approved by the Controller from time to time.
- (2) Every Inspector shall be provided with such dies, punches and such other equipment as may be necessary for affixing the verification stamp, the design and number of which are to be approved by the Controller.
- (3) Every Inspector shall be provided with punches of suitable sizes of eight- pointed instrument for obliterating stamps:

22. Provisions relating to use of weights, measures etc. :-

- (2) Every weight or measure shall be used in a clean condition and in proper lighting arrangement.
- (3) Any weight or measure which has been verified and stamped in situ shall not be dismantled and removed from its original site without prior intimation to the Controller or other person authorised by him in this behalf.
- (4) The user of a weighing instrument of the capacity of five hundred kilogram or above, shall provide such number of duly verified and stamped weights not exceeding one-fourth of the capacity of the instrument as may be required by the Inspector for the purpose of its verification, re-verification or inspection.

23. Certificate of verification to be exhibited :-

The person to whom a certificate of verification is issued shall exhibit the same in a conspicuous place in the premises where the weights, measures or weighing or measuring instruments to which the certificate relates are used:

24. Penalty for contravention of rules :-

Whoever contravenes any provision of these rules, for the contravention of which no punishment has been separately provided in the Act, shall be punished with fine which may extend to one thousand rupees.

25. Form of appeal :-

- (1) Every appeal under the Act and these rules shall be preferred in the Form set out in Schedule XIII and shall be accompanied by a copy of the order appealed against.
- (2) A court fee label of rupees two shall be affixed on the appeal petition.

SCHEDULE 1**SCHEDULE****SCHEDULE 2**

Certificate of registration of users of weights and measures

SCHEDULE 2A**SCHEDULE**

SCHEDULE II-A	
[See Rule 10 (8)]	
1. Vehicle tanks.....	
2. Bulk meters.....	
3. Dispensing pumps, weigh-bridges, platform machines and such other weight or measure which cannot and should not be moved from its location.	

SCHEDULE 3

Register or Users of Weights and Measures

SCHEDULE III						
[See Rule 10 (3)]						
Register or Users of Weights and Measures						
VillageTalukDistrict						
Sl. No.	Name and address of the registered user of weights and measures	Branches, if any , with address	Nature of business carried on	Weights and measures used	Registration No.	D Registration
(1)	(2)	(3)	(4)	(5)	(6)	(7)

SCHEDULE 4

Exceptions referred to in Rule 11

SCHEDULE IV	
[See Rule 11]	
Exceptions referred to in Rule 11	

1. The following commodities may be sold by weight, measure or number as shown against the commodity:

TABLE

	Commodities	Whether declaration to be expres-sed in terms of number or two or more of them
(1)	(2)	(3)
1.	Aerosol products	weight.
2.	Acids in liquid form	weight or volume.
3.	Compressed or liquefied gas (but not liquefied petroleum gas)	weight and equivalent volume at stated temperatu
4.	Butter (including peanut butter) chees, curd, Ghee	weight
5.	Electric cables	
6.	Electric wire	length or weight.
7.	Fencing wire	length or weight.
8.	Hair oil, unperfumed	length or weight.
9.	Fruits and vegetables	weight.
10.	Furnance oil	number or weight.
11.	Linseed oil and other vegetable oils	weight or volume.
12.	Heavy residual fuel oil	weight.
13.	Industrial diesel fuel	weight.
14.	Honey, malt extract, golden syrup	volume.
	treacle	weight.
15.	Ice cream and other similar frozen products	weight or volume.
16.	Liquid chemicals	
17.	Liquid petroleum gas	weight or volume.
18.	Nails, wood screws	weight.
19.	Paint (other than paste paints or solid	number or weight.
	paint), Varnish and Varnish Stains,	
	Enamels	volume.
20.	Papad	number and weight.
21.	Paste paint solid paint	weight.
22.	Rassogulla, Gulabjamun and other	
	sweet preparations	weight.
23.	Readymade garments	Number and size.
24.	Sauce, all kinds	Weight.
25.	Tyres and tubes	Number.
26.	Yarn	weight or length of yarn.

SCHEDULE 5A
SCHEDULE

SCHEDULE 5B
SCHEDULE

SCHEDULE 6
SCHEDULE

SCHEDULE 7
SCHEDULE

SCHEDULE VII

[See Rule 12 (5)]

Licensing and renewal fees for manufacturers, repairers or dealers of weights and measures

Manufacturers	Rs. 500
Repairers	Rs. 100
Dealers	Rs. 100
Alteration in licence	Rs. 50
Duplicate licence	Rs. 10

SCHEDULE 8

Register of Licensed Manufacturers/Repairers/Dealers in Weights, Measures, Weighing Instruments/Measuring Instrumen

SCHEDULE VIII

[See Rule 12 (6)]

Register of Licensed Manufactures/Repairers/Dealers in Weights, Measures, Weighing Instruments/ Measuring Ins

License No.	Date of issue/renewal	Name and complete address of the manufacturer/repairer/dealer	Place where workshop/factory is situated	Articles to be manufactured/repaired/sold	Trade mark/monogram being used	Orders regarding cancellation of license	Result of appeal
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

SCHEDULE 9

Security deposit to be made by licensed repairer

SCHEDULE IX

[See Rule 12(7)]

Security deposit to be made by licensed repairer

Repairer of weights and measures excluding weighing and measuring instruments	Rs. 100
Repairer of weights and measures including weighing and measuring instruments	Rs. 200

SCHEDULE 10

Register to be maintained by the manufacturer of weights and measures

SCHEDULE X

[See Rule 13(1)]

Register to be maintained by the manufacturer of weights and measures

- Name and address of the manufacturer
- Description of the weight or measure..
- (i) No. of the manufacturing license.
(ii) Date on which the license was issued..
(iii) Period of validity of the license...
- Particulars of order, if any, suspending or revoking the license-

					Sold within the State		Sold outside the State			
SI. No.	Month	Unsold stock from previous month	Quantity manufactured during the month	Total (3+4)	Number of items sold	Despatch Voucher No. and date	Name of the State	Number of items sold	Despatch Voucher No. and date	Total sold (6+9)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

SCHEDULE X**FORM LR-4**

[See Rule 13(1)]

Register to be maintained by the repairer of weights and measures

Name and address of the repairer

License No.

Date of Licensing..

SI. No.	Date	Name of the user from whom received	Items and their numbers booked for repair	Receipt No. and date of issue to the	Amount of repairing charges	Amount of verification fee	Total amount charged	Date returned
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				user				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

SCHEDULE X

[See Rule 13(1)]

Register to be maintained by dealer in weights and measures

Name and address of the dealer..

Description of the weight or measure-

- License No.
- Date on which the license was issued
- Period of validity of license
- Particulars of order, if any. Suspending or revoking the license
- Category of weight or measure

(Category A or B)											
2	3	6	6	7	4	6	4	6	4	3	
						Sold within the State		Sold outside the State			
SI. No.	Month	Unsold stock from previous month	Brought from within the State during the month	Brought from outside the State during the month	Total (3+4+5)	Number of items sold	Despatch Voucher No. and date	Number of items sold	Despatch Voucher No. and date	Name of the State	Total sold (7+9)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

SCHEDULE 11

Certificate of Verification

SCHEDULE XI

[See Rule 16 (3)]

Certificate of Verification

Office of the Controller of Legal Metrology

Name of Inspector.....No.....hereby certify that I have this day verified and stamped/rejected the undermentioned weight belonging to Locality

Registration No. as user under the above Act.

Denomination		Weighing instruments					Measuring instruments	Verification fee	Carriage/conveyance adjusting charges etc. Rs. P.
Quantity	Weight	Measures	Capacity	Class	Manufacturer	Type		Rs. P.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Total Rs Deposited vide Money Receipt No Dated.

Repaired by. (Signature)

Next verification due on..Inspector

SCHEDULE 12

Fees payable for verification and stamping of weights, measures and weighing and measuring instruments

SCHEDULE 13

Form of appeal against an order of an Inspector or Additional Controller

SCHEDULE XIII

[See Rule 25 (1)]

Form of appeal against an order of an Inspector or Additional Controller

(1) Name and address of the applicant

(2) No. and date of order of Inspector of Weights and Measures or Additional Controller of Weights and Measures against which the appeal is preferred

(3) Whether the appellant desires to be heard in person or through an authorised representative..

(4) Grounds of appeal