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**West Bengal Standards Of Weights And Measures  
(Enforcement) Act, 1958**

**23 of 1958**

**[21 January 1959]**

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## **West Bengal Standards Of Weights And Measures (Enforcement) Act, 1958**

**23 of 1958**

**[21 January 1959]**

An Act to provide for the enforcement in West Bengal of standards of weights and measures. WHEREAS it is expedient to provide for the enforcement in West Bengal of standards of weights and measures established under the Standards of Weights and Measures Act, 1956 (89 of 1956) and for matters connected therewith; It is hereby enacted in the Ninth Year of the Republic of India, by the Legislature of West Bengal, as follows:--

### **1. Short Title, Extent, Commencement, Repeal And Savings** :-

(1) This Act may be called the West Bengal Standards of Weights and Measures (Enforcement) Act, 1958. (2) It extends to the whole of West Bengal. (3) Subject to the provisions of sub-section (4), this section shall come into force at once and the remaining provisions of this Act shall come into force on such date or dates as the State Government may, by notification in the Official Gazette appoint; and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods. (4) The West Bengal Standards of Weights and Measures (Enforcement) Ordinance, 1958 (West Ben. Ord. VII of 1958) is hereby repealed: Provided that notwithstanding such repeal anything done or any action taken or any legal effect produced by or under any provision of the said Ordinance shall be deemed to have been done, taken or produced

by or under the corresponding provision of this Act as if such corresponding provision were in force on the day on which such thing was done or such action was taken or such legal effect was produced. (5) If, immediately before the commencement of any provision of this Act in respect of any area or class of goods or undertakings, there is in force in respect of that area or class of goods or undertakings, any other law which corresponds to such provision, such other corresponding law, shall, on such commencement, stand repealed.

## **2. Definitions :-**

In this Act unless the context otherwise requires,-- (a) "Assistant Controller" or "Deputy Controller" means an Assistant Controller or Deputy Controller of Weights and Measures appointed under section 13; (b) "Controller" means the Controller of Weights and Measures appointed under section 13; (c) "Inspector" means an Inspector of Weights and Measures appointed under section 13; (d) "measuring instrument" means the measuring instrument other than a weighing instrument and includes any instrument for measuring length, area, volume or capacity; (e) "mint" means a mint of the Central Government; (f) "prescribed" means prescribed by rules made under this Act; (g) "standard weight" or "standard measure" means any unit of mass or measure referred in sub-section(1) of section 13 of the Standards of Weights and Measures Act, 1956, (89 of 1956) and includes any other weight or measure permitted to be used by the Central Government in pursuance of sub-section(1) of section 14 of the said Act; (h) "reference standards" means the sets of standards of mass and measure supplied to the State Government by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956; (i) "stamping" means marking in such manner as to be, so far as practicable, indelible and includes casting, engraving, etching and branding; (ia) "transaction" means any transaction in trade or commerce and includes any assessment or declaration or determination of quantity with reference to measurement of weight, volume, capacity, length or area; (j) "verification" with its grammatical variations used with reference to a weight or measure or weighing instrument or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing instrument or measuring instrument; (k) "weighing instrument" means any instrument for

weighing and includes scales with the weights, belonging thereto, scale-beams, balances, spring balances, steel yards and other weighing appliances.

### **3. Working Models :-**

(1) For the purpose of verifying the correctness of weights and measures and weighing instruments and measuring instruments used in any transaction, the State Government may cause to be prepared as many standard weights and standard measures to be called working models as it may deem necessary. (2) The working models shall be made of such materials and according to such designs and specifications and shall be prepared by such agency and shall be verified and stamped by such person or authority and in such manner as may be prescribed. (3) The working models shall be kept at such places, in such custody and in such manner as may be prescribed. (4) A working model shall be verified with reference to the corresponding verification model referred to in sub-section(1) of section 4. (5) A working model which is not duly verified and stamped shall not be used for the purpose of this Act. (6) A working model which has become defective or worn out by use or which has not been re-verified and stamped in such manner and at such intervals as may be prescribed shall not be used for the purposes of this Act.

### **4. Verification Models :-**

(1) The State Government may, with the permission of the Central Government, cause to be prepared at a mint as many sets of standard weights and standard measures as it may deem necessary to be called the verification models. (2) The verification models shall be made of such material and according to such designs and specifications, and shall be Stamped in such manner and by such person or authority, as may be prescribed. (3) The verification models shall be kept at such places, in such custody and in such manner as may be prescribed. (4) A verification model shall be verified and shall be re-verified at least once in every five years with reference to the corresponding reference standard and shall be stamped with the date of verification or re-verification, as the case may be, by such person or authority as may be prescribed. (5) A verification model which is not verified or re-verified in accordance with the provisions of sub-section(4) shall not be used for the purposes of this Act.

### **5. Reference Standards :-**

The reference standards shall be kept at such places, in such custody and in such manner as the State Government may direct.

**6. Prohibition Of Use Of Weights And Measures Other Than Standard Weights And Measures :-**

Notwithstanding anything contained in any other law or any custom, usage or practice in any area or in respect of any class of goods or undertakings where or in respect of which this Act has come into force, no unit of mass or measure, other than the standard weights or standard measures, shall be used in any transaction or in any dealing or contract for any work to be done or goods to be sold or delivered.

**7. Power To Prescribe The Use Of Weights Only, Or Measures Only, In Certain Cases :-**

(1) Notwithstanding anything contained in this Act, the State Government may, by notification in the Official Gazette, direct that in respect of any class of articles specified in the notification all transactions shall be by weight only or by measure only. (2) A notification issued under this section shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

**8. Making Of Denomination On Weights And Measures :-**

Every weight or measure, which is manufactured with the intention that it may be, or with the knowledge that it is likely to be, used in any transaction shall have the correct denomination thereof marked legibly on it in such manner as may be prescribed.

**9. Prohibition Of Sale, Delivery Or Use Of Unstamped Weights And Measures Or Weighing Instruments Or Measuring Instruments :-**

(1) Subject to the provisions of section 10, no weight or measure shall be used in any transaction or shall be sold or delivered with the intention that it may be, or with the knowledge that it is likely to be, so used unless it has the denomination thereof marked on it and unless it has been verified or re-verified in accordance with the rules made under this Act and stamped with a stamp of verification in such manner as may be prescribed. (2) No weighing instrument or measuring instrument shall be used in any transaction or shall be sold or delivered with the intention that it may be, or with the knowledge that it is likely to be, so used unless it has been verified or re-verified in accordance with the rules made under this Act and stamped with a stamp of verification in such manner as may be

prescribed.

**10. Power Of State Government To Exempt :-**

Where the size of a weight or measure renders it impracticable to have any denomination thereof marked on it under the provisions of section 8 or to be stamped under the provisions of section 9, the State Government may, by notification in the Official Gazette, exempt such weight or measure from being so marked or stamped.

**11. Prohibition Of Manufacture, Etc. Of Weights And Measures Without Licence :-**

(1) No person shall, without obtaining a licence under the provisions of this Act, carry on any trade or business involving the manufacture, repair or sale of any weight or measure or any weighing instrument or measuring instrument intending or knowing it is likely that such weight, measure, weighing instrument or measuring instrument may be used in any transaction. (2) Such authority as may be prescribed may, by order, grant or renew or refuse to grant or renew a licence under this section or revoke or suspend any such licence. (3) An appeal from an order under sub-section (2) refusing to grant or renew a licence or revoking or suspending any licence shall, if preferred within sixty days from the date of the order, lie to the State Government. (4) Any order passed under sub-section (2) by the authority competent to pass such order may, at any time, be revised by the State Government: Provided that no order from which an appeal has been preferred under sub-section (3) shall be so revised. (5) An order passed by the State Government on appeal under sub-section (3) or on revision under sub-section (4) shall be final.

**12. Marking Of Weights Or Measures On Sealed Containers :-**

No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the correct net weight or measure of the article contained therein: Provided that--  
(a) the State Government may, by notification in the Official Gazette, exempt from the operation of this section any class of such packages or containers if, in the opinion of the State Government, the size of the packages or containers renders it impracticable to comply with the provisions of this section in respect thereof, (b) the provisions of this section shall not apply to

any article which is not ordinarily sold by weight or measure

**13. Appointment Of Controller, Deputy Controllers, Assistant Controllers And Inspectors :-**

(1) The State Government may appoint a Controller of Weights and Measures and as many Deputy Controllers of Weights and Measures, Assistant Controllers of Weights and Measures and as many Inspectors of Weights and Measures, as may be necessary for exercising the powers and discharging the duties conferred and imposed on them by or under this Act. (2) The State Government may, by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred and imposed on Inspectors by or under this Act. (3) Subject to the provisions of this Act, all Deputy Controllers, Assistant Controllers and Inspectors shall perform their functions under the general Superintendence and control of the Controller; and the Controller, the Deputy Controllers and Assistant Controllers may, in addition to the powers and duties conferred and imposed on them by and under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors. (4) the State Government or the Controller, if so authorised by the State Government, may appoint such other persons as may be necessary for carrying out the purposes of this Act.

**14. Verification And Stamping By Inspectors :-**

(1) An Inspector shall, for the purpose of verification of weights and measures and weighing instruments and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller. (2) An Inspector shall verify every weight or measure or weighing instrument or measuring instrument which is brought to him for the purpose of verification in accordance with such rules as may be prescribed. (3) If, on such verification, the Inspector finds the weight or measure or weighing instrument or measuring instrument correct, he shall stamp the same with a stamp of verification in the prescribed manner; but, if on the other hand, he finds the weight or measure or weighing instrument or measuring instrument incorrect and defective, he shall refuse to stamp the same with a stamp of verification and obliterate, the denomination mark on such weight or measure.

**15. Power To Inspect, Etc. :-**

(1) An Inspector may, within the area under his jurisdiction,

inspect, at such times as may be prescribed, the weights or measures or weighing instruments or measuring instruments which are used in transactions or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing instrument or measuring instrument in accordance with the provisions of section 14. (2) An Inspector may, at such times as may be prescribed, require any person engaged in any transaction or any employee or agent of such person to produce before him for inspection all weights, measures, weighing instruments and measuring instruments which are used by him or are in his possession or are kept on any premises used for any transaction and all documents and records relating thereto and such person, employee or agent shall comply with such requirement. (3) An Inspector may seize any weight or measure or weighing instrument or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been, or which might be, used in the commission of such an offence, and may also seize any article sold or delivered or caused to be sold or delivered which has been weighed or measured by such weight or measure or weighing instrument or measuring instrument together with any document or records relating to the transaction. (4) Where an Inspector has reasons to believe that a sealed package or container purporting to contain any net weight or measure of any article ordinarily sold by weight or measure does not actually contain the net weight or measure of the article which it purports to contain, the Inspector may, in the presence of witnesses, break open the sealed container and verify its contents. (5) If, on such verification, the net weight or measure of the article is found to be correct, the Inspector shall tender the fair price thereof and may require a written acknowledgment therefor. (6) If on the other hand, the net weight or measure of the article is found on such verification to be incorrect, the Inspector may seize the package or container and the article contained therein, after tendering the fair price thereof where the seizure is made from any person other than the manufacturer, and may file a complaint against the manufacturer for contravention of the provisions of section 12. (7) Before making any seizure under sub-section (3) or under sub-section (6), the Inspector about to make the seizure shall call upon two or more responsible persons of the locality in which the seizure is made, to attend and witness the seizure and may issue an order in writing to them or to any of them so to do. (8) The seizure shall be made by the Inspector in the



presence of such witnesses and a seizure list, containing the name and address of the person from whom the seizure is made, the date of the seizure, a short description of the weight, measure, weighing instrument, measuring instrument, article, package or container seized, his own signature, the signature of the person from whom seized, if available, and the signatures of the witnesses, shall be prepared in quadruplicate by the Inspector who shall thereafter seal the weight, measure, weighing instrument, measuring instrument, article, package or container seized with his seal in the presence of the witnesses and shall affix thereto a copy of the seizure list. (9) When any seizure is made under sub-section(3) or under sub-section(6), the Inspector shall bring or cause to be brought to his office the seized weight, measure, weighing instrument, measuring instrument, article, package or container or, if that be not convenient, keep the same in the custody of the person from whom the seizure is made or of any other person considered fit by the Inspector upon such person furnishing a written undertaking for the production thereof at the office of the Inspector. (10) Any person who, without reasonable cause, refuses or neglects to comply with an order issued by the Inspector under sub-section(7) to attend or witness a seizure shall be deemed to have committed an offence under section 187 of the Indian Penal Code

#### **16. Manufacturers, Etc., To Maintain Records And Document :-**

Every manufacturer or repairer of, or dealer in, weights or measures or weighing instruments or measuring instruments, and every person using them in any transaction shall maintain such records and accounts as may be prescribed.

#### **17. Appeals :-**

(1) If the Controller, a Deputy Controller, an Assistant Controller or an Inspector-- (a) refuses to stamp any weight or measures or weighing instrument or measuring instrument and obliterates the denomination mark thereon under sub-section (3) of section 14, or (b) seizes any weight or measure or weighing instrument or measuring instrument or article under sub-section (3) of section 15, any person aggrieved by such refusal or seizure may, within sixty days from the date of such refusal or seizure, prefer an appeal,-- (i) in the case of a refusal or seizure by the Controller or by a Deputy Controller, to the State Government; and (ii) in any other case, to the Controller. (2) On receipt of any such appeal, the

appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such inquiry as it deems proper, decide the appeal and the decision of the appellate authority shall be final.

**18. Levy Of Fees :-**

The State Government may charge such fees-- (a) for the grant of licences under section 11, for manufacture, repair or sale of weights and measures and weighing instruments and measuring instruments, and (b) for the verification, marking and stamping of weights and measures and weighing instruments and measuring instruments as may be prescribed: Provided that the amount of fees chargeable under this section shall in no case exceed five thousand rupees.

**19. Penalty For Contravention Of The Provisions Of Section 9 :-**

Whoever contravenes any of the provisions of section 9 shall, if such contravention is in respect of-- (1) the sale or delivery of a weight or measure or a weighing instrument or a measuring instrument, be punishable with fine which may extend to two thousand rupees; and (2) the use of any weight or measure or weighing instrument or measuring instrument in any transaction, be punishable, for a first offence, with fine which may extend to one thousand rupees, and for second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

**20. Penalty For Possession Of Unstamped Weights And Measures For Use In Transactions :-**

(1) Whoever has in his possession for use in any transaction; any weight or measure or any weighing instrument or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall be punishable for a first offence, with fine which may extend to one thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine which may extend to two thousand rupees, or with both. (2) When any such weight or measure or weighing instrument or measuring instrument is found in the possession of any person, such person shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions. (3) Where an offence punishable under this section

is committed by an employee or agent of any person engaged in, or carrying on, any transaction on behalf of such person, unless he proves that the offence was committed by his employee or agent without his knowledge and without his consent, and his employee or agent by whom the offence was committed, shall both be deemed to be guilty of the offence.

**21. Penalty For Manufacture Of Weights, Etc., Without Licence :-**

Whoever manufactures, repairs, or sells any weight or measure or weighing instrument or measuring instrument, without obtaining a licence as required by section 11, shall be punishable with imprisonment for a period which may extend to three months or with fine, or with both.

**22. Penalty For Use Of Weight Or Measure In Contravention Of Direction Under Section 7 :-**

Whoever contravenes any direction contained in a notification issued under section 7 shall be punishable with fine which may extend to- two thousand rupees.

**23. Penalty For Failure To Mark Correct Weight Or Measure On Sealed Containers :-**

Whoever contravenes the provisions of section 12 shall be punishable with fine which may extend to two thousand rupees.

**24. Penalty For Fraudulent Use Of Weights, Measures, Etc. :-**

Whoever fraudulently uses any weight or measure or weighing instrument or measuring instrument knowing it to be false shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

**25. Penalty For Being In Possession Of False Weight Or Measure, Etc. :-**

Whoever is in possession of any weight or measure or weighing instrument or measuring instrument which he knows to be false, intending that the same may be fraudulently used, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

**26. Penalty For Making Or Selling False Weight Or Measure, Etc. :-**

Whoever makes, or sells or disposes of or causes to be made, sold disposed of any false weight or measure or weighing instrument or

measuring instrument knowing it to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

**27. Penalty For Giving Short Weight Or Measure :-**

Whoever in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds the prescribed limit of error, be punishable with fine which may extend to three hundred rupees.

**28. Penalty For Obtaining Excess Weight Or Measure :-**

Whoever in purchasing any article by weight or measure, obtains from the seller more than what is purported to be purchased shall, if the excess exceeds the prescribed limit of error, be punishable with fine which may extend to three hundred rupees.

**29. Penalty For Counterfeiting Weights, Measures, Etc. :-**

(1) Whoever counterfeits any stamp used under this Act for the stamping of any weight or measure or weighing instrument or measuring instrument or possesses any such counterfeit stamp, or removes a stamp from any weight or measure or weighing instrument or measuring instrument and transfers the same into another weight or measure or weighing instrument or measuring instrument, or wilfully increases or diminishes a weight or measure duly stamped under the provisions of this Act, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both. (2) Whoever knowing uses, sells, disposes of or exposes for sale any weight or measure or weighing instrument or measuring instrument stamped with such counterfeit stamp thereon, or stamped with the stamp removed from another weight or measure, shall be punishable with imprisonment for a period which may extend to six months, or with fine, or with both.

**30. Penalty For Neglect Or Refusal To Produce Weight Or Measure, Etc. For Inspection :-**

Whoever-- (a) refuses or neglects to produce for inspection under section 15, any weight or measure or weighing instrument or measuring instrument or any document or record, relating thereto in his possession or on his premises, or (b) refuses to permit an Inspector to inspect and verify any such weight, measure, or instrument, or (c) obstructs the entry of an Inspector under section 15, or (d) otherwise obstructs or hinders an Inspector in the

performance of his duties under this Act, or (e) fails or refuses to produce any seized article in compliance with an undertaking furnished under sub-section (9) of section 15, shall be punishable with fine which may extend to five hundred rupees.

**31. Penalty For Breach Of Duty By Inspector :-**

If an Inspector knowingly stamps a weight or measure or weighing instrument or measuring instrument in contravention of the provisions of this Act or of the rules made thereunder, he shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

**32. Protection Of Action Taken In Good Faith :-**

No suit, prosecution or other legal proceedings shall lie against the Controller or any Deputy Controller or any Assistant Controller or any Inspector or any other person appointed under this Act, in respect of anything which, in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

**33. Cognizance Of Offences, Etc. :-**

(1) No court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order. (2) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

**34. Stamped Weights, Etc. To Be Presumed To Be Correct :-**

A weight or measure or weighing instrument or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved.

**35. Controller Etc. Appointed Under The Act To Be Public Servants :-**

The Controller, every Deputy Controller, every Assistant Controller and every Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 (XIV of 1860) of the Indian Penal Code. Section

35A

- Inspector to have powers of a police officer An Inspector shall have, for the purpose of ascertaining the true name and address of the person from whom any article has been seized under section

15, all the powers conferred upon a police officer by section 57 (Act V of 1898) of the Code of Criminal Procedure, 1898.

### **36. Offences To Companies :-**

(1) If the person committing an offence punishable under this Act is a company, the company and every director, manager, secretary or agent of the company, unless such director, manager, secretary or agent proves that the offence was committed without his knowledge or consent, shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any other officer or person concerned in the management of the company, such other officer or person shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished. Explanation.--For the purpose of this section-- (a) "company" means a body corporate and includes a firm or other association of individuals; and (b) "director" in relation to a firm, means a partner in the firm.

### **37. Limits Of Error To Be Tolerated In Weights And Measures :-**

The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or the rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

### **38. Delegation Of Powers :-**

Subject to any rules that may be made under the standards of Weights and Measures Act, 1956 (89 of 1956), in this behalf, the State Government may prescribe the limits of error which may be tolerated-- (a) in working models referred to in section 3; (b) in verification models referred to in section 4; (c) in weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and (d) in weighing instruments and measuring instruments.

### **39. Power To Make Rules :-**

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. (2) In

particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-- (a) the material of which and the designs and specifications according to which working models may be made, the agency by which such models may be prepared, the person by whom or the authority by which such models may be verified and stamped, the places at which and the custody and manner in which such models may be kept; (b) the manner and procedure for the verification or re-verification and stamping of working models; (c) the material of which and the designs and specifications according to which verification models may be made, the person by whom or the authority by which such models may be stamped, the places at which and the custody and manner in which such models may be kept; (d) the manner and procedure for the verification or re-verification and stamping of verification models; (e) the manner in which weighing instruments and measuring instruments may be verified and stamped with stamps of verification and necessary particulars regarding the same; (f) the manner in which denominations may be marked on weights and measures and the manner in which weights and measures may be verified and stamped with stamps of verification; (g) the form in which, and the conditions subject to which licenses may be granted to persons for manufacture, repair or sale of weights and measures and weighing instruments and measuring instruments, the procedure for granting licenses and the authorities by which licenses may be granted; (h) the qualifications, functions and duties generally of Inspectors and other persons appointed under sub-section (4) of section 15 of this Act; (i) the period within which working models and weights and measures and weighing instruments and measuring instruments are to be re-verified; (j) inspection of weights and measures and weighing instruments and measuring instruments used in transactions; (k) the seizure and disposal of weights and measures which are not authorised by this Act; (l) the books, accounts and records relating to weights and measures and weighing instruments and measuring instruments to be maintained and the manner in which they may be maintained or produced; (m) the form and manner in which appeals may be preferred under sub-section(3) of section 11 or under section 17 and the procedure for hearing appeals; (n) the fees which may be charged for the grant of licenses under section 11 and for verification, re-verification and stamping of weights and measures and weighing instruments and measuring instruments and the collection and levy of the same; (o)

any other matter which has to be, or may be, prescribed. (3) In making any rule under this section the State Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees. (4) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette. (5) All rules made under this section shall, as soon as may be, after they are made, be laid before the State Legislature.

**40. Saving :-**

Nothing in this Act shall apply to weights or measures weighing instruments or measuring instruments used by or in any unit or establishment of the naval, military or air forces or any other armed forces of the Union referred to in entry 2 of List I of the Seventh Schedule to the Constitution of India.