

**BOMBAY WEIGHTS AND MEASURES (ENFORCEMENT) ACT,  
1958**

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**[September 27, 1958]**

CONTENTS

**CHAPTER 1 :- PRELIMINARY**

1. Short title, extent and commencement
2. Definitions

**CHAPTER 2 :- STANDARD WEIGHTS AND MEASURES**

3. Working Standard
4. Secondary standards
5. Reference standards
6. Standard weighing and measuring instruments
7. Prohibition of use of weights and measures other than standard weights and measures
8. Power to prescribe use of weights only, or measures only, in certain cases

**CHAPTER 3 :- VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES**

9. Marking of denominations on commercial weights and measures
10. Prohibition of sale of unstamped commercial weights or measures
11. Prohibition of use of unstamped commercial weights or measures
12. Power of State Government to exempt
13. Prohibition of manufacture, etc. of weights and measures without licence
14. Marking of weight or measure in sealed containers
- 14A. Prohibition of quoting price etc. otherwise than in terms of standard weight or measure
15. Appointment of Controller, Deputy Controllers, Assistant Controllers and Inspectors
16. Verification and stamping by Inspectors
17. Power to inspect, etc
18. Power of Inspector to adjust weights or measures
19. Manufacturers, etc. to maintain records and documents
20. Appeals

21. Levy of fees

22. Validity of weights and measures duly stamped

#### **CHAPTER 4 :- PENALTIES**

23. Penalty for sale or delivery by weight or measure other than standard weight or measure

24. Penalty for sale of unstamped commercial weights and measures

25. Penalty for use for possession of unstamped commercial weights and measures

26. Penalty for use of weight or measure in contravention of section 8

27. Penalty for manufacture, repair or sale of weights etc. without licence

28. Penalty for failure to mark weight or measure on sealed containers

28A. Penalty for contravention of section 14-A

29. Penalty for fraudulent use of weights, measures etc

30. Penalty for being in possession of false weight or measure etc

31. Penalty for making or selling false weights or measures etc

32. Penalty for delivering article in quantity less than or receiving article in quantity more than the quantity fixed by contract

33. Penalty for forging etc. of weights, measures etc

34. Penalty for neglect or refusal to produce weight or measure, etc. for inspection

35. Penalty for breach of duty by Inspector

36. Forfeiture

#### **CHAPTER 5 :- MISCELLANEOUS**

37. Controller, etc. to be public servants

37A. Composition of offences

38. Protection of action taken in good faith

39. Cognizance of offences etc

40. Stamped weight etc. to be presumed to be correct

40A. Presumption as to certain facts in certain cases

41. Offences by companies

42. Delegation of powers

43. Limits of error to be tolerated in weights and measures

44. Bombay Act XV of 1932 or corresponding laws to cease to apply

45. Special provision during period for which other weights and measures permitted to be used under section 14 of Act LXXXIX of 1956

46. Power to make rules

47. Repeal of Bom. Ordinance II of 1958 and savings

48. Saving

### **BOMBAY WEIGHTS AND MEASURES (ENFORCEMENT) ACT, 1958**

[September 27, 1958]

An Act to provide for the enforcement of standard weights and measures in the State of Bombay, and for matters connected therewith WHEREAS it is expedient to provide for the enforcement of standard weights and measures in the State of Bombay and for matters connected therewith. It is hereby enacted in the Ninth Year of the Republic of India as follows:

CHAPTER 1  
PRELIMINARY

**1. Short title, extent and commencement :-**

(1) This Act may be called the Bombay Weights and Measures (Enforcement) Act, 1958.

(2) It extends to the whole of the [State of Gujarat].

(3) It shall come into force on such date 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.

**2. Definitions :-**

In this Act unless the context otherwise requires,

(a) "commercial weight or measure" means a weight or measure purporting to be a standard weight or measure used in any transaction for trade or commerce;

(b) "Controller" means the Controller of Weights and Measures appointed under section 15;

(c) "Inspector" means an Inspector of Weights and Measures appointed under section 15;

(d) "measuring instrument" means any measuring instrument other than a weighing instrument and includes any instrument for measuring length, area, volume or capacity;

(e) "Mint" means the mint of the Central Government either in Bombay or in Calcutta;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "reference standards" means the sets of standard weights and

measures 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;

[(gg) "sealed package or container" means a closed packet, bottle, casket, tin, barrel, receptacle, bag, sack, wrapper or any other thing in which any article is placed or packed, and which is intended to be sold with in contents without any weightment or measurement of such contents at the time of sale;]

(h) "standard weight or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standard 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; [(ii) "use in transaction for trade or commerce" means use for the purpose of determination or declaration of the quantity of anything in terms of measurement of length, area, volume, capacity or weight in relation to

(a) any contract, whether by way of sale, exchange or otherwise; or

(b) any payment, whether by way of royalty, toll, duty or any other dues connected with or forming part of such transaction;

[or]

(c) the assessment of any work done or services rendered, otherwise than in relation to research or scientific studies or in individual households for household purposes;

(j) "verification" with its grammatical variations, used with reference to a weight or measure, or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument, and also includes re-verification;

(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 machines.

## CHAPTER 2

### STANDARD WEIGHTS AND MEASURES

### **3. Working Standard :-**

- (1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transaction for trade or commerce, the State Government may cause to be prepared as many sets of authenticated standard weights and measures as it may deem necessary to be called [the working standards].
- (2) The working standards shall be made of such materials, and according such designs and specifications, and shall be prepared by such agency, and shall be stamped and authenticated by such person or authority, and in such manner, as may be prescribed.
- (3) The working standards shall be kept at such places, in such custody, and in such manner, as may be prescribed.
- (4) A working standard shall be verified with the secondary standard and marked by such persons at such places, at such intervals, and in such manner, as may be prescribed: [\*\*\*\*\*]
- (5) A working standard which is not so verified and marked within the prescribed period, shall not be deemed legal, or be used for the purposes of this Act.
- (6) A working standard which has become defective shall not be deemed legal, or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

### **4. Secondary standards :-**

- (1) For the purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the Mint as many sets of authenticated standard weights and measures as it may deem necessary, to be called the secondary standards.
- (2) The secondary standards shall be made of such material and, according to such design and specifications, as may be prescribed, and shall be stamped and authenticated by such person or authority, as the Central Government may direct.
- (3) The secondary standards shall be kept at such places, in such custody, and in such manner, as may be prescribed.
- (4) A secondary standard shall be verified with the reference standard at least once in every period of five years, and shall be marked with the date of verification in the prescribed manner by

such person or authority as the State Government may direct.

(5) A secondary standard which is not so verified and marked within the aforesaid period, shall not be deemed legal, and 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. Standard weighing and measuring instruments :-**

(1) For the purpose of verifying the correctness of commercial weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of weighting and measuring instruments as it may deem necessary.

(2) Such instruments shall be of such kind, kept in such number, and shall be verified and stamped in such manner, as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards of working standards are kept.

**7. Prohibition of use of weights and measures other than standard weights and measures :-**

(1) 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 measures shall be used in any transactions for trade or commerce, or in any dealing or contract or for any work to be done or goods to be sold or delivered, or be kept in any premises where such transactions are usually conducted.

(2) Any custom, usage, practice or method of whatever nature which permits in any trade, a trader, seller or buyer to demand, receive, or cause to be demanded or received, any quantity of articles in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said articles has been made, shall be void.

(3) Any transaction, dealing or contract made or had after the expiry of three months from the commencement of this section

shall, in so far as it contravenes the provisions of sub-section (1), be void.

**8. Power to prescribe 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 any specified trade or class of trades, no transaction, dealing or contract shall be made or had, except by weight only, or except 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.

**CHAPTER 3**

**VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES**

**9. Marking of denominations on commercial weights and measures :-**

Every weight or measure manufactured for use as a commercial weight or measure shall bear the denomination of the weight or measure which purports to be marked legibly on it, in such manner as may be prescribed.

**10. Prohibition of sale of unstamped commercial weights or measures :-**

No commercial weight or measure or weighing or measuring instrument shall be sold or delivered, unless it has been verified or reverified in accordance with the rules made under this Act, and stamped in the prescribed manner by an Inspector with a stamp of verification.

**11. Prohibition of use of unstamped commercial weights or measures :-**

No weight or measure or weighing or measuring instrument shall be used in any transactions in trade or commerce, unless it has been verified or reverified in accordance with the rules made under this Act, and stamped in the prescribed manner by an Inspector, with a stamp of verification.

**12. Power of State Government to exempt :-**

Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9, or to be stamped under the provisions of

section 10 or section 11, the State Government may, by notification in the Official Gazette, exempt such weight or measure from being so marked or stamped.

**13. Prohibition of manufacture, etc. of weights and measures without licence :-**

No person shall, in the course of trade, manufacture, repair or sell any commercial weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a licence in this behalf, which may be granted by the State Government or any officer authorised by it in this behalf, subject to such conditions as may be prescribed.

**14. Marking of weight or measure in 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 net weight or measure of the article contained therein :

Provided that the provisions of this section shall not apply to an article sold, offered for sale, exposed for sale, or in possession for sale which is not ordinarily sold in transactions for trade or commerce by weight or measure :

Provided further that the State Government may, if it is satisfied that the size of any class of such packages or containers renders it impracticable to comply with the provisions of the section, by notification in the Official Gazette, exempt such class from the operation of this section.

**14A. Prohibition of quoting price etc. otherwise than in terms of standard weight or measure :-**

No person shall, in any transaction for trade or commerce, quote the price, or express the quantity, of any article otherwise than in terms of the standard weight or measure.

**15. Appointment of Controller, Deputy Controllers, Assistant Controllers and Inspectors :-**

(1) The State Government may appoint a Controller of Weights and Measures for the State, and as many Deputy Controllers, Assistant Controllers and Inspectors of Weights and Measures as may be necessary, for exercising the powers and discharging the duties conferred or imposed on them by or under this Act. Their



qualifications shall be such as may be prescribed.

(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 or imposed on Inspectors by or under this Act.

(3) Subject to the provisions of this Act, all Deputy and Assistant Controllers of Weights and Measures and Inspectors shall perform their functions under the general superintendence and control of the Controller; and the Controller, Deputy Controllers and the Assistant Controllers of Weights and Measures may, in addition to the powers and duties conferred or imposed on them by or under this Act, exercise any power of discharge any duty so conferred or imposed on Inspectors.

#### **16. Verification and stamping by Inspectors :-**

(1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments attend at such place and time, within his jurisdiction, as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure, or weighing or measuring instrument, which is brought to him for the purpose of verification, and if he finds such weight or measure or weighing or measuring instrument correct and in conformity with the Standards of Weights and Measures Act, 1956, (LXXX IX of 1956) and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

#### **17. Power to inspect, etc :-**

(1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transaction for trade or commerce, 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 or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of

the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader, to produce before him for inspection all weights, measures and weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade, and all documents and records relating thereto, and such trader, employee or agent shall comply with such requisition.

(4) An Inspector may seize and detain any weight or measure or weighing 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 and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument, together with any documents or records relating thereto.

(5) Where an Inspector has reason to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, the Inspector may break open the sealed package or container and verify its contents and if, on such verification, the net weight or measure of the article is found to be correct, the Inspector shall re-seal the package or container where it is possible so to do without injury to the contents thereof, and attach a certificate thereto stating the correct weight or measure of the article; but if, on the other hand, the net weight or measure of the article is found to be incorrect, the Inspector may seize and detain the package and container and the article contained therein.

(6) For the purpose of such inspection, seizure or detention, an Inspector may, at all reasonable times, enter and search, with such assistance as may be required, any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce or in which he has reason to believe that an offence under this Act has been or is being committed, and take such action as he is authorised to take under the foregoing provisions of this section.

### **18. Power of Inspector to adjust weights or measures :-**

Where it appears to the State Government desirable that an Inspector should be allowed in any area to adjust the weights or

measures or weighing or measuring instruments, it may, if it thinks fit, authorise such Inspector to adjust weights and measures or such instruments accordingly.

**19. Manufacturers, etc. to maintain records and documents :-**

(1) Every manufacturer, repairers or dealer in weights and measures or weighing or measuring instruments, and every person using them in transactions for trade or commerce, shall maintain such records and accounts as may be prescribed if required so to do by an Inspector, and shall produce such records and accounts before him in such manner as may be prescribed.

(2) Notwithstanding anything contained in Sub-section (1), if the State Government is of opinion that having regard to the nature of business carried on by any such manufacturer, Repairer or dealer, it is necessary so to do, it may, by order, exempt such person or class of persons from the operation of that sub-section.

**20. Appeals :-**

(1) Subject to the provisions of sub-section (2), an appeal shall lie

(a) from every decision of an Inspector or Assistant Controller of Deputy Controller under this Act to the Controller; and

(b) from every decision of the Controller under this Act not being a decision made in appeal under clause (a), to the State Government or any officer specially authorised in this behalf by the State Government.

(2) Every such appeal shall be preferred within sixty days from the date of the decision.

(3) On receipt of such an appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard, and after making such enquiry as it deems proper, decide the appeal, and the decision of the appellate authority shall be final.

**21. Levy of fees :-**

The State Government may charge such fees

(a) for the grant of licences under section 13, for the manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments, and

(b) for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments, as may be prescribed.

**22. Validity of weights and measures duly stamped :-**

A weight or measure or weighing or measuring instruments, duly stamped by an Inspector under this Act shall be a legal weight or measure or weighing or measuring instrument in all places in which the relevant provisions of this Act have come into force, unless it is found to be false or defective, and shall not be liable to be re-stamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER 4  
PENALTIES

**23. Penalty for sale or delivery by weight or measure other than standard weight or measure :-**

Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold, or delivers or causes to be delivered, in the course of any transaction for trade or commerce, any article by any denomination of weight or measure other than one of the standard weights or measures, [or whoever after the commencement of the Bombay Weights and Measures (Enforcement) (Gujarat Amendment) Act, 1963 (Guj. XLVII of 1963) keeps any unit of mass or measure other than the standard weights or measures in any premises where such transactions are usually conducted] shall be punished, for a first offence, with fine which may extend to two thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine, or with both.

**24. Penalty for sale of unstamped commercial weights and measures :-**

Whoever sells or delivers any commercial weight or measure, or any weighing or measuring instrument, which has not been verified, or reverified, or stamped in accordance with the provisions of this Act and the rules made thereunder, shall be punished with fine which may extend to two thousand rupees.

**25. Penalty for use for possession of unstamped commercial weights and measures :-**

Whoever uses in any transaction for trade or commerce, or has in his possession for such use, any commercial weight or measure or

any weighing or measuring instrument, which is not authorised or 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 punished for a first offence, with fine which may extend to two thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine, or with both.

Explanation 1. When any such weight or measure, or weighing or measuring instrument, is found in the possession of any trader, or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2. Where any weight or measure or weighing or measuring instrument is used or possessed, in contravention of this section, by any employee or agent of a trader, on behalf of such a trader, such trader, shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of the offence.

**26. Penalty for use of weight or measure in contravention of section 8 :-**

Whoever contravenes any of the provisions of a notification issued under section 8, shall be punished with fine which may extend to two thousand rupees.

**27. Penalty for manufacture, repair or sale of weights etc. without licence :-**

If any person manufactures, repairs or sells any commercial weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 13, he shall be punished with imprisonment for a period which may extend to three months, or with fine, or with both.

**28. Penalty for failure to mark weight or measure on sealed containers :-**

Whoever contravenes the provisions of section 14, shall be punished with fine which may extend to two thousand rupees.

**28A. Penalty for contravention of section 14-A :-**

Whoever contravenes the provisions of section 14A shall be punished with fine which may extend to two thousand rupees.

**29. Penalty for fraudulent use of weights, measures etc :-**

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

**30. Penalty for being in possession of false weight or measure etc :-**

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

**31. Penalty for making or selling false weights or measures etc :-**

Whoever makes, sells or disposes of, or causes to be made, sold or disposed of, any weight or measure or weighing or measuring instrument, which he knows 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 punished with imprisonment for a period which may extend to one year, or with fine, or with both.

**32. Penalty for delivering article in quantity less than or receiving article in quantity more than the quantity fixed by contract :-**

(1) Whoever in selling any article by weight or measure delivers or causes to be delivered to the purchaser any quantity of that article, which is less than the quantity fixed by the weight or measure by which the contract or dealing in respect of that article has been made shall, if the deficiency exceeds the prescribed limit or error, be punished with fine which may extend to five hundred rupees.

(2) Whoever in buying any article by weight or measure demands or receives or causes to be demanded or received any quantity of that article in excess of the quantity fixed by the weight or measure by which the contract or dealing in respect of that article has been made, shall be punished with fine which may extend to five hundred rupees.

**33. Penalty for forging etc. of weights, measures etc :-**

(1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weights or measure or weighing or measuring instrument, or possesses any such counterfeit stamp,

or removes a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument, or wilfully increases or diminishes a weight or measure so stamped, shall be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, disposes of, or exposes for sale, any weight or measure of weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished, shall be punished with imprisonment for a period which may extend to six months, or with fine, or with both.

**34. Penalty for neglect or refusal to produce weight or measure, etc. for inspection :-**

Whoever

(a) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing 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, instrument, document or record; or

(c) obstructs the entry of an Inspector under section 17; or

(d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act. shall be punished with fine which may extend to five hundred rupees.

**35. Penalty for breach of duty by Inspector :-**

If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument, in contravention of the provisions of this Act or of the rules made thereunder, or is guilty of a breach of any duty imposed on him by this Act or the rules made thereunder, he shall be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

**36. Forfeiture :-**

Any weight or measure, or weighing or measuring instrument which is not authorised by this Act, shall be forfeited to the State Government.

**37. Controller, etc. to be public servants :-**

The Controller, Deputy Controllers, Assistant Controllers and Inspectors appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. (XLV 1860)

**37A. Composition of offences :-**

(1) Any offence punishable under section 23, section 24, section 25, section 27, section 28, section 32 or section 34 other than a second or a subsequent offence under section 23, or section 25, may, either before or after the institution of the prosecution, be compounded by the State Government on payment of such sum as the State Government thinks fit.

(2) On payment by the offender of such sum, the offender, if in custody, shall be set at liberty and if any proceedings in any criminal court have been instituted against the offender in respect of the offence the composition shall be deemed to amount to an acquittal and no further criminal proceedings shall be taken against him in respect of such offence.

**38. Protection of action taken in good faith :-**

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

**39. 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 Magistrate of the first class, shall try any offence punishable under this Act.

**40. Stamped weight etc. to be presumed to be correct :-**

A weight or measure or weighing 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, if this is produced in any court by any Inspector having



charge thereof or by any person acting under the general or special authority of the Controller.

**40A. Presumption as to certain facts in certain cases :-**

(1) Where in a trial of an offence under section 29, it is proved that the weight or measure or weighing or measuring instrument in respect of which the offence is alleged to have been committed by an accused person was false and was used by the accused person, the Court shall presume, until the contrary is proved, that the accused person knew that the weight or measure or, as the case may be the weighing or measuring instrument was false and that he used the same fraudulently.

(2) Where in a trial of an offence under section 30, it is proved that the weight or measure or weighing or measuring instrument in respect of which the offence is alleged to have been committed by the accused person was false and was in the possession of the accused person the court shall presume, until the contrary is proved, that the accused person knew that the weight or measure or, as the case may be, the weighing or measuring instrument was false and that he intended to use the same fraudulently.

**41. Offences by companies :-**

(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly; Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence 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 director, manager, secretary or other officer, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purposes of this section

(a) "company" means any 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.

**42. Delegation of powers :-**

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 sub-ordinate to the State Government as may be specified in the notification.

**43. Limits of error to be tolerated in weights and measures :-**

Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956, (LXXXIX of 1956) in this behalf, the State Government may prescribe the limit of error which may be tolerated

(a) in working standards referred to in section 3;

(b) in secondary standards referred to in section 4;

(c) in commercial weights and measures or in selling articles by weight or measure generally, or as regards any trade or class of trade; and

(d) in weighing and measuring instruments.

**44. Bombay Act XV of 1932 or corresponding laws to cease to apply :-**

Subject to the provisions of section 45, on all or any of the provisions of this Act being brought into force in any area, or in respect of any class of undertakings, or any class of goods, by a notification under sub-section (3) of section 1.

(a) the Bombay Weights and Measures Act, 1932. (Bom. XV of 1932)

(b) the Bombay Weights and Measures Act, 1932, (Bom. XV of 1932) as in force in the Saurashtra area, or the Kutch area, of the State.

(c) the Hyderabad Weights and Measures Act, 1356F, (Hyd. XIV of

1356F).

(d) The Central Provinces and Berar Weights and Measures of Capacity Act, 1928. (C.P. and Berar II of 1928). or, as the case may be, the provision of any such law which corresponds to the provision of this Act which is brought into force, shall, in relation to such area, class of undertakings or class of goods, cease to apply; and upon such cesser sections 7 and 25 of the Bombay General Clauses Act, 1904, shall apply thereto as they apply to the repeal of an enactment, or to the repeal and re-enactment of an enactment, by a Bombay Act. (Bom. 1 of 1904).

**45. Special provision during period for which other weights and measures permitted to be used under section 14 of Act LXXXIX of 1956 :-**

Notwithstanding that all the provisions of this Act or any of them have come into force in any area, or in respect of any class of goods or undertaking, where the Central Government has by notification issued under section 14 of the Standards of Weights and Measures Act, 1956, (LXXXIX of 1956) permitted for a certain time the continuance of the use, in the same area or in respect of the same class of goods or undertaking, of such weights and measures (in addition to the standards of mass and measures) as are specified in the notification (hereinafter in this section referred to as "the additional weights and measures"), then

(a) the provisions of this Act which relate to standard weights and measures shall not apply, in that area or in relation to that class of goods or undertaking, to the additional weights and measures permitted to be so used, and

(b) the laws specified in section 44, (including any rules and orders made thereunder) shall continue to have effect in those areas or in relation to those class of goods or undertaking, for the purpose of the continued use of the additional weights and measures, and for any purpose incidental thereto or connected with the proper enforcement thereof, until the expiry of the period for which the Central Government has permitted the use of the additional weights and measures; and on the expiry of the period aforesaid, the laws specified in section 44, or the relevant provisions thereof, shall cease to apply in the manner and to the extent, as in that section provided.

**46. 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 :

(i) the materials of which and the designs and specifications according to which, the working standards shall be made, the agency by which they shall be prepared, the person by whom, or the authority by which, and the manner in which, they shall be stamped and authenticated under sub-section (2) of section 3;

(ii) the places at which, and the custody and manner in which, the working standards shall be kept under sub-section (3) of section 3;

(iii) the persons by whom, the places and intervals at which and the manner in which, the working standards shall be marked under sub-section (4) of section 3;

(iv) the manner in which working standards which have become defective shall be verified under sub-section (6) of section 3;

(v) the material of which, and the designs and specifications according to which, the secondary standards shall be made under sub-section (2) of section 4;

(vi) the places at which, and the custody and manner in which, the secondary standards shall be kept under sub-section (3) of section 4;

(vii) the manner in which, secondary standards shall be marked with the date of verification under sub-section (4) of section 4;

(viii) the number and kind of weighing and measuring instruments, and the manner in which they shall be verified and stamped under sub-section (2) of section 6;

(ix) the materials of which and the designs and specifications according to which, commercial weights and measures and weighing and measuring instruments shall be made, and the sale of such weights, measures and instruments;

(x) the manner in which the denomination of commercial weights and measures shall be marked under section 9;

(xi) the manner in which commercial weights or measures or

weighing or measuring instruments shall be verified, reverified and stamped under section 10;

(xii) the form and manner in which, and the conditions subject to which, licences may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments, under section 13.

(xiii) the qualification of the Controller, Deputy Controllers, Assistant Controllers and Inspectors under sub-section (1) of section 15;

(xiv) the manner in which weights or measures or weighing or measuring instruments shall be stamped by Inspectors under sub-section (2) of section 16;

(xv) the records and accounts to be maintained under sub-section (1) of section 19, by manufacturers, repairers and dealers of weights, measures, weighing instruments and measuring instrument, and by persons using them, and the manner in which such records and accounts shall be produced for inspection;

(xvi) the form and manner in which appeals may be preferred under section 20;

(xvii) the fees to be charged for the grant of licences and for verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments under section 21;

(xviii) the limit of error in sales of articles by weights or measure under section 32;

(xix) the seizure, detention and disposal of weights and measures and weighing and measuring instruments which are not authorised by this Act;

(xx) the limit of error to be tolerated in secondary and working standards, in commercial weights and measures, in weighing and measuring instruments and in sales of articles generally, or as regards any trade or class of trades, under section 43;

(xxi) any other matter which is 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 punished 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 be laid, before \* \* \* the Legislature as soon as may be after they are made, and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid, or the session immediately following.

**47. Repeal of Bom. Ordinance II of 1958 and savings :-**

(1) The Bombay Weights and Measures (Enforcement) Ordinance, 1958 (Bom. Ord. II of 1958) hereby repealed.

(2) Anything done or action taken (including any appointments, rules and orders made, notifications or licences issued and appeals preferred) under the Ordinance so repealed shall be deemed to have been done or taken under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

**48. Saving :-**

Nothing in this Act shall apply to weights or measures or weighing or measuring instruments used by or in any unit or establishment of the Armed Forces of the Union.