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MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 6th August 1965

S.O. 2502.—In exercise of the powers conferred b ysection 10 of the Dadra and Nagar Haveli Act, 1961 (35 of 1961), the Central Government hereby extends to the Union territory of Dadra and Nagar Haveli, the Bombay Weights and Measures (Enforcement) Act, 1958 (Bombay Act LXIX of 1958), in force in the State of Maharashtra at the date of this Notification, subject to the following modifications, namely:—

MODIFICATIONS

1. Throughout the Act, for the words "State Government", the word "Administrator" shall be substituted, and there shall also be made, in any sentence in which the words "State Government" occur, such consequential amendments as the rules of grammar may require.

2. In sub-section (2) of section 1, for the words "State of Maharashtra", the words "Union territory of Dadra and Nagar Haveli" shall be substituted.

3. In section 2—

(a) clause (a) shall be renumbered as clause (aa) thereof and before clause (aa) as so renumbered, the following clause shall be inserted, namely:—

"(a) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli;";

(b) clause (j) shall be renumbered as clause (jj) thereof and before clause (jj) as so renumbered, the following clause shall be inserted, namely:—

"(j) "Union territory" means the Union territory of Dadra and Nagar Haveli;".

4. In sub-section (1) of section 15, for the word "State", the words "Union territory" shall be substituted.

5. In section 16, sub-section (3) shall be omitted.

6. In sub-section (2) of section 39, the words "a Presidency Magistrate or" shall be omitted.

7. Section 44 shall be omitted.

8. Section 45 shall be omitted.

9. In section 46—

(a) in clause (xiii) of sub-section (2), the words "and of the officer of the Zilla Parishad appointed under sub-section (3) of section ;" shall be omitted; and

(b) sub-section (5) shall be omitted.

10. Section 47 shall be omitted.

The text of the Act, as modified by this Notification, is published as Annexure to this Notification.

ANNEXURE

THE BOMBAY WEIGHTS AND MEASURES (ENFORCEMENT) ACT, 1958 AS EXTENDED TO THE UNION TERRITORY OF DADRA AND NAGAR HAVELI

(BOMBAY ACT LXIX OF 1958)

CHAPTER I.

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 Union territory of Dadra and Nagar Haveli.

(3) It shall come into force on such date as the Administrator 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) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli;

(aa) "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 16;

(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 Administrator by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956 (LXXXIX of 1956);

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

(h) "standard weights or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956 (LXXXIX of 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 determining or declaring the quantity of anything in terms of measurement of length, area, volume, capacity or weight in or in connection with—

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

(b) any assessment of royalty, toll, duty or other dues; 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) "Union territory" means the Union territory of Dadra and Nagar Haveli;

(jj) "verification" with its grammatical variations, used with reference to 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 II

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 transactions for trade or commerce, the Administrator may cause to be prepared as many sets of authenticated standard weights and measures as he may deem necessary to be called the working standards.

(2) The working standards shall be made of such material, and according to 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 Administrator may cause to be prepared at the Mint as many sets of authenticated standard weights and measures as he 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 Administrator 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 Administrator 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 Administrator may cause to be prepared as many sets of weighing and measuring instruments as he 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 or 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, no unit of mass or measure, other than the standard weights or measures, shall be used in any transactions for trade or commerce in any area or class of goods or undertakings in respect of which this section has come into force; 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 Administrator may, by notification in the Official Gazette, direct that in any specified trade or class of trades, no transactions, dealing or contract shall be made or had, except by weight only, or except by measures 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 III

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 it purports to be marked legibly on it, in such manner as may be prescribed.

10. **Prohibition of sale of unstamped commercial weights and 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 weights or measures 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 Administrator 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 Administrator or any officer authorised by him 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—

(a) any sealed package or container—

(i) of net weight of less than one hundred and twenty grammes, if the sealed package or container contains biscuits, confectionary or sweets; and

(ii) of net weight of less than sixty grammes, if the sealed package or container contains any other food-stuff;

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(b) any other article sold, offered for sale, exposed for sale which is not ordinarily sold in transactions for trade or commerce by weight or measure:

Provided further that, the Administrator 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 this section, by notification in the *Official Gazette*, exempt such class of packages or containers from the operation of this section.

14A. No person shall, in any transaction for trade or commerce, quote the price, or express the quantity, of any article otherwise than in standard weight or measure.

15.(1) **Appointment of Controller, Deputy Controllers, Assistant Controllers and Inspectors.**—The Administrator may appoint a Controller of Weights and Measures for the Union territory, 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 Administrator 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 or 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 (LXXXIX of 1956) and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

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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 transactions 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, an Inspector may, at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce, and inspect such weights and measures and weighing and measuring instruments.

18. **Power Inspectors adjust weights or measures.**—Where it appears to the Administrator desirable that an Inspector should be allowed in any area to adjust the weights or measures or weighing or measuring instruments, he may, if he 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, repairer 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 Administrator is of opinion that have regard to the nature of business carried on by any such manufacturer, repairer or dealer, it is necessary so to do, he 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 or 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 Administrator or any officer specially authorised in this behalf by the Administrator.

(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 Administrator 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 instrument, 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 IV

PENALTIES

23. **Penalty for sale or delivery by weight or measure or for keeping unit of mass 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

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trade or commerce, any article by any denomination of weight or measure other than one of the standard weights or measures, or whoever 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 or 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 reverified, 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 quoting prices or expressing quantities otherwise than in terms of standard weight or measure in contravention of section 14A.**—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 or receiving any quantity of article less than, or in excess of, the quantity, fixed by the weight or measure in contract.**—Whoever—

(i) in selling any article by weight or measure delivers or causes to be delivered to the purchaser any quantity of that article less than, or

(ii) in buying any article by weight or measure demands or receives or causes to be demanded or received from the vendor any quantity of that article in excess of,

the quantity fixed by 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 weight 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, exposes for sale, any weight or measure or weighing or measuring instrument with such forged or conterfeit 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 Administrator.

CHAPTER V

MISCELLANEOUS

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 of 1860).

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.

38A. **Compounding of offences.**—(1) Any offence punishable under section 23, 24, 25, 26, 27, 28, 32 or 34 other than a second or subsequent offence under section 23 or section 25 may, either before or after the institution of the prosecution, be compounded by the Administrator or by any other authority authorised in this behalf by the Administrator on payment of such sum as the Administrator or such authority, as the case may be, thinks fit.

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(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.

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.

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 anybody 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 Administrator may, by notification in the Official Gazette, direct that any power exercisable by him 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 Administrator 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 Administrator may prescribe the limit of error which may be tolerated—

(a) in secondary standard referred to in section 4;

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

(c) in commercial 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 and measuring instruments.

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46. **Power to make rules.**—(1) The Administrator 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 qualifications 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 instruments, 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 weight 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 Administrator 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.

46A. **Act not to apply to weights and measures, etc., used in unit or establishment of Armed Forces of the Union.**—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.

[No. F. 10/7/65-UTL-78.]

K. R. PRABHU, Dy. Secy.

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