



The Tripura Weights and Measures (Enforcement) Act, 1967

Act 6 of 1967

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Tripura Act No. 6 of 1967

*THE TRIPURA WEIGHTS
AND
MEASURES (ENFORCEMENT)
ACT, 1967*

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(Act No. 6 of 1967)

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**THE TRIPURA WEIGHTS AND MEASURES (ENFORCEMENT)
ACT 1967.**

(Act No. 6 of 1967)

**An
Act**

to provide for the enforcement of standard weights and measures and for matters connected therewith in the Union territory of Tripura.

It is hereby enacted in the Eighteenth Year of the Republic of India by the Legislative Assembly of Tripura as follows : —

**CHAPTER I
Preliminary**

**Short title,
extent and
commencement.**

1. (1) This act may be called the Tripura Weights and measures (Enforcement) Act, 1967.

(2) It extends to the whole of the Union Territory of Tripura.

(3) It shall come into force on such date as the Administrator may, by notification in the Tripura 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.

Definitions.

2. In this Act, unless the context otherwise requires,---

(a) "Administrator" means the Administrator of the Union territory of Tripura ;

(b) "Weight or measure" means a weight or measure purporting to be a standard weight or measure used in any transactions for trade or commerce ;

(c) "Controller" means the Controller of Weights and Measures appointed under section 18;

- (d) "Inspector" means the Inspector of weights and Measures appointed under section 18 ;
- (e) "Measuring instrument", means any measuring instrument other than a weighing instrument and includes any instrument used for determining the length, area, volume, capacity, quality temperature or density of any article ;
- (f) "Mint" means the mint of the Central Government either in Bombay or in Calcutta ;
- (g) "prescribed" means prescribed by rules made under this Act ;
- (h) "Standard weight 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, 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 ; Central Act
89 of 1956.
- (i) "reference standards" means the set of standard weights or measures supplied to the Administrator by the Central Government in pursuance of sub-section (2) of section 15 of the Standard of Weights and Measures Act, 1956. Central Act
89 of 1956.
- (j) "sealed package or container" means a closed packet, bottle, casket, tin, barrel, case, receptacle, bag, sack, wrapper or 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 ;
- (k) "stamping" means marking in such manner as to be, so far as practicable, indelible, and includes casting, engraving, etching and branding ;
- (l) "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--

- (i) any contract, whether by way of sale, purchase, exchange or otherwise ; or
- (ii) any assessment of royalty, toll, duty or other dues ; or
- (iii) the assessment of any work done or services rendered, otherwise than in relation to research or scientific studies or in individual house-holds for house-hold purposes ;
- (m) "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 reverification ;
- (n) "weighing instrument" means any instrument for weighing and includes scales with the weights belonging thereto, scale-beams, balances, spring balance, steel yards and other weighing machines.

CHAPTER II

Standard Weights and Measures

Working standard.

3. (1) For the purpose of verifying the correctness of 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 used for the purpose of this Act.

6) A working standard which has become defective shall not be deemed legal or be used for the purpose of this Act, until it has been verified and marked in the prescribed manner,

4. (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.

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

Reference standards.

6. (1) For the purpose of verifying the correctness of 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 weights and measuring instruments as he may deem necessary.

Standard weighing and measuring instruments.

(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.

Prohibition of use of weights and measures other than standard weights and measures.

7. (1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit or mass or measure other than the standard weights or measures shall be used in any transaction for trade or commerce in any area or class of goods or undertakings in respect of which this Act 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 article 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 article 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 Act shall, in so far as it contravenes the provisions of sub-section (1) or sub-section (2) be void.

Power to prescribe the use of weights only, or measures only, in certain cases.

8. (1) Notwithstanding anything contained in this act, the Administrator may, by notification in the Tripura 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 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, not inconsistent with the provisions of the Act, as may be specified therein.

CHAPTER III

Registration of Persons Using Weights or Measures or Weighing or Measuring Instruments in Transactions for Trade or Commerce

Registration of persons using weights or measures or weighing or measuring instruments in transactions for trade or commerce.

9. (1) No person shall use any weight or measure or weighing or measuring instrument in any transaction for trade or commerce unless he has made, within the prescribed period' an application to the Controller for registration and has obtained from the Controller a certificate showing that he has been so registered.

(2) Every application for registration under sub-section (1) shall contain such particulars as may be prescribed.

(3) If the Controller is satisfied that an application for registration is in order, he shall register the applicant and issue to the applicant a certificate of registration in the prescribed form.

CHAPTER IV **Verification and Stamping of Weights and Measures**

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

Marking of denominations on weights and measures.

11. No weight or measure or weighing or measuring instruments shall be sold or delivered unless it has been verified or re-verified in accordance with the rules made under this Act and stamped in the prescribed manner by an Inspector with stamp of verification.

Prohibition of sale of unstamped weights and measures.

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

Prohibition of use of unstamped weights or measures.

13. Where the size of a weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 10 or to be stamped under the provisions of section 11 or section 12, the Administrator may, by notification in the Tripura Gazette, exempt such weight or measure from being so stamped.

Power of Administrator to exempt.

14. No person shall, in course of trade, manufacture, repair or sell any weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner, a licence in this behalf from the Administrator or any officer authorised in this behalf by the Administrator.

Prohibition of manufacture etc. of weights and measures without licence.

15. (1) Every manufacturer of any weight or measure or weighing or measuring instrument shall,--

Manufacturers to submit prototypes of weights, measures and weighing and measuring instruments.

(a) in a case where such weight or measure or weighing or measuring instrument is being manufactured at the

commencement of the Tripura Weights and Measures (Enforcement) Act, 1967 on the pattern of an existing design, within such period as may be prescribed.

(b) in any other case, before he commences to manufacture that weight or measure or weighing or measuring instrument, submit to the prescribed authority a phototype of the weight or measure or weighing or measuring instrument as the case may be.

(2) Every prototype submitted under clause (b) of sub-section (1) shall be accompanied by such particulars as may be prescribed.

(3) The prescribed authority shall, after such examination as it considers necessary, submit a report to the administrator on the prototype within the prescribed period.

(4) The Administrator may, after considering the report of the prescribed authority submitted under sub-section (3), accept the prototype or suggest modifications thereto or reject the same and shall give intimation to the manufacturer accordingly :

Provided that no modification to the prototype shall be suggested or no prototype shall be rejected under this sub-section unless the manufacturer has been given an opportunity of being heard in the matter.

(5) Where the Administrator has suggested any modification to the prototype under sub-section (4), the manufacturer shall not commence or continue the manufacture of the weight or measure or measuring instrument to which the prototype relates otherwise than in accordance with that modification.

(6) Where the Administrator has rejected any prototype under sub-section (4), the manufacture shall not commence or continue the manufacture of the weight or measure or weighing or measuring instrument to which the prototype relates.

Marking of weights or measures on sealed containers.

16. 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 —

- i) any sealed package or container, the net weight of which is,
 - a) less than one hundred and twenty gram, if such sealed package or container contains biscuits, confectionery or sweets ; and
 - b) less than sixty gram, if such sealed package or container contains any other foodstuff ;
- ii) any other 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 Administrator may, if he 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 Tripura Gazette, exempt such class of packages or containers from the operation of this section.

17. 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.

Prohibition of quoting price, or expressing quantity of any article otherwise than in terms of standard weight or measure.

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

Appointment of Controller, Dy. Controllers, Asslt. Controllers and Inspectors.

(2) The Administrator may, by general or special order, define the local limits within which each Inspector shall exercise the powers conferred, and discharge the duties imposed, on Inspectors by or under this Act.

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

Verification and stamping by Ins-pectors.

19. (1) Every Inspectors 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.

Central Act 89 of 1956.

(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, and the rules made there under, he shall stamp the same with a stamp of verification in the prescribed manner.

Power to inspect etc.

20. (1) An Inspector may, within the area under his jurisdiction inspect at all reasonable times, the weights, measures, weighing or 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 verify every such weight or measure or weighing or measuring instrument with a 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 trade or any employee or agent of a trader to produce before him for inspection all weights, measures, weighing or 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 requirements.

(4) An Inspector may seize and detain 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 reasons 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 tender the fair price thereof and may require a written acknowledgement therefor.

(6) Where the net weight or measure of the article is found on 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 persons other than the manufacture, and may file a complaint against the manufacture for contravention of the provisions of section 16.

(7) for the purpose of such inspections, an Inspector may, at all reasonable times, enter into any place where weights or measures or weighing or measuring instruments are used or kept for use in transaction for trade or commerce and inspect such weights or measures or weighing or measuring instruments.

Explanation-- Where any premises are partly used for trade and partly for dwelling purposes, the whole of such premises shall, for the purpose of this sub-section, be treated as a place where weights or measures or weighing or measuring instruments are used or are kept for use in transactions for trade or commerce.

21. 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 instrument he may, if he thinks fit, authorise such Inspector to adjust weights or measures or such instruments accordingly.

Power of Inspector to adjust weights or measures.

22. (1) Every manufacturer, repairer or dealer in weights or measures or weighing or measuring instruments and every person using them in

Manufacturers etc. to maintain records and documents.

transactions for trade or commerce shall maintain such records and accounts as may be prescribed and if required so to do by an Inspector shall produce such records and accounts before him.

(2) Notwithstanding anything contained in sub-section (1), if the Administrator is of opinion that having regard to the nature of business carried on by any such manufacture, repair 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.

Appeals.

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

- (a) from every decision of an Inspector 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, but the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from not preferring the appeal within the said time, extend the time.

(3) On receipt of any such 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.

(4) The appellate authority, may, after hearing an appeal, confirm or modify the order appealed from or may reverse the order and send the case back to the authority from whose order the appeal was preferred, for a fresh decision after considering the matter indicated by the appellate authority.

Levy of fees. 24. The Administrator may charge such fees —

- (a) for the grant of licences under section 14, for manufacture, repair or sale of weights and measures and weighing and measuring instruments, and,

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

Provided that no such fee shall exceed rupees five hundred only.

25. A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act, shall be a legal weight of measure or weighing or measuring instrument in all places in which this Act is in 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.

Validity of weights and measures duly stamped.

CHAPTER V Penalties

26. 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 weight or measure or whoever after the commencement of the Tripura Weights and Measures (Enforcement) Act, 1967 keeps any unit of mass or measure other than standard weight and measure in any premises where such transactions are usually conducted shall be punishable for the first offence, with fine which may extend to two thousand rupees and for the second or subsequent offence, with imprisonment for a period which may extend to three months or with fine, or with both.

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

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

Penalty for sale of unstamped weights and measures.

28. Whoever uses in any transaction for trade or commerce or has in his possession for such use, any weight or measure or any weighing 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 the first offence, with fine which may extend to two thousand rupees, and for the second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine, or with both.

Penalty for use of unstamped weights and measures.

Explanation- I. 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 transaction for trade or commerce.

Explanation- II. When 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, also be deemed to be guilty of the offence.

Penalty for manufacture of weights etc. without licence.

29. If any person manufactures, repairs, or sells any weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 14, shall be punishable with imprisonment for a period which may extend to three months, or with fine, or with both.

Penalty for use of weights or measures in contravention of section 8. Penalty for nonregistration.

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

31. Whoever contravenes the provisions of section 9 shall, on conviction, be punished with fine which may extend to fifty rupees.

Penalty for contravention of section 15.

32. Whoever contravenes the provisions of section 15 shall, on conviction, be punished with fine which may extend to two thousand rupees.

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

33. Whoever contravenes the provisions of section 16 shall be punishable with fine which may extend to two thousand rupees.

Penalty for quoting prices or expressing quantities other wise than in terms of standard weight or measure in contravention of section 17. Penalty for fraudulent use of weights or measures etc.

34. Whoever contravenes the provisions of section 17 shall be punishable with fine which may extend to two thousand rupees.

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

36. 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 punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

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

37. Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard 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 punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

Penalty for making or selling false weight or measure etc.

38. 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

Penalty for delivering or receiving any quantity of article less than, or in excess of the quantity fixed by the weight or measure in the contract.

(ii) in buying any article by weight or measure demands or receives or causes to be demanded or received from the vender 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 punishable with fine which may extend to five hundred rupees.

39. (1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing 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 punishable with imprisonment for a period which may extend to one year, or with fine or with both.

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

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

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

40. Whoever—

- (a) refuses or neglects to produce for inspection under section 20, 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) otherwise obstructs or hinders an Inspector under section 20, or
- (d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act, shall be punishable with fine which may extend to two thousand rupees.

Penalty for breach of duty by Inspector.

41. 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, he shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

CHAPTER VI Miscellaneous

Protection of action taken in good faith.

42. 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 appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or rules made thereunder.

Controller etc. appointed under this Act to be public servants. Central Act 45 of 1860.

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

Cognizance of offences etc.

44. (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 magistrate of first class shall try any offence punishable under this Act.

45. (1) Any offence punishable under section 26, section 27, section 28, section 30, section 33, section 38, or section 40 other than a second or a subsequent offence under section 26 or section 28 may either before or after the institution of the prosecution be compounded by the Administrator on payment by the offender of such sum as the Administrator thinks fit.

**Composition
of offences.**

(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,

46. 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,

**Stamped
weights etc. to
be presumed
to be correct.**

47. (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 :

**Offence by
companies.**

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proved 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, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, 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.

Delegation of powers.

48. The Administrator may, by notification in the Tripura Gazette, direct that any power exercisable by him under this Act or 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.

Limits of error to be tolerated in weights and measures.
Central Act, 89 of 1956.

49. Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956, in this behalf, the Administrator may prescribe the limits of error which may be tolerated--

- (a) in secondary standards referred to in section 4 ;
- (b) in working standards referred to in section 3 ;
- (c) in weights and measures in selling articles by weight or measure generally or as regards any trade or class of trade, and
- (d) weighing and measuring instruments,

Power to make rules.

50. (1) the Administrator may, by notification in the Tripura Gazette, make rules to carry out the purpose 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 specification according to which working standards may be made, the agency by which such standards may be prepared, the persons by whom or the authority by which and the manner in which such standards may be stamped and authenticated; the places at which and the custody and manner in which such standards may be kept ;

- (b) the procedure for the verification or reverification and marking of working standards the persons by whom, the places at which and the intervals at which, they, may be marked ;
- (c) the material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept :
- (d) the procedure for the verification or reverification and marking of secondary standards and the manner in which they may be marked ;
- (e) the number of weighing and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same ;
- (f) the manner in which weights and measures may be marked by manufacturers ;
- (g) the form and manner in which, and the conditions subject to which licences may be granted to persons for manufacture, repair or sale of weights and measures and weighing and measuring instruments ;
- (h) the qualifications, functions and duties generally of Inspectors under this Act ;
- (i) verifications and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be reverified ;
- (j) Inspection of weights and measures and weighing and measuring instruments used in transactions for trade or commerce ;
- (k) the seizure, detention and disposal of weights and measures which are not authorised by this Act :

- (l) the books, accounts and records relating weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced ,
- (m) the limits of error which may be tolerated in secondary or working standards ;
- (n) the limit or error which may be tolerated in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce ;
- (o) the limits of error which may be tolerated in selling articles by weights and measures generally or as regards any trade or class of trades ;
- (p) the form and manner in which appeals may be preferred against decisions of Inspectors and the procedure for class of trades ;
- (q) the fees which may be charged for the grant of licenses under section 14 and for verifications, reverification, adjustment and stamping of weights and measures and weighing and measuring instruments and the collection and levy of the same :
- (r) the material, form and specification and manufacture and sale of weights and measures and weighing and measuring instruments ;
- (s) any other matter which has to be, or may be, prescribed.

(3) In making any rule under this section the Administrator 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 Tripura Gazette,

(5) All rules made under this section shall, as soon as may be, after they are made, be laid before the Legislative Assembly, Tripura.

51. (1) The Rajasthan Weights and measures (Enforcement) Act, 1958 (hereinafter referred to as the said Act) as extended to Tripura under section 2 of the Union Territories (Laws) Act, 1950 is hereby repealed.

**Repeal and savings.
Central Act
30 of 1950.**

(2) Notwithstanding the repeal of the said Act anything done or any action taken or any proceedings commenced or any appeal preferred or any right, obligation or liability acquired, accrued, or incurred by or under the provision of the said Act shall be deemed to have been done, taken, commenced, preferred, acquired, accrued or incurred by or under the corresponding provision of this Act as if such corresponding provisions were in force on the day on which such thing was done or such action was taken or such proceeding was commenced or such appeal was preferred or such right, obligation or liability occurred or was acquired or incurred.

52. 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 ,

Saving.