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agent, by whatever name called, including the person who carries the business in such premises, (ii) a warehouse, godown or other place where any weight or measure or other goods are stored exhibited, (iii) a place where any books of account or other documents pertaining to any trade or transaction kept, (iv) a dwelling house, if any part thereof is used for the purpose of carrying on any business; industry, production or trade, (v) a vehicle or any other mobile devices with the help of which any transaction of business is carried on; (o) prescribed by rules made under this Act; "repairer" means a person who repairs a weight or measure and includes a person who adjusts, cleans, lubricates or paints any weight or measure or renders any other service to such weight or measure to ensure that such weight or measure conforms to the standards established by or under this Act; (q) "State Government" in relation to a union territory means the Administrator thereof; (r) with its grammatical variations and cognate expressions, means transfer of ownership of any weight, measure or other goods by person to another for cash or for deferred payment or for any other valuable consideration and includes a transfer of any weight, measure or other goods in the hire-purchase system or any other system of payment by instalments, but does not include mortgage or hypothecation of, a charge or pledge on, such weight, measure or other goods; (s) "seal" means a device or process by which stamp is made, and includes any wire or other accessory which is used for ensuring the integrity of any stamp; (t) "stamp" means a mark made by impressing, casting, engraving, etching, branding, affixing pre-stamped paper seal or any other process in relation to, any weight or measure with a view to— (i) certifying that such weight or measure conforms to the standard specified by or under this Act indicating that any mark which was previously made thereon certifying that such weight or measure conforms to the standards specified by or under this Act has been obliterated; (i) "transaction" means,— (i) any contract, whether for sale, purchase, exchange or any other purpose, (ie) any assessment of royalty, toll, duty or other dues, or the assessment of any work done, wages due or services rendered; 4 THE GAZETTE OF INDIA EXTRAORDINARY [PART II,— Provisions of this Act to give effect to the provisions of the International System of Units, "verification"» With its grammatical variations and cognate expressions, includes, relation to any weight or measure, the process of comparing, checking, testing or adjusting such weight or measure with a view to ensuring that such weight or measure conforms to the standards established by or under this Act and also includes re-verification and calibration; (w) "weight or measure" means a weight or measure specified by or under this Act and includes a weighing or measuring instrument, 3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument, having effect by virtue of any enactment other than this Act. CHAPTER II 4. Every weight or measure shall be in accordance with the metric system based on the international system of units. (1) The base units of (i) length shall be the metre; (ii) mass shall be the kilogram; (iii) time shall be the second; (iv) electric current shall be the ampere; (v) thermodynamic temperature shall be the kelvin; (vi) luminous intensity shall be the candela; and (vii) amount of substance shall be the mole. (2) The specific names of the base units mentioned in sub-section 4 shall be such as may be prescribed. 6. (1) The base unit of mass shall be the kilogram. (2) The base unit of length shall be the metre. (3) The base unit of time shall be the second. (4) The base unit of electric current shall be the ampere. (5) The base unit of thermodynamic temperature shall be the kelvin. (6) The base unit of luminous intensity shall be the candela. (7) The base unit of amount of substance shall be the mole. (8) The base unit of mass shall be the kilogram. (9) The base unit of length shall be the metre. (10) The base unit of time shall be the second. (11) The base unit of electric current shall be the ampere. (12) The base unit of thermodynamic temperature shall be the kelvin. (13) The base unit of luminous intensity shall be the candela. (14) The base unit of amount of substance shall be the mole. (15) The base unit of mass shall be the kilogram. (16) The base unit of length shall be the metre. (17) The base unit of time shall be the second. (18) The base unit of electric current shall be the ampere. (19) The base unit of thermodynamic temperature shall be the kelvin. (20) The base unit of luminous intensity shall be the candela. (21) The base unit of amount of substance shall be the mole. 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(208) The base unit of thermodynamic temperature shall be the kelvin

(2) Every reference standard, secondary standard and marking standard shall be verified and stamped in such manner and after payment of such fee as may be prescribed. (3) Every reference standard, secondary standard and working standard which is not verified and stamped in accordance with the provisions of sub-section (2) shall not be deemed to be a valid standard

10. Any transaction, dealing or contract in respect of any goods, class of goods or undertakings shall be made by such weight, measure or number as may be prescribed.

(1) No person shall, in relation to any goods, things or service, (a) quote, or make any announcement of whether by word of mouth or otherwise any price or charge, or (b) issue exhibit any price list, invoice, cash or other document, or (c) prepare or publish any advertisement, poster or other document, or (d) indicate the net quantity of a pre-packaged commodity, or (e) express in relation to any transaction or protection, any quantity or dimension, otherwise than in accordance with the standard unit of weight, measure or numeration, (2) The provisions of sub-section (1) shall not be applicable for export of any goods, things or service, (3) Any custom, usage, practice or method of whatever nature which permits a person to demand, receive or cause to be demanded or any quantity of article, thing or service in excess or less than, the quantity specified by weight, measure or number in the contract in relation to the article, thing or service, shall be void.

CHAPTER 111 AMENDMENT POWERS OF THE CENTRAL GOVERNMENT AND METROLOGY

13. (J) The Central Government may, by notification, appoint a Director or legal metrology officer, Additional Director, Deputy Director, Assistant Director and other employees for exercising the powers and discharging the duties conferred or imposed on them by or under this Act in relation to inter-State trade and commerce (2) The qualifications of the Director and legal metrology officers appointed under sub-section (1) shall be such as may be prescribed, (j) The Director and every legal metrology officer, appointed under sub-section (1) shall exercise such powers and discharge such functions in respect of such local limits as the Central Government may, by notification, specify. Every legal metrology officer appointed under sub-section (1) shall exercise powers and discharge duties under the general superintendence, direction and control of the Director, (k) Prohibition: Any contrary to measurement or be void. Appointed metrology officer shall do the : 6 THE GAZETTE OF EXTRAORDINARY Orders. 6th part: employees- (S) The Director, the Controller and every legal metrology officer authorised to any duty by or under this shall be deemed to be a public servant within the meaning of 21 Of the Indian Penal Code. (6) No suit, prosecution or other legal proceeding shall lie against the Director, the Controller and legal metrology officer authorised to perform any duty by or under this Act in respect of anything which is in good faith done or intended to be done under Act or any rule or order made thereunder, (7) The Central Government may, with the consent of the State Government and subject to such conditions, limitations and restrictions as it may specify in this behalf, delegate such of the powers of the Director under this Act as it may think fit to the Controller legal metrology in the State, and such Controller may, if he is of opinion that it is necessary or expedient in public interest to do, such of the powers delegated to him as he may think fit to any legal metrology officer where any such delegation of powers is made by such Controller, the person to whom such powers are delegated shall exercise those powers in the same manner and with the same effect as if they had been conferred directly by this Act and not by way of delegation, (8) Where any delegation of powers is made under sub-section (7) powers so delegated shall be exercised under the general superintendence, direction and guidance of the Director. (9) The State Government may, by notification, appoint a Controller legal metrology, Additional Controller, Joint Controller, Deputy Controller, Assistant Controller and other employees for exercising the powers and discharging the duties conferred or imposed on them by or under this Act in relation to intra State trade and commerce. (2) The qualifications of the Controller and legal metrology officers appointed under sub-section (1) shall be such as may be prescribed, (3) The Controller and every legal metrology officer shall exercise such powers and discharge such functions in respect of such local limits as the State Government may, by notification, specify. Every legal metrology officer appointed under sub-section (1) shall exercise and discharge the duties under the general superintendence, direction and control of the Controller, (4) The Director, Controller or any legal metrology officer may, if he has any reason to believe whether from any information given to him by person taken down writing or from personal knowledge of any weight or measure or other goods in relation to which any trade and commerce has taken place or is intended to take place and in which offence punishable under this Act appears to have been committed or likely to be committed are either kept or concealed in any premises or are in the course of transport, —

— (g) enter at any reasonable time into any such premises and search and inspect any weight, measure or other goods in relation to which trade and commerce has taken place or is intended to take place and any record, register or other document relating thereto; (b) seize any weight, measure or other goods and any record, register or other document or article which he has reason to believe may furnish evidence indicating that an offence punishable under this Act has been, or is likely to be, committed in the course of, or in relation to, any trade and commerce, (2) The Director, Controller or any legal metrology officer may also require the production of every document or other record relating to the weight or measure referred to in sub-section (1) and the person having the custody of such weight or measure shall comply with such requisition. **TELE GAZETTE OF INDIA EXTRAORDINARY** (3) Where any goods seized under sub-section (1) are subject to speedy or natural decay, the Director, legal metrology officer may dispose of such goods in such manner as may be prescribed. (4) Every search or seizure made under this section shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures. 16. (I) Every non-standard or unverified weight or measure, and every package made in contravention of section used in the course of, or in relation to, any trade and commerce seized under section 15 shall be forfeited to the State Government: Provided that such unverified weight or measure shall not be forfeited to the State Government if the person from whom such weight or measure was seized gets the same verified and stamped within such time as may be prescribed. (2) Every weight, measure or other goods seized under section 15 but not forfeited under sub-section (1) shall be disposed of by such authority and in such manner as may be prescribed. 17. Every manufacturer, repairer or dealer of weight or measure shall maintain such records and registers as may be prescribed. These records and registers maintained under sub-section (1) shall be produced at the time of inspection to the persons authorised for the said purpose under sub-section (2) of section 15. 18. (J) No person shall pack, import, distribute, deliver, offer, expose or possess (or sell) any pre-packaged commodity unless such package is in such standard quantities or and bears thereon such declarations and particulars in such manner as may be prescribed. (2) Any advertisement mentioning the retail sale price of a pre-packaged commodity shall contain a declaration as to the net quantity or number of the commodity contained in the package in such form and manner as may be prescribed. 19. No person shall import any weight or measure unless he is registered with the Director in such manner and on payment of such fees as may be prescribed. 20. "No weight or measure, whether singly or as a part or component of any machine shall be imported unless it conforms to the standards of weight or measure established by or under this Act

21. For imparting training in Legal Metrology and other allied branches of knowledge the "Indian Institute of Legal Metrology" (hereinafter referred to as the "Institute") established under the provisions of the Standards of Weights and Measures Act, 1976, shall be deemed to have been established under the corresponding provisions of this Act- (2) The management and control of the Institute, the teaching staff and other employees, the courses and curricula for training thereat, the qualifications, which a person shall possess in order to be eligible for admission thereto shall be such as may be prescribed, 22. Every person, before manufacturing or importing any weight or measure shall seek the approval of the model of such weight or measure in such manner, on payment of such fee and from such authority as may be prescribed. Provided such approval of model may not be required in respect of any cast iron, brass, bullion, or Carat weight or any beam scale, length measures (not being measuring tapes) which are ordinarily used in retail trade for measuring textiles or timber, capacity measures, not exceeding twenty litres in capacity, which are ordinarily used in retail trade for measuring kerosene, milk or potable liquors: Forfeiture. M *nutac- etc., to maintain records and registers of declared commodities Registration for importer weight or measure. Non-standard weights and measures to be impounded. Legal Metrology:-- Approval of model. licence, standard weights for of weight measure. **THE GAZETTE OF INDIA EXTRAORDINARY Provided that prescribed authority may, if he is satisfied that the model of any weight or measure has been approved in a country outside India conforms to the standards established by or under this Act approve such model without any test or such test as may fit- 23. (1) No person shall manufacture, repair or sell, or offer for sale or possess for repair or any weight or measure unless he holds a licence issued by the Controller under section 15. Provided that no licence to repair shall be required by a person for his own weight or measure in a State other than the State of manufacture or the same, (2) For the purpose of sub-section (1) the Controller shall issue a licence in such form and manner, on such conditions, [Or such period and such area of jurisdiction and payment of such fee as may be prescribed. **CHAIYERIV****

STAMPING OF OR 24. (/) Every person having any weight or -measure in his possession, custody or control circumstances indicating that. such weight or measure is being, or is intended or is likely to be, used by him in any transaction or for protection, shall, before putting such weight or measure into such use, have such weight or measure verified at such place and such hours as the Controller may, by general or special order, specify in this behalf, on payment of such fees as may be prescribed. (2) The Central Government may prescribe the kinds of weights and measures which the verification is to be done through the Government approved Test Centre, (3) The Government approved Test Centre shall be notified by the Central or the State Government, as the case may be, in such manner, on such terms and conditions and on payment of such fee as may be prescribed. (4) The Government approved Test Centre shall appoint or engage persons having qualifications and experience and collect such on such terms and conditions for the verification of weights and measures specified under sub-section (2) as may be prescribed, CHAPTER V OFFENCES 25. Whoever uses or keeps or uses any weight or measure or makes any denomination otherwise than in accordance with the standards of weight or measure or the standard of denomination, as the case may be, specified by or under this Act, shall be punished with fine which may extend to twenty-five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine. Whoever tampers with, or alters in any way, any reference standard, secondary standard or working standard or increases or decreases or alters any weight or measure with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby, except where such alteration is made for the correction of any error noticed therein on verification, shall be punished with fine which may extend to fifty thousand rupees and for the second and subsequent offence with imprisonment for a term which shall not be less than six months which may extend to one year or with fine or with both, 27. Every person who manufactures or causes to be manufactured or sells or distributes, exposes or possesses (or sale, any weight or measure which,— (a) does not conform to the standards of weight or measure specified by or under this Act, or (b) which bears thereon any inscription of weight, measure or which does not conform to the standards of weights measure or denomination specified by or under this Act, shall be punished with a fine which may extend to twenty thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to three years or with fine or with both, 28, Whoever makes any transaction, deal or contract in contravention of the standards of weights and measures specified under section 10 shall be punished with fine which may extend to ten thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine or with both

29. Whoever violates section 11 shall be punished with fine which may extend to rupees and. for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both. selling any article or thing by weight, measure or number, delivers or causes to be delivered to the purchaser any quantity or number of that article or thing less than the quantity or number contracted for or paid for; or (b) in rendering any service by weight, measure or number, renders that service less than service contracted for or paid for; or (c) in buying any article or thing by weight, measure or number, receives, or to be received any quantity or number of that article or thing in excess of the quantity or number contracted for or paid for, or in obtaining any service by weight, measure or number, obtains that service in excess of the service contracted for or paid for, shall be punished with fine which may extend to ten thousand rupees and, for second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both

31. Whoever, being required by or under this Act or the rules made thereunder to submit returns, maintain any record or register, or being required by the Director or the Controller or any legal Metrology officer to produce before him for inspection any weight measure or any document, register or other record thereto, omits or fails without any reasonable excuse, to do so, shall be punished with fine which may extend to five thousand rupees and for the second subsequent offence, with imprisonment for a term which may extend to one year and also with fine

32. Whoever fails or omits to submit model of any weight or measure for approval, shall be punished with fine which may extend to twenty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine

33. Whoever, sells, distributes, delivers or otherwise transfers or uses any unverified weight or measure shall be punished with fine which shall not be less than two thousand rupees which may extend to ten thousand rupees and, for the second or subsequent offence, with imprisonment for which may extend One year and also with fine, Whoever or causes to sell, deliver or causes to be delivered, any commodity or thing by any means other than the standard weight or measure or number, shall be punished with which not be less than two thousand rupees but which may extend to five thousand rupees and, (or the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with both, any Penalty or measure, etc, the mode: measure or number for delivery commodities. 10 THE EXTRAORDINARY weigh t. or, or Test importer for standard 35, Whoever renders causes to be rendered, any service through means other than the weight or measure or number in terms of any weight, measure or number other than the standard weight or measure, shall be punished with fine which shall not be less than two thousand rupees but which may extend to five thousand rupees and for the second or offence, With imprisonment for a term which shall not be less than three months but may to year, or with fine, or with both. 36. (1) Whoever manufactures, packs, imports, sells, distributes, transfers, offers, exposes or possesses for sale, or causes to be sold, distributed, delivered otherwise transferred, offered, exposed for sale any pre-packaged commodity which does not conform to the declarations on the package as provided in this Act, shall be punished with fine which may extend to twenty-five thousand rupees, for the second offence, with fine which may extend to fifty thousand rupees and for the subsequent offence, with fine which shall not be less than ten thousand rupees but which may extend one lakh rupees with imprisonment for term which may extend one year or both. (2) Whoever manufactures or packs imports or causes to be manufactured or imported, any pre-packaged commodity, with error in net quantity as prescribed shall be punished with fine which shall not be less than ten thousand rupees but extend to fifty thousand rupees and for the second and subsequent offence, with fine may extend to lakh rupees or with fine which may extend to one year or with both. 37. (1) Where any approved Test Centre contravenes any of the provisions of this Act or the rules made thereunder, or the conditions of the licence, shall be punished which may extend to One lakh rupees, (2) Where an employee of a G Approved Test Centre performing duties in accordance with the provisions of this Act or the rules made thereunder, wilfully verifies or stamps any weight or measure in contravention of the provisions of this Act or the rules thereunder, he shall, for every such contravention, be punished with imprisonment for a term which may extend to One year or with fine which may extend to ten thousand rupees or with both, 38. Whoever imports any weight or measure registered under this Act shall be punished with fine which may extend to twenty-five thousand rupees and the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine, or with both 39. Whoever imports any non-standard weight or measure shall be punished with fine which may extend to fifty thousand rupees and for the second subsequent offence, with imprisonment for a term which may extend to one year and also with fine, 40. Whoever obstructs the Director, the Controller or any legal metrology officer with intent to prevent or deter the Director or the Controller or any metrology officer from exercising his powers or discharging his functions, or in consequence of anything or attempted to be done by the Director or Controller or any legal metrology officer in the lawful exercise of his powers or discharge of his functions as such or whoever obstructs the entry of the Director or the Controller or any legal metrology officer into any premises for inspection and verification of any weight or measure or any document or record relating thereto or the net contents of any packaged commodity or for any other purpose shall be punished with imprisonment for a term which may extend to two years and for second subsequent offence, with imprisonment for a term which may extend to five years. 41. (1) Whoever gives any information to the Director, the Controller or any legal metrology officer which he may require or ask for in the course of his duty, and which such person either knows or has reason to believe to be false, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to six months and also with fine, (2) Whoever, being required by or under this Act to submit a return or maintain any record or register which is false in material particulars, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine, 42. The Director, the Controller or any legal metrology officer exercising powers under this Act or any rule made thereunder, who knows that there are no reasonable grounds for doing, and yet—

searches, or causes to be searched, any house or conveyance or place; or (b) searches any person; or (c) seizes any weight; measure or other movable property; For every such offence, he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both. 43, Where the Controller or any legal metrology officer exercising powers under this Act or any rule made thereunder, wilfully verifies or stamps any weight or in contravention of the provisions of this Act or of any rule made thereunder, he shall for every such offence, be punished with imprisonment for a term which may extend to one year, with fine which may extend to ten thousand rupees or with both- 44. Whoever— (i) counterfeits any seal specified by or under this Act or the rules thereunder; or (ii) sells or otherwise disposes of any counterfeit seal; or (iii) possesses any counterfeit seal; or (iv) counterfeits or removes or with any stamp specified by or under this Act or rules thereunder; or (v) affixes the stamp so removed or inserts the same on any other weight or measure, shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for which shall not be less than six months but which may extend to five years. This sub-section "counterfeit" shall have the meaning assigned to it in section 28 of the Penal Code. (2) Whoever obtains, by unlawful means, any seal specified by or under this Act or the rules thereunder and uses, or causes to be used, any such seal for making any statement on any weight or measure with a view to representing that the stamp made by such seal is authorised by or under this Act or the rules made thereunder shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years, (3) Whoever, being in possession of any seal specified by or under this Act or the rules thereunder, uses, or causes to be used, such seal without any authority for such use shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years- (4) Whoever sells or offers or exposes for sale or otherwise disposes of any weight or measure which he knows or believes to be, bears thereon a counterfeit stamp, shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and for the second or subsequent offence, with imprisonment for a term which shall not be less than six months but which may extend to five years. (5) Being required to obtain a licence under this Act or the rules made thereunder, manufactures, without being in possession of a valid licence, any weight or measure, shall be punished with fine which may extend to twenty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both, or with fine, or with both, or with imprisonment without fine. THE GAZETTE OF INDIA EXTRAORDINARY 46. Whoever, being required to obtain licence under this Act or the rules thereunder, repairs or exposes or possesses for repair or any weight or measure, without possession of a licence, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both, 47. Whoever alters or otherwise tampers, with any licence or renewed this Act or rules thereunder or otherwise in accordance with any authority by the Controller this shall be punished with fine which may extend to twenty thousand rupees, or with imprisonment for a term which may extend to one year or with both, 48. (I) Any offence punishable under section 27 to 39, sections 45 to 47, or rule made under sub-section (3) of section 52 may, either alter the institution of the prosecution or the payment for credit to the sum as may be prescribed. (2) The Director or legal metrology officer as may be specially authorised in his behalf, may compound any offence punishable under section 27 to 39, sections 45 to 47, or rule made under sub-section (3) of section 52. The Director may, in his discretion, compound any offence punishable under section 25, sections 21 to 37, sections 43 to 47, or rule made under sub-section (3) of section 52. Provided such shall not exceed the maximum which is provided for the offence so compounded. Nothing in this section shall apply to any person who commits the same offence, within a period of three years from the date on which he first committed the offence. Explanation.—For the purposes of this sub-section, a second or subsequent offence committed after the expiry of a period of three years from the date on which the person was previously compounded shall be deemed to be a first offence, (5) Where an offence has been compounded under sub-section (2) no proceeding or further prosecution, as the case may be, shall be taken in respect of the offence so compounded. (6) No offence under this Act shall be compounded except as provided by this section, 49, Where an offence under this Act has been committed by a company,— (i) The person, if any, who has been nominated under sub-section (2) to

charge of and responsible to. the company 'the conduct of the business of c.01, npany (hereinafter in (his as d person responsible); where no has been' nominated, every person who the time 'the offence committed by was in charge of, and was responsible the company for -the conduct of the business company; and (b) the company, shall be deemed guilty the offence and shall be liable be proceeded punished accordingly; Provided that nothing contained in this sub-section shall render such to any person, provided that, this Act if he prove; that the was without his knowledge and that he exercised all due diligence to prevent the such Offence. (2) Any company may, by order in writing* do those any of its directions and powers' and take all such steps as may be necessary or necessary any under this Act or the concerned Controller or any legal metrology THE OF EXTRAORDINARY by such (hereinafter in this section referred to as the officer) in such and in such manner as may be prescribed, that it has nominated such director as the person responsible, the written consent of such director being so nominated. Explanation—Where company has different establishments or branches of different units in any establishment or branch, different persons may be nominated under this sub-section in relation to different or branches or units and the person nominated in relation to any establishment, branch or unit shall be deemed to 'be the person responsible in respect of such establishment, branch or unit (3) The person nominated under sub-section (2) until— (a) further notice such received from the company by the Director the concerned Controller or the authorised officer; or he ceases to be a director of the company; or he makes a request in writing to the Director or the concerned Controller the legal metrology under intimation to the company, to cancel the nomination, which request shall be complied with by the Director the concerned Controller or the legal metrology whichever is the earliest, continue to be the person responsible: Provided that where such person ceases to be a director of the company, he shall inform of such cessation to 'the Director or the concerned Controller or the authorised officer: provided further that where such person makes a request under clause the Director or the concerned Controller the authorised officer shall not cancel such nomination with effect from date earlier than the date on which the request is made- Notwithstanding anything contained in the foregoing sub-sections, where 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 the neglect on the part of any director, manager, secretary or other officer, not being a person nominated under such director, manager or secretary or other shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. (S) Where any company is convicted under this Act for contravention of any of the provisions thereof, it shall be competent for the court convicting the company to cause to be published in the local newspaper or in any such other as the court may direct. (6) So under sub-section (5) shall be made until the period for preferring an appeal against the orders of the court has expired without appeal having been preferred, or such an appeal, having been preferred, has been disposed of. (7) The expenses of any publication under sub-section (S) shall be recoverable from the company as it were a fine imposed by the court, 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 excludes nominated directors, honorary directors* Government nominated directors. (J) Subject to the provisions of sub-section (2) an appeal shall lie,— (a) from every decision or order under sections 15 to 20, section 25, sections 27 to 39, section 41 or any rule made under sub-section (3) of section 52 by the legal metrology officer appointed under section 13, to the Director; Code THE GAZETTE OF INDIA EXTRAORDINARY (h) from every decision or order made by Director of Legal Metrology sections 15 to 20, section 22, section 25, sections 27 to 39, section 41 rule under sub-section (3) of section 52, to the Government or any officer specially authorised in this behalf by that Government; (c) from every decision given by the Controller of Legal Metrology powers of Director of Legal Metrology to the Central Government; every decision or order made under sections 15 to 20, sections 23 to 25, sections 27 to 31, sections 34 to 47 or any rule under sub-section (3) of section 52 by any legal metrology officer appointed under section 14, to the Director; (e) from every decision or order made by the Controller under sections 15, sections 23 to 25, sections 27 to 31, sections 34 to 47 or any rule under section (3) of section 52 not being an appeal under clause (a) State Government or any officer specially authorised in this behalf by that Government (2) Every such appeal shall be preferred within sixty days from "the date on which the impugned order was made" or, if the appellant is satisfied that the order was made after the expiry of the period of sixty days, then within such further period as may be specified in this behalf by that Government (3) Every such appeal shall be preferred within sixty days from "the date on which the impugned order was made" or, if the appellant is satisfied that the order was made after the expiry of the period of sixty days, then within such further period as may be specified in this behalf by that Government

preferring the appeal the said period of sixty days. permit the to prefer the appeal within a further period of sixty days. (3) On receipt of any such appeal, the appellate authority after giving the parties to the appeal, reasonable opportunity to be heard and such inquiry as it deems proper, make as it may think fit, confirming, or order appealed against or send back the with such as it think fit (or a fresh decision or order taking additional evidence. if necessary, (4) Every appeal be preferred on payment of such fees, as may be prescribed (5) The Central Government or State Government, as the case may be, may on its own motion or otherwise, call for examination of the record of any proceeding in appeal in any decision or has made, for the satisfaction of itself as to the correctness, legality or propriety of such decision unless it is satisfied that no decision or order shall be varied under this Sub-section so as to prejudicially affect any person unless such person has been given a reasonable opportunity of showing cause against the proposed order. 51. The provisions of the Penal Code and section 153 of the Code of Criminal Procedure, 1973 in so far as such provisions relate to offences with respect to weight measure, shall apply to any which is punishable under this Act, (1) The Government may, by notification, make rules (including provisions of this Act, (2) particular, and without prejudice to the generality of the foregoing power, rules may provide or any of the following matters, namely:— the specification of the base units of measures and base unit of mass under sub-section (2) of section (b) the manner of preparation of weights and equipments under sub-section of section 7; (c) physical characteristics, configuration, constructional details, materials, equipment, performance, tolerances, period of verification, methods or procedures of tests under sub-section (4) of section 7; (d) reference secondary standards working standards of weights and measures under sub-section of section 9; THE GAZETTE OF INDIA EXTRAORDINARY (e) reference secondary standards and working standards shall be verified and stamped and the fee under sub-section (2) of section 9; (D) the weight or measure or number in which any transaction, dealing, or contract in respect of any goods, of goods or undertakings shall be made under section (g) the qualification of the Director and legal metrology officers under sub-section of section 13; (h) the qualification, of the Controller and legal metrology Officers under sub-section (2) of section 14; the manner of disposal of goods under sub-section (3) of section standard quantities or and the manner in which the packages shall bear the declarations and the particulars under sub-section (1) of section 15; (k) the manner and registration and the fee under section 19; the management and control of the Institute, the teaching staff and other employees, the courses and curricula for training thereat, the qualifications, which a person shall possess in order to be eligible for admission thereto under sub-section (2) of section 21 (m) the manner, mode and authority for approval of models under section 22; the kinds of weights or measures under sub-section (2) of section 24, the manner in which, terms and conditions on which and fee on payment which the Central Government may notify the Government approved Test Centre under sub-section of section 24 the qualifications and of persons appointed or engaged and the fee and terms and conditions on which Government approved Test Centre shall verify the weight or measure under sub-section (4) of section 24; (q) the error in net under sub-section (2) of section 36; (r) fee for compounding or offence under sub-section (1) of section (s) Form and manner in which notice to the or the Controller any other officer authorised by him shall be given under sub-section (2) of section 49, (3) In relation to any rule under this section, the Central Government may provide that any contravention thereof shall be punishable with fine which may extend to five thousand rupees. (4) Every rule made by the Central Government under this Act be laid, as soon as may be after it is made, before each House of Parliament, when it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the or both Houses agree that the rule should be made, rule shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 53. (1) The Government may, by notification, and consultation with the Central Government, make rules to carry out the provisions of this Act. (2) In exercise of the power, such rules may provide for all or any of the following matters, namely:— (c) the time within which the weight or measure may be got verified under provision to sub-section (i) of section 16; (b) registers and records to be maintained by persons referred to under sub-section of section 17; (c) the form, manner, conditions, period, area of jurisdiction and fees for issuance under sub-section (2) of section 23; 16 THE GAZETTE OF INDIA EXTRAORDINARY for verification and stamping any weight or measure under not apply Controller legal metrology the

Repeal Act, 1976 and Standards Weights and Measures Act, 1985. sub-section (f) of section 24, (e) manner of notifying Government approved Test Centre, terms and conditions and to be paid under sub-section (3) section 24; V) (c) compounding of offences under sub-section (i) of section 4. (3) In making any rule under this section, the State Government may (a) a breach thereof shall be punishable with fine to one thousand (4) The power to make under this section shall be subject to the condition rules being made after previous publication in Official Gazette. (5) Every rule made under this section shall, as soon as may be, be laid before each House of State Legislature, where there are two Houses and where there is only one House of State Legislature, for its consideration. (1) The Central Government may, after consultation with the State Government and by notification, direct that any power exercisable by it under this Act or any rule made under, being a power conferred by section 50 relating to appeal or section 52 relating to power to make rules, relation to such matters and subject such conditions as may be specified, may be exercised also by such officer subordinate to it as may be specified in the notification. (2) Subject to general or special direction or condition imposed by the State Government, a person authorised by the Central Government to exercise any powers under this Act shall exercise powers in the same manner and to the same extent as if they were exercised by that person directly under this Act and by way of delegation. The provisions of this Act in so far as they relate to verification and stamping of weights and measures, shall not apply to any weight or measure:— (a) used in any factory exclusively engaged in the manufacture of any ammunition or both, for the use of the Armed Forces of the State; (b) used for scientific investigation or for research; (c) manufactured exclusively for the State. (1) Every Director, Controller and legal metrology officer appointed immediately before the commencement of the rules made under this Act, shall be deemed to have been appointed under sub-section (1) of sections 13 and 14, notwithstanding any rule prescribing different qualifications. (2) The rules made by a Government under the Standards of Weights and Measures Act, 1976 which are in force immediately before the commencement of this Act shall remain in force until the State Government makes rules in that behalf. (1) The Standards of Weights and Measures Act, 1976 and the Standards of Weights and Measures (Enforcement) Act, 1983, is hereby repealed. (2) Notwithstanding anything contained in the Standards of Weights and Measures Act, 1976, with respect to the repeal, any notification, rule or order made under the Standards of Weights and Measures Act, 1976, and the Standards of Weights and Measures (Enforcement) Act, 1983, shall, if in force, continue to be in force and have effect as if it was made under the corresponding provision of this Act. 10 THE GAZETTE OF INDIA EXTRAORDINARY 17 (3) Notwithstanding such repeal, any appointment, notification, rule, order, registration, licence, certificate, notice, decision, approval, authorisation or consent made, issued or given under such law shall, if in force at the commencement of this Act, continue to be in force and have effect as if it were made, issued or given under the corresponding provisions of this Act. A. BHASIN, Secy. to the Govt of India THE OFFICIAL METROLOGY ACT AND THE