# IPC Section 267: Making or selling false weight or measure.

## IPC Section 267: Making or Selling False Weight or Measure  
  
Section 267 of the Indian Penal Code (IPC) tackles the offense of manufacturing or selling false weights or measures. This provision targets the source of deceptive weighing and measuring instruments, aiming to prevent the very creation and distribution of tools that facilitate fraud. This proactive approach complements other sections dealing with the possession and use of such instruments, creating a comprehensive legal framework to combat measurement-related fraud. This essay delves into the specifics of Section 267, analyzing its elements, scope, punishment, related legal aspects, and its significance in upholding fair trade practices.  
  
  
\*\*Definition and Scope:\*\*  
  
Section 267 states: “Whoever makes, sells, or disposes of, any instrument for weighing, or any weight or measure, which he knows to be false, in order that the same may be fraudulently used, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.”  
  
  
Deconstructing this section reveals its core components:  
  
1. \*\*Three distinct acts:\*\* The section defines three separate offenses:  
 \* \*\*Making a false weight or measure:\*\* This encompasses the actual creation or fabrication of an inaccurate weight, measure, or weighing instrument. It targets the manufacturers or individuals who create these deceptive tools.  
 \* \*\*Selling a false weight or measure:\*\* This refers to the act of selling or offering for sale a false weight, measure, or weighing instrument. This targets the distributors and vendors who facilitate the spread of these fraudulent tools.  
 \* \*\*Disposing of a false weight or measure:\*\* This covers any act of transferring possession or control of a false weight, measure, or weighing instrument to another person, even if not through a sale. This broadens the scope of the section to include other forms of distribution, such as gifting, lending, or exchanging.  
  
  
2. \*\*Instrument for Weighing, Weight, or Measure:\*\* The objects covered under this section include “instruments for weighing,” “weights,” and “measures.” An “instrument for weighing” refers to any device used for determining weight, such as scales or balances. A “weight” refers to a standardized object used to compare the weight of other objects. A “measure” refers to an instrument or device used to determine length, volume, or other quantities, such as measuring tapes, measuring cups, or containers. The section encompasses a wide range of instruments and objects employed for determining quantity.  
  
  
3. \*\*Knowledge of Falsity:\*\* A crucial element of this offense is the “knowledge” that the instrument, weight, or measure being made, sold, or disposed of is “false.” This means the accused must be aware that the item is inaccurate and will not provide true measurements. The prosecution needs to prove this knowledge, which can often be inferred from circumstantial evidence, such as deliberately altering the weight or measure, using inferior materials, selling it at a significantly lower price than genuine ones, or making false claims about its accuracy.  
  
  
4. \*\*Intent for Fraudulent Use:\*\* The section requires a specific intent – that the false weight or measure is made, sold, or disposed of “in order that the same may be fraudulently used.” This means the accused intends that the inaccurate instrument or object be used for deceptive purposes, even if they are not the ones directly using it. This focuses on the purpose behind the creation and distribution of these tools, targeting the supply side of measurement-related fraud. The prosecution needs to establish this intent, which can be inferred from the circumstances surrounding the making, selling, or disposal, such as marketing the false weight or measure for deceptive purposes or selling it to individuals known for engaging in fraudulent activities.  
  
  
\*\*Punishment:\*\*  
  
The punishment for offenses under Section 267 is imprisonment of either description for a term which may extend to one year, or with a fine, or with both. "Either description" means the imprisonment can be either rigorous (with hard labor) or simple. The severity of the punishment depends on the specific circumstances of the case, including the type and quantity of false weights or measures made, sold, or disposed of, the potential impact of their fraudulent use, and the accused’s criminal history.  
  
  
\*\*Difference from related offenses:\*\*  
  
Section 267 focuses on the \*making, selling, or disposing of\* false weights or measures. It's distinct from Section 266, which deals with the \*possession\* of false weights or measures, and Section 265, which covers the actual \*use\* of false weights or measures. While all three sections aim to prevent measurement-related fraud, they target different stages of the offense. A person can be charged under multiple sections if their actions involve making, selling, possessing, and using false weights or measures. It's also distinct from general offenses related to cheating or fraud, such as Section 415 (cheating) and Section 420 (cheating and dishonestly inducing delivery of property).  
  
  
  
\*\*Evidentiary Considerations:\*\*  
  
Proving an offense under Section 267 requires substantial and compelling evidence. The prosecution needs to establish the accused’s involvement in making, selling, or disposing of the weight or measure, demonstrate its falsity and inaccuracy, and prove the accused’s knowledge of its falsity and intent for it to be used fraudulently. This can be achieved through various means, including:  
  
  
\* \*\*Seizure and examination of the weight or measure:\*\* A metrology expert can examine the seized weight or measure to determine its accuracy and identify any defects or manipulations.  
\* \*\*Comparison with a certified standard:\*\* Comparing the measurements obtained using the seized weight or measure with a certified standard can demonstrate its inaccuracy.  
\* \*\*Witness testimony:\*\* Testimony from individuals who witnessed the making, selling, or disposing of, or who purchased the false weight or measure, can be crucial. Testimony from experts regarding the manufacturing process or the nature of the defects can also be valuable.  
\* \*\*Documentary evidence:\*\* Invoices, receipts, manufacturing records, or other documents related to the making, selling, or disposal of the false weight or measure can serve as evidence.  
\* \*\*Circumstantial evidence:\*\* Evidence of the accused’s behavior, such as advertising the false weight or measure for deceptive purposes or selling it at a suspiciously low price, can be used to infer knowledge and intent.  
  
  
  
  
\*\*Illustrations:\*\*  
  
  
\* \*\*Scenario 1:\*\* A workshop manufactures scales that deliberately show lower weights than the actual weight, intending that these scales be used by scrap dealers to defraud sellers of scrap metal. This constitutes an offense under Section 267.  
\* \*\*Scenario 2:\*\* A carpenter makes a measuring rod with slight inaccuracies due to a lack of precision tools, without any intention to deceive or defraud. This may not constitute an offense under Section 267 if there is no knowledge of the falsity or intent for fraudulent use. However, it might violate other regulations related to metrology standards.  
\* \*\*Scenario 3:\*\* A shopkeeper sells a weighing scale that they believe to be accurate, but which later turns out to have a minor defect. This might not constitute an offense under Section 267 if the shopkeeper had no knowledge of the defect and no intent to defraud.  
  
  
  
  
\*\*Conclusion:\*\*  
  
Section 267 of the IPC plays a critical role in preventing measurement-related fraud by criminalizing the making, selling, and disposal of false weights and measures. This provision targets the source of deceptive weighing and measuring instruments, complementing other sections that address the possession and use of such instruments. Effective enforcement requires thorough investigation, robust evidence collection, including expert testimony, and a clear understanding of the legal principles involved. This section, along with other relevant provisions of the IPC, provides a comprehensive legal framework to combat fraudulent practices involving inaccurate weights and measures and maintain the integrity of commercial transactions.