

Tripura Weights and Measures (Enforcement) Act, 1967

TRIPURA

India

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Act 6 of 1967

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Tripura Weights and Measures (Enforcement) Act, 1967(Act No. 6 of 1967)Last Updated 12th March, 2020An Act to provide for the enforcement of standards of 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

1. Short title, extent and commencement.

(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.

2. Definitions.

- 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 transaction 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 or 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 (Central Act 89 of 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;(i)'reference standards' means the sets of standard weights and measures supplied to the Administrator by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956 (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 weighing 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 household purposes;(m)'verification' with its grammatical variations used with reference to a weight or measure or weighing and measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification;(n)'weighing instrument' means any instrument of weighing and includes scales with the weights belonging thereto, scale, beams, balances, spring balances, steel yards and other weighing machines.

Chapter II

Standard weights and measures

3. Working standard.

(1)For the purpose of verifying the correctness of 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 of weights and measures as he may deem necessary to be called the working standards.(2)The working standards shall be made of such material and according to such designs and specifications and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.(3)The working standards shall be kept at such places, in such custody and in such manner as may be prescribed.(4)A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals and in such manner, as may be prescribed.(5)A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Act.(6)A working standard which has become defective shall not be deemed legal or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

4. Secondary standard.

(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 it may deem necessary to be called the secondary standards. (2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Administrator may direct. (3) The secondary standards shall be kept at such places, in such custody and in such manner as may be prescribed. (4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the Administrator may direct. (5) A secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purpose of this Act.

5. Reference standards.

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

6. Standard weighing and measuring instruments.

(1) For the purpose of verifying the correctness of weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the Administrator may cause to be prepared as many sets of weighing and measuring instruments as he may deem necessary. (2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed. (3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

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

- Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure other than the standard weights or measures shall be used in any 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 articles in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said articles has been made, shall be void. (3) Any transaction, dealing or contract made, or had after the expiry of six months from the commencement of this Act shall, in so far as it contravenes the provisions of sub-section (1), be void.

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

(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 transaction, dealing or contract shall be made or had except by weights only, or except by measures only.(2)A notification issued under this section shall take effect in such area, with effect from such date, and subject to such conditions, if any not inconsistent with any provisions of this 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

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

(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 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. Marking of denominations on weights and measures.

- Every weight or measure manufactured for use as a 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.

11. Prohibition of sale of unstamped weights and measures.

- No weight or measure or weighing or measuring instrument 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 a stamp of verification.

12. Prohibition of use of unstamped weights or measures.

- 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.

13. Power of Administrator to exempt.

- 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.

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

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

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

(1) Every manufacturer of any weight or measure or weighing or measuring instrument shall-(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 prototype 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 subsection 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 manufacture the weight or measure or weighing 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 manufacturer shall not commence or continue manufacture of the weight or measure or weighing or measuring instrument to which the prototype relates.

16. Marking of weights or measures on sealed containers.

- No person shall sell, offer for sale, expose for sale, or have in 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 grams, if such sealed package or container contains biscuits, confectionery or sweets; and (b) less than sixty grams, if the 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 it is satisfied that the size of any class of such packages or containers renders it impracticable to comply with the provisions of this section, by notification in the Tripura Gazette, exempt such class of packages or containers from the operation of this section.

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

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

18. Appointment of Controller, Deputy Controller, Assistant Controller and Inspectors.

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

19. Verification and stamping by Inspectors.

(1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time within his jurisdiction as may be appointed in this behalf by the Controller. (2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure or weighing or measuring instrument correct and in conformity with the

Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

20. Power to inspect, etc.

(1) An Inspector may, within the area; under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a working standard or weighing or measuring instrument prescribed for the purpose. (2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction. (3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, measures, weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade and all documents and records relating thereto and such trader, employee or agent shall comply with such requirements. (4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which might be used in the commission of such an offence, and may also seize and detain any article sold or delivered or cause 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; 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 such 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 person other than the manufacturer, and may file a complaint against the manufacturer for contravention of the provisions of section 16. (7) For the purpose of such inspection, 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 transactions for trade or commerce and inspect such weights and measures and weighing and 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 subsection, 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. Power of Inspector to adjust weights or measures.

- Where it appears to the Administrator desirable that an Inspector should be allowed in any area to adjust the weights or measures or weighing or measuring instruments he may, if he thinks fit, authorise such Inspector to adjust weights and measures or such instruments accordingly. Manufacturers etc., to maintain records and documents. (1) Every manufacturer, repairer or dealer

in weights and measures or weighing or measuring instruments and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed 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 the opinion that having regard to the nature of business carried on by any such manufacturer, repairer or dealer, it is necessary so to do, he may by order exempt such person or class of persons from the operation of that sub-section.

22. Manufacturers etc. to maintain records and documents. - (1) Every manufacturer, repairer or dealer in weights or measures or weighing or measuring instruments and every person using them in transactions for trade or commerce shall maintain such records and accounts as may be prescribed 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 or 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.

23. Appeals.

(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 Cl. (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.

24. Levy of fees.

- 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 be prescribed:Provided that no such fee shall exceed rupees five hundred only.

25. Validity of weights and measures duly stamped.

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

Chapter V Penalties

26. Penalty for sale or weight or measure other than standard weight or measure.

- Whoever, after the expiry of three months from the commencement of this, sells or causes to be sold, or delivers or causes to be delivered, in the course of any transaction for trade or commerce, any article by any denomination of weight or measure other than one of the standard weights or measures, or whoever, after the commencement of the Tripura Weights and Measures (Enforcement) (Amendment) Act, 1967 keeps any unit of mass or measure other than the standard weight or measure in any premises where such transactions are usually conducted shall be punishable, for the first offence, with fine which may extend to one thousand rupees, and for a second or a subsequent offence, with imprisonment for a period which may extend to three months, or with fine or with both.

27. Penalty for sale of unstamped weights and measures.

- Whoever sells or delivers 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 with fine which may extend to two thousand rupees.

28. Penalty for use of unstamped weights and measures.

- Whoever uses in any transaction for trade or commerce, or has in his possession for 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 a second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine or with both. 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 transactions for trade or commerce. Explanation II. - Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this

section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, also be deemed to be guilty of the offence.

29. Penalty for manufacture of weights etc.

- without licence. 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, he shall be punishable with imprisonment for a period which may extend to three months, or with fine or with both.

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

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

31. Penalty for non-registration.

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

32. Penalty for contravention of section 15.

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

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

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

34. Penalty for quoting prices or expressing quantities otherwise than in terms of standard weight or measure in contravention of section 17.

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

35. Penalty for fraudulent use of weights, measures etc.

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

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

37. Penalty for making or selling false weights or measures, etc.

- Whoever makes, sells or disposes of or causes to be made, sold or disposed of any 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.

38. 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.

- Whoever-(i)in selling any article by weight or measure delivers or causes to be delivered to the purchaser any quantity of that article less than ; or(ii)in buying any article by weight or measure demands or receives or causes to be demanded or received from the vendor any quantity of that article in excess or 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. Penalty for forging etc., of weights, measures etc.

(1)Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing or measuring instrument or possesses any such counterfeit stamp, or removes a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped, shall be punishable with imprisonment for a period which may extend to one year, or with fine or with both.(2)Whoever knowingly uses, sells, disposes of or exposes for sale any weight or measure 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.

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

- 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)obstructs the entry of 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.

41. Penalty for breach of duty by Inspector.

- If an Inspector knowingly stamps a weight -or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules made thereunder, he shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

Chapter VI Miscellaneous

42. Protection of action taken in good faith.

- No suit, prosecution or other legal proceeding shall lie against the Controller or any Deputy or Assistant Controller of Weights and Measures or any Inspector or any other person 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.

43. Controller etc., appointed under this Act to be public servants.

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

44. Cognizance of offences, etc.

(1)No court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.(2)No court inferior to that of a Presidency Magistrate or Magistrate of first class shall try any offence punishable under this Act.

45. Composition of offences.

(1)Any offence punishable under section 26, section 27, section 28, section 30, section 33, section 38, or section 40 and other than a second or a subsequent offence under section 26 or 28 may either before or after the institution of the prosecution, be compounded by the Administrator on payment of such sum as the Administrator thinks fit.(2)On payment by the offender of such sum, the offender, if in custody, shall be set at liberty and if any proceedings in any criminal court have been instituted against the offender in respect of the offence, the composition shall be deemed to amount to an acquittal and no further criminal proceedings shall be taken against him in respect of such offence.

46. Stamped weights, etc., to be presumed to be correct.

- A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder shall be presumed to be correct until its inaccuracy is proved if this is produced in any court by any Inspector having charge thereof or by any person acting under the general or special authority of the Controller.

47. Offences by companies.

(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in-charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer 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 anybody corporate and includes a firm or other association of individuals; and (b)'director' in relation to a firm, means a partner in the firm.

48. Delegation of powers.

- The Administrator may, by notification in the Tripura Gazette, direct that any power exercisable by it 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.

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

- Subject to any rules that maybe made under the Standards of Weights and Measures Act, 1956 (Central Act 89 of 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 or in selling articles by weight or measure generally or as regards any trade or class of trades; and (d) weighing and measuring instruments.

50. Power to make rules.

(1) The Administrator may, by notification in the Tripura Gazette, make rules to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power,

such rules may provide for all or any of the following matters, namely:(a)the material of which and the designs and specifications according to which working standards may be made, the agency by which such standards may be prepared, the person 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 re-verification and marking of working standards, the persons by whom, the places at which and the intervals at which, they may be marked;(c)the materials 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 re-verification 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)verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be re-verified ;(j)inspection of weights and measures and weighing and measuring instruments used hi 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 to 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 limits of 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 or 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 the decision of Inspector and the procedure for hearing appeals;(q)the fees which may be charged for the grant of licences under section 14 and for verification, re-verification, 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 rules 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. Repeal and savings.

(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 (Central Act 30 of 1950), is hereby, repealed.(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 provisions of the said Act shall be deemed to

have been done, taken, commenced, preferred, acquired, accrued or incurred by or under the corresponding provisions 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 accrued or was acquired or incurred.

52. Savings.

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