



The Madhya Pradesh Weights and Measures (Enforcement) Act, 1959

Act 14 of 1959

Keyword(s):

Commercial Weight or Measure, Controller, Measuring Instrument, Mint, Reference, Sealed Package or Container, Standard Weight or Measure, Stamping, Verification, Weighing Instrument

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MADHYA PRADESH ACT

No. 14 of 1959

**THE MADHYA PRADESH WEIGHTS AND MEASURES (ENFORCEMENT)
ACT, 1959**

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MADHYA PRADESH ACT(No. 14 of 1959)¹**THE MADHYA PRADESH WEIGHTS AND MEASURES
(ENFORCEMENT) ACT, 1959**

(Received the assent of the Governor on the 7th June, 1959; assent first published in the "Madhya Pradesh Gazette" on the 26th June, 1959.)

An Act to provide for the enforcement of standard weights and measures and for matters connected therewith.

Be it enacted by the Madhya Pradesh Legislature in the Tenth Year of the Republic of India as follows :—

CHAPTER I**Preliminary**

1. (1) This Act may be called the Madhya Pradesh Weights and Measures (Enforcement) Act, 1959.

Short title, Extent and Commencement.

(2) It extends to the whole of the State of Madhya Pradesh.

(3) It shall come into force on such date² as the State Government may by notification, 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. In this Act, unless the context otherwise requires,—

Definitions

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

(b) "Controller" means the Controller of Weights and Measures appointed under section 15(1);

(c) "Inspector" means an Inspector of Weights and Measures appointed under section 15(1);

[(d) "measuring instrument" means any measuring instrument other than a weighing instrument and includes any instrument used for determining the length, area, volume, capacity, quality, temperature or density of any article;]³

(e) "mint" means the mint of the Central Government either in Bombay or in Calcutta;

(f) "reference standards" means the sets of standard weights and measures supplied to the State Government 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);

(ff) "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

1. For Statement of Objects and Reasons see Madhya Pradesh Gazette, dated the 19th December, 1958. For proceedings in the Assembly see Madhya Pradesh Vidhan Sabha Proceedings, Volume V, No. 26, Pages 2369-2376.

2. 15th January, 1960 and 1st April, 1960, specified for different provisions, areas and classes of undertakings, see Govt. of M. P. Revenue Department Notifications No. 303-VII-N I to 309-VII-N-I, dated the 8th January, 1960, published in M. P. Gazette dated the 15th January 1960, Part 4 (Ga), pages 58 to 60.

3. Subs. by M. P. Act 14 of 1971, S. 2 (a).

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to be sold with its contents without any weighment or measurement of such contents at the time of Sale;]¹

- (g) "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;
- (h) "stamping" means marking in such manner as to be so far as practicable, indelible and includes casting, engraving, etching and branding;
- [(hh) "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 households for household purposes;]²
- (i) "verification" with its grammatical variations used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification;
- (j) "weighing instrument" means any instrument for weighing and includes scales with the weights belonging thereto, scale-beams, balances, spring balances, steelyards and other weighing machines.

CHAPTER II

Standard Weights and Measures

Working Standards.

3. [(1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of authenticated standard weights and measures as it may deem necessary, to be called the working standards.]³

(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.

1. Ins. by M. P. Act 14 of 1971, S. 2 (b).

2. Ins. by S. 2 (e), *ibid.*

3. Subs. by S. 3 (i), *ibid.*

(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.

[.....]¹

(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. (1) For the purpose of verifying the correctness of the working standards, the State Government 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.

Secondary standards

(2) The secondary standards shall be made of such material and according to such design and specifications as may be prescribed and shall be stamped and authenticated by such person or authority as the Central Government may direct.

(3) The secondary standards shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government 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. The reference standards shall be kept at such places, in such custody and in such manner as the State Government may direct.

Reference standards.

6. (1) For the purpose of verifying the correctness of commercial weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of weighing and measuring instruments as it may deem necessary.

Standard weighing and measuring instruments.

(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standard or working standards are kept.

[7. (1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measures other than the standard weights or measures shall be used in any transactions for trade or commerce in any area or class of goods or undertakings in respect of which this Act has come into force or be kept in any premises where such transactions are usually conducted.]²

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

(2) Any custom, usage, practice or method of whatever nature which permits in any trade a trader, seller or buyer to demand, receive or cause to be demanded or received any quantity of article in excess of, or less than, the quantity fixed by the weight and measure by which the contract or dealing in respect of the said article has been made, shall be void.

1. Proviso omitted by M. P. Act 14 of 1971, S.3(ii).

2. Subs. by S.4, ibid.

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(3) Any transaction, dealing or contract made or had after the expiry of three months from the commencement of this Act, shall, in so far as it contravenes the provisions of sub-section (1), be void.

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

8. (1) Notwithstanding anything contained in this Act, the State Government may, by notification, direct that in any specified trade or class of trades no transaction, dealing or contract shall be made or had except by weight only, or except by measure only.

(2) A notification is used under this section shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

[CHAPTER—II-A

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

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

8-A. (1) No person shall use any weight or measures or weighing or measuring instrument in any transaction for trade or commerce unless he gets himself registered within the prescribed period with the Controller and obtains from him a certificate in token thereof.

(2) Every application for registration under sub-section (1) shall be made to the Controller and 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 III

Verification and Stamping of Weights and Measures

Marking of denominations on commercial weights and measures.

9. Every weight or measure manufactured for use as a commercial 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.

Prohibition of sale of unstamped commercial weights and measures.

10. No commercial 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 stamp of verification.

Prohibition of use of unstamped commercial weights or measures.

11. 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.

Power of State Government to exempt.

12. Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provisions of section 9 or to be stamped under the provisions of section 10 or section 11, the State Government may, by notification, exempt such weights or measures from being so stamped.

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

13. 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 State Government.

Marking of weight or measure on sealed containers.

14. No person shall sell offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless

such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein :

[Provided that the provisions of this section shall not apply to—

- (i) any sealed package or container—
 - (a) of net weight of less than one hundred and twenty grammes if the sealed package or container contains biscuits, confectionery or sweets; and
 - (b) of net weight of less than sixty grammes, if the sealed package or container contains any other food stuff;
- (ii) any articles contained in a sealed package or container, if such articles are ordinarily sold in transactions for trade or commerce by counting their number :

Provided further that the Government 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, exempt such class of packages or containers from the operation of this section.]¹

[14-A. 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.]²

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

15. (1) The State Government may appoint a Controller of Weights and Measures for the State and as many 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.

Appointment of Controller, Assistant Controllers and Inspectors.

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

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

16. (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.

Verification and stamping by Inspectors.

(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.

17. (1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or are on any premises for such use and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose.

Power to inspect, etc.

1. Subs. by M. P. Act 14 of 1971, S.6.
2. Ins. by S.7, ibid.

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(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 caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, the Inspector may break open the sealed package or container and verify its contents, and if, on such verification, the net weight or measure of the article is found to be correct, the Inspector shall re-seal the package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if, on the other hand, the net weight or measure of article is found to be incorrect, the Inspector may seize and detain the package or container and the article contained therein.

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

[*Explanation* .— Where any premises are partly used for trade and partly for dwelling purposes, the whole of such premises shall, for the purpose of this sub-section, be treated as a place where weights or measures or weighing or measuring instruments are used or are kept for use in transaction for trade or commerce.]¹

Power of Inspector to adjust weights or measures.

18. Where it appears to the State Government desirable that an Inspector should be allowed in any area to adjust the weights or measures or weighing or measuring instruments, it may, if it thinks fit, authorise such Inspector to adjust weights and measures or such instruments accordingly.

Manufacturers, etc., to maintain records and documents

19. (1) Every manufacturer, repairer or dealer in weights or measures or weighing or measuring instruments, and every person using them in transaction 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 State Government is of opinion that having regard to the nature of business carried on by any such manufacturer, repairer or dealer, it is necessary so to do, it may, by order, exempt such person or class of persons from the operation of that sub-section.

Appeals.

20. (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

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- (b) from every decision of the Controller under this Act, not being a decision made in appeal under clause (a), to the State Government or any officer specially authorised in this behalf by the State Government.

(2) Every such appeal shall be preferred within sixty days from the date of the decision.

(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.

21. The State Government may charge such fees —

Levy of fees.

(a) for the grant of licences under section 13, for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments; and

(b) for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments;

as may be prescribed.

22. 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.

Validity of weights and measures duly stamped.

CHAPTER IV

Penalties

[23. Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by an denomination of weight or measure other than one of the standard weights or measures or whoever after the commencement of Madhya Pradesh Weights and Measures (Enforcement) Amendment Act, 1967 keeps any unit of mass or measure other than the standard weights or measures, in any premises where such transactions or usually conducted, shall be punishable, for 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.]¹

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

24. Whoever sells or delivers any commercial 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.

Penalty for sale of unstamped commercial weights and measures.

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

Penalty for use of unstamped commercial weights and measures.

1. Subs. by M. P. Ac. 14 of 1971, S. 9.

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Explanation 1.—When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2.—Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of the offence.

Penalty for manufacture of weights, etc., without licence.

26. If any person manufactures, repairs, or sells any commercial weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 13, he shall be punishable with imprisonment for a period which may extend to three months or with fine, or with both.

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

27. 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.

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

28. Whoever contravenes the provisions of section 14 shall be punishable with fine which may extend to two thousand rupees.

Penalty for non-registration.

[28-A. Whoever contravenes the provisions of section 8-A shall, on conviction, be punished with fine which may extend to fifty rupees.

Penalty for quoting prices or expressing quantities otherwise than in terms of standard weights or measures in contravention of section 14-A.

28-B. Whoever contravenes the provisions of section 14-A shall be punishable with fine which may extend to two thousand rupees.]¹

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

29. 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.

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

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

Penalty for making or selling false weight or measure, etc.

31. Whoever makes, sells or disposes of or causes to be made, sold or disposed of any standard weight or measure or weighing or measuring instrument which he knows to be false in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punishable with imprisonment for a period which may extend to one year, or with fine, or with both.

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

[32. Whoever—

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

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

the quantity fixed by 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.]²

1. Ins. by M. P. Agt 14 of 1971, S.10.

2. Subs by S.11 ibid.

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33. (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.

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

(2) Whoever knowingly uses, sells, disposes of or expose 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.

[34. Whoever,—

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

- (a) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing or measuring instrument or any document or record relating thereto in his possession or on his premises; or
- (b) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document or record; or
- (c) obstructs the entry of the Inspector under section 17; 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.]¹

35. 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.

Penalty for breach of duty by Inspector.

36. (1) The Controller of Weights and Measures or such other Officer as may be authorised by the State Government in this behalf may, on acceptance of such sum as may be prescribed, compound any of such offence under this Act or the rules made thereunder as are punishable with fine only.

Composition of offences.

(2) On the composition of an offence under sub-section (1) no further action in respect thereof shall be taken against the person accused of it and if any proceedings in respect of that offence have already been instituted against such person in any Court, the composition shall have the effect of his acquittal thereof.

CHAPTER V

Miscellaneous

37. No suit, prosecution or other legal proceeding shall lie against the Controller, or any 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.

Protection of action taken in good faith.

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

Controller, etc., appointed under the Act to be public servants.

1. Subs. by M. P. Act 14 of 1971, S. 12.

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Cognizance of offence, etc.

39. (1) No Court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Controller or any Officer authorised in this behalf by the Controller by general or special order.

(2) No Court inferior to that of a Magistrate of first class shall try any offence punishable under this Act.

Stamped weight, etc. to be presumed to be correct.

40. 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.

Offences by companies.

41. (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 or the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director manager, secretary or other officer, such director, manager, secretary or other officer, as the case may be, shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association or individuals; and

(b) “director,” in relation to a firm, means a partner in the firm.

Delegation of powers.

42. The State Government may, by notification, direct that any power except the power to frame rules 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 State Government as may be specified in the notification.

Limits of error to be tolerated in weights and measures.

43. Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), in this behalf, the State Government 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 commercial 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.

Repeal.

44. On the notification being issued under sub-section (3) of section 1 all such provisions of any law for the time being in force in any part of the State of Madhya Pradesh as correspond to any of the provisions of this Act shall stand repealed to the extent to which the said notification is applicable.

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45. (1) The State Government may, by notification, make rules to carry out the purpose of this Act. Power to make rules.

(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 material of which and the designs and specifications according to which secondary standards may be made, the places at which and the custody and manner in which such standards may be kept;
- (d) the procedure for the verification or 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 commercial 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 commercial 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 the 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 in transactions for trade or commerce;
- (k) the seizure, detention and destruction 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 in weights and measures and weighing and measuring instruments used or intended to be used in transactions for trade or commerce;
- (o) the limits of error which may be tolerated in selling articles by weights and measures generally or as regards any trade or class of trades;

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- (p) the form and manner in which appeals may be preferred against decisions of Inspectors and procedure for hearing appeals;
- (q) the fees which may be charged for the grant of licences under section 13 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;
- [(q-1) (i) the period within which a person shall get himself registered under sub-section (1) of section 8-A;
- (ii) the particulars which an application for registration shall contain under sub-section (2) of section 8-A;
- (iii) the form in which a certificate of registration shall be issued under sub-section (3) of section 8-A.]¹
- (r) any other matter which has to be or may be prescribed.

(3) In making any rule under this section the State Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette.

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

Saving.

[46. Nothing in this Act, shall apply to weights or measures or weighing or measuring instruments used by or in any unit or establishment of the Armed Forces of the Union.]²

1. Ins. by M. P. Act 14 of 1971, S. 13.
2. Added by S. 14, *ibid.*