

**THE TELANGANA WEIGHTS AND MEASURES
(ENFORCEMENT) ACT, 1958.**

(ACT NO. I OF 1959.)

INDEX

Section No.	Contents
	CHAPTER I. PRELIMINARY.
1.	Short title, extent and commencement.
2.	Definitions.
	CHAPTER II. STANDARD WEIGHTS AND MEASURES.
3.	Working standards.
4.	Secondary standards.
5.	Reference standards.
6.	Standard weighing and measuring instruments.
7.	Prohibition of use of weights and measures other than standard weights and measures.
8.	Power to prescribe the use of weights only, or measures only in certain cases.
	CHAPTER III. VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.
9.	Stamping of denomination on commercial weights and measures.
10.	Prohibition of sale of unstamped commercial weights and measures.
11.	Prohibition of use of unstamped commercial weights or measures.

12. Power of Government to exempt.
13. Prohibition of manufacture etc., weights and measures without licence.
14. Stamping of weights or measures on sealed containers.
15. Appointment of Controller, Assistant Controller and Inspectors.
16. Verification and stamping by Inspectors.
17. Power to inspect, etc.
18. Power of Inspector to adjust weights or measures.
19. Manufacturers, etc., to maintain records and documents.
20. Appeals.
21. Levy and collection of fees.
22. Validity of weights and measures duly stamped.

CHAPTER IV. PENALTIES.

23. Penalty for sale or delivery by weight and measure other than standard weight or measure.
24. Penalty for sale of unstamped commercial weights and measures.
25. Penalty for use of unstamped commercial weights and measures.
26. Penalty for use of weight or measure in contravention of section 8.
27. Penalty for manufacture of weight, etc., without Licence.
28. Penalty for failure to stamp weight or measure on sealed containers.

29. Penalty for fraudulent use of weights, measures, etc.
30. Penalty for being in possession of false weight or measure etc.
31. Penalty for making or selling false weight or measure etc.
32. Penalty for forging, etc., of stamps, weights, measures, etc.
33. Penalty for giving short weight or measure.
34. Penalty for neglect or refusal to produce weight or measure, etc., for inspection.
35. Penalty for breach of duty by Inspector.
36. Power to compound offences.

**CHAPTER V.
MISCELLANEOUS.**

37. Protection of action taken in good faith.
38. Controller etc., appointed under the Act to be public servants.
39. Cognizance of offences etc.
40. Stamped weights etc., to be presumed to be correct.
41. Offences by Companies.
42. Delegation of powers.
43. Limits of error to be tolerated in weights and measures.
44. Repeal.
45. Power to make rules.
46. Power to remove difficulties.
47. Repeal of Andhra Pradesh Ordinance No. I of 1958.

**THE TELANGANA WEIGHTS AND MEASURES
(ENFORCEMENT) ACT, 1958.¹**

ACT NO. I OF 1959.

**CHAPTER I.
PRELIMINARY.**

1. (1) This Act may be called the ²Telangana Weights and Measures (Enforcement) Act, 1958.

Short title, extent and commencement.

(2) It extends to the whole of the ²State of Telangana.

(3) It shall come into force on such date³ as the State Government may, by notification in the Telangana 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, by notifications issued from time to time.

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

Definitions.

(a) '**commercial weight or measure**' means a weight or measure purporting to be a standard weight or measure used in any transaction for trade or commerce;

(b) '**Controller**' means the Controller of Weights and Measures appointed under section 15;

(c) '**Government**' means the State Government;

1. The Andhra Pradesh Weights and Measures (Enforcement) Act, 1958 (Act No.1 of 1959), in force in the combined State, as on 02.06.2014, has been adapted to the state of the Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016, issued in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

2. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

3. Deemed to have come into force on 1st October, 1958.

(d) **'Inspector'** means an Inspector of Weights and Measures appointed under section 15;

(e) **'measuring instrument'** means any measuring instrument other than a weighing instrument and includes any instrument for measuring length, area, volume or capacity;

(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) **'reference standards'** means the sets of standard weights and measures supplied to the 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);

(i) **'stamping'** means marking in such manner as to be, so far as practicable, indelible and includes casting, engraving, etching and branding;

(j) **'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 that Act;

(k) **'verification'** with its grammatical variations and cognate expressions 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;

(l) 'weighing instrument' means any instrument for 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. (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 Government may cause to be prepared as many sets of authenticated standard weights and measures as they may deem necessary to be called the working standards, and special sets of working standards in relation to bullion and precious stones may also be prepared.

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 stamped by such persons at such places, at such intervals and in such manner as may be prescribed:

Provided that a special working standard in relation to bullion and precious stones shall be verified with the reference standard.

(5) A working standard which is not so verified and stamped 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 stamped in the prescribed manner.

Secondary standards.

4. (1) For the purpose of verifying the correctness of the working standards, the Government may cause to be prepared at the Mint as many sets of authenticated standard weights and measures as they 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 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 five years and shall be stamped with the date of verification in the prescribed manner by such person or authority as the Government may direct.

(5) A secondary standard which is not verified and stamped as aforesaid shall not be deemed legal and shall not be used for the purposes of this Act.

Reference standards.

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

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 Government may cause to be prepared as many sets of weighing and measuring instruments as they may deem necessary.

Standard weighing and measuring instruments.

(2) Such instruments shall be of such kind, kept in such manner 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. (1) 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 or any dealing or contract or for any work to be done or goods to be sold or delivered in any area or class of goods or undertakings in respect of which this Act applies.

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 or measure by which the contract or dealing, in respect of the said article, has been made, shall be void.

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

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

8. (1) Notwithstanding anything contained in this Act, the Government may, by notification in the ⁴Telangana Gazette, 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 issued 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 III. VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES.

Stamping of denomination 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 stamped 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 and stamped in the prescribed manner.

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 and stamped in the prescribed manner.

Power of Government to exempt.

12. Where the size of commercial weight or measure renders it impracticable to have any denomination stamped on it under the provisions of section 9, section 10, or section 11, the Government may, by notification in the ⁴Telangana Gazette, exempt such weight or measure from being so stamped.

4. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

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 Government or any officer, authorised by them.

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

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:

Stamping of weights or measures on sealed containers.

Provided that the provisions of this section shall not apply to an 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.

15. (1) The 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 Controller and Inspectors.

(2) The 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.

(4) The Government may also take from each Inspector such security and in such form as may be prescribed for the due discharge of his functions and duties under this Act.

Verification and stamping by 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.

(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 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 in the prescribed manner.

Power to inspect, etc.

17. (1) An Inspector may, within the area under his jurisdiction, inspect and search 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) (a) Where a premises used for trade is partly used by the trader for trade and partly for dwelling purposes, the whole of such premises shall, for the purposes of this Act, be deemed to be premises used for trade.

(b) Where a premises used for trade is used by a trader partly for trade and partly for storing articles for trade, or where any other premises is used for storing of articles

for trade, the premises in either case, shall for the purposes of this Act, be deemed to be the premises used for trade.

(3) 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.

(4) 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.

(5) 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 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 document or record relating thereto.

(6) Where an Inspector has reason 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 the article is found to be incorrect, the Inspector may seize and detain the package or container and the article contained therein.

(7) 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 are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

Power of Inspector to adjust weights or measures.

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

Manufacturers, etc., to maintain records and documents.

19. (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 Government are of opinion that having regard to the nature of business carried on by any such manufacturer, repairer or dealer, or any person or class of persons using them, it is necessary so to do, they 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

(b) from every decision of the Controller under this Act; not being a decision made in appeal under clause (a), to the Government or any officer specially authorised in this behalf by the 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. (1) The Government may charge such fees as may be prescribed-

Levy and collection of fees.

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

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

(2) All amounts payable to Government under this Act or the rules made thereunder shall be recoverable as arrears of land revenue.

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 to which this Act applies unless it is found to be false or defective and shall not be liable to be

Validity of weights and measures duly stamped.

restamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER IV. PENALTIES.

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

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 any denomination of weight or measure other than one of the standard weights or measures 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 term which may extend to three months, or with fine, or with both.

Penalty for sale of unstamped commercial weights and measures.

24. Whoever sells or delivers any commercial weight or measure or any weighing or measuring instrument which has not been verified or reverified and 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 use 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 reverified and 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 term 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, or any person on behalf 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 or any person on behalf of such trader, such trader shall, unless he proves that the offence under this section was committed by such employee, agent or person without his knowledge or consent be also deemed to be guilty of the offence.

- | | |
|---|--|
| 26. 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 use of weight or measure in contravention of section 8. |
| 27. Whoever manufactures, repairs, or sells any commercial weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 13, shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both. | Penalty for manufacture of weight, etc., without Licence. |
| 28. Whoever contravenes the provisions of section 14 shall be punishable with fine which may extend to two thousand rupees. | Penalty for failure to stamp weight or measure on sealed containers. |
| 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 term which may extend to one year, or with fine or with both. | Penalty for fraudulent use of weights, measures, etc. |

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 term 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 term which may extend to one year, or with fine, or with both.

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

32. (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 term 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 term which may extend to six months or with fine, or with both.

Penalty for giving short weight or measure.

33. Whoever in selling any article by weight or measure, delivers or causes to be delivered to the purchaser less than what is purported to be sold shall, if the deficiency exceeds

the prescribed limit of error, be punishable with fine which may extend to three hundred rupees.

34. Whoever-

(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

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

(b) refuses to permit an Inspector to inspect, search and verify any such weight, measure, instrument, document or record; or

(c) obstructs the entry of an 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 five hundred rupees.

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 term which may extend to one year, or with fine, or with both.

Penalty for breach of duty by Inspector.

36. The Government may authorise any officer to accept from any person who is reasonably believed to have committed an offence under this Act or the rules made thereunder, a reasonable sum of money not exceeding rupees two hundred in each case by way of composition for such offence. Any proceedings taken against such person in respect of such offence shall, on payment of such money

Power to compound offences.

be withdrawn and no further proceedings shall be taken in respect of such offence.

CHAPTER V. MISCELLANEOUS.

Protection of action taken in good faith.

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 the rules made thereunder.

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

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.

Cognizance of offences 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 weights 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 if it 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, be presumed to be correct until its inaccuracy is proved.

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 incharge 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, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section :-

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

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

42. The Government may, by notification in the ⁵Telangana Gazette direct that any power exercisable by them 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 them as may be specified in the notification.

Delegation of powers.

5. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

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 weights and Act 89 of 1956) in this behalf, the Government may prescribe the limits of error which may be tolerated:-

(a) in working standards referred to in section 3;

(b) in secondary standards referred to in section 4;

(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. The following Acts are hereby repealed:-

(1) The Hyderabad Weights and Measures Act, 1356 F. (Hyderabad Act XIV of 1356 F.)

(2) The Madras Weights and Measures Act, 1948 (Madars Act XXII of 1948).

Power to make rules.

45. (1) The Government may, by notification in the ⁶Telangana Gazette make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of 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

6. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

and authenticated; the places at which and the custody and manner in which such standards may be kept;

(b) the procedure for the verification or reverification and stamping of working standards, the persons by whom, the places at which, and the intervals at which, they may be stamped;

(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 verification or reverification and stamping of secondary standards and the manner in which they may be stamped;

(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 stamped 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) the inspection, verification, reverification, adjustment and stamping of weights and measures, and weighing and measuring instrument in use in any area including the prohibition of stamping in case where the nature,

denomination, material or mode of construction of the weight or measure or weighing or measuring instrument appears likely to facilitate the commission of fraud and the period within which such weights and measures weighing and measuring instruments shall be verified or reverified;

(j) the seizure, detention and disposal of weights and measures which are not authorised by this Act;

(k) 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;

(l) the limits of error which may be tolerated in working or secondary standards;

(m) 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;

(n) 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;

(o) the form and manner in which appeals may be preferred against decisions of Inspectors and the procedure for hearing appeals;

(p) the fees which may be charged for the grant of licences under section 21 and for verification, reverification, stamping, adjustment and repairing of weights and measures and weighing and measuring instruments and the collection and levy of the same;

(q) the material, form and specification, and manufacture and sale of commercial weights and measures and weighing and measuring instruments;

(r) the circumstances and conditions under which and the manner in which stamp may be obliterated or defaced;

(s) any other matter which has to be, or may be prescribed.

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

(4) All rules made under this section shall, as soon as possible, after they are made, be laid for not less than fourteen days on the table of the Legislature and shall be subject to such modifications whether by way of repeal or amendment as that Legislature may make during the session in which they are so laid.

46. If any difficulty arises in giving effect to the provisions of this Act, the Government may as occasion may require, by order do anything which appear to them necessary for the purpose of removing the difficulty.

Power to remove difficulties.

47. (1) The Andhra Pradesh Weights, and Measures (Enforcement) Ordinance, 1958 (Andhra Pradesh Ordinance No. I of 1958), is hereby repealed.

Repeal of Andhra Pradesh Ordinance No. I of 1958.

(2) Notwithstanding such repeal, anything done or any action taken (including any rule notification or order issued) in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as

if this Act were in force on the day on which such thing was done or action was taken.

* * *