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THE SIKKIM. WEIGHTS AND MEASURES ACT, 1980

ARRANGEMENT OF SECTIONS

CHAPTER I

Preliminary

1. Short title, extent and commencement.
2. Act not to apply to inter-State trade or commerce
3. Definitions. '
4. Provisions of this Act to override the provisions of any other law except to the Central Act

CHAPTER II

APPOINTMENT OF CONTROLLERS, INSPECTORS AND OTHER OFFICERS

5. Appointment of Controllers, Inspectors, other officers and staff.
6. Power to authorize Inspector to adjust weights or measures.
7. Controller and officers appointed under this Act to be public servants.
8. Protection of action taken in good faith.

CHAPTER III

General provisions in relation to Standard Weights and Measures.

9. Prohibition *of* use of weights and measures other than standard weights and measures.
10. Use of weights only *or* measures only in certain cases.
11. Prohibition of quotations, etc. otherwise than in terms of standard unit of weight, measure or numeration.

CHAPTER IV

Custody and verification of standard equipments.

12. Custody and verification of reference standards.
13. Preparation of secondary and working standards.
14. Verification, Stamping- and Custody of Secondary or working standards
15. Secondary or working standard which may not be stamped.

**CHAPTER V,
Manufacture, repair or sale of weights or measures.**

16. Prohibition on the manufacture, repair or sale of weights or measures without license.
17. Suspension and cancellation of license.
18. Manufacture of weights or measures.
19. Prohibition of sale or use of unstamped weights or measures.
20. Maker, manufacturer etc., to maintain records and registers.

**CHAPTER VI
Verification and stamping of weights or
measures.**

21. Verification and stamping of weights or measures.
22. Display of certificate of verification.
23. Validity of weights or measures duly stamped.

**CHAPTER VII
Inspection, search, seizure and forfeiture.**

24. Power to inspect
25. . Power of Inspector for inspection to require production of weight or measures or .records for inspection
26. Power of Inspector Power to enter premises
27. Power to search
28. . Power of Inspector to Inspector to seize any weight or measure
29. Inspector to reseal or repack where net contents are found to have been correctly stated
30. Forfeiture

**CHAPTER VIII
Provisions with regard to commodities in packaged form sold or distributed
within the State.**

31. Provisions of the Central Act relating to packaged commodities to apply to packaged commodities sold or distributed within the State.

**CHAPTER IX
Provisions with regard to the sale of commodities in any' other form**

32. Sale of commodities by number.
33. Sale of commodities by heaps.

CHAPTER X
Offences and penalties

34. Penalty for manufacturing, etc., of non-standard weights or measures.
35. Penalty for counterfeiting of seals, etc.
36. Penalty for sale or delivery of commodities etc. by non-standard weights or measure.

37. Penalty for keeping non-standard weights or measures for use and for other contraventions.
38. Penalty for contravention of section 10.
39. Penalty for contravention of section 11.
40. Penalty for contravention of section 16.
41. Penalty for contravention of section 17.
42. Penalty for contravention of section 18.
43. Penalty for contravention of section 19.
44. Penalty for contravention of section 20.
45. Penalty for contravention of section 21.
46. Penalty for contravention of section 25.
47. Penalty for contravention of section 26.
48. Penalty for contravention of sections 27 and 28.
49. Penalty for contravention of section 31.
50. Penalty for contravention of section 32.
51. Penalty for contravention of section 33.
52. Penalty for tampering with license.
53. Penalty for selling or delivering rejected weights and measures.
54. Penalty for personating of officials.
55. Penalty for giving false information or maintaining false records or registers
56. Willful verification or disclosure in contravention of law.
57. Vexatious search.
58. Penalty for contravention of provisions not separately provided for.
59. Presumption to be made in certain cases.
60. When employer to be deemed to have abetted an offence.
61. Offences by companies.
62. Cognizance of offences.
63. Compounding of offences
64. Provisions of Indian Penal Code not to apply to any offence under this Act.

CHAPTER 'XI
, Miscellaneous.

- 65. Transfer or transmission of 'business.
- 66. Licenses neither saleable nor transferable.
- 67. Appeals.
- 68. Levy of fees.
- 69. Power to make rules. , .
- 70. Power of State Government to make provisions of Central Act relating to approval of models applicable to models of weights or measures intended to be used exclusively within the State.
- 71. Act where not to apply to the Armed Forces of the Union.
- 72; Repeal and Savings.

THE SIKKIM WEIGHTS AND MEASURES ACT 1980

ACT NO.4 OF 1980

AN

ACT

to provide for the enforcement of the standards of weights and measures established by or under the Central Act and for matters connected therewith or incidental thereto.

[5th 'April, 198

Be it enacted by the Legislature of the State of Sikkim in the Thirty first Year of the Republic of India as follows:

CHAPTER I

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Sikkim Weights and Measures Act, 1980.
- (2) It extends to the whole of the State of Sikkim.
- (3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different~
- (a) provisions of this Act,
 (b) areas,
 (c) classes of undertakings,
 (d) classes of goods,
 (e) classes of weights and measures, or
 (f) classes of users. of weights and measures,

and any reference in any such provision to the commencement of this Act shall be construed as reference to the coming into force of that provision in such areas, or in respect of such classes of undertakings, goods, weights and measures of users of weights and measures in relation to which this Act has been brought into force.

Act not to apply to inter - State trade or commerce.

2. Nothing in this Act shall apply to any inter-State trade or commerce in any weight or measure or in any other goods which are sold, delivered or distributed by weight, measure or number.

3.

Definitions.

In this Act, unless the context

(a) "additional controller" includes a Joint Controller, Deputy Controller and an Assistant Controller appointed under section 5;

(b) "authorized seal or stamp" means a seal or stamp made under, and in accordance with, the provisions of this Act;

(c) "Central Act" means the Standards of Weights and Measures Act, 1976;

(d) "controller" means the Controller of Legal Metrology appointed by the State Government under section 5;

(e) "counterfeit", in relation to a seal or stamp, means a seal or stamp which is so made as to resemble an authorized seal or stamp, as the case may be, intending by that resemblance to practice deception, or knowing it to be likely that deception will thereby be practiced.

Explanation 1. - It is not essential that the resemblance of the counterfeit seal or stamp to the authorized seal or stamp should be exact.

Explanation 2. - When a person causes a counterfeit seal or stamp to resemble an authorized seal or stamp and the resemblance is such that if a person relies on such seal or stamp, he might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the seal or stamp to resemble the authorized seal or stamp intended by means of that resemblance to practice deception knew it to be likely that deception would thereby be practiced;

(f) "Heap" means any unit of a commodity for sale where such sale is intended to be made, without any weighing or measurement or, where the sale is made by number, without counting the number;

(g) "inspector" means a person who is appointed as such under section 5, by whatever name called;

- (h) "mint" means a mint of the Central Government;
- (i) "notification" means a notification published in the Official Gazette;
- (j) "prescribed" means prescribed by rules made under this Act;
- (k) "protection" means the utilization of any weight or measure or any reading obtained with the help of any weight or measure, for the purpose of determining whether or not any step is required to be taken to safeguard the well-being of any human being or animal, commodity, vegetation or thing, whether individually or collectively;
- (l) "standard weight or measure" means a weight, measure or number which conforms to the standards established in relation thereto by or under Central Act;
- (m) words and expressions used in this Act and not defined but defined in the Central Act shall have the meanings respectively assigned to them in that Act.

Provision of this Act to override the provisions of any other law except the Central Act.

4. The provision of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act and the Central Act or in any instrument having effect by virtue of any enactment other than this Act or the Central Act.

CHAPTER II

Appointment of Controllers, Inspectors and other Officers,

Appointment of Controllers, Inspectors, other officers and staff.

S. (1) The State Government may, by notification, appoint a Controller of Legal Metrology for the State and as many Additional, Joint, Deputy or Assistant Controllers, Inspectors and other officers and staff as may be necessary for exercising the powers and efficiently discharging the duties conferred or imposed on them by or under this Act.

(2) Every Additional Controller, appointed under subsection (1), shall exercise such powers, and discharge such functions, of the Controller, as the State Government may, by notification, authorize in this behalf.

(3) The Controller may, by general or special order define the local limits within which each Additional Controller or each Inspector shall exercise the powers and discharge the duties conferred or imposed on him by or under this Act.

(4) Subject to the provisions of this Act, every Additional Controller and every Inspector shall perform his functions and discharge the duties of his office under the general superintendence, directions and control of the Controller and shall exercise those powers and discharge those duties in the same manner and with the same effect as if they had been conferred or imposed on him under this Act and not by way of authorization.

(5) The Controller and every Additional Controller may also

- (a) perform all or any of the functions of; and
- (b) exercise all or any of the powers conferred by this Act or any rule or order made there under, on an Inspector.

6. Where the Controller is of opinion that it is necessary so to do, he may, by an order in writing, authorize an Inspector, or other Officer not below the rank of an Inspector, to adjust any weight or measure in any area within the local limits of his jurisdiction.

Power to authorize Inspector to adjust Weights or measures.

7. The Controller and every Additional Controller, and every Inspector and every other person authorized to perform any duty by or under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Controller and officers appointed under this Act to be public Servants.

8. No suit, prosecution or other legal proceedings shall lie against the Controller or any additional Controller, or any Inspector or any other person authorized to perform any duty by or under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rule or order made there under.

Protection of action taken in good faith.

CHAPTER III

General provisions in relation to Standard Weights and Measures.

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

9. (1) Notwithstanding any custom, usage or method of whatever nature, no weight or measure other than the standard weight or measure shall be used or kept in any premises within the State of Sikkim in such circumstances as to indicate that such weight or measure is intended, or is likely, to be used for any weighing or measurement.

(2) Any custom, usage, practice or method of whatever nature which permits a person to demand, receive, or cause to be demanded or received within the State of Sikkim, any quantity of article, thing or service in excess of, or less than, the quantity specified by weight or measure in the contract or other agreement in relation to the said article, thing or service shall be void.

(3) On and from the commencement of this Act, no weight, measure or number, other than the standard weight, measure or number, shall be used in, or form the basis of, any contract or other agreement in relation to any trade or commerce within the State of Sikkim.

(4) Any contract or other agreement, which contravenes the provisions of sub-section (3), shall be void.

Use of weights only or measures only in certain cases.

10. (1) The State Government may, by rules made in- this behalf, direct that in respect of the class of goods or undertakings or users specified therein

- (a) no transaction, dealing or contract shall be made or had; or
- (b) no industrial production shall be undertaken; or
- (c) no use of protection shall be made, within the State of Sikkim, except by such weight, measure or number as may be specified in the said rules.

(2) Any rule made under sub-section (1) shall take effect in such area, from such future date and subject to such conditions, if any, as may be specified therein.

11. Except where he is permitted under the Central Act so to do, so no person shall, in relation to any goods or things which are sold, transferred, distributed or delivered, or any services rendered within the State of Sikkim,

. Prohibition of quotations, etc. otherwise than in terms of standard units of weight, measure or numeration.

(a) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge; or

(b) issue or exhibit any price list, invoice, cash memo or other document; or

(c) prepare or publish any advertisement, poster or other document; or

(d) indicate the contents of any package either on itself or on any label, carton or other thing; or

(e) indicate the contents on any container; or

(f) express, in relation to any transaction, industrial production or protection, any quantity or dimension, otherwise than in accordance with the standard units of weight, measure or numeration.

CHAPTER IV

Custody and verification of standard equipments.

12. Every reference standard, supplied by the Central Government to the State Government, shall be kept at such place and in such custody as may be prescribed, and no such reference standard shall be deemed to be a reference standard and shall be used as such unless it has been verified and authenticated in accordance with the rules made under the Central Act.

Custody and verification of reference standards.

13. The State Government may cause to be prepared at a Mint as many sets of secondary standard or working standard, verified and authenticated by the Mint in such manner as may be specified under the Central Act, as it may think necessary:

Preparation of secondary and working standards.

Provided that where the Mint intimates the State Government in writing that it is unable to prepare secondary standard or working standard weight or measure, that Govern

ment may cause such secondary standard or working standard' weight or measure to be prepared by such person as it may think fit and such secondary standard or working standard weight or measure shall be verified and authenticated by such authority as may be specified by rules made under this Act and every such verification and authentication shall be made in the manner specified under the Central Act.

*Verification, Stamping
and Custody of
Secondary or working
standards. .*

14. (1) Every secondary standard or working standard shall conform to the standards established by or under the Central Act and shall be verified with the reference standard or secondary standard, as the case may be, in such manner and at such periodical intervals as may be specified by or under that Act and shall, if found on such verification to conform 'to the standards established by or under that Act, be stamped.

(2) Where any secondary standard or working standard is stamped under sub-section (1), a certificate shall be separately issued showing the date on which such weight or measure was stamped.

(3) Every verification and stamping referred to in subsection (1) shall be made by such person or authority as may be prescribed.

(4) A secondary standard or working standard which is not verified and' stamped in accordance with the provisions of sub-section (1) shall not be deemed to be a secondary standard or working standard, as the case may be, and shall not be used for the verification of any working standard or, as the case may be, of any weight or measure, not being a national prototype or a reference standard or secondary standard.

(5) Every secondary standard shall be kept at such place and in such custody as may be prescribed.

*Secondary or working
standard which may
not be stamped.*

15. Where the State Government is of opinion that by reason of the size or nature of any secondary standard or working standard, it is not desirable or practicable to put stamp thereon, it may direct that instead of putting a stamp on such secondary standard or working standard, a certificate may be issued to the effect that such secondary standard or

working standard conforms to the standards established' by or' under the Central Act and every secondary standard or working standard so certified shall be deemed to have been duly stamped under this Act on the date., on which such certificate was issued'.

CHAPTER V".

Manufacture Repair or Sale of Weights. or Measures;

16. (1) No person shall make, manufacture,. repair or sell any weight or measure unless he holds a valid license issued in this behalf by the Controller authorizing such person to do, so:

Prohibition on the manufacture, repair, or sale of weights, or' measures without license.

Provided that a person who bonafide repairs in his. premises any weight or measure owned by him shall not be required to take out. a license referred to in this sub-section. if he, in the opinion of the Controller

(a) has the technical competence and the necessary equip-ment to repair such weight or measure; or

(b) having the necessary equipment 'for .the repair of such weight or measure in his possession, has persons in his. employment who have the technical competence to repair such, weight or measure.

(2) Every license issued under this section

(a) hall be in such form as may be prescribed;

(b) shall be issued on payment of such .fees as may be prescribed;

(c) shall be. valid for such period as may be specified, therein;

(c)

(d) may be renewed from. time to time; and.

(e) may contain such conditions and restrictions as, my be prescribed.

(3) Every license issued under any Sikkim Law relating: to weights and measures shall, if in force immediately before the commencement of this Act, continue to be. in force until the, expiry. of the period of its validity or. until the cancella.

tion thereof, whichever is earlier, and may be renewed under this Act if an application for its renewal is made in the prescribed form at least one month before the expiry of the period of its validity.

(4) A person who intends to commence, after the commencement of this Act, business as a maker, manufacturer, repairer or seller of any weight or measure, shall make an application in such form as may be prescribed for the issue of a license and every license so issued may be renewed if an application for its renewal is made in the prescribed form at least one month before the expiry of the period of its validity.

(5) The Controller may, if he is satisfied that the maker, manufacturer, repairer or seller, as the case may be, of any weight or measure was prevented by sufficient cause from making application for the renewal of his license before the expiry of the period of the validity thereof, permit him to make the application within a further period of one month from the date of expiry of the said period on payment by him of such further fee, not exceeding the fee which is payable for the issue of the licence.

(6) On receipt of an application for the issue of a licence under this section, the Controller may, if he is satisfied, after making such inquiry as he may think fit, that the applicant fulfils the prescribed conditions, issue such licence:

Provided that no application for the issue of a licence shall be rejected unless the applicant has been given a reasonable opportunity of making representation against the proposed action.

(7) No application for the renewal of a licence issued under this section shall be rejected unless

(a) the holder thereof has been given a reasonable opportunity of showing cause against the proposed action; and

(b) the Controller is satisfied that

(i) the application has not been made within the time specified in this section; or

(ii) the applicant has made any statement in, or in relation to, the application for the issue or

renewal of the licence which is incorrect' or false in any material particular: or

(Hi) the applicant has contravened any provision of Central Act or any rule made there under or of this Act or any rule made there under.

(8) The Controller may require every repairer licensed under this Act to furnish to the State Government security for such sum, not exceeding two thousand rupees, as may be prescribed, to enable that Government to compensate any owner of weight or measure for any loss or damage occasioned by such repairer.

(9) Nothing in this section shall apply to the sale by a user (who is not a maker, manufacturer, dealer or repairer) or any weight or measure of such description, as may be prescribed.

(10) Every licence issued or renewed under this Act shall be displayed in a conspicuous place in the premises where the licensee carries on this business.

17. (I) The Controller may, if he has any reasonable cause to believe that the holder of any licence issued, renewed or continued under this Act has made any statement in, or in relation to, any application for the issue or renewal of the licence which is incorrect or false in any material particular or has contravened any provision of the Central Act or any rule made there under or of this Act or any rule made there under, suspend such licence, pending the completion of any inquiry or trial against the holder of such licence:

Suspension and cancellation of licence.

Provided that no such licence shall be suspended unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

(2) The Controller may, if he is satisfied after making such inquiry as he may think fit that the holder of a licence has made a false or incorrect statement of the nature referred to in sub-section (1), or has contravened any law referred to in that sub-section, cancel such licence;

-Provided. that no such licence shall be cancelled. unless. the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

(3) Every Person whose licence has been, suspended shall, immediately after. such suspension, stop functioning as such Licensee and shall; not resume business as such licensee until the order of such suspension has been vacated.

(4) Every licensee whose licence has been suspended or. cancelled shall. immediately after such suspension or cancellation, as the case may be, surrender such licence to the. authority by which, such licence was issued.

(5).Every licensee whose license has been cancelled shall, within a period of thirty days from the .date of such cancellation (or within such further' period, not exceeding months from such date, as the Controller may, on sufficient cause being shown,. allow)" dispose of the weights or measures. which were in his possession, custody or control on the date of such cancellation, and in the event of his failure to do so, *the* Controller or any other officer authorized by him, in writing, in this behalf may seize and dispose of the: same and distribute the proceeds thereof in such, manner as may be prescribed.

*Manufacture .of wei
ght or measures.*

18 Save as otherwise provided in the Central Act,
no person shall,-

(a) make, or. manufacture any weight or. measure unless, such weight or measure conforms to the standards" established by or under the Central Act;

(b) make. or. manufacture any weight or measure with indications. thereon of any weight, or. measure other, than the units specified by or under-. the Central Act.

19. No, weight or measure, which is required by or under this Act to be verified and stamped shall be sold, used or. , kept, for use unless it has. been verified and stamped.

20. (1) Every. maker, manufacturer, repairer or dealer and: every. person using any weight or measure in any transaction, or for industrial production or, for, protection shall maintain.

such records. and registers .as may be prescribed, and, if required to do so by an. Inspector, shall produce such records and registers before the Inspector for inspection.

(2) Notwithstanding anything contained in sub-section (1), if the Controller is of opinion that having regard to the nature or volume of the business carried on by any maker, manufacturer, dealer, repairer or user of any weight or measure, it is necessary so to do. he may, by order, exempt such maker, manufacturer, dealer, repairer or user from the operation of that sub-section.

CHAPTER VI

Verification and stamping of weights or measures.

21. (1) Every person having any weight or measure in his possession, custody or control in circumstances indicating that such weight, or measure is being, or is intended to be, used by him in any transaction or for industrial production or for protection, shall before putting such weight or measure into use, have such weight or measure verified at such place, and during such hours as the Controller may, by general or special order, specify in this behalf (hereinafter referred to as the specified place or specified time).

Verification and, stamping of weight or measures.

(2) Every weight or -measure referred to in sub-section (1) shall be reverified at such periodical intervals as may be prescribed.

(3) Every Inspector shall. for the purpose of verification of any weight or measure, attend the specified place (within the local limits of his jurisdiction) at the specified time and verify every weight or measure which is brought to him at such place and within such time and shall, if he is satisfied that such weight or measure conforms to the standards established by or under the Central Act, put his stamp thereon:

Provided that where any weight or measure is such that it cannot, or should not, be moved from its location, the Inspector shall take such steps for the. verification of such weight or measure as may be prescribed.

(4) Where any verification has been made under subsection' (3), the Inspector shall grant to the person 'referred to in sub-section (1) a certificate in 'the prescribed *form* indicating therein the particulars *of* the weight *or* measure verified and stamped by him.

(5) Where the Controller is *of* opinion that by reason of the size or nature of any weight *or* measure, it is not desirable to put a stamp thereon, he may, by an order in writing, direct that instead of putting a stamp on such weight or measure. a certificate may be issued to the effect that such weight *or* measure conforms to the standards established by *or* under the Central Act and every weight *or* measure so certified shall be deemed to have been duly verified and stamped under this Act.

Display of certificate of verification.

22. Every certificate *or* verification granted under this Act shall be displayed in a conspicuous place in the premises where such weight *or* measure is being, *or* is intended to be, used in any transaction or for industrial production or *for* protection.

Validity of weights or measures duly stamped.

23. (1) A weight or .measure which is, or is deemed to be, duly verified and stamped under this Act shall be deemed to conform to the standards established by or under the Central Act at every place within the State of Sikkim unless it is found on inspection or verification, that such weight or measure does not conform to the standards established by or under that Act.

(2) No weight or measure which is, or is deemed to be, duly verified and stamped under this Act shall require to be re-stamped merely by reason *of* the fact that it is being used at any place within the territory of the State *of* Sikkim other than the place at which it was originally verified and stamped:

Provided that where a verified weight or measure, installed at one place, is dismantled and re-installed at a different place" such weight or measure shall not be put into use unless it has been re-verified and stamped notwithstanding that periodical re-verification of such weight or measure: has not become due.

CHAPTER VII

Inspection, search seizure anti forfeiture.

24. (1) An Inspector may, within the local limits of his jurisdiction, inspect and test, at all reasonable times, any weight or measure which *Power to inspect.*

- (i) is being, or is intended to be, used or
- (ii) is in the possession, custody or control of any person; or
- (iii) is in or on any premises;

in such circumstances as to indicate that such weight or measure is being, or is intended or likely to be, used in any transaction or for industrial production or protection, and may also verify whether such weight or measure is in conformity with the standards established by or under the Central Act.

(2) For the purpose of ascertaining the correctness of any weight or measure used in any transaction, any Inspector may also test the weight or measure of any article sold or delivered to any person in the course of such transaction.

25. (1) An Inspector may, if he has any reasonable cause to believe that an offence punishable under this Act has been or is likely to be committed in respect of any weight or measure or that any weight or measure does not conform to the standard established by or under the Central Act require, at all reasonable times, the person having the control of such weight or measure 1 [to produce before him for inspection every such weight or measure] which *Power of Inspector to require production of weight Or measure or records for inspection.*

- (i) is used by such person or is caused by such person to be used by any other person; or
- (ii) is in the possession, custody or control of such person for use; or
- (iii) is kept in or on any premises for use in any transaction or for industrial production or for protection.

1. Inst. by sec. 2 of the S.W.&M.(Amd.) Act No 11-of 1980 (w.e.f. 1-6-1981).

(2) The Inspector may also require the production of every document or other record relating to the weight or measure referred to in sub-section (1) and the person first mentioned in that sub-section shall comply with such requisition.

(3) On inspection, whether under section 24 or- under this section, the Inspector may obliterate the stamp on any weight or measure

- (a) which does not, or cannot be made to, conform to the standards established by or under the Central Act:

Provided that where the Inspector is of opinion that the defect or error in such weight or measure is *not* such as to require immediate obliteration of the stamp, he shall serve a notice on the user of such weight or measure informing him of the defect or error found in the weight or measure and calling upon him to remove the defect or error within such time, *not* exceeding eight days, as he may specify and shall

(i) if the user fails to remove the defect or error within that period, obliterate the stamp; or

(ii) if the defect or error is so the weight removed as to make or measure conform to the standards established by or under the Central Act, verify such put his weight or measure and stamp thereon;

(b) which does not admit of proper adjustment Owing to its being broken, indented or otherwise defective;

(c) which, since the last verification and stamping, has been repaired or re-adjusted *but* does not, after such repair or re-adjustment, conform to the standards established by or under the Central Act;

(d) which, being due *for* verification, has not been submitted *for* such verification.

*Power of Inspector.
to enter premises.*

26. (1) An Inspector may, if he has any reason to believe, whether from any information should be given to him by any person and taken down by him in writing or from personal knowledge, or otherwise that an offence punishable under this

Act has been or is likely to be committed in relation to any weight, measure or other goods which are sold, delivered or distributed by weight, enter measure Or number, at all reasonable times, into any premises

(i) where such weight or measure is used, or kept or believed to be kept for use in any transaction or for industrial production or for protection;

(ii) where such goods are manufactured, packed, distributed or sold or kept or offered for sale in packaged form and inspect or verify any weight, measure or the net contents, by ,weight, measure or number, of any package, and may also examine any document or other record relating thereto.

(2) An Inspector may at all reasonable times enter into any premises for such purposes other than those specified in sub-section (1), as may be prescribed.

27. (1) Where the Controller has reason to believe that any weight or measure, liable to be seized under this Act. or any document, or thing. in relation to any weight or measure. will be. in his opinion useful for or relevant to, any proceeding under this Act, is secreted in any place, he may search or authorize any officer, not below the rank of an Inspector, to search for such weight or measure. document or thing, and the general provisions relating to search under the Code of Criminal Procedure in force in Sikkim shall apply to every such search.

Power to inspect,

(2) Every authorization made by the Controller under sub-section (1) shall be deemed to be a search warrant referred to in the general provisions relating to searches under the Code of Criminal Procedure in force in Sikkim.

28. (1) An Inspector may seize and detain any weight or measure in relation to which an offence under this Act appears to have been committed or which is likely to be used in the commission of such offence, and may also seize and detain any goods sold or delivered, or caused to be sold or delivered, by such weight or measure:

*Power of Inspector
to seize any weight
or measure.*

Provided that where any goods seized under this subsection are subject to speedy or natural decay, the Inspector

may dispose of such goods in such manner as may be prescribed.

(2) Where any weight or measure seized and or any article is detained under sub-section (1) also seize and the Inspector may detain any document or record relating to such weight, measure or article.

Inspector to reseal or re-pack where contents are found to have been correctly stated.

2). If, on verification of any commodity in packaged form, the net weight, measure or number of commodity contained in the package or container is found to agree with the net contents thereof, as stated on the label thereon, the Inspector shall, where the person from whom such commodity was obtained for verification is

(a) the manufacturer or packer of such commodity, get the commodity re-sealed or re-packed, as the case may be; or

(b) a person who buys or sells such commodity, in wholesale or retail, acquire such package or container on payment in cash to such wholesaler or retailer the market price of the commodity contained in such package or container.

Forfeiture.

30. Every false or unverified weight or measure seized under the provisions of this Act shall be liable to be forfeited to Government

CHAPTER VIII

Provisions with regard to commodities in packaged form sold or distributed within the State.

Provisions of the Central Act relating to packaged commodities to apply to packaged commodities sold or distributed within the State.

31. (1) The provisions of the Central Act with regard to commodities in packaged form shall, as far as may be, apply to every commodity in packaged form which is distributed, packed, sold, kept, offered or exposed for sale in the State of Sikkim as if those provisions were applicable to trade or commerce within the State subject to the modification that any reference therein to the Central Government and the Central Act shall be construed as references, respectively to the State Government and this Act.

(2) An Inspector may, from time to time, inspect the weight or measure, or count number, of the commodity contained in any package which is

- (i) kept at any place where the commodity is packed; or kept,
- (ii) offered or exposed for sale; or
- (iii) sold, delivered, held in possession or is in the process of delivery;

within the State of Sikkim with a view to determining whether the package contains the quantity or number of the commodity as specified on it or on the label thereon.

(3) Where the Inspector finds, after weighing, measuring or counting, that any package does not contain the quantity or number of the commodity, as specified on it or on the label thereon, or does not conform to the provisions of the Central Act or any.. rule or order made there under, he may seize such package and may also, by order, prohibit the sale of each package which is similar to the seized package and may so mark or seal each package as to indicate clearly that the sale or delivery of such package has been prohibited, and no such package shall be sold or kept, offered or exposed for sale or delivery or otherwise disposed of unless

(i) the contents of such package have been brought into conformity with the provisions of the Central Act or any rule or order made there under, by the manufacturer, packer or distributor thereof; or

(ii) the disposal thereof has been authorised by the Controller.

(4) No person shall keep in any place, where any transaction is made, any commodity in packaged form which is not for sale, and if any commodity in packaged form is kept in such place in contravention of the provisions of this "Lb-section, such commodity shall be presumed to have been kept in such place for sale.

CHAPTER IX

Provisions with regard to the sale of commodities in any other form.

32. (1) Where the sale of any commodity is made by number and the number of the commodity delivered to the purchaser in pursuance of such sale is lesser than the number paid for. the seller shall be deemed to have used a false measure.

*Sale of commodities
by number.*

(2) Where, in relation to any commodity sold by number, there is a custom or usage of delivering a fixed number or such commodities in addition to the number of commodities paid for, such custom or usage shall, on and from the commencement of this Act, cease, and if the seller delivers to the purchaser the additional.. number of commodities in accordance with such custom or usage, he shall be deemed to have used a false measure and the purchaser shall be deemed to have abetted the use of such false measure.

*Sale of Commodities
by heaps.*

33. (1) Where any commodity is sold by heaps the approximate weight, measure or the number of commodity contained in each heap shall be conspicuously announced by the seller or his agent, if any, either by word of mouth or by a written notice placed on each heap:

Provided that no such announcement shall be necessary in the case of a heap the market price of the contents of which does not exceed one rupee.

(2) Where; on weighment measurement or counting of any commodity sold by heap, it is found that the *weight*, measure or number, determined by such weighment, measurement or counting is less than the approximate weight, measure or number announced by the seller or his agent and the deficiency is more than five per cent of such announced weight, measure or number, the seller shall be deemed to have used a false weight or measure.

CHAPTER X - Offences and penalties.

*Penalty for manufac-
turing. etc., of non-
standard weights or
measures.*

34. Whoever

(a) makes or manufactures, or causes to be made or manufactured (except where he is permitted under the Central Act so to do), any weight or measure in accordance with any standards other than the standards established by or under the Central Act; or

(b) (i) sells or otherwise transfers, or causes to be sold or otherwise transferred; or .

(ii) lets, or causes to be let, on hire, any weight or measure which has been manufactured in accordance with any standards other than the standards established by or under

the Central Act, shall be punished with imprisonment for a term which may extend to one year, and for the second or subsequent offence. with imprisonment for a term which. may extend to five years and also with fine.

35. (1) Whoever

(i) counterfeits any seal specified by or under the Central Act; or

(ii) sells or otherwise disposes of any counterfeit seal; or

(iii) possesses any counterfeit seal; or

(iv) counterfeits any stamp whether made under this Act or the Central Act or any rule made under either of those Acts; or

(v) removes any stamp made, whether under this Act or the Central Act or any rule made under either of those Act, or tampers with any stamp so made; or

(vi) removes any stamp made, whether under this Act or the Central Act or any rule made under either of those Act, and affixes the stamp so removed on, or inserts the same into, any other weight Or measures; or

(vii) wilfully increases or diminishes or alters in any way any weight or measure with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby, shall be punished with imprisonment for a term which may extend to two years and, *for* the second or subsequent offence with imprisonment for a term which may extend to five years and also with fine.

(2) Whoever obtains, by unlawful means, possession of any seal specified by or under this Act or the Central Act and uses, or causes to be used, any such seal for making any stamp on any weight or measure with a view to representing that the stamp made by such seal is authorised by or under this Act or the Central Act shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

*Penalty for
Counterfeiting of
seals, etc.*

(3) Whoever, being in lawful possession of a seal specified by or under this Act or the Central Act uses, or causes to be used, such seal without any lawful authority *for* such use, shall be punished with imprisonment *for* a term which may extend *to two* years, and *for* the second or subsequent offence, with imprisonment *for* a term which may extend *to* five years and also with fine.

(4) Whoever sells, offers or exposes *for* sale or otherwise disposes of any weight or measure which, he knows or has reason *to* believe, bears thereon a counterfeit stamp, shall be punished with imprisonment *for* a term which may extend *to two* years, and for the second or subsequent offence, imprisonment *for* a term which may extend *to* five years and also with fine.

Penalty for sale or delivery of commodities etc. by non-standard weight or measure.

36. (1) Except where he is permitted under the Central Act *so* to do, whoever sells, or causes *to* be sold, delivers, or causes *to* be delivered, any commodity, article or thing by any weight measure or number *other* than the standard weight, measure or number, shall be punished with fine which may extend *to* two thousand rupees, and, for the second or subsequent offence, with imprisonment *for* a term which may extend *to* one year and also with fine.

(2) Whoever renders, or causes to be rendered, any service in terms of *any* weight, measure or number other than the standard weight, measure or number, shall be punished with fine which may extend *to* two thousand rupees, and for the second or subsequent offence, with imprisonment for a term which may extend *to* one year and also with fine.

Penalty for keeping non-standard weights or measures for use and for other contraventions.

37. (1) Whoever keeps any weight or measure other than the standard weight or measure in any premises in such circumstances as to indicate that such weight or measure is being, or is likely to be, used for any

(a) weighing or measurement; or

(b) transaction or for industrial production or for protection, shall be punished with fine which may extend *to* two thousand rupees, and for the second or subsequent offence with imprisonment for a term which may extend *to* one year and also with fine.

(2) Whoever,

(i) in selling any article or thing by weight, measure or number, delivers, or causes to be delivered, to the purchaser any quantity or number of that article or thing less than the quantity or number contracted for or paid for; or

(ii) in rendering any service by weight, measure, or number renders that service less than the service contracted for or paid for; or

(iii) in buying any article or thing by weight, measure or number, receives, or causes to be received, from the vendor any quantity or number of that article or thing in excess of the quantity or number contracted for or paid for; or

(iv) in obtaining any service by weight, measure or number, obtains that service in excess of the service contracted for or paid for, shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence with imprisonment for a term which may extend to five years and also with fine.

(3) Whoever enters, after the commencement of this Act, into any contract or other agreement (not being contract or other agreement for export) in which any weight, or measure or number is expressed in terms of any standard other than the standard weight, measure or number established by or under the Central Act, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

38. Whoever, in relation to any specified class of goods undertakings or users, of weights or measures, uses in any transaction or for industrial production or for protection, any weight, measure or number, other than the weight, measure or number specified by rules made under section 10, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine

Penalty for contravention of section 10.

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Penalty for contravention of Section II 39'. Except where he is permitted under the Central Act so to do, whoever in relation to any goods or things which are sold, transferred, distributed or delivered, or any service rendered,

(a) quotes any price or charge, or makes any announcement with regard to the price or charge; or

(b) issues or exhibits any memo, or price list, invoice, cash other document; or

(c) prepares or ether publishes any advertisement, poster or document; or

(d) indicates the weight, measure or number of the net contents of any package on any label, carton or other thing: or

(e) expresses in relation to any transaction, industrial production or protection, any quantity or dimension, otherwise than in accordance with the standard units of weight, measure or numeration, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for contravention of Section 16. 40. Whoever, being required to obtain a license under this Act, makes, manufactures, repairs or sells any weight or measure, without being in possession of a valid licence, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty far contravention of Section 17. 41. A licensee who after the suspension or cancellation of the licence issued, renewed or continued under Act, omits or fails, to stop function as a licensee under this Act, shall be punished with imprisonment for a term which may extend to one year.

Penalty for contravention of Section 18. 42. Except where he is permitted under the Central Act so to do, whoever makes or manufactures any weight or measure which,

(a) though ostensibly purports to conform to the standards established by or under that Act does not actually conform to the said standards; or

43. Whoever sells, uses or keeps for use any weight or measure which, being required to be verified and stamped under this Act, has not been so verified and stamped shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for contravention of section 19.

44. Whoever, being required by section 20 to maintain any record or register, omits or fails to do so, or being required by an Inspector to produce any records or registers for his inspection, omits or fails to do so, shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for contravention of section 20.

45. Whoever, being required by section 21 to present any weight or measure for verification or reverification omits or fails, without any reasonable cause, to do so, shall be punished with fine which may extend to five hundred rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for contravention of section 21.

46. Whoever, being required by an Inspector, or any person authorised by or under this Act to exercise the powers of an Inspector, to produce before him for inspection any weight or measure, or any document or other record relating thereto, omits or fails, without any reasonable cause; to do, so, shall

Penalty for contravention of section 25,

be punished with fine which may extend to one thousand rupees, and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for contravention of section 26. 47. Whoever obstructs the entry of an Inspector, or any person authorised by or under this Act to exercise the powers of an Inspector, into any premises for the inspection or verification of any weight or measure or any document or other record relating thereto or the net contents of any packaged commodity or for any other prescribed purpose shall be punished with imprisonment for a term which may extend to two years and, for the second or subsequent offence, with imprisonment for a term which may extend to five years,

Penalty for contravention or section 27 and 28. 48. Whoever prevents Controller or any officer authorised by the Controller in this behalf, from searching any premises or from making any seizure of any weight, measure, packaged goods, document, record or label, shall be punished with imprisonment for a term which may extend to two years and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Penalty for contravention of section 31. 49. (1) Whoever manufactures, distributes, packs, sells or keeps for sale or offers or exposes for sale, or has in his possession for sale, any commodity in packaged form, shall, unless each such package conforms to the provisions of section 31, be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(2) Whoever manufactures, packs, distributes or sells, or causes to be manufactured, packed, distributed or sold, any commodity in packaged form knowing or having reason to believe that the commodity contained in such package is lesser in weight, measure or number than the weight, measure or number, as the case may be, stated on the label thereon, or it does not conform to the provisions of the Central Act or any rule or order made thereunder, shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to three thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

50. Whoever is deemed under section 32 to have used, or abetted the use of, any false measure, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

Penalty for contravention of section 32.

51. Whoever sells any commodity by heaps without complying with the provisions of section 33, shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for contravention of section 33.

52. Whoever alters or otherwise tampers with any license issued or renewed under this Act or any rule made there under other than in accordance with any authorization made by the Controller in this behalf, shall be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to one year, or with both.

Penalty for tampering with license.

53. Whoever sells, delivers or disposes of, or causes to be sold, delivered or disposed of, any weight or measure which has been rejected on verification under this Act or the Central Act, or any rule made under either of the said Acts, shall be punished with imprisonment for a term which may extend to one year, and with fine which may extend to two thousand rupees, or with both:

Penalty for selling or delivering rejected weights and measures.

Provided that nothing in this section shall apply to the sale, as scrap, of any rejected weight or measure which has been defaced in the prescribed manner.

54. Whoever personates in any way the Controller or the Inspector or any other officer authorised by the Controller shall be punished with imprisonment for a term which may extend to three years.

Penalty for personating of officials.

55. (1) Whoever gives information to an Inspector which he may require or ask in the course of his duty and which such person either knows or has reason to believe to be false or does not believe to be true shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupee's 'or with both.

Penalty for giving false information or maintaining false records or registers.

(2) Whoever, being required by or under this Act so to do maintains any record or register, which is false in any material particular, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and, also with fine.

Willful verification or disclosure in contravention of law.

56.(1) If any Inspector or any other officer exercising powers under this Act or any rule made there wilfully verifies or stamps any weight or measure in contravention of the provisions of this Act or of any rule made there under, he shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine, which may extend to two thousand rupees, or with both.

(2) If any Inspector or other officer who enters into any premises in the course of his duty wilfully discloses except in the performance of such duty, to any person any information obtained by him from such premises with regard to any trade secret or any secret in relation to any manufacturing process, he shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Vexatious search.

57 An Inspector or any other officer exercising powers under this Act or any rule or order made there under who knows that there are no reasonable grounds for so doing, and yet

- (a) searches, or causes to be searched, any house, conveyance or place; or
- (b) searches any person; or
- (c) seizes any weight, measure or other movable property shall, for every such offence, be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both.

Penalty for contravention of provisions not separately provided for.

58. Whoever contravenes any provision of this Act for the contravention of which no punishment has been separately provided for in this Act, shall be punished with fine which may extend to two thousand rupees.

59 (1) If any person

- (a) makes or manufactures, or causes to be made or manufactured, any false weight or measure, or
- (b) uses, or causes to be used, any false or unverified weight or measure in any transaction or for industrial production or for protection, or
- (c) sells," distributes, delivers or otherwise transfers, or causes to be sold, distributed, delivered or otherwise transferred, any false or unverified weight or measure ,it shall be presumed, until the contrary is proved, that he had done so with the-knowledge that weight or measure was a false or unverified weight or measure, as the case may be.

Presumption to be made in certain cases.

(2) If any person has in his possession, custody or control any false or unverified weight or measure in such circumstances as to indicate that such weight or measure is likely to be used in any transaction or for industrial production or for protection, it shall be presumed, until the contrary is proved, that such false or unverified weight or measure was possessed, held or controlled by such person with the intention of using the same in any transaction or for. industrial production or for protection.

60. (1) Any employer who knows or has reason to believe that any person employed by him has, in the course of such employment, contravened any provision of this Act or any rule made there under, shall be deemed to have abetted an offence against this Act:

When employer to be deemed to have abetted an offence.

Provided that no such abetment shall be deemed to have taken place if such employer has, before the expiry of seven days from the date

- (a) on which he comes to know of the contravention; or
- (b) has reason to believe that contravention has been made;

intimated writing to the Controller the name of the person by whom such contravention was made and the date and other particulars of such contravention.

(2) Whoever is deemed under sub-section (1) to have abetted an offence against this Act shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Explanation.-Dismissal or Termination of service of an employee after the expiry of the period specified in the proviso to subsection (1) shall not absolve any employer of his liability, under this sub-section.

Offences by companies.

61. (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 and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1), where any 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, he 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.

Cognizance of offences.

62. Notwithstanding anything contained in the law relating to criminal procedure in force in Sikkim,

- (a) no court shall take cognizance to an offence punishable under this Act except upon a complaint, in writing, made by the Controller or any other officer authorised in this behalf by the controller by general or special order;
- (b) no court inferior to that of a Judicial Magistrate of the First Class shall try any offence under this Act;
- (c) any offence punishable under section 34, 36, 37, 38, 39,40,43,49, 50, 51 or sub-section (3) of section 69, may be tried summarily by a Magistrate and no sentence of imprisonment for a term exceeding one year shall be passed in the case of any conviction for an offence which is tried summarily under this section.

63. (1) Any offence punishable under section 37, 38, 39,40, 42, 43, 44, 45, 46, 49, 51, 53, 58, or sub-section (3) of section 69 may whether before or after the institution of the prosecution, be compounded, by the Controller or such other Officer as may be authorised in this behalf by the Controller, or payment for credit to the State Government of such sum as the Controller or such other officer may specify:

Compounding of offences.

Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded.

(2) Nothing in sub-section (1) shall apply to a person who commits the same or similar offence within a period of three years from the date on which the first offence, committed by him, was compounded.

(3) Where an offence has been compounded under sub section (I), no proceeding or further proceeding, as the case may be, shall be taken against the offender, in respect of the offence so compounded, and the offender, if in custody, shall be discharged forthwith.

(4) No offence under this Act shall be compounded except as provided by this section.

Provisions of Indian Penal Code; not to apply to any offence under this Act.

64. The provisions of the Indian Penal Code in so far as the such provisions relating to offences with regards to weight and measures shall not apply to any offences which is punishable under the Act

CHAPTER XI Miscellaneous.

Transfer or transmission of business.

65. (1) Where the business of a person licensed under this Act is transmitted by succession, intestate or testamentary, the heir or legatee, as the case may be, shall not carry on the business of such licensee either in his own name or in any other name. unless the heir or legatee has, before the expiry of six months after the date of such transmission, made to the Controller an application for the issue of a license in accordance with the provisions of this Act:

Provided that nothing in this section shall be deemed to prohibit the heir or legatee from carrying on business as such licensee for the aforesaid period of six months and, if he has applied for such licence, until he is granted the licence, or is, by notice in writing informed by the Controller that such licence cannot be granted to him.

(2) Where the business of any person licensed under this Act is transferred by sale, gift, lease or otherwise, the transferee or lessee, as the case may be, shall not carry on such business either in his own name or in any other name, unless he has obtained a licence to carry on such business.

*Licenses neither saleable nor transferable.
Appeals.*

66-A licence issued or renewed under this Act shall not be saleable or otherwise transferable.

67. (1) Subject to the provisions of sub-section (2), an appeal shall lie

(a) from every decision under Chapter V, VI, VII, VIII or IX of this Act, of

- (i) an Inspector;
- (ii) an additional Controller, to the Controller; and

(b) from every decision of the Controller under Chapter V, VI, VII, VIII or IX of this Act, not being a decision made in appeal under clause (a), to the State Government of 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 appealed against:

Provided that the appellate authority may if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days permit the appellant to prefer the appeal within a further period of sixty days.

(3) On receipt of any such appeal, the appellate authority shall, after giving the parties to the appeal a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order, as may think fit, conforming modifying or reversing the decision appealed against, or may send back the case with such direction as it may think fit for fresh decision after taking additional evidence, if necessary.

(4) Every appeal shall be preferred on payment of such fees; not exceeding twenty-five rupees, as may be so prescribed.

(5) The State Government may on its own motion or otherwise call for and examine the record or any proceeding (including a proceeding in appeal) in which any decision or order has been made, for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such orders thereon as it may think fit:

Provided that no decision or order shall be varied under this sub-section so as to prejudicially affect any person unless such person has been given reasonable opportunity of showing cause against the proposed action.

68. The State Government may, by rules made under section 69, levy such fees not exceeding:

Levy of fees.

- (a) one hundred rupees, for the issue or renewal of licence for making, manufacturing, repairing or selling any weight or measure;

- (b) fifty rupees, for the alteration of any. license
- (c) five thousand rupees, for the verification of any weight or measure;
- (d) ten rupees, for the adjustment of any weight Of measure;
- (e) ten rupees, for the issue of a duplicate of a licence or certificate of verification;
- (f) one rupee, for everyone hundred words or less, for the grant of any document, not being a document of a confidential' nature;
- (g) twenty. five rupees. for any appeal preferred under this Act.

Power to make rules.

69. (1) The State Government may, by notification, make rules to give. effect to the provision 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 class of goods, undertaking or users in relation to which no transaction, dealing or contract shall be made or had except by such weight, measure, or number;
- (b) the place at which, and the custody in which, the following standards shall be kept, namely:
 - (i) reference standards;
 - (ij) secondary standards;
 - (iii) working standards;
- (c) the person by whom or authority by which and the place at which the following standards shall be verified, authenticated and stamped, namely:
 - (i) secondary standards;
 - (ii) working standards;

- (d) the *form* in which and the manner in which an application shall be made for the issue or renewal of a licence to carry on business as a maker, manufacturer, repairer or dealer of any weight or measure;
- (e) the *form* which and the condition, limitations and restrictions subject to which any licence may be issued and the period of validity of such licence;
- (f) the sum to be furnished by a repairer as security of a licensee;
- (g) the description of weight or measure which may be sold by a user.;
- (h) disposal of weights or measures after cancellation of licence and the distribution of the proceeds thereof;
- (i) the records and the registers relating to weights or measures to be maintained by makers, manufacturers, repairers or dealers;
- (j) the period within which weights' or measures shall be verified, or reverified;
- (k) the steps to be taken for verifying any weight or measure which cannot be moved from its location;
- (l) the form in which a certificate of verification of any weight or measure shall be granted;
- (m) subject to the provisions of section 26, the purposes for which an Inspector may enter any premises;
- (n) the manner of disposal of seized articles which are subject to speedy or natural decay;
- (o) manner of defacement of rejected weights or measures;
- (p) the *form* in which appeals may be preferred and the procedure for the hearing or appeals;
- (q) the amounts of fees which may be levied and collected *for* each of the matters specified in section 68;
- (r) any other matter which is required 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 a fine which may be extend to one thousand rupees.

(4) The power to make rules under this section shall be, subject to the condition, of the rule being made after previous publication' in the Official Gazette.

(5) Every rule made under this section shall as soon as may be after it is made, be laid before the State Legislature.

Power of State Government to make provisions of Central Act relating to approval of models applicable to models of weights or measures intended to be used exclusively within the State.

70. (1) Where any type of weight or measure-manufactured by a licensed manufacturer is such that all the weights or measure of that type' manufactured by him within the State of Sikkim is intended to be sold; distributed or delivered 'therein, the State Government may, by notification, direct that the model of such type weight or measure

shall be submitted for approval in accordance with the provisions of sections 36, 37 and 38 of the Central Act, and thereupon the provisions of the said "sections 36, 37 and 38 shall become applicable to such model, and references in those sections to the Central Government and the Central Act" shall be construed as references respectively to the State Government" and 'this Act:

(2) Where the State Government makes a direction under sub-section (1) in relation to any type of weight or measure, any contravention of the provisions of sections 36, 37 or 38 of the Central Act in relation to that type of weight or measure shall be an offence punishable under this Act and the punishment provided there for in the Central Act shall be deemed to be the punishment provided there for in this Act as if the said provisions relating to punishments were enacted by this Act.

71) The provisions of the Act, in so far as they relate to the verification and stamping of weights and measures used for industrial production or for protection, shall not apply to any factory exclusively engaged in the manufacture of an arm or ammunition or both for the use of the Armed Forces

72. (1) On and "from the commencement of this Act, the provisions contained in Notification No. 9250-1999/B dated the 8th March, 1966 and all other Sikkim Laws in force in Sikkim relating to matters for which provisions have been made in this Act shall cease to have any force and effect.

Repeal and Savings.

(2) Without prejudice to the provisions contained in the Sikkim Interpretation and General Clauses Act, 1977, with respect to repeals, any appointment, notification, rule, order, registration, licence, certificate, notice, decision, approval, authorization or consent made, issued or given, under any Sikkim law shall, if in force at the commencement of this Act, continue to be in force and have effect as if made, issued or given under the corresponding provisions of this Act.