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# Mensuration that Matters

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SHOBINI D.<sup>1</sup>

## ABSTRACT

*Throughout human history, the capacity for measurement has been essential to advancement. India's engineering legacy has been present for up to 4000 years, as evidenced by the comparison of historical monument size with informal and official units. There were several units used in India for measuring length and area before to the adoption of the metric system. But now occasionally, commodities supplied by weight or measure turn out to be less than advertised simply due to traders using fictitious weights and measures. They frequently engage in this malpractice, so in order to protect the interests of all customers and raise awareness among them, the Indian Penal Code, 1860's Chapter XIII, Sections 264–267, in the context of "Weights and Measures," was amended to include these provisions. This will put an end to these unfair practices and ensure that those who commit them face consequences. This paper highlights the evolution and various laws pertaining to the regulation of the weights and measures.*

**Keywords:** *Weights, measures, IPC.*

## I. INTRODUCTION

The oldest known weighing scale artifacts date to approximately 2,000 B.C. and were found in the Indus River valley, close to modern-day Pakistan. In reality, those initial scales were balances, with two plates fastened to an overhead beam that was fixed to a central pole. The object to be measured was placed on one plate, then stones were added to the other plate until balance was achieved.

Excavated from Mohenjodaro, Harappa, and Chanhudaru, there were 558 weights in all (not counting damaged weights). After excavating weights from five distinct levels, each measuring approximately 1.5 meters in depth, they were unable to uncover any statistically significant variations between them. This demonstrated the existence of robust control for at least 500 years. One of the weight units that appears to be in use in the Indus Valley is 13.7 g. Based on the binary and decimal systems, the notation was used. The weights that were excavated from the three cities mentioned above were composed of 68% chert and 83% cubic weights.

In both religious and secular texts from India's Vedic era, weights and measurements are discussed. The Eight Chapters of the Grammarian Panini, the Apastamba Sutra, and the

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Satapatha Brahmana are a few sources that discuss several units of measurement. During the period of King Ashoka, a separate post known as “Panyadhyaksha” was created who served as the inspector of weights and measures.

The large range of historically accepted standard weights and measurements are amply supported by the Arthashastra written by Chanakya. To regulate and standardize its use, officers were appointed. A man of average size's middle joint is called the standard angula. Measurements of length are broken down into several series, starting from those below it and going up to the span, cubit, and rod (danda) or bow (dhanus) of about 180 cm. Above this measurement of longer distance are the goruta or krosa and the yojana. There are other specific dimensions specified, such as those for building city walls, roadways, and moats.

Consequently, various length units that are multiples of angul—though not always powers of eight—have been selected for popular usage in trade, business, and daily life in Arthasashtra, assuming we accept angul as the unit of measurement. As a result, four angul is referred to as one dhanurgraha, eight angul as one dhanurmusti, etc. Similar to this, different names have been assigned to Angles 12, 14, 24, and 28. The units 32, 40, and 54 angul are also designated for measuring wood and pasture sizes. A unit of 84 angul is provided for measuring the depth of wells, and for longer ranges of 96, 108, 192, and angul have been identified; the final one known as dand. These few pieces continue till Yojna , which might have been about 15 kilometers.

"Ratti" is one of the oldest weight measurement units in India. In reality, ratti is the seed of a plant whose weight is expected to be standard (almost). One Ratti is equivalent to 0.1215 grams under the Ratti system<sup>2</sup>, which currently has its own standard. The methods of weighing remained unclear until the arrival of the Mughals in India. Since the Ratti method did not adhere to a standard measure, it was evident that it needed to be changed. As a result, the Mughals introduced "Baat." This bears a striking resemblance to contemporary kilogram weights. Although the Baat system was supposed to be standardized, individual provinces began developing their own Baat systems. This led to more misunderstanding.

During the Akbar's reign, there were three standards gaz for linear measuring namely long, moderate, and short gaz, depending on the thing to be measured. For measuring fields, roads, distances, forts, reservoirs, mudwells, and other objects, the long gaz was employed. The measurement of stone, wood, and bamboo structures, as well as wells, gardens, and halls of worship, was done using the middling gaz.

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<sup>2</sup>The History of India's Weights, From a Seed To Kilogram, <https://www.thequint.com/videos/history-of-indias-weights> (last visited Oct. 22, 2023)

Measurements for clothing, arms, beds, chairs, palanquins, carts, etc. were taken with the short gaz. Every gaz was split into 24 equal pieces, each of which was referred to as a tassuj. The earliest sort of tassuj, or the tassuj of the long gaz, was equivalent to eight barley corns arranged side by side and widthwise. The middle gaz tassuj, also known as tassuj of the second kind, was the equivalent of seven barley corns arranged widthwise side by side. The third kind of tassuj, which the short gaz possessed, was equivalent to six barley grains spread out widthwise.

After a while, Baat adopted the name Seer, but that was also abandoned when the British introduced their own weighing system to the nation. 'lbs.' and 'pounds' was what they came up with. However, this system also featured a range of weights, one of which was particularly important and featured King George V's symbol. Following India's independence, the government made the decision to put an end to all of this uncertainty and developed a standardized weighing system. At that point, the kilogram-based system was created.

## **II. FIRST ACT ON THE FLOOR**

The Standards of Weights and Measures Act, the first law, was passed in 1956<sup>3</sup>. It was passed by the Indian Parliament to establish a unified standard for weights and measurements. It was based on the metric system and has fixed the standard weight, capacity and length as a kilogram, litre and a metre accordingly. The "Standards of Weight and Measures Act, 1976" was introduced to replace this Act after it underwent some changes. The standards for the weights and measures equipment used in business transactions, industrial production, etc. have been established by this Act.

In the course of interstate trade and commerce in weights and measures, it has also regulated the sale of pre-packaged items or distributed by weight, measure, or number. Then followed the creation of the "Standard of Weight and Measure Rules, 1977." This Act established the following regulations:

- Only standard units must be used for all weights and measurements.
- According to this act, all producers of packaged goods must register.
- The products/commodities that will be sold packaged must have a precise and correct declaration.

After some time, the "Standard of Weight and Measures (Enforcement) Act"— which has

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<sup>3</sup> Offences pertaining to weights and measures under the Indian Penal Code, 1860, <https://blog.iplayers.in/offences-pertaining-to-weights-and-measures-under-the-indian-penal-code-1860/> (last visited on Oct. 22, 2023)

repealed all earlier laws except from the "Standard of Weights and Measures Act, 1976"—was put into effect. The use of any weights and measures other than those that are prescribed or accepted is banned by this Act. However, numerous new instruments and procedures connected to the standard weights and measures have been produced as a result of the rapid expansion and advancement of technical breakthroughs and the globalisation of economies. The "Legal Metrology Act, 2009" was passed by the Central Government after keeping these modifications in mind. The Standard of Weights and Measures Act, 1975, and the Standards of Weights and Measures (Enforcement) Act, 1985 were both repealed and replaced when this Act went into effect on 1 April 2011. The weights and measures standard was established by this Act, which also regulated the trade and commerce in weights, measures, and other goods that are sold or distributed by weight, measure, or number. The "Indian Penal Code, 1860" also contained several clauses that rendered this offence punishable. In England, The Weights and Measures Act, 1878 regulates such offences<sup>4</sup>.

#### **(A) Weights Under Indian Penal Code:**

The Indian Penal Code, 1860 does not define the terms "weights" or

"measurements," but Section 2 of the Standard of Weights and Measures Act, 1976, defines "weighing or measuring equipment" as any apparatus used to measure length, area, volume, capacity, weight, or number, regardless of whether the apparatus was built to indicate the measurements made or any other information that was determined with reference. Weights and measures are the standardised standards used to determine a thing's quantity, capacity, volume, or dimensions. These requirements are necessary for a variety of reasons:

- Having a measurement that is standardised for use in science, business, and industrial transactions
- To offer defence to the party who has been wronged when they have been duped into thinking a particular weight or measure is true when it isn't.

#### **(A) Meaning Of Fraudulent Use Of False Instrument For Weighing**

Section 264 of the IPC, 1860 states, '*whoever fraudulently uses any instrument for weighing which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.*' Therefore, it can be inferred that a person who intentionally manipulates weighing scales with the goal to defraud their

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<sup>4</sup> Offences related to weights and measures under IPC, <https://www.lawinsider.in/columns/offences-related-to-weight-and-measures-under-ipc> (last visited on Oct. 22, 2023)

consumers will be prosecuted under this criminal code. This is done on purpose to take advantage of the customers and make money for the individual. This section deals with the dishonest use of any weighing device that is used only to fraudulently weigh partial weights rather than whole weights and is known to be false<sup>5</sup>.

For instance, if the shopkeeper/possession trader's of a weighing and measuring device is not improper and there is no proof of his fraudulent intentions, it will not constitute a violation of fraud under this clause, and he cannot be held accountable. According to this clause, the defendant may receive a fine, a term of simple imprisonment, or a combination of the two. The aforementioned offence is a bailable offence under this law. It is a non-cognizable, noncompoundable offence that the Magistrate can try. **The following are crucial elements to demonstrate or support an accusation made in accordance with this section:**

- An accused person must have employed a weighing tool.
- The accused person must have known that the measurement device would be inaccurate or improper.
- The accused must have acted willfully or purposefully when using it.

#### **(B) Fraudulent Use of False Weight Or Measure**

Section 265 of the IPC,1860 states *'whoever fraudulently uses any false weight or false measure of length or capacity, or fraudulently uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both'*.

The preceding part of the IPC is extended in this section. It follows that violators of this section will face either a fine or a simple jail sentence, or a combination of both, if they use erroneous length and capacity weights and measures or any other length and capacity measurement. The aforementioned offence is a bailable offence under this law. It is a non-cognizable, non compoundable offence that the magistrate can try.

**The following are necessary elements to prove an offence under this section:**

- The accused must have measured length or capacity using such a fictitious weight.
- The weight or measurement must be inaccurate.

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<sup>5</sup> Offences pertaining to weights and measures under the Indian Penal Code,1860 <https://blog.ipleaders.in/offences-pertaining-to-weights-and-measures-under-the-indian-penal-code-1860/> (last visited on Oct.23,2023)

- That the alleged offender acted with malice or dishonest purpose.

**(C) Being in possession or has kept the false weight or measure**

Section 266 of IPC, 1860 states<sup>6</sup>, *‘whoever is in possession of any instrument for weighing, or any of weight, or of any measure of length or capacity, which he knows to be false, intending that the same may be fraudulently used, shall be punished with the imprisonment of either description for a term which may extend to one year, or with fine or with both.’*

In accordance with this section of the IPC, anyone found in possession of a false weight or measure, knowing that they are false, and who has kept them with the intent to lead another person to believe that the weight or measure in question is accurate and genuine, shall be punished under this section with a fine, a term of simple imprisonment, or a combination of the two. The provisions will be activated by simple possession of a fictitious weight or measure. The aforementioned offence is a bailable offence under this law. This section's offence qualifies as a bailable offence. It is a non-cognizable, noncompoundable offence that the magistrate can try.

**The following are necessary elements to establish a charge under this section:**

- Inaccurate weights and measurements are required. ○ The defendant must have them in his or her possession.
- The accuser must be aware that their claims are untrue or incorrect.
- The suspect must have remained with him with the aim to defraud or trick someone else.

**(D) Producing/ making or selling false weight or measure**

Section 267 of IPC, 1860 reads as, *‘whoever makes, sells or disposes of any instrument for weighing, or any weight, or any measure of length or capacity 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 punished with imprisonment of either description for a term which may extend to one year or with fine or with both.’*

According to this section, anybody who manufactures, sells, or disposes of any incorrect instruments, balances, weights, or measurements shall be punished under this section with simple imprisonment, a fine, or a combination of the two. The aforementioned offence is a bailable offence under this law. It is a non-cognizable, non-compoundable offence that the

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<sup>6</sup> What are the offences relating to weights and measures? <https://www.legalbites.in/offences-relating-to-weights-and-measures/> last visited on Oct. 23, 2023)

magistrate can try<sup>7</sup>.

A dishonest act frequently results in injury, even if it is just material in nature.

However, a fraudulently produced damage involves harm that is both financial and non-financial in character, which includes harm to the body, mind, reputation, and property.

**The following are necessary elements to establish this offence:**

- The accused is required to create, market, or dispose of any weighing or measuring equipment, regardless of its weight, capacity, or length.
- These tools, weights, or measurements must be inaccurate.
- The accuser must be aware that their claims are untrue or incorrect.
- The accused gets rid of the instrument so that it can be utilised as a real one.

### III. PUNISHMENTS UNDER IPC

<i>Section</i>	<i>Offence<sup>8</sup></i>	<i>Punishment</i>	<i>Cognizable or non-cognizable</i>	<i>Bailable or non-bailable</i>	<i>Court triable</i>
264	Fraudulent use of false instrument for weighing	1 year imprisonment, or fine, or both	Non-cognizable	Bailable	Any Magistrate.
265	Fraudulent use of false weight or measure	1 year imprisonment, or fine, or both	Non-cognizable	Bailable	Any Magistrate

<sup>7</sup> Offences relating to weights and measures, <https://blog.ipleaders.in/offences-pertaining-to-weights-and-measures-under-the-indian-penal-code-1860/> (last visited Oct. 23, 2023)



266	Possession of false weight or measures for fraudulent use	1 year imprisonment, or fine, or both	Non-cognizable	Bailable	Any Magistrate
267	Making or selling false weights or measures for fraud	1 year imprisonment, or fine, or both	Cognizable	Non-bailable	Any Magistrate

#### IV. PROCEDURAL LAWS IN FORCE

##### 1. Standard Of Weights And Measures Act 1976

According to Section 24 of the Standard of Weights and Measures Act, 1976, any weighing or measuring equipment found in the possession of a person who is engaged in business or on a property used for business must be presumed to be in that person's possession for use in business.

In addition, Section 22(3) of the Standard of Weights and Measures Act of 1976 states that anyone found in violation of any of the Act's provisions is subject to a fine of up to \$2,000 and, in the event that the fine is not paid in full, up to one year in jail, or both the fine and the jail sentence.

##### 2. Consumer Protection Act, 2019

The Consumer Protection Act of 2019 also provides a civil remedy in the form of compensation in addition to criminal culpability under the IPC<sup>9</sup>. According to Subclause 47 of Section 2 of the aforementioned Act, a "unfair trade practise" is any trade practise that adopts an unfair method or deceptive practise for the purposes of selling, using, or providing any goods or provisions of services, including falsely representing that the goods or services are of a specific standard, quality, quantity, grade, composition, style, or model. There are even several helpline numbers to which the aggrieved people can contact and seek redressal.

<sup>9</sup> Offences relating to weights and measures under IPC, <https://www.lawinsider.in/columns/offences-related-to-weight-and-measures-under-ipc> (last visited Oct 22, 2023)

The numbers are as follows:

- 1800-345-2508
- 1800-11-4000
- 1915

People can also complaint through SMS<sup>10</sup> on 8130009809 or through the website [www.consumerhelpline.gov.in](http://www.consumerhelpline.gov.in).

### **3. Legal Metrology Act, 2009**

The Legal Metrology Act, 2009 in India addresses the weight and measurement methods and units related to the necessary legal and technical compliances. The same is done to ensure public confidence from the perspective of security. Infractions involving weight and measure are likewise subject to penalties under this act. Additionally, the following is a list of the primary goals for the Act's enforcement:

- establishing and enforcing weight and measure standards and norms
- managing commerce and business involving weights, measures,
- other items sold or distributed using weights, measures, or numbers, and managing any other related issues.

The following is the main violations involving weight and measure:

**Measuring Instruments:** It is forbidden to produce, import, or sell any measuring instruments that have not been properly verified, stamped, or confirmed, that have been tampered with or altered, that do not adhere to the rules, or that have not yet been registered.

**Offenses Associated With Weight:** Another crime Associated With Weight is the use of scales or other weights and measurements that are dirty or lack proper lighting. Additionally, hiding the verification certificate and tampering with, mending, or producing weights without a licence are very significant types of offences.

#### **Procedure For Complaint Filing:**

- The Nodal Agencies or the Apex Institutions must receive the complainant's complaint first.
- When a complaint or grievance is received, the responsible Nodal Agency will either

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<sup>10</sup> Consumer Protection Act,2019 <https://consumeraffairs.nic.in> (last visited Oct,23, 2023)

address the issue internally or forward the complaint to the Department of Administrative Reforms and Public Grievance.

- When the department receives the complaint, the Director of Public Grievance will begin his investigation.
- The Director of Public Grievance will create an Assessment Report following the conclusion of the investigation to provide his thoughts.
- The item will be forwarded to the attached office if the Director of Public Grievance believes that it pertains to the Department of Administrative Reforms and Public Grievance<sup>11</sup>
- After that, the sub-organization or associated office will create an action report and submit it to the department, in this case, the Department of Administrative Reforms and Public Grievance . The department will next send the action report to the appropriate Nodal Agency.

#### 4. Code Of Criminal Procedure:

Section 153 of CRPC "Inspection of weights and measures"

*(1) Any officer in charge of a police station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.(2) If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction.*

## V. COMPARATIVE STUDY

### (A)Uganda:

Section 25 of The Weights And Measures Act, Uganda talks about other offences in connection with equipment.

*(1) It is unlawful for anyone to use or have in their possession weighing or measuring equipment that is deceptive or unfair for use in commerce.*

*(2) Any person accused of committing an offence under paragraph (1) may utilise the*

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<sup>11</sup> Offences relating to weights and measures, <https://lawyerinc.net/in/offenses-related-to-weight-and-measure> (last visited Oct. 24, 2023)

*following arguments as a defence: (a) that they only used the equipment while working for another person; and (b) that they had no knowledge of, or reason to suspect that they knew, the equipment was false .*

*(3) Anyone who conducts fraud when using weighing or measuring equipment for commercial purposes, as well as any other parties involved, are both guilty of violating the law.*

**(B) United Kingdom:**

The Weights and Measures Act 1985, talks about trade weighing and measuring units. The units of measurement, weights, and measures that can be used legally for trade are outlined in this section. Any linear, square, cubic, or capacity measure that is not listed in Schedule 3 to this Act may not be used for commerce. Crimes involving the stamping of equipment are those that involve fraudulent or unfair equipment or fraud. It also talks about the equipment for public weighing or measuring. Keepers of public property must possess a certificate from a chief inspector attesting to their knowledge in order to carry out their tasks in a professional manner. The provision of public equipment by local governments and related offences are also covered in this section.

**(C) Telangana:**

The Telangana Weights And Measures (Enforcement) Act,1959 lays down the penalties for the offences relating to weights as follows:

SECTION	OFFENCE	PUNISHMENT
23	Sale by weight and measure other than standard weight or measure	2000/- fine + 3 months imprisonment
24	Sale of unstamped commercial weights and measures	2000/- fine
25	Use of unstamped commercial weights and measures	2000/- fine+3 months with fine or both

27	Manufactures, repairs or sells commercial weight or measure without license	3 months imprisonment or fine or both
29	Fraudulently use any false weight or measure	1 year imprisonment or fine or both
30	Possession of false weight, measure etc.	1 year imprisonment or fine or both
31	Making or selling false weight or measure	1 year imprisonment or fine or both
33	Giving short weight or measure	300/- fine

**(D) Tamil Nadu:**

The Tamil Nadu Weights And Measures (Enforcement) Act, 1958 specifies the penalties for the offences relating to weights and measures.

SECTION	OFFENCES	PUNISHMENT
23	Sale by weight and measure other than standard weight or measure	500/-fine or 3 months imprisonment or fine or both
24	Sale of unstamped commercial weights and measures	500/- fine
25	Use of unstamped commercial weights and measures	500/- fine or 3 months imprisonment with or fine or both

26	Manufacture of weights without license	3 months imprisonment or fine or both
29	Fraudulent use of measures, etc. weights,	1 year imprisonment or fine or both
30	Possession of false weight, measure etc.	1 year imprisonment or fine or both
31	Making or selling false weight or measure	1 year imprisonment or fine or both
32	Giving short weight or measure	500/- fine
33	Forging etc. of weights, measures etc	1 year imprisonment or fine or both
28	Failure to mark weight or measure on sealed containers	500/- fine
<b>(E) Punjab:</b>		
<b>SECTION</b>	<b>OFFENCES</b>	<b>PUNISHMENTS</b>
23	Sale or delivery of any article by weight or measure other than standard weight or measure <sup>12</sup>	First offences- fine Rs. 2000; for subsequent offence imprisonment for 3 months, or fine or both
24	Sale of unverified or unstamped commercial weight or measures or instruments for measuring.	Rs.2000 fine
25	Usage in trade or commerce or having in possession for such use, unverified or not stamped weights.	First offence - fine Rs. 2000; for subsequent offence 3 months imprisonment, or fine, or both.

<sup>12</sup> Offences Relating to weights and measures, <https://www.advocatekhaj.com/library/lawreports/indianpenalcode/59.php?Title=Indian%20Penal%20Code&STitle=Offences%20Relat> ( last visited Oct. 24,2023)

26	Manufacture or repair or sale of commercial weights and measures with no licence.	Imprisonment for 3 months, or fine of Rs. 2000, or both.
27	Contravention in notification prescribing the use of only weights , or only measures , in specified commerce or trade.	Fine Rs 2000
28	Possession for sale or sale, article in sealed containers without marking of weight or measure on the containers.	Fine Rs. 2000
29	Fraudulent use of standard weights and measures knowing to be false.	Imprisonment for one year, or fine Rs. 2000, or both.
30	Possession of commercial weight or measure , knowing to be false and intending that the same may be fraudulently used.	Imprisonment for one year, or fine Rs. 2000, or both.

## VI. CASE LAWS:

### 1) Emperor v. Kanyalal Mohanlal Gujar

In this instance, it was decided that having the proper intention is a necessary component of the violation of Section 264. Both the fraudulent use of any deceptive instrument for weighing and the knowledge that it is false are necessary. In this and the subsequent parts, the word "false" refers to something that is not the instrument, weight, or measure that the perpetrator and the victim of the fraud have agreed upon, either explicitly or implicitly, with regard to their business operations<sup>13</sup>. It was determined that even though a seller and buyer had agreed to use a different measure than the normal measurements for a commodity offered, the measure was not "false" and there was no purpose to defraud in this case.

### 2) Basindhar v. State of rajasthan

The defendant was charged under Section 266 of the IPC for maintaining two sets of weights

<sup>13</sup> Emperor v. Kanyalal Mohanlal Gujar, (1939), s 24

in his shop, one of which was lighter than the usual weight, and for knowingly misleading his clients by using false weights. The defendant was the town of Sambhar's licenced opium dealer. Under the gunny bag on which the defendant was seated, the genuine and fraudulent weights were discovered. The applicant had two sets of weights, one of which weighed less than the weight that was considered standard. In this instance, the court determined that the applicant had the weight with the intent to defraud<sup>14</sup>. The bogus weights were discovered buried beneath a bag on which the accused had been seated, and it was determined that he was purposefully misleading his customers.

### **3) Emperor v. Harak chand marwari**

No question of malice or fraudulent intention arose on the part of the accused because both parties had expressly agreed that there was no dishonest intention on the part of the accused on the same measuring instrument<sup>15</sup>. The accused and the purchaser were both fully aware of the actual measure of calculation being used while the sale of goods. The Hon'ble court concluded that the absence of fraudulent purpose negated the ability to prove an accused's guilt under this clause. He was released from liability because there was no fraud because there was an implied agreement between the parties regarding the size of the instrument.

### **4) Gopilal v. State of orrissa**

Due to the appellant's violation of the required standards for "gudakhu," legal action was taken against him<sup>16</sup>. The Orissa High Court ruled that the penalty imposed was not justifiable because neither the Act nor the guidelines specified any quality standards for "gudakhu."

### **5) Hamirmal Case**

The mere possession of erroneous weights or measurements by itself does not provide a compelling basis for suspicion of fraud<sup>17</sup>. It must be demonstrated that the defendant intended to commit fraud by knowing the scales were fake.

## **VII. SUGGESTIONS**

- To make these offences bailable to non-bailable offences.
- To make these offences cognizable.
- To provide compensation according to each offence depending on their impact.

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<sup>14</sup> Basindhar v. the State of Rajasthan, AIR 1959 Raj 191

<sup>15</sup> Offences relating to weights and measures, <https://blog.ipleaders.in/offences-pertaining-to-weights-and-measures-under-the-indian-penal-code-1860/> (last visited Oct. 25, 2023)

<sup>16</sup> Gopilal Agarwal v. State of Orissa AIR, 1973 Ori 15

<sup>17</sup> Hamirmal, (1890) Unrep Cr C 154



- To provide stringent punishments to those manufacturers of false weights, measures and instruments.
- To stop the leakages in PDS system caused due to defective measuring instruments.
- To take strict action against those employees who are involved in malpractice while measuring the goods in Ration Shops.

## VIII. CONCLUSION

According to the law, any person who weighs and measures the weight of items before selling them to customers must use a reliable, non-fraudulent weighing and measuring device. For instance, occasionally merchants utilize the incorrect weights and measurements, such as when a buyer may not notice a hollow gap in a weight or when an inaccurate weighing balance is employed. The products that have been sold must be precisely weighed, measured, or counted.

As responsible residents of our nation, it is our responsibility to take prompt action against anyone we witness using improper weights or engaging in these illegal behaviour. He or she will be held accountable for their fraudulent actions and will face the same legal penalties.

Being informed and exercising good judgement are the best ways to safeguard against such scams. The aforementioned discussion thus leads to the conclusion that Sections 264–267 of the Indian Penal Code, 1860 were passed in order to protect consumers from the aforementioned frauds and to boost public confidence in the marketplace against unfair business practices involving the fraudulent use of weight and measure instruments. The Standard of Weights and Measures Act of 1976 establishes rules for trade and business involving weights and measures, as well as inspections to stop the use of dishonest methods. The Legal Metrology Act of 2009 further stipulates that standards for weights, measures, and other items sold or distributed by weight, measure, or number must be upheld<sup>18</sup>.

Although various statutes have addressed this issue, the IPC stipulates a criminal penalty that tries to guarantee that the items should be appropriately weighed and sold without engaging in dishonest behaviour.

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<sup>18</sup> Offences relating to weights and measures under IPC, <https://www.lawinsider.in/columns/offences-related-to-weight-and-measures-under-ipc> (last visited Oct 22, 2023)

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