

BOMBAY WEIGHTS AND MEASURES ACT, 1932

15 of 1932

[December 1, 1932]

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BOMBAY WEIGHTS AND MEASURES ACT, 1932

15 of 1932

[December 1, 1932]

An Act to fix a scale of standard weights and measures for the Presidency of Bombay WHEREAS it is expedient to fix a scale of standard weights and measures for the presidency of Bombay and to provide for the adoption of the same in specified areas in the said presidency and for certain other matters hereinafter appearing]; and whereas the previous sanction of the Governor General required by sub-section (3) of section 80A of the Government of India Act and the previous sanction of the Governor required by section 80C of the said Act have been obtained for the passing of this Act; (5 and 6 Geo. V. c, 61). It is hereby enacted as follows :

PART 1

PRELIMINARY

1. Short title :-

This Act may be called the Bombay Weights and Measures Act, 1932.

2. Extent and commencement :-

(1) This Act shall apply to the ¹[Bombay area of the State of Gujarat.].

(2) Part I shall come into force at once. Government may, by notification in the ² [Official Gazette], direct that Parts II, III, V and VI shall come into force in any district or municipal area on a date to be specified in such notification.

(3) When Government has directed that Parts II, III, V and VI shall come into force in any district or municipal area under sub-section

(2), Part IV shall come into force in such district or municipal area three months after the dates specified in the notification.

1. The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

2. Subs. by Guj. Adap. of Laws Order, 1960.

3. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,

(1) "Inspector" means an inspector of weights and measures and weighing or measuring instrument appointed under section 19;

(2) "Measuring instrument" includes any instrument for the measurement of length, area, capacity or volume;

(3) "Mint" means ¹[Government Mint], Bombay;

(4) "Mint Master" means the officer appointed for the time being to be the Master of the Mint, Bombay;

(5) "Prescribed" with its grammatical variations means prescribed by rule ** * made under this Act;

(6) "Primary standards" mean the weights and measures prepared and stamped under section 5;

²[(7) "rules" means the rules made under section 41;] (I) "Secondary standards" mean the weights and measures prepared and stamped under section 7;

³[(8A) "Stamping" includes casting, engraving, etching, branding, or otherwise marking to such manner as to be, so far as practicable, indelible and the expression "stamp" and other expressions relating thereto shall be construed accordingly;]

(9) The expression "verification" or "reverification" with its grammatical variations, used with reference to a weight or measure or weighing or measuring instrument; included the process of comparing, checking or testing such weight or measure or weighing or measuring instrument;

(10) "Weighing instrument" includes scales, with the weights belonging thereto, scale beams, balances, spring balances, steelyards, weighing machines, and other instruments for weighing;

(11) "Working standards" mean the weights and measures provided under section 9;

⁴[(12) "Government" means in relation to the establishment of standards of weight ⁵[and measure], the Central Government, and save as aforesaid means, the ⁶ [State] Government.]

1. These words substituted for the words "His Majesty's Mint" by the Adaptation of Laws Order, 1950.

2. This clause was substituted for the original, Bom. 15 of 1955, s. 2(2).

3. This clause was inserted by Bom. 56 of 1948, s. 3.

4. Clause (12) was inserted by the Adaptation of Indian Laws Order in Council.

5. These words were inserted by the Adaptation of Laws Order, 1950.

6. This word was subs. for the Provincial, *ibid*.

PART 2

STANDARDS OF WEIGHTS AND MEASURES

4. Standard weights and measures :-

¹[(1)] The weights and measures including the multiples and sub-multiples thereof described in the First Schedule shall be the weights and measures authorised to be used in every place in which this Part has come into force. These weights and measures are called standard weights and measures for the purposes of this Act.

²[(2) Notwithstanding anything contained in sub-section (1), Government may, after previous publication by notification in the ³ [Official Gazette], declare, either generally or for any trade or class of trades

(a) any other multiple of a weight or measure specified in the First Schedule, or

(b) any other weight or measure, or any multiple or sub multiple thereof, to be weight or measure authorised to be used in any place in which this Part has come into force, The weight, measure, multiple or sub-multiple shall, to the extent so declared, be deemed to be a standard weight or measure for the purpose of this Act.

1. Section 4 was renumbered as sub-section (1) of that section by Bom. 33 of 1935, s. 2.

2. Sub-section (2) was added, *ibid*.

3. The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

5. Primary standards :-

For the purpose of verifying the secondary standards, such standard weights and measures as Government may direct shall be prepared ¹* * * by the Mint Master ²[or by such other person as may be approved by Government]. They shall be made of such material, weight, length, form and specifications and in such manner as may be determined by Government by notification in the ³[Official Gazette]. They shall be stamped with the stamp of the Mint ⁴ [or in such other manner as Government may approve]. The standard weights and measures so prepared and stamped shall be called primary standards.

1. The words "at the Mint" were omitted by Bom. 9 of 1935, s. 2(1).
2. These words were inserted, *ibid*.
3. The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.
4. These words were inserted by Bom. 9 of 1935, s. 2(2).

6. Custody of primary standards :-

The primary standards shall be kept in the custody of such officer in the City of Bombay ¹[or at such other place] as Government may direct. They shall, once at least in every period of five years, be verified, and if necessary, adjusted or renewed, ² [xxx] in such manner and by such officer as Government may direct.

1. Sales by Guj. Adap. Order, 1960.
2. Omitted by *ibid*.

7. Secondary standards :-

For the purpose of verifying the working standards and weights and measures in use in any area, such standard weights and measures as Government may direct, shall be prepared ¹* * *by the Mint Master ² [or by such other person as may be approved by Government]. They shall be made of such material, weight, length, form and specifications and in such manner as may be prescribed and shall be stamped with the stamp of the Mint ⁹[or in such other manner as Government may approve]. The standard weights and measures so prepared and stamped shall be called secondary standards.

1. The words "at the Mint" were omitted, Bom. 9 of 1955, s. 3(1).
2. These word were inserted, ibid., s. 3(2).

8. Custody and verification of secondary standards :-

(1) The secondary shall be kept

(i) in the City of Bombay by such officer and at such place as Government may direct;

(ii) elsewhere by the Collectors in the Government treasuries at the head-quarter towns their respective district and at such other town or place within their respective district as Government may direct. ¹

* *****

(2) Once at least in every period of five years such secondary standards shall be verified with the primary standards and shall be adjusted or renewed, if necessary, and shall be marked with the date of verification, in the prescribed manner by such officer as Government may direct.

(3) A secondary standards which is not so verified, adjusted or renewed and marked within the aforesaid period shall not be deemed legal and shall not be used for the purpose of this Act.

1. This section was inserted by Bom. 56 of 1948, s. 4.

9. Working standards :-

(1) For the purpose of verifying weights and measures in any area, Government may provide such standards weights and masures as it thinks fit, to be working standards. They shall be made of such materials, weights, length, form and according to such specifications and shall be property by such agency and shall be stamped by such person and in such manner as may be prescribed. When they are not prepared at the Mint, they shall be verified with the secondary standards before being stamped.

(2) The working standards shall be kept by such officers ¹ ***** as Government may direct at such places, in such custody and in such manner as may be prescribed.

(3) A working standards shall be verified or re-verified and marked by such persons, at such palce and in such manner, as may be prescribed.

(4) A working standard shall not be deemed legal, or used for the purpose of this Act, unless it has been verified or re-verified and

marked in the prescribed manner within such period as may be prescribed before the time at which it is used. A working standard which has become defective shall not be legal or be used for the purposes of this Act, until it has been re-verified and marked in the prescribed manner.

1. The words "or sub-multiples" were inserted by Bombay 33 of 1935, s. 3.

10. Weighing and measuring instruments :-

Weighing and measuring instrument stamped in the manner prescribed by such officers as Government may direct shall be kept at all places where secondary standards or working standards are kept. Such instrument shall be of such kind kept in such number and shall be verified, adjusted or renewed in such manner may be prescribed.

11. . :-

Duty of certain municipalities and local boards to provide and maintain secondary standards, etc. Deleted by Bom. 15 of 1955, s. 5.

11A. Use of standard weights and measures for particular trades :-

1 .

(1) Government may, by notification in the Official Gazette declare that such standard weights or measures or weighing or measuring instrument shall notwithstanding anything contained in this Act, be used for such trade or class of trades in such area from such date and subject to such conditions as may be specified in the notification.

(2) On and from the date specified in the notification under subsection (1), no weight or measure or weighing or measuring instrument other than the one specified in such notification shall be used in such trade or class of trades.

1. This section was inserted by Bom. 56 of 1948, s. 4.

12. Prohibition of weights and measures other than standard weights and measures :-

(1) Subject to the provisions of section 46, and notwithstanding anything contained in any law for the time being in force, all dealings or contract, had or made in any after this Part shall have

come into force in the said area for any work to be done or goods to be sold or delivered by weight or measure, shall be deemed to be had or made according to one of the standards weights or measures or to multiples ¹ [or sub-multiples] thereof and it shall not be lawful to use any other, weight or measure in relation to any such dealing or contract.

(2) Any dealing or contract had or made in contravention of the provisions of sub-section (1) so far as it contravenes the said provisions shall be void unless it is proved that such dealing or contract was had or made without intention to contravene the said provisions.

Explanation. Unless there is anything repugnant in the subject or context dealing or contract is hereinafter called "trade".

1. The words "or sub-multiples" were inserted by Bombay 33 of 1935, s. 3.

12A. Custom for excess or less quantity to be demanded or received void :-

¹. Any custom, usage, practice or method of whatever nature which permits in any trade ²[a trader, a seller or a buyer] to demand, receive or cause to be demanded or received any quantity of article in excess of or less than the quantity fixed by the weight or measure by which the contract or dealing ³ [in respect of the said article] has been made shall be void.

1. This section was inserted by Bom. 56 of 1948, s. 5.

2. These words were substituted for the words "a seller or a buyer" by Bom. 15 of 1965, s. 6(1).

3. These words were substituted for the words "for the sale of the said article", *ibid.*, s. 6(2).

PART 3

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES

13. Denomination :-

Every weight which conforms to the provisions of this Act and the rules ^{1*} * except where the small size of the weight renders it impracticable, shall have the denomination thereof stamped on the top or side thereof in legible figures and letters. Every measure of length, area, capacity or volume, which conforms to the provisions of this Act and the rules ^{2*} * shall have the denomination thereof stamped on the out side of such measures in legible figures and letters. A weight or measure which does not conform to the

provisions of this section shall not be stamped in accordance with the provisions of this Act and the rules ² * *.

1. The words "and regulations" were deleted, *ibid.*, s. 7.
2. The words "and regulations" were deleted, *ibid.*, s.7.

14. Stamping and verification of weights and measures :-

(1) No weight or measure shall be used for trade unless it has been verified or reverified in the prescribed manner and stamped by an inspector with a stamp of verification under this Act.

(2) Government may prescribe the amount of error to be tolerated in weights or measures or weighing or measuring instrument used for trade.

15. Use of weighing or measuring instrument not verified and stamped prohibited :-

No weighing or measuring instrument shall be used for trade unless it has been verified or re-verified within the period fixed and stamped in the prescribed manner by an inspector with a stamp of verification.

16. Sale or delivery of weight, measure, weighing or measuring instrument not verified and stamped prohibited :-

No weight or measure or weighing or measuring instrument shall be sold or delivered unless it has been verified or re-verified and stamped in the prescribed manner by an inspector with a stamp of verification.

17. Empowering municipalities and district local boards to stamp weights, etc. :-

Deleted by Bom. 15. of 1955, s. 8.

18. Provision of means of verification and stamping :-

Government shall provide proper and sufficient means for verifying, adjusting and stamping weight and measures and weighing of measuring instrument in the City of Bombay, in all head quarter towns in the districts and such other places, as Government may determine. ¹ *****

1. The proviso was deleted by Bom. 15 of 1955, s. 9.

19. Appointment of inspectors of weights and measures :-

(1) Government shall appoint a sufficient number of persons with

prescribed qualifications as inspectors for keeping the secondary and working standards in safe and proper custody and for the discharges of the other duties of inspectors under this Act and the rules ¹xxx

² [(2) In the exercise of their powers and in the discharge of thier duties functions under the provisions of this Act and rules, the Inspectors shall, subject to the general or special orders of the State Government, be Subordinate to and

(3) The powers and duties conferred on the Inspector by this Act or rules may also be exercised and performed by the officer so authorised.

1. The words "and regulations" were deleted, *ibid.*, s. 10(a).

2. Sub-sections (2) and (3) were substituted for the original, *ibid.*, s. 10(b).

20. Inspectors to enter into recognizance :-

Every inspector shall forthwith on his appointment enter into a recognizance with Government ¹ x x x x x x x x x in such sum as may be prescribed for the due performance of the duties of his office, for the due payment, at the time and in the manner required by the authority appointing him, of all moneys received by him under this Act and for safety of the secondary and working standards and the stamps and appliances for verification committed to his charge and for their due surrender immediately on ceasing to hold office.

1. The words "or the municipality or district local board, as these may be, "were deleted, *ibid.*, s. 11.

20A. Requiring persons, dealers, etc. to keep books, accounts and records :-

¹ .

(1) Every person using weights or measures or weighing or measuring insturments for trade shall maintain such records, and

(2) Every dealer, repairer or manufacturer in any weights or measures or weighing or measuring instruments shall maintain such books, accounts and records, relating to weights or measures or weighing or measuring instrument and in such manner as may be prescribed and shall produce them for inspection in such manner as may be prescribed.

1. This section was inserted by Bom. 56 of 1948, s. 7.

21. Verification and stamping by Inspectors :-

(1) Every inspector shall, for the purposes of the verification of weights and measures and weighing or measuring instruments, at end at such time and place within his jurisdiction as may be appointed in this behalf by the authority appointing him.

¹ (2) He shall verify every weight and measure or weighing or measuring instrument which is brought to him for the purpose of verification or re-verification. If he finds such weight or measure or weighing or measuring instrument correct, he shall stamp the same with a stamp of verification in the prescribed manner.

1. This sub-section was substituted for the original sub-sections (2) and (3) by Bom. 15 of 1955, s.12.

22. Power to inspect weights, etc. and to enter shops, etc. for that purpose :-

(1) Every inspector authorised in writing in this behalf by the authority appointing him may, at all reasonable times, inspect all weight and measures and weighing or measuring instruments, within the area under his charge, which are used or are in the possession of any person or are on any premises for use for trade and may verify every such weight or measure or ¹and may also verify the weight or measure of any article, delivered by such person in the course of trade to any other person with such secondary or working standard or weighing or measuring instrument.

² [(1A) Such Inspector may, at all reasonable times, require any trader or any employee or agent of a trader to produce before him for inspection all weights, measures and weighing or measuring instruments which are in his possession and are kept on any premises used for trade, whether or not such weights, measures or instruments are used, or are in his possession for use, for trade.]

(2) Such inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed or which appears to have been or which may be used for the commission of such offence.

(3) For the purpose of such inspection, the inspector may at all reasonable times enter into any place where weights and measures

and weighing or measuring instruments are used or kept for purpose of trade and inspect such weights and measures and weighing or measuring instruments.

1. These words were inserted, *ibid.*, s. 13.

2. This sub-section was inserted by Bom. 15 of 1947, s. 3.

23. Inspector not to be maker, seller, or adjuster of weights and measures or weighing or measuring instruments :-

An inspector shall not, during the time he holds office, derive any profit from or be employed in the making adjusting, or selling of weights or measures or weighing or measuring instruments;

Provided that in any area in which it appears to Government desirable that an inspector should be allowed to adjust weights or measures or weighing or measuring instrument, Government may, if it thinks fit, authorise such inspector to adjust weights, measures or such instruments accordingly.

24. Inspectors to be public servants :-

Deleted by Bom. 15 of 1955, s. 14.

25. Government may determine difference :-

¹ (1) If any difference arises between an Inspector and any person interested as to the meaning or construction of any rule or as to the method of verifying, adjusting or stamping any weight or measure or weighing or measuring instrument, such difference may, at the request of the party interested or by the Inspector of his own accord be referred to such officer as Government may direct and the decision of such officer shall, subject to the provisions of sub-section (2), be final.

(2) An appeal shall lie within the time prescribed from the decision under sub-section (1) to Government or such officer as Government may appoint in this behalf. The decision of Government or such officer under this sub-section shall be final.

1. This sub-section and marginal note were substituted for the original by Bom. 15 of 1955, s. 15.

26. Expenses of municipality and district local board :-

Deleted by Bom. 15 of 1955, s.16.

27. Levy of fees :-

¹ . Government shall charge such fees for the verification, re-verification, levy of fees, marking, adjustment and stamping of

weights or measures or weighing or measuring instruments as may be prescribed.

1. This section was substituted for the original by Bom. 15 of 1955, s. 17.

28. Power of municipalities and district local boards to combine for the purposes of the Act. :-

Deleted by Bom. 15 of 1955, s. 18.

29. Validity of weights and measures, etc. duly stamped :-

A weight or measure duly stamped by an inspector under this Act shall be a legal weight or measure all places in which this part has come into force, unless false or defective, and shall not be liable to be re-stamped because used in any place other than that in which it was originally stamped.

30. Stamped weights, etc. to be prima facie deemed correct in any court :-

A weight or measure or weighing or measure instrument duly stamped under the provisions of this Act or the rules ¹* * shall be deemed to be correct until its inaccuracy is proved, if it is produced in any court by any public servant having charge thereof under the direction of Government ² ***** or by any person acting under the general or special authority of such public servant.

1. The words "or regulations" were deleted, *ibid.*, s. 19(1).

2. The words "or the municipality or district local board, as the case may be" were deleted, *ibid.*, s. 18(2).

PART 4

PENALTIES

31. Penalty for fraudulent use of weight, measure, etc :-

Whoever fraudulently uses any weight or measure or weighing or measuring instrument, shall, on conviction, be punished with imprisonment of either description which may extend to three months or with fine extending upto rupees five hundred or with both.

31A. Penalty for use of weight or measure in contravention of section 11-A :-

¹ . Whoever uses any weight or measure or weighing or measuring instrument in contravention of any notification issued under section 11A shall, on conviction, be punished with imprisonment of either description which may extend to three months or with fine which

may extend to rupees five hundred or with both.

1. These words were substituted for the words "which is not authorised", *ibid.*, s. 21(a).

32. Penalty for making, selling, disposing of false or defective weight, measure, etc :-

Whoever wilfully or knowingly makes, sells or dispose of or causes to be made, sold or disposed of any weight or measure or weighing or measuring instrument which is false or defective shall, on conviction, be punished with rigorous imprisonment for a period which may extend to three months or with fine which may extend to rupees five hundred or with both.

33. Penalty for sale ¹[or delivery in the course of any trade] by weight or measure other than standard weight or measure :-

Whoever sells ¹[or causes to be sold] ² [or delivers or causes to be delivered during the course of any trade] any articles by any denomination of weight or measure other than one of the standard weights or measures shall, on conviction, be punishable with fine which may extend to rupees five hundred.

1. These words were inserted by Bom. 56 of 1948, s. 9.

2. These words were inserted by Bom. 15 of 1955, s. 20(1).

34. Penalty for use and possession of weight, measure, etc. not authorised :-

Whoever uses or has in his possession for use for trade any weight or measure or weighing or measuring instrument ¹[which he knows to be false or defective or which is not authorised], verified ²[or re-verified]or stamped under or in accordance with the provisions of this Act and the rules ³* * shall, on conviction, be punishable with fine which may extend to rupees five hundred and any trade had or made by such weight or measure or weighing or measuring instrument shall be void.

⁴[Explanation ⁵[1] When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or of any employee or agent of such trader, such trader, ⁶employee or agent shall be presumed, untill the contrary is proved, to have had it in his possession for use for trade.

⁷ Explanation 2. Where any weight or measure or weighing or measuring instruments is used or possessed in contravention of this

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

1. These words were substituted for the words "which is not authorised", *ibid.*, s. 21(a).
2. These words were inserted by Bom. 1 of 1939, s. (2) (i).
3. The words "and regulations" were deleted by Bom. 15 of 1955, s. 21(b).
4. The Explanation was added by Bom. I of 1938, s. 2 (ii).
5. This Explanation was renumbered as Explanation, I, by Bom. 17 of 1951, s. 2(1).
6. These words were inserted by Bom. 17 of 1951; s. 2 (1).
7. This Explanation was added by Bom. 17 of 1951, s. 2 (2).

35. Penalty for giving short weight or measure :-

1. ² Whoever in selling or delivering in the course of any trade, any article by weight or measure, sells or delivers or causes to be sold or delivered to any person

(i) in case to which an amount of error prescribed under section 46A applies, short weight or measure, exceeding in shortage the amount of error so prescribed, or

(ii) in other cases, short weight or measure,

1. Section 35 was substituted for the original by Bom. 15 of 1947, s. 4.
2. This portion was substituted for the original by Bom. 15 of 1955, s. 22.

36. Penalty for possession for use weight, etc. not verified or stamped :-

Repealed of Bom. I of 1939, section 3.

37. Penalty for sale or delivery of weight or measure, etc. not verified or stamped :-

Whoever sells or delivers ¹ [or causes to be sold or delivered] any weight or measure or weighing or measuring instrument not verified or re-verified and stamped under this Act shall, on conviction, be punishable with fine which may extend to rupees one thousand.

1. These words were inserted by Bom. 56 of 1948, s. 10.

38. Penalty for forging etc. of weights, measures, etc :-

(1) Whoever forges or counterfeits any stamp used under this Act

for the stamping of any weight or measure or weighing or measuring instrument ¹ [or possesses any such counterfeit stamp] or removes a stamp from any weight or measure or weighing or measuring instrument and insert the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

(2) Whoever knowingly uses, sells, utters, disposes of or expose for sale any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or measure so increased or diminished shall, on conviction, be punished with rigorous imprisonment for a period which may extend to six months or with fine or with both.

1. These words were inserted, *ibid.*, s. 11.

39. Penalty for neglect or refusal to produce weight for inspection :-

Whoever neglects or refuses to produce for inspection all weights or measures or weighing or measuring instruments in his possession or on his premises or refuses to permit an inspector authorised to examine the same or any of them or obstructs the entry of the inspector under section 22 or otherwise obstructs or hinders him in the performance of his duties shall, on conviction be punishable with fine which may extend to rupees five hundred.

39A. Penalty for demanding or receiving articles in excess of or less than quantity fixed by weight or measure :-

¹. Whoever in contravention of the provisions of section 12-A, demands, receives or causes to be demanded or received and quantity of article ² in the course of any trade] shall, on conviction, be punished with fine which may extend to rupees three hundred.

1. This section was inserted, *ibid.*, s. 12.

2. These words were substituted for the words "sold or brought" by Bom. 15 of 1955, s. 23.

40. Penalty for breach of duty by inspector :-

If an inspector knowingly stamps a weights or measures or weighing or measuring instrument in contravention of the provisions of this Act or of the rules ¹* * or is guilty of a breach of any duty imposed on him by this Act or by the rules ¹* * he shall, on conviction, be punished with imprisonment of either description

for a period which may extend to one year or with fine or with both.

1. The words "or regulations" were deleted by Bom. 15 of 1955, s. 24.

PART 5

RULES AND REGULATIONS

41. Power of Government to make rules :-

(1) Government may make rules for carrying into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing provision, such rules may prescribe

(a) the composition, weight, length, form and specifications of secondary standards and the manner in which they shall be made;

1*****

(c) the procedure for the verification, re-verification, adjustment or renewal of primary and secondary standards and marking of secondary standards;

(d) the composition, weight, length, form and specifications and use of working standards the authority by whom and the manner in which such standards shall be provided, the agency by whom such standards shall be, made, the person by whom and the manner in which such standards shall be stamped, and the places at which and the custody and manner in which such standards shall be kept;

(e) the procedure for the verification or re-verification and marking of working standards and the person by whom and the place where they shall be verified or re-verified;

(f) the number of weighing and measuring instruments to be kept and necessary particulars regarding the same;

(g) the authority by whom certified scales shall be provided for the purposes of this Act and the rules ²* * and the manner in which they shall be verified or re-verified;

(h) the composition, weight, length, form, specifications and manufacture of weights and measures in use in any area;

(i) the inspection, verification, re-verification, adjustment and stamping of weights and measures and weighing or measuring

instruments in use in any area, including the prohibition of stamping in cases where the nature, denomination, material or mode of construction of the weight or measure or weighing or measuring instrument appears likely to

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(ii) the books, accounts and records relating to weights or measures or weighing or measuring instruments to be maintained and the manner in which they shall be maintained or produced ;

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

(k) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weights and measures and weighing or measuring instruments;

(l) the limits of error to be allowed on verification and to be tolerated on inspection either generally or as regards any trade;

(m) the amount of error to be tolerated in weights and measures and weighing or measuring instruments used or intended to be used for trade;

4(mm) the amount of error to be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades;

5(mmm) the method of using weight or measure or weighing or measuring instrument generally or for a specified class of trade;

(n) the fees to be charged for the verification, re-verification, adjustment and stamping of weights and measures and weighing or measuring instruments and the collection and levy of the same ;

(o) the seizure, detention and destruction of weights and measures and weighing or measuring instruments which are not authorised by this Act **6**[* *****] **7*** * * * *

(q) the qualifications, functions and duties generally of inspectors under this Act and the rules **8***'.

(r) any other matters for which no provision or insufficient provision is made in this Act and for which provision is, in the opinion of Government, necessary.

(3) The powers to make rules under this section shall be subject to

the condition of previous publication in the ⁹[Official Gazette], ¹⁰[Any rules made by the ¹¹[State] Government] under this section shall be laid ¹²[before the Legislature of the State] for not less than one month previous to the next session thereof and shall be liable to be rescinded or modified by a resolution ¹³[passed by the Legislature]. If any rule is modified, the [State] Government] may accept the modification and republish the rule accordingly, or may rescind the rule.

14 (4) The rules may provide that any person committing a breach of the same shall, on conviction, be punishable with fine which may extend to rupees one hundred.

1. Clause (b) was deleted by Bom. 15 of 1955, s. 25 (1).
2. The words "and regulations" were deleted, *ibid.*, s. 25 (2).
3. This clause was inserted by Bom. 56 of 1948, s. 13.
4. Clause (mm) was inserted by Bom. 22 of 1936, s. 4.
5. This clause was inserted by Bom. 56 of 1948, s. 13.
6. The words "and in regard to which no regulations have been made under section 42" were deleted by Bom. 15 of 1955, s. 25(3).
7. Clause (p) was deleted, *ibid.*, s. 25 (4).
8. The words "and regulations" were deleted, *ibid.*, s. 25(5).
9. The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.
10. The words "Any rules made by the Provincial Government" were substituted for the words "The rules made", *ibid.*
11. This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.
12. Sales by Guj. Adap. of Laws Order, 1960.
13. The words "Provincial Government" were substituted for the words "Governor in Council" *ibid.*
14. This sub-section was inserted by Bom. 56 of 1948, s. 13.

42. Power of municipality and district local board to make regulations :-

Deleted by Bom. 15 of 1955, s. 26.

PART 6

MISCELLANEOUS

43. Protection to persons acting in good faith :-

No suit protection or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules or regulations.

44. Cognizance of offences :-

No prosecution under this Act shall be instituted except by or with the previous sanction of [an officer authorized under sub-section (2) of section 19 and specially empowered] by Government in this behalf.

44A. Offences by Corporations and Associations of Persons

:-

Where a person committing an offence under this Act is a Company, or other body corporate, or an association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

45. Delegation of powers by Government :-

Any of the powers and duties conferred and imposed upon Government by this Act may be exercised and performed, subject to such conditions as Government may think fit, by any person whom Government may, by general or special order, empower in this behalf.

46. Power to exempt specified persons, articles or trades from provisions of the Act :-

Government may after previous publication by notification in the ¹Official Gazette, and subject to such conditions and restrictions as it may think fit to impose, exempt any class of persons, any commodity, trade, ²* any class of trades ³ or any class of weights or measures or of weighing or measuring instruments used or intended to be used for any purpose other than trade specified in the notification from all or any of the provisions of this Act.

1. The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

2. The word "or" was omitted by Bom. 33 of 1935, s. 4 (i).

3. These words inserted, *ibid.*, s. 4 (ii).

46A. Power to prescribe the amount of error to be tolerated in selling articles by weight or measure :-

¹ . Government may prescribe the amount of error to be tolerated in selling articles by weight or measure generally or as regards any trade or class of trades.

1. Section 46A was inserted by Bom. 22 of 1936, s. 5.

47. Repeal and amendments :-

On the coming into force of this Part in any area

(a) the enactments specified in Part I of the Second Schedule shall be deemed to have been amended to the extent and in the manner specified in the third column thereof;

(b) the enactments specified in Part II of the said Schedule shall be deemed to have been repealed, so far as they apply to the ¹ [Bombay area of the State of Gujarat], to the extent specified in the third column thereof;

Provided that

(i) the said repeal shall not affect the validity or invalidity of anything already done under the enactments repealed by this Act;

(ii) all appointments made, notifications and notices issued, rules, bylaws and orders made, contracts entered into and suits and other proceedings instituted under any Act or enactment repealed by this Act shall, so far as they are not inconsistent with the provisions of this Act and the rules and regulations, continued in force and be deemed to have been made, issued, entered into and instituted under this Act.

1. Subs. by Guj. Adap. of Laws Order, 1960.

SCHEDULE 1

Standard Weights and Measures

THE FIRST SCHEDULE

(See section 4)

Standard Weights and Measures

Weights

The Bombay Tola of 180 grains. The Bombay Seer of 80 tolas.
The Bombay Maund of 40 seers.

The sub-multiples $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, $\frac{1}{16}$ and $\frac{1}{32}$ and the multipliers 2, 4 and 8 of the tola, seer and maund.

The pound avoirdupois equal to 7,000 grains and the sub-multiples $\frac{1}{8}$, $\frac{1}{4}$, $\frac{1}{2}$, 1, 2, 4 and 8 ounces, the multiples 1, 2, 4, 7, 14, 28 lbs. (a quarter), 56 lbs., 112 lbs. (1 cwt.) and 2,240 lbs. (1 ton).

The grain is that unit of weight in vacuo which when multiplied by 1799.84585 is the weight of the iridio-platinum cylinder in the custody of the Mint Master,

Bombay; the value of which is certified by the Standard Department of the British Board of Trade as 1799.84585 grains in vacuo.

Explanation 1.

The equivalent value of the above mentioned iridioplatinum cylinder when weighed in Standard Indian Air against Brass Weights having a specific gravity of 8.143 is 1800.00394 grains, i.e., a brass weight whose value in vacuo is 1800.00394 grains will exactly equilibrate the abovementioned

iridio-platinum cylinder in Standard Indian Air.

Explanation 2.

Since the Bombay tola equals 180 grains in vacuo, its absolute value is equivalent to .10000856 of the absolute value of the abovementioned iridio-platinum cylinder. But in practice, all verifications against the abovementioned iridio-platinum cylinder are carried out by weighments in air, and therefore the value 1800.00394 grains is always used for verifying weights.

Explanation 3.

Standard Indian Air is defined as follows.

Temperature: 85 deg. Fahr. 29.44 deg. Cent. Pressure : A column of mercury at 0 deg. C. 29.8 inches or 756.919 mm; in height. Carbon diox. gas : 0.0006 of the volume of air. Vapour tension : 0.75 inches = 19.05 mm. Latitude at Calcutta 22 35' 6.6". Height above M.S.L. = 22.6 feet. 1 litre of Standard Indian Air at Calcutta weights 1.14917 grm.

Dry measures

The Bombay seer.

The sub-multiples $\frac{1}{2}$, $\frac{1}{4}$ and $\frac{1}{8}$ seer. The Bombay Chatak $\frac{1}{16}$ seer.

The Adpao = $\frac{1}{2}$ seer. The Adholi = 2 seers.

The Bombay payali of 4 seers.

The Bombay Maund of 16 payalis.

The Bombay Map of 2 maunds. Liquid measure

The Bombay seer.

The sub-multiples $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$ and $\frac{1}{16}$ seer.

The multiples 2, 4 and 8 seers.

The Imperial gallon.

The Pint = $\frac{1}{8}$ gallon. Dry and Liquid measures

Explanation 1.

The unit of capacity called the Bombay seer is equivalent to by 80 tolas of

air-free distilled water weighed in Standard Indian Air against brass weights having a specific gravity of 8.143.

Explanation 2.

The unit of capacity called the Imperial gallon contains ten pounds of water at 62 F. being in volume 277.274 cub. in, which contains each 252.724 grains of water in a vacuum at 62 or 252.458 grains of water weighed with the brass weights in air of 62 with the barometer at 30 in.

Length

The Yard

The Inch= $\frac{1}{36}$ th yard, and The Foot= $\frac{1}{3}$ rd yard. The Furlong of 220 yards. The Mile of 1,760 yards.

The yard is that unit of length which is exactly equal to the certified yard kept in the custody of the Mint Master, Bombay.

Area and volume

The Square Yard, Square Foot and Square Inch.

The Cubic Yard, Cubic Foot and Cubic Inch and sub-multiples of a Cubic-Inch.

The anna of $\frac{1}{16}$ of the guntha.

The Guntha of 121 square yards and the acre of 4,840 square yards for land measurement.

The Square of 100 square feet. The Brass of 100 cubic feet.

SCHEDULE 2

SCHEDULE

PART

Enactments Amended

PART

Enactments Repealed