
**Punjab Weights And Measures (International System)
Enforcement Act, 1975**

52 of 1975

[30 December 1975]

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An Act to provide for the enforcement of weights and measures (based on International System) and to regulate the use thereof and to provide for matters connected therewith in the Province of the Punjab Preamble.- WHEREAS it is expedient to provide for the enforcement of weights and measures (based on International System) and to regulate the use thereof and to provide for matters connected therewith in the Province of the Punjab; It is hereby enacted as follows:-

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Punjab weights and Measures (International System) Enforcement Act, 1975.

(2) It extends to the whole of the Province of the Punjab.

(3) It shall come into force on such date as Government may, by notification in the official Gazette, appoint, and different dates may be appointed in respect of different provisions of this Act, or for different areas or for different classes of goods or classes of undertakings or trades.

2. Definitions :-

(1) In this Act, unless the context otherwise requires:-

(a) "Assistant Controller" means Assistant Controller appointed under this Act;

(b) "Commercial weight or measure" means a weight or measure purporting to be a standard weight or measure used or intended to be used in any transaction of trade or commerce;

(c) "Controller" means the Controller appointed under this Act;

(d) "Deputy Controller" means the Deputy Controller appointed under this Act;

(e) "Government" means the Government of the Punjab;

(f) "Inspector" means an Inspector including Assistant Inspector appointed under this Act;

(g) "measuring instrument" includes any instrument for measuring

length, area, volume or capacity but does not include a weighing instrument;

(h) "prescribed" means prescribed by rules;

(i) "rules" means rules made under this Act;

(j) "Secondary standard" means the sets of weight and measures prepared under Section 3 of this Act;

(k) "Stamping" means marking in such manner as to be, so far as practicable, indelible and includes casting, engraving, etching or branding;

(l) "trade" means any sale, bargain, transaction, dealing or contract and includes collection of tolls and duties;

(m) "verification" means the verification or reverification made under this Act or rules made thereunder;

(n) "weighing instrument" means any instrument for measuring weight and includes scales, with the weights belonging thereto, beam scales, balances, spring balances, steel yards and other weighing machines; and

(o) "working standard" means the sets of weights and measures prepared under Section 4 of this Act.

(2) Save as otherwise provided in this Act or where the context otherwise requires the words and expressions used but not defined in this Act shall bear the same meanings as they bear in the Weights and measures (International System) Act, 1967.

3. Secondary Standards :-

(1) For the purpose of verifying the working standards such standard weights and measures shall be prepared by such authority or person as may be approved by Government, and such weights and measures shall be made of such material, be of such weight, length, form and specifications and made in such manner as may be prescribed and shall be stamped in such manner as Government may approve.

(2) The standard weights and measures so prepared and stamped shall be called secondary standards.

(3) The secondary standards shall be kept at such places and by such officers as may be specified by Government.

(4) The secondary standards shall be verified or reverified with the reference standards within the prescribed period 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.

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

4. Working Standards :-

(1) For the purpose of verifying commercial weights and measures in use, Government may provide such standard weights and measures, which conform to the reference standard, as it thinks fit to be working standards, and they shall be verified with the secondary standards before being stamped.

(2) A working standard shall not be deemed legal or be used for the purposes of this Act, unless it has been verified or reverified and marked in the prescribed manner, within such period as may be prescribed before the time at which it is used.

(3) A working standard which has become defective shall not be legal or be used for the purposes of this Act until it has been reverified and marked in the prescribed manner.

(4) The working standards shall be kept at such places, in such manner and by such persons as may be prescribed.

5. Standard Weighing And Measuring Instruments :-

(1) For the purpose of verifying the weighing instruments and measuring instruments used in trade or commerce, Government may cause to be prepared as many sets of standard weighing instruments and standard measuring instruments as it may consider expedient and the correctness of such instruments shall be verified, and the date of such verification shall be marked, in such manner as may be prescribed.

(2) The standard weighing instruments and standard measuring instruments shall be kept at all places where the secondary standards or working standards are kept.

6. Appointment Of Controller, Inspectors, Etc :-

(1) Government may appoint a Controller of Weights and Measures, Deputy controllers, Assistant Controllers, Inspectors and Assistant Inspectors of Weights and Measures as it may deem fit.

(2) Subject to the provisions of this Act and the rules, all Deputy Controllers, Assistant Controllers, Inspectors and Assistant Inspectors shall perform their functions under the general

superintendence and control of the Controller.

(3) The Deputy Controllers and Assistant controllers, may, in addition to the powers and duties conferred or imposed on them by or under this Act exercise any power or discharge any duty so conferred or imposed on any Inspector.

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

(5) Every Controller, Deputy controller, Assistant Controller, Inspector and Assistant Inspector shall be deemed to be a public servant within the meaning of Section 21 of the Pakistan Penal Code (Act No.XLV of 1860).

7. Verification And Stamping By Inspectors :-

An Inspector shall, at such place within his jurisdiction and at such time as the Controller may direct, verify a weight, measure, weighing instrument or measuring instrument brought to him for the purpose and shall, if he finds it correct and in conformity with this Act and the rules, stamp it with a stamp of verification in the prescribed manner.

8. Power To Inspect And Verify Weights And Measures :-

(1) An Inspector may, at all reasonable times, inspect and verify with a secondary standard or a working standard or, as the case may be, with a weighing instrument or a measuring instrument prescribed for the purpose, any weight, measure, weighing instrument or measuring instrument which is used in any transaction of trade or commerce or is in possession of any person or is found on any premises for such use, and may, for the purpose of such inspection and verification enter into or upon any place or premises and require any trader or any employee or agent of a trader to produce before him any weight, measure, weighing instrument or measuring instrument or any document or record relating thereto.

(2) For the purpose of verifying any weight, measure, weighing instrument or measuring instrument under sub-section (1), the Inspector may verify the weight or measure of any article sold or delivered in the course of any transaction of trade or commerce.

(3) Where any weight, measure, weighing instrument or measuring instrument inspected and verified under sub-section (1) is not

found to be what it purports to be, the Inspector may seize or detain the same against a receipt.

9. Power To Inspect And Verify The Contents Of Sealed Packages And Containers :-

(1) Where an Inspector has reason to believe that a sealed package or container intended for sale does not contain the net weight or measure of the article which it purports to contain, the Inspector may, after recording his reasons for believing so, break open the package or container and verify the weight or measure of its contents and may, for the purpose of such verification, enter into or upon any place or premises and require the trader concerned or any employee or agent of the trader or produce before him the package or container which is to be so verified.

(2) Where upon verification under sub-section (1) the net weight or measure of the contents is found to be the same as the package or container purports to contain, the Inspector shall reseal the package or container, where it is possible to do so without injuring the contents, and attach thereto a certificate stating the correct weight or measure of the contents.

(3) Where the net weight or measure of the contents verified under sub-section (1) is not found to be the same as the package or container purports to contain, the Inspector may seize or detain the package or container and its contents.

10. Power To Adjust Weights And Measures :-

The Controller may, if he considers it desirable that in any area a weight, measure, weighing instrument or measuring instrument should be adjusted, require an Inspector to adjust in such manner as he may direct, such weight, measure, weighing instrument or measuring instrument and the Inspector shall adjust it accordingly.

11. Manufacturer, Etc. To Maintain Records And Documents :-

Every manufacturer [2][* * *] or dealer in weights, measures, weighing instruments or measuring instruments and every person using them in transaction of trade or commerce shall maintain such records and accounts as may be prescribed, and, if required so to do by an Inspector, shall produce such records and accounts before him.

12. Penalty For Neglect Or Refusal To Produce Weight Or Measure, Etc, For Inspection :-

Whoever,-

- (a) refuses or neglects to produce for inspection under Section 8 any weight, measure, weighing instrument or measuring instrument or any document or record relating thereto in his possession or on his premises; or
 - (b) refuses to permit an Inspector to inspect and verify such weight, measure, instrument, document or record; or
 - (c) obstructs the entry of an Inspector into or upon any place or premises he is authorised by Section 8 to enter; or
 - (d) fails to maintain the records and accounts or to produce them before an Inspector as required under Section 11; or
 - (e) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act or the rules,
- shall be punishable with rigorous imprisonment for a term which may extent to six months, or with fine which may extend to two thousand and five hundred rupees, or with both.

13. Penalty For Breach Of Duty By An Inspector, Etc :-

If an Inspector or any other officer or any person performing the functions of an Inspector knowingly stamps a weight, measure, weighing instrument or measuring instrument in contravention of the provisions of this Act or the rules, he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

14. Prohibition Of Use Of Weights And Measures Other Than Standard Weights And Measures :-

(1) Notwithstanding anything contained in any other law or any custom or usage or practice, no unit of measure, other than a standard weight or standard measure, shall, after the expiry of six months, from the date on which this section has come into force in any area or in relation to any goods or undertakings, be used, except as permitted under sub-section (2) in such area or in relation to such goods or undertakings in any transaction of trade or commerce or in any dealing or contract.

(2) Government may, by notification in the official Gazette, permit the continuance of the use in any area in which, or in relation to any class of goods or undertakings in respect of which, this section

has come into force, of such weight or measure which was in use immediately before the date of such coming into force, for such period not exceeding three years from that date, as may be specified in the notification.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to two thousand and five hundred rupees, or with both.

15. Prohibition Of Demanding Or Receiving Quantity Different From That Determined In Terms Of Standard Weights, Etc :-

(1) Notwithstanding any custom, usage, practice or method of whatever nature to the contrary, no person shall demand or receive, cause to be demanded or received, any quantity of goods or commodity in excess of or less than, the quantity fixed by the contract or dealing in respect of such goods or commodity and determined in terms of a standard weight or standard measure.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to one thousand and five hundred rupees.

16. Prohibition Of Sale, Etc. Of Unstamped Commercial Weights And Measures :-

(1) No commercial weight or measure or weighing instrument or measuring instrument shall be sold, delivered, used or possessed for use in any transaction of trade or commerce unless it has been verified and stamped in the prescribed manner:

Provided that where, in the case of any commercial weight or measure or any class thereof, compliance with the requirement of this section is not, in the opinion of Government, practicable, Government may by notification in the official Gazette, exempt such weight or measure or class from such requirement.

(2) Where any commercial weight or measure or weighing instrument or measuring instrument-

(a) is found in the possession of any trader or any employee or agent of any trader, such trader, employee or agent shall be presumed until the contrary is proved to have had it in his possession for use in transactions of trade or commerce; and

(b) is used or possessed by any employee or agent of any trader on behalf of the trader, such trader shall, unless he proves that it was

used or possessed by the employee or agent without his knowledge or consent, be also deemed to have used it or to have had it in his possession.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

17. Prohibition Of The Manufacture, Etc. Of Weights And Measures Without Licence :-

(1) No person shall carry on the business of manufacturing [3][* * *] or selling any commercial weight or measure or any weighing instrument or measuring instrument except under, and in accordance with the conditions of, a licence which shall be granted in such manner and by such authority, as may be prescribed.

[4][Explanation.- All licences for repair issued by the Controller or Deputy Controllers (Weights and Measures) shall be treated as cancelled. For maintaining healthy activities in the repair field of weights and measures, the Controller may issue necessary instructions as he deems necessary and in the public interest.]

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both.

18. Marking Of Weight Or Measure On Sealed Containers :-

(1) No person shall sell or offer, expose or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely affixed or fastened thereto, a description of the net weight or measure of the article contained therein:

Provided that this section shall not apply to an article which is not ordinarily sold by weight or measure.

(2) Any article contained in a sealed package or container which is found in the possession of any person on premises used for the sale of such articles shall, for the purposes of sub-section (1), be presumed, until the contrary is proved, to be in his possession for sale.

(3) Whoever contravenes the provisions of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to five

thousand rupees, or with both.

19. Penalty For Forging Or Using Forged Stamps Or Measures, Etc :-

Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or standard measure, or weighing instrument or measuring instrument, or willfully increases or diminishes a weight or standard measure, or weighing instrument or measuring instrument, or wilfully increases or diminishes a weight of measure or stamped shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

20. Penalty For Using Or Selling Forged Weight, Measure, Etc :-

Whoever knowingly uses, sells, disposes of or exposes for sale any weight or measure or weighing instrument or measuring instrument with a forged or counterfeit stamp thereon, or a weight or measure stamped under this Act which has been increased or diminished, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both.

21. Offences By A Body Corporate Or Unincorporate :-

(1) If the person committing an offence under this Act is a body corporate or unincorporate, every person, who at the time of the offence was incharge of and was responsible to the body for the conduct of the business of the body as well as the body, shall be deemed to be guilty of the offence:

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

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a body corporate or unincorporate or a firm or other association of individuals and it is proved that the offence has been committed with the consent or connivance of any director, manager, partner, secretary or other officer of such body, firm or association, such director, manager, partner, secretary or officer shall also be deemed to be guilty of

that offence.

22. Validity Of Weights And Measures Duly Stamped :-

A weight, measure, weighing instrument or measuring instrument stamped in the prescribed manner shall be legal weight, measure, weighing instrument or measuring instrument in all areas in which this Act has come into force, unless it is found to be false or defective, and shall not be liable to be re-stamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

23. Stamped Weight, Etc. To Be Presumed To Be Correct :-

A weight, measure, weighing instrument or measuring instrument duly stamped under the provisions of this Act and the rules and produced by an Inspector having charge thereof or by any person acting under the general or special authority of a Controller shall, until the contrary is proved, be presumed to be correct.

24. Power To Prescribe The Amount Of Error To Be Tolerated :-

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.

25. Determination Of Differences By Appeal Or Revision :-

(1) If any difference arises between an Inspector and any person interested as to the method of verifying, adjusting, or stamping any weight or measure or weighing or measuring instrument, the party interested or the Inspector of his own accord may within the prescribe period prefer an appeal-

(a) if it is a decision of an Inspector or an Assistant Controller, to the Deputy Controller;

(b) if it is a decision of a Deputy Controller, to the Controller; and

(c) if it is a decision of a Controller, to Government.

(2) Upon an appeal under sub-section (1) the appellate authority, shall, after giving the person concerned a reasonable opportunity of being heard, decide the appeal and the decision of the appellate authority shall, subject to the provisions of sub-section (3), be final.

(3) Any person aggrieved by a decision under sub-section (2) other

than that of Government, may apply within such period and to such person or authority as may be prescribed for the revision of such decision, and the decision on such revision shall be final:

[5][Provided that no order under subsection (3) shall be passed unless the person to be affected thereby is given an opportunity of being heard.

26. Indemnity :-

No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules.

27. Cognizance Of Offences :-

No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made before a magistrate of first class by the Controller or Inspector or any other person authorised in this behalf by Government.

28. Forfeiture Of Weights, Measures, Etc :-

Any weight, measure, weighing instrument or measuring instrument manufactured or used in contravention of the provisions of this Act shall be forfeited to Government.

29. Power To Exempt :-

Government may, by notification in the official Gazette and subject to such conditions and restrictions as it may think fit to impose, exempt any institution, class of persons, any commodity or trade or any weighing or measuring instrument, used or intended to be used for any purpose other than the trade specified in the notification, from all or any of the provisions of this Act.

30. Power To Make Rules :-

(1) Government may, by notification in the official Gazette, make rules to carry out the purposes 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 the matters, namely:-

(a) the preparation of the standards of measure;

(b) the custody of the sets of secondary standards and working

standards and the periodical verification and adjustment thereof;

(c) the material of which and the designs and specifications according to which working standards may be made, the agency by which such standards may be made, the person by whom or the authority by which and the manner in which such standards may be stamped and authenticated, the place at which and the custody and manner in which such standards may be kept;

(d) the procedure for the verification and making of working standards, the person by whom, the place at which and the intervals at which they may be marked;

(e) the material of which and the designs and specification according to which secondary standards may be made, the place at which and the custody, and manner in which such standards may be kept;

(f) the procedure for verification and marking of secondary standards and the manner in which they may be marked;

(g) the number of weighing instruments and measuring instruments to be kept, the manner in which they may be verified and stamped and necessary particulars regarding the same;

(h) the manner in which commercial weights and measures may be marked by the manufacturers;

(i) the form and manner in which, and the conditions subject to which, licences, may be granted to persons for the manufacture, repair or sale of commercial weights and measures and weighing instruments and measuring instruments;

(j) the powers, functions and duties of the Controller;

(k) the qualifications, powers, functions and duties of Inspectors;

(l) the verification and stamping of weights, measures, weighing instruments and measuring instruments;

(m) the inspection of weights, measures, weighing instruments and measuring instruments used in transactions of trade or commerce;

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

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

(p) the form and manner in which appeals and applications for revision may be made;

(q) the fees for the grant of licences under section 17, and for verification, adjustment and stamping of weights, measures, weighing instruments and measuring instruments and for appeal and revisions;

- (r) the limits of error to be allowed on verification and to be tolerated on inspection either generally or as regards any trade;
 - (s) the amount of error to be tolerated in weights and measures and weighing or measuring instruments used or intended to be used for trade or commerce;
 - (t) the amount of error to be tolerated in selling article by weight and measure generally or as regards any trade or class of trades;
 - (u) the fee to be charged for the verification, re-verification, marking, adjustment and stamping of weights and measures and weighing or measuring instruments and the collection and levy of the same; and
 - (v) any other matter necessary for giving effect to the purposes of this Act.
- (3) In making any rules under this section, Government may provide that the breach of any rule shall be punishable with fine which may extend to one thousand rupees.

31. Delegation Of Powers :-

Government may, by notification in the official Gazette, direct that any power exercisable by it under this Act or the rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in the direction, be exercisable also by such officer or authority sub-ordinate to the Government as may be specified in the notification.

32. Repeal :-

On the coming into force of this Act in any area or regarding different classes of goods or classes of undertakings or establishments or commodities, etc. as may be notified by Government the provisions of West Pakistan Weights and Measures Ordinance, 1965 shall stand repealed to that extent.