

Punjab Weights And Measures Ordinance, 1965

33 of 1965

[28 October 1965]

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SCHEDULE 1 :- SCHEDULE I

Punjab Weights And Measures Ordinance, 1965

33 of 1965

[28 October 1965]

An Ordinance to consolidate the law regulating the use of weights and measures in the Province of [3][the Punjab] Preamble.-
WHEREAS it is expedient to consolidate the law regulating the use of weights and measures in the Province of [4][the Punjab]; AND
WHEREAS the Provincial Assembly is not in session and the Governor of West Pakistan is satisfied that circumstances exist which render immediate legislation necessary; Now, THEREFORE, in pursuance of the powers vesting in him under clause (1) of Article 79 of the Constitution, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:-

PART 1

1. Short Title, Extent And Application :-

(1) This Ordinance may be called the [5][Punjab] Weights and Measures Ordinance, 1965.

(2) It extends to whole of the Province of [6][the Punjab], except the Tribal Areas.

(3) Part I shall come into force at once. Parts II, III and V shall come into force in the whole or any specified area of the Province from such date or dates as Government may, by notification in the official Gazette, specify in this behalf, and different dates may be specified for the coming into force of different parts.

(4) Part IV shall come into force in an area or part of the Province on the expiry of three months from the date on which Parts II, III and V have been brought into force in such area or part.

2. Definitions :-

In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them that is to say-

(a) "Government" means the [7][Provincial Government of the Punjab];

(b) "Inspector" means an Inspector of weights and measures and weighing or measuring instruments appointed under section 13;

(c) "measuring instrument" includes any instrument for the measurement of length, area, energy, capacity or volume, other than an instrument used exclusively for the measurement of land;

(d) "prescribed" with its grammatical variations means prescribed by rules made under this Ordinance;

(e) "Reference Standard" means-

(i) in relation to weights, the set of standard weights supplied by the [8][Federal Government] to the Provincial Government under sub-section (2) of section 4 of the Standards of Weight Act, 1939;

(ii) in relation to measures of capacity, the set of standard measures of capacity provided by the [9][Federal Government] under section 6 of the Weights and Measures of Capacity Act, 1871; and

(iii) in relation to measures of length, the copy of the Imperial Standard Yard kept by the Provincial Government under the provisions of section 3 of the Measures of Length Act, 1889;

(f) "rules" means rules made under section 38;

- (g) "Secondary Standards" means the weights and measures prepared under section 3;
- (h) "trade" includes any dealing or contract other than a dealing or contract in respect of land;
- (i) the expressions "verification" or "re-verification" with their grammatical variations, used with reference to a weight or measure or weighing or measuring instrument, include the process of comparing, checking or testing such weights or measures or weighing or measuring instruments;
- (j) "weighing instruments" include scales, with the weights appertaining thereto, scale beams, balances, spring balances, steel-yards, weighing machines and other instruments for weighing; and
- (k) "Working Standards" means the weights and measures provided under section 4.

PART 2

STANDARD OF WEIGHTS AND MEASURES

3. Secondary Standards :-

- (1) For the purpose of verifying the working standards, such standard weights and measures as Government may direct 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 re-verified 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 purposes of this Ordinance.

4. Working Standards :-

- (1) For the purpose of verifying 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 Ordinance, 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.

(3) A Working Standard which has become defective shall not be legal or used for the purposes of this Ordinance until it has been re-verified 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. Weighing And Measuring Instruments :-

(1) Weighing and measuring instruments stamped in the prescribed manner by such officer as Government may direct shall be kept at all places where Secondary Standards or Working Standards are kept.

(2) Such instruments shall be of such kind, kept in such manner and shall be verified, adjusted or renewed in such manner as may be prescribed in this behalf.

6. Prohibition Of Weights And Measures Other Than Standard Weights And Measures For Purposes Other Than Measurement Of Land :-

(1) Notwithstanding anything contained in any law for the time being in force but subject to the provisions contained in section 37, all dealings or contracts, other than dealings or contracts in respect of land, had or made in any 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 standard weights or measures specified in this Ordinance, or to multiples or sub-multiples thereof, and it shall not be lawful to use any other weights or measures 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) as 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.

7. Licensing Of Manufactures, Etc., Weights, Measures, Etc :-

(1) No person shall, after a date notified in this behalf by Government, carry on or continue to carry on the business of manufacturing, repairing or selling any weight, measure, measuring instrument or weighing instrument unless he holds an effective licence under this Ordinance.

(2) A licence under sub-section (1) may be granted by such authority, for such period, in such form, on such conditions and on payment of such fees as may be prescribed.

PART 3

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES

8. Denomination To Be Indicated :-

(1) Every weight which conforms to the provisions of this Ordinance and the rules made thereunder, except where the small size of the weight renders it impracticable, shall have the denomination thereof cast in the body or stamped or engraved on the top or side thereof, in legible figures and letters.

(2) Every measure of length, area, capacity or volume which conforms to the provisions of this Ordinance and the rules made thereunder shall have the denomination thereof cast in the body or stamped or engraved on the outside of such measure in legible figures and letters.

(3) 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 Ordinance or the rules made thereunder.

9. Stamping And Verification Of Weights And Measures :-

No weight or measure shall be used for trade unless it has been verified or re-verified and stamped in the prescribed manner by an Inspector with a stamp of verification under this Ordinance.

10. 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.

11. Sale Or Delivery Of Weight, Measure, Weighing And 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.

12. Provision Of Means Of Verification And Stamping :-

Government shall provide proper and sufficient means for verifying, adjusting and stamping weights and measures and weighing or measuring instruments in all headquarter towns in the Districts and at such other places as Government may determine.

13. Appointment Of Inspector Of Weights And Measures :-

There shall be appointed a sufficient number of persons with the prescribed qualifications as Inspectors for keeping the Secondary and Working Standards in safe and proper custody and for the discharge of the other duties of Inspectors under this Ordinance and the rules made thereunder.

14. Inspector To Enter Into Recognizance :-

Every Inspector shall forthwith on his appointment enter into a recognizance with Government, 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 Government of all moneys received by him under this Ordinance and for the 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.

15. Verification And Stamping By Inspector :-

(1) Every Inspector shall, for the purposes of the verification of weights and measures and weighing and measuring instruments, attend at such time and place within his jurisdiction as may be appointed in this behalf by Government.

(2) An Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification or re-verification, and 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.

16. Power To Inspect Weights, Etc., And To Enter Shops, Etc., For That Purpose :-

An Inspector may-

- (a) at all reasonable times, inspect all weights and measures and weighing or measuring instruments within the area under his charge which are used or are in the possession of any person and may verify every such weight or measure or weighing or measuring instrument with a Secondary or Working Standard or a weighing or measuring instrument prescribed for the purpose;
- (b) for the purpose of such inspection, at all reasonable times, enter any place where weights and measures and weighing or measuring instruments are used or kept for purposes of trade and inspect such weights and measures and weighing or measuring instruments; and
- (c) seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Ordinance appears to have been committed or which appears to have been or which may be used for the commission of such offence.

17. Inspector Not To Be Maker, Seller Or Adjuster Of Weighing Or Measuring Instruments :-

An Inspector shall not 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 shall be allowed to adjust weights or measures or weighing or measuring instruments, Government may authorise such Inspector to adjust weights, measures or such instruments accordingly.

18. Inspector To Be Public Servant :-

Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code[10].

19. Government May Determine Difference :-

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, 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 to such officer or authority as Government may appoint in this behalf.

(3) Any decision made under sub-section (2) shall be final.

20. Levy Of Fees :-

Government shall charge such fees as may be prescribed for the verification or re-verification, marking, adjusting and stamping of weights and measures or weighing instruments.

21. Validity Of Weights And Measures, Etc., Duly Stamped :-

A weight or measure or measuring or weighing instrument duly stamped by an Inspector under this Ordinance shall be legal weight or measure in 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.

22. Stamped Weights, Etc., To Be Prima Facie Deemed Correct In Any Court :-

A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Ordinance or the rules made thereunder 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 or by any person acting under the general or special authority of such public servant.

PART 4

PENALTIES

23. Penalty For Fraudulent Use Of Weights Etc :-

Whoever fraudulently uses any weight or measure or weighing or measuring instrument shall be punished with imprisonment of

either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

24. Penalty For Making, Selling Or Disposing Of False Or Defective Weight, Measure, Etc :-

Whoever makes, sells or disposes of or causes to be made, sold or disposed of any weight or measure or weighing or measuring instrument which he knows or has reasons to believe to be false or defective, shall be punished with rigorous imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

25. Penalty For Carrying On The Business Of Manufacturing, Etc., Of Weights, Etc., Without Obtaining Licence :-

Whoever carries on the business of manufacturing or selling any weight, measure, or weighing or measuring instrument without having in his possession an effective licence under section 7 shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

26. Penalty For Sale Of Weights Or Measures Other Than Standard Weights Or Measures :-

Whoever sells or causes to be sold any article by any denomination of weight or measure other than one of the standard weights or measures or any authorised, integral multiple or sub-multiple thereof, shall be punished with fine which may extend to five hundred rupees.

27. 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 which is false or defective, or not authorised, verified, re-verified or stamped under or in accordance with the provisions of this Ordinance and the rules made thereunder shall be punished with fine which may extend to five hundred rupees, and any trade had or made by such weight or measure or weighing or measuring instrument shall be void.

Explanation- Where any such weight or measure or weighing or measuring instrument is found at any premises which are used by a

trader for trade, such trader shall be presumed, until the contrary is proved, to have had such weight or measure or weighing or measuring instrument in his possession for use for trade.

28. Penalty For Giving Short Weight Or Measure :-

Whoever in selling any article by weight or measure delivers or causes to be delivered to the purchaser a less weight or measure than is purported to be sold shall, if the less weight or measure exceeds the amount of error prescribed under section 36, be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

29. Penalty For Sale Or Delivery Of Weight Or Measure, Etc., Not Verified Or Stamped :-

Whoever sells or causes to be sold or delivered any weight or measure or weighing or measuring instrument not verified or re-verified and stamped in accordance with the provisions of this Ordinance shall be punished with fine which may extend to one thousand rupees.

30. Penalty For Forging, Etc., Of Weights, Measures Etc :-

(1) Whoever forges or counterfeits any stamp used under this Ordinance for the stamping of any weight or measure or weighing or measuring instrument or removes a stamp from any weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument or wilfully increases or diminishes a weight or measure so stamped shall be punished with rigorous imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

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

31. Penalty For Neglect Or Refusal To Produce Weight For Inspection :-

Whoever neglects or refuses to produce for inspection all weights, measures and 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 16 or otherwise obstructs or hinders him in the performance of his duties shall be punished with fine which may extend to five hundred rupees.

32. Penalty For Breach Of Duty By Inspector :-

If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Ordinance or of the rules made thereunder or is guilty of a breach of any duty imposed on him by this Ordinance or the rules made thereunder, he shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

PART 5

MISCELLANEOUS

33. Protection To Persons Acting In Good Faith :-

No suit, prosecution 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 Ordinance or the rules made thereunder.

34. Cognizance Of Offences :-

No prosecution under this Ordinance shall be instituted except by or with the previous sanction of the officer or authority specially empowered by Government in this behalf.

35. Delegation Of Powers By Government :-

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

36. 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.

37. Power To Exempt Specified Persons, Articles Or Trades From Provisions Of This Ordinance :-

Government may, by notification in the official Gazette, and subject to such conditions and restrictions as it may think fit to impose, exempt any class of persons, any commodity, trade, or any weighing or measuring instruments, 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 Ordinance.

38. Powers Of Government To Make Rules :-

(1) Government may, after previous publication, make rules for carrying into effect the purposes of this Ordinance.

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

(a) the places at which and the custody and manner in which Reference Standards shall be kept;

(b) the composition, form and specification of Secondary Standards and the manner in which they shall be made;

(c) the places at which and the custody and manner in which Secondary Standards shall be kept;

(d) the procedure for the verification, re-verification, adjustment or renewal of Secondary Standards and for marking them with the dates of their verification and re-verification;

(e) the period during which verification or re-verification of Secondary Standards shall take place;

(f) the composition, form and specifications and use of Working Standards, the manner in which such standards shall be provided, the agency 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;

(g) 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 or marked, and the period during which the verification, re-verification or marking shall take place;

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

- (i) the authority by whom certified scales shall be provided for the purposes of this Ordinance and the rules made thereunder, and the manner in which they shall be verified or re-verified;
- (j) the composition, form, specifications, manufacture and sale of weights and measures in use;
- (k) the inspection, verification, re-verification, adjustment, and stamping of weights and measures and weighing or measuring instruments in use, 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 facilitate the commission of fraud, and the period within which such weights and measures and weighing or measuring instruments shall be verified or re-verified;
- (l) the circumstances and the conditions under which and the manner in which stamps may be obliterated or defaced;
- (m) the tests to be applied for the purpose of ascertaining the accuracy and efficiency of weighing or measuring instruments;
- (n) the limit of error to be allowed on verification or re-verification and to be tolerated on inspection either generally or as regards any trade;
- (o) the amount of error to be tolerated in weights and measures and weighing or measuring instruments used or intended to be used for trade;
- (p) the amount of error to be tolerated in selling articles by weight or measure generally or as regards any trade or class of trade;
- (q) the fees 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;
- (r) the seizure, detention and destruction of weights and measures and weighing or measuring instruments which are not authorised by this Ordinance; and
- (s) the qualifications, functions and duties of Inspectors.

[11][(3) Rules made under this section may provide that any contravention thereof shall be punishable with fine which may extend to one thousand rupees].

39. Repeal And Savings :-

(1) On the coming into force of this Ordinance in any area, the enactments mentioned in the Schedule shall, and in so far as applicable to that area, be repealed. In the event of specified

provisions of this Ordinance being applied to certain areas, the corresponding provisions of such enactments shall stand repealed.

(2) Notwithstanding the repeal of the enactments specified in the Schedule, all appointments made, notifications and notices issued, rules, bye-laws and orders made, contracts entered into and suits and other proceedings instituted under any of the repealed enactments shall, in so far as they are not inconsistent with the provisions of this Ordinance and the rules made thereunder, continue in force and be deemed to have been made, issued, entered into and instituted under this Ordinance.

SCHEDULE 1

SCHEDULE I

(See SECTION 39)

Serial No.	Year	Enactment No.	Short title
1	1932	XV	The Sind Weights and Measures Act, 1932.
2	1932	XV	The Bombay Weights and Measures Act, 1932, as applicable to Karachi.
3	1941	XII	The Punjab Weights and Measures Act, 1941.
4	1946	..	The Bahawalpur State Weights and Measures Act, 1946.
5	1947	XXIII	The North-West Frontier Province Weights and Measures Act, 1947.