

Assam Adoption of Standard Weights Act, 1955

ASSAM

India

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Act 9 of 1955

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Assam Adoption of Standard Weights Act, 1955(Assam Act No. 9 of 1955)Last Updated 12th June, 2020(Received the assent of the Governor on the 19th April 1955)An Act to provide for the adoption and regulation of the use of standard weights in the State of Assam.Preamble. - Whereas it is expedient to adopt Standard Weights and to regulate the use thereof in the State of Assam ;It is hereby enacted in the Sixth Year of the Republic of India as follows :-

Part I

1. Short title, extent and commencement.

(1)This Act may be called the Assam Adoption of Standard Weights Act, 1955.(2)It extends to the whole of the State of Assam.(3)It shall come into force on such date as the State Government may notify in the official Gazette.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context-(1)"Prescribed" means prescribed by rules made under this Act.(2)"Primary Standard" means the set of weights supplied by the Central Government under sub-section (2) of section 4 of the Standard Weights Act, 1939.(Act 9 of 1939)(3)"Rules" mean the rules made under this Act.(4)"An Inspector" mean an Inspector appointed under section 13.(5)"Secondary Standards" mean the weights prepared and stamped under sub-section (1) of section 5.(6)The expression "Verification" used with reference to a weight or weighing instrument, includes the process of comparing, checking or testing of such weights or weighing instruments.(7)"Weighing Instruments" include scales, with the weights belonging thereto, scale beams, balances, spring balances, steel yards, weighing machines and other instruments for weighing.(8)"Working Standards" mean the weight prepared and stamped under sub-section (1) of section 6.

Part II – 3. Standard Weights.

(1)The weights set forth in sub-section (1) of section 3 of the Standards of Weight Act,(1939 Act 9 of 1939), and reproduced in Part I of the First Schedule hereto annexed as well as the multiples and sub-multiples of these weights set forth in Part II of the said schedule and authorised under sub-section (2) of the aforesaid section, shall be the weights authorised to be used in the State of Assam and shall be the Standard Weights for the purpose of this Act.

4. Primary Standards of Weights.

(1)The authenticated set of weights supplied by the Central Government under sub-section (2) of section 4, of the Standards of Weight Act, 1939(Act 9 of 1939), shall be the Primary Standards and shall be used for the purpose of verifying the secondary standards.(2)The Primary Standards shall be kept in such custody as the State Government may direct.

5. Secondary Standards of Weights.

(1)For the purpose of verifying the working standards of weight, such standard weights as the State Government may consider expedient shall be prepared, marked and stamped in such manner as the State Government may prescribe. The standard weights so prepared, marked and stamped shall be the Secondary Standards and the State Government may provide and keep such Secondary Standards in the custody of the Administrative Head of each district or subdivision.(2)(a)Once at least in every five years such secondary standards shall be verified with the primary standards and shall be adjusted or replaced, if necessary, and shall be marked with the date .of verification by such officer as Government may authorise.(b)A secondary standard which is not so verified or adjusted or replaced and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.

6. Working standards.

(1)For the purpose of verifying weights in use in the State, the State Government may provide such working standards as it thinks fit. They shall be made of such materials and according to such specifications and by such agency and shall be verified with the secondary standards and stamped by such persons and in such manner as the State Government may prescribe.(2)The working standards shall be kept in the custody of such officers and shall be verified in such manner as the State Government may direct.(3)A working standard shall not be legal or be used unless it has been properly verified and marked under this Act.

7. Weighing Instruments.

- Properly stamped weighing instruments shall be kept at all places where secondary standards or working standards of weights are kept. Such instruments shall be of such kind and kept, verified, adjusted or replaced in such manner as may be prescribed.

8. Prohibition of weights other than standard ones.

(1)Notwithstanding anything contained in any bye-law made under any enactment in force for the time being, all contracts or transactions which are made or entered into after this Act comes into force, for any work to be done or goods to be sold or delivered by weights shall be deemed to be made or entered into according to one of the standard weights laid down in the First Schedule and it shall not be lawful to use or stipulate the use of any other weight in relation to any such contract or transaction.(2)Any contract or transaction made or entered into in contravention of the provisions of sub-section (1), in so far as it contravenes the said provisions, shall be void.

9. Restriction of local authorities.

- Notwithstanding anything contained in any other law for the time being in force, no local authority shall prescribe, by bye-law or otherwise, any standard of weights, and any standard of weight in force by reasons of such prescription, on the day this Act comes into force, shall so far as it is inconsistent with the provisions of this Act, be void.

10. Prohibition of local practice.

- Notwithstanding any local practice prevalent in any part of the State, it shall not be lawful in any trade or business to use any weight or weighing instrument which has not been verified and stamped in the manner prescribed.

Part III – Verification and Stamping of Weights

11. Validity of weights.

- No weight shall be accepted for verification under the provisions of this Act, and the rules framed there, under-(i)unless its material, form and specifications conform to the provisions of this Act or the rules made thereunder; and(ii)unless its denomination is marked on the top or side thereof in legible letters or figures or both.

12. Stamping verification of weights.

- No weight or weighing instrument shall be sold by and any person other than those licensed under this Act. The State Government may prescribe the form and also fix fees for the grant and renewal of such license.

13. Appointment of Inspector.

- The State Government may appoint any Government Officer by virtue of his office or any other person to exercise any of the functions of an Inspector under this Act and rules made thereunder.

14. Verification and stamping by Inspector.

- Every Inspector shall verify every weight or weighing instrument which is brought to him for such purpose. If the weight or weighing instrument satisfies the requirement of this Act and the rules made thereunder he shall stamp the same with a stamp of verification.

15. Power to inspect weight, etc., and power of entry.

(1)An Inspector may inspect all weights or weighing instruments within the area under his charge, which are used by or are in the possession of any person, or are on any premises for sale or use for trade, and may verify every such weight or weighing instrument with a secondary or working standard or weighing instrument prescribed for the purpose.(2)For the purpose of such inspection, an Inspector may at all reasonable times enter into any place where weights or weighing instruments are sold, used or kept for purposes of trade and inspect such weights or weighing instruments.(3)An Inspector may seize and detain any weight or weighing instrument regarding which an offence under this Act appears to him to have been committed or which appears to him to have been used for the commission of such offence.(4)An Inspector may seize and render incapable of use any defective and unadjustable weight or weighing instrument. On being so rendered incapable of use, the owners are entitled to the return of such weight or weighing instrument, if claimed within two months of the date of seizure, otherwise it shall become the property of the State Government.

16. Government may determine difference.

- If any difference arises between an Inspector and any person interested as to the procedure in regard to the verifying, adjusting or stamping of any weight or weighing instrument, such difference may be referred by the party interested or by the Inspector, to such officer not below the rank of a Magistrate of the First Class as the State Government may appoint, and the decision of such officer shall be final.

17. Levy of fees.

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

18. Validity of weights, etc., duly stamped.

- A weight or weighing instrument duly stamped under this Act shall be legal weight or weighing instrument in all places within the State and shall not be liable to restamping because it is used in a place other than that in which it was originally stamped.

19. Stamped weight, etc., to be deemed correct in Court.

- A weight or weighing instrument duly stamped under the provisions of this Act or the rules made there under, shall be deemed to be correct until its inaccuracy is established in course of any legal proceedings in a Court of law on production in any such Court by any public servant having charge thereof under the directions of the State Government or by any person acting under the general or special authority of such public servant.

20. Officers to be public servant.

- Every officer or person appointed or authorised be public under the provisions of this Act shall be deemed to be a servant, public servant within the meaning of section 21 of the Indian Penal Code, 1860.(Act XLV of 1860).

Part IV – Penalties

21. Penalty for sale by weights other than standard ones.

- Whoever in any transaction sells or purchases any article by any denomination of weight other than one of the Standard Weights shall, on conviction, be punishable with fine which may extend to five hundred rupees or with imprisonment of either description which may extend to six months.

22. Penalty for use or possession of weights, etc., not authorised.

- Whoever uses or has in his possession for use for trade any weight or weighing instrument which is not authorised, verified or stamped under or in accordance with the provisions of this Act and the rules made there under shall, on conviction, be punishable with fine which may extend to five hundred rupees or imprisonment which may extend to six months, of either description and such weight or weighing instrument shall be forfeited to the State and any trade made by such weight or weighing instrument shall be void.Explanation. - When any such weight or weighing instrument is found in the possession of any trader or of any employee or agent of such trader, such trader shall be presumed, until the contrary is proved, to have had it in his possession for use for trade.Unless there is anything repugnant in the subject or context, trade means and includes any dealing or contract.

23. Penalty for giving short weight.

- Whoever in selling any article by weight delivers or causes to be delivered to the purchaser a weight less than what is purported to be sold shall, if the difference in weight exceeds the amount of error prescribed shall, on conviction, be punishable with fine which may extend to three hundred rupees or with imprisonment which may extend to two months.

24. Penalty for sale or delivery of weights, etc., not verified or stamped.

- Whoever sells or delivers any weight or weighing instrument not authorised, verified or stamped under this Act, shall on conviction, be punishable with fine which may extend to one thousand rupees or with imprisonment of either description which may extend to one year.

25. Penalty for forging of stamp or tampering with weights, etc.

(1)Whoever forges or counterfeits any stamp used under this Act for the stamping of any weight or weighing instrument, or removes a stamp from any weight or weighing instrument and inserts the same into another weight or weighing instrument, or wilfully tampers with a weight or weighing instrument stamped under this Act so as to effect its accuracy, shall on conviction, be punishable with rigorous imprisonment for a period which may extend to six months, or with fine which may extend to one thousand rupees, or with both.(2)Whoever knowingly uses, sells, disposes of or exposes for sale any weight or weighing instrument with such forged or counterfeit stamp thereon or a weight otherwise tampered with, shall on conviction, be punishable with rigorous imprisonment for a period which may extend to six months, or with fine which may extend to one thousand rupees or with both.

26. Penalty for neglect or refusal to produce weights, etc., for inspection.

- Whoever on demand by any competent authority wilfully neglects or refuses to produce for inspection any weight or weighing instrument in his possession or in his premises or refuses to permit any person authorised in this behalf to examine the same or any of them, or obstructs the entry of the authorised person into his premises, or otherwise obstructs or hinders him in performance of his lawful duties shall, on conviction, be punishable with fine which may extend to five hundred rupees or with imprisonment which may extend to six months.

27. Penalty for stamping any weight, etc., in contravention of Act or Rules.

- If any Inspector or any other person authorised to exercise any of the functions under this Act or rules made thereunder knowingly stamps any weight or weighing instrument in contravention of the provisions of this Act or rules made thereunder, he shall, on conviction, be punishable with imprisonment of either description for a period which may extend to one year or with fine or with both ;Provided that no Court shall take cognizance of an offence under this section except on prior sanction of the State Government.

28. All offences cognizable.

- All offences under this Act shall be cognizable.

29. Bar to suit, prosecution, etc., for any thing done in good faith.

- No suit, prosecution or other legal proceedings shall be instituted against any public servant for anything which is in good faith done or intended to be done under the provisions of this Act or rules made thereunder.

Part V – Miscellaneous

30. Delegation of powers by the Government.

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

31. Margin of error.

- The State Government may prescribe the amount of error to be allowed in selling articles by weight generally or as regards any trade or class of trades.

32. Offences under other existing laws.

- Trial of offences under this Act shall not preclude the trial of any person under any other law in force for the time being.

33. Power of Government to make rules.

- The State Government may, after previous publication, make rules to carry out the purposes of this Act and such rules may provide a penalty not exceeding fifty rupees for a breach thereof.

34. Repeal and amendments.

- On the coming into force of this Act-The enactments specified in the Second Schedule to this Act shall be deemed to have been amended to the extent and in the manner specified in the second column thereof.The First ScheduleStandard Weights[See Section 3 (1)]

Part I – Act IX of 1939-Section 3, sub-section (1) of the Standards of Weight Act, 1939 :-

3.

(1)There shall be the following standard weights, namely:-(a)The standard tola, being a weight of

180 standard grains.(b)The standard seer, being a weight of 80 standard tolas or 14,400 standard grains.(c)The standard maund, being a weight of 40 standard seers.(d)The standard pound avoirdupois, being a weight of 7,000 standard grains.(e)The standard ounce avoirdupois, being one-sixteenth part of the weight of a standard pound avoirdupois.(f)The standard hundred-weight, being a weight of 112 standard pounds avoirdupois.(g)The standard ton, being a weight of 2,240 standard pounds avoirdupois.

Part II – As multiples and sub-multiples of the Standard Weights in Part I above :-

(a) Multiples of the tola:-

5 tolas 1 chhatak.
10 tolas 2 chhataks or half powa.
20 tolas 1 powa.
40 tolas 1/2 seer.

(b) Sub-multiples of the tola:-

1/2 tola 6 mashas.
1/4 tola 3 mashas.
1/12 tola 1 mashas.
1/16 tola 1 anna. =6 ratis.
1/24 tola 1/2 masha or 4 ratis.
1/96 tola 1 rati.

(c) Multiples of the seer:-

5 seers 1 panseri or pasuri.
20 seers 1/2 maund.

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 dioxide gas.-0.0006 of the volume of the air.Vapour tension.-0.75 inches : 19.05 mm.Latitude at Calcutta 22° 35' 6.6".Height above M. S. L. 22.6 feet.One litre of Standard Indian Air at Calcutta weights 1.14917 grm.The Second ScheduleRepeal and Amendments(See Section 34)Enactment amended

	Title of the Act	Amendments
1.	The Assam Municipal Act, 1923 (Assam Act V of 1923).	Clause (XXVIII) of section 297 shall be deleted, and clauses(XXIX) (XXX) and (XXXI) renumbered as clauses (XXVIII), (XXIX)and (XXX) respectively.
2.	The Assam Local Self-Government Act, 1953 (Assam Act XXV of1953).	In clause (d) of section 82 for the comma a semi-colon shallbe substituted and the words "and prescribe the weights andmeasures to be used in such bazars" shall be deleted.