

THE UTTAR PRADESH WEWHTS AND MEASURES (ENFORCEMENT) ACT, 1959¹

[U. P. ACT V OF 1959]

Amended by-
U. P. Act no. 1 of 1963
U. P. Act no. XV of 1966

[Passed in Hindi by the Uttar Pradesh Legislative Assembly on 11, 1959, and by the Uttar Pradesh Legislative Council on February 20, 1959]

Received the assent of the on March 6, 1959 under Article 200 of 'the Constitution of India', and was published in the Uttar Pradesh Gazette Extraordinary, dated March 9, 1959].

AN

ACT

to provide for the enforcement of standard weights and measures and or matters connected therewith

WHEREAS it is expedient to provide for the enforcement of standard weights and measures and for matters connected therewith;

It is hereby enacted in the Tenth Year of the Republic of India as follows :-

Short title,
extent and
commencement

- 1- (1) This Act may be called the Uttar Pradesh weights and Measures (Enforcement) Act, 1959.
- (2) It extends to the whole of Uttar Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint and different dates may be appointed for different provisions of this Act or for different areas or for different classes of undertakings or for different classes of goods.

1- For statement of objects and reasons see U.P. Gazette Extraordinary, dated February 21, 1959.

2- For enforcement of different provisions of this Act see notification nos. WMA-1/XXIX-A-524-58, dated March 11, 1960, WMA-2/XXIX-A-524-58, dated March 11, 1960, WMA-3/XXIX-A-524-58, dated March 11, 1960, WMA-4/XXIX-A-524-58, dated March 11, 1960, UPWM-1316/XXIX-A-524-58, UPWM-1(3)-7/XXIX-A-524-58, UPWM-1(3)-8/ XXIX-A-524-58, UPWM-1(3)-9/XXIX-A-524-58, UPWM-1(3)-10/XXIX-A-524-58, UPWM-1(3)-14/XXIX-A-524-58, UPWM-1(3)-12/XXIX-A-524-58, UPWM-1(3)-14/ XXIX-A-524-58, UPWM-1(3)-14/XXIX-A-524-58, dated June 4, 1960, UPWM-1(3)-17/XXIX-A-524-58, UPWM-1(3)-18/XXIX-A-524-58, UPWM-1(3)-19/XXIX-A-524-58, UPWM-1(3)-20/XXIX-A-524-58, UPWM-1(3)-21/XXIX-A-524-58, dated August 29, 1960, UPWM-8-23/XXIX-D-529-60, dated December 13, 1960, UPWM-1(3)-25-850/XXIX-D-524-58, dated March 17, 1961, UPWM-1(3)-27-2400/XXIX-D-524-58, dated August 19, 1961, UPWM-10-29-WM-2538/XXIX-D-524-58, dated September 14, 1961, UPWM-1(3)-30-2904/XXIX-D-524-58, dated October 21, 1961, UPWM-1(3)-3018/XXIX-D-596-60, dated October 21, 1961, UPWM-1(3)-3018/XXIX-D-596-60, dated October 31, 1961, UPWM-1(3)-163/XXIX-D-524-58, dated February 7, 1962, UPWM-1(3)-32-888/ XXIX-D-524-58, dated May 17, 1962, UPWM-40(33)-WM-1411/XXIX-D-9. WM-62, dated September 27, 1962, UPWM-1(3)-34-1937/XXIX-D-481-56, UPWM-1(3)-35-2411/ XXIX-D-481-56, dated December 19, 1962, UPWM-1(3)-37-446/XXIX-D-524-58, dated July 27, 1963 of U.P. Bat and Map (Prachalan) (Sansodhan) Adhiniyam, 1962 (U.P. Act No. 1 of 1963), UPWM-8-3873/XXIX-D-20-58-66, dated August 4, 1966, UPWM-1(3)-389/XXIX-D-54-WM-64, dated February 18, 1967.

Definitions

2-

In this Act, unless the context otherwise requires-

(a) "Central Government" means Central Government, as defined in section 3 (8) of the General Clauses Act, 1897, Act X of 1897 ;

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

(c) "Controller" means the Controller of 'Weights and Measure' appointed under section 14, and shall include Deputy Controller or Assistant Controller ;

(d) "Inspector" means an Inspector of Weights and Measures, appointed under section 14;

[(e) "measuring instrument" means any measuring instrument other than a weighing instrument and includes any instrument for determining the length, area, volume, capacity, quality, temperature or density of any article;]¹

[(f) "Mint" has the same meaning as in the Indian Coinage Act, 1906;]²

(g) "Prescribed" means prescribed by rules made under this Act;

(h) "Standard weight or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the standards of weights and Measures Act, 1956, (and includes any other weight measure permitted to be used by the central Government in pursuance of sub-section (1) of section 14 of the aforesaid Act;

(i) "Reference standards" means the sets of standard weights and measures supplied to the State Government by the central Government in pursuance of sub-section (2) of section 15 of the standards of Weights and Measures Act, 1956 (Act 89 of 1956);

[(ii) "sealed package of container", means a closed packet, beetle, casket, tin, barrel, case, receptacle, bag, sack, wrapper or the thing in when any article is placed or packed and which is intendment to be sold with its contents without any weightment or measurement of such contents at the time of sale;]³

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

[(jj) "use in transactions for trade or commerce", with its grammatical variations and cognate expressions, means use for the purpose of determining or determining or declaring the quantity of anything in terms of measurement of length, area, volume, capacity or weight in or in connection with—

(a) any contract, whether by way of sale, purchase, ex-change of otherwise; or

(b) any assessment of royalty, toll, duty or other dues or

1- Subs. by 8. 2 (a) of U.P. Act XV of 1966.

2- Subs. by 8 2 (b) ibid.

3- Ins. by 8. 2 © ibid.

(c) the assessment of work done or services rendered, otherwise than in relation to research or scientific studies or in individual house-hold purposes;]⁴

(k) "Verification" with its grammatical variations used with reference to a weight or measure or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument and also includes re-verification ;

(l) "Weighing instrument" means any instrument for weighing and includes scales with the weights belonging thereto, scale-beams, balances, spring balances [steelyards]¹ and other weighing machines.

CHAPTER II

STANDARD WEIGHTS AND MEASURES

Working
standards

3- (1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of authenticated standard weights and measures, as it may deem necessary, to be called "the working standards" [***]²

(2) The working standards shall be made of such material and according to such designs and specification and shall be prepared by such agency and shall be stamped and authenticated by such person or authority and in such manner as may be prescribed.

(3) The working standards shall be kept at such places, in such custody and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places at such intervals and in such manner as maybe prescribed. [***]³

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal or be used for the purposes of this Act.

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

Secondary
standards

4- (1) For the Purpose of verifying the correctness of the working standards, the State Government may cause to be prepared at the mint as many sets of authenticated standard weights and measures as it may deem necessary, to be called the secondary standard.

(2) The secondary standard shall be made of such material and according to such designs and specifications as may be prescribed and shall be-stamped and authenticated by such person or authority as the Central Government may direct.

1- Subs by section 2 (ii) of U.P. Act 1 of 1963.

2- The words omitted by s. 3 ibid.

3- The proviso omitted by s. 3. (b), ibid.

4- Subs. section 2(d) Act no. 15 of 1966.

		(3) The secondary standards shall be kept at such places, in such custody and in such manner as may be prescribed.
		(4) A secondary standard shall be verified/with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the State Government may direct.
		(5) A secondary standard which is not so verified and marked within the aforesaid period shall not be deemed legal and shall not be used for the purposes of this Act.
Reference standards	5-	The reference standards shall be kept at such places, in such custody and in such manner as the State Government may direct.
Standard weighing and measuring instruments	6-	<p>(1) For the purpose of verifying the correctness of commercial weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the State Government may cause to be prepared as many sets of weighing and measuring instruments as it may deem necessary.</p> <p>(2) Such instruments shall be of such kind, kept in such number and shall be verified and stamped in such manner as may be prescribed.</p> <p>(3) Such instruments shall be kept at all places where secondary standard or working standards are kept.</p>
Prohibition of use of weights and measures other than standard weights and measures	7-	<p>[(1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure other than a standard weight or measure shall after the expiry of three months from the commencement of this section be used in any transaction for trade or commerce in any area or class of goods or under takings in respect of which this section has come into force or be kept in any premises where such transactions are usually carried on.</p> <p>(2) Any transaction entered into in contravention of the provisions of sub-section (1) shall be void.]¹</p> <p>(3) Any custom, usage, practice or method of whatsoever nature which permits in any trade a trader, seller or 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 in respect of the said article has been made, shall be void.</p>
Power to prescribe the use of weights only or measures only in certain cases	8-	<p>(1) Notwithstanding anything contained in this Act the State Government may, by notification in the official Gazette direct that in any specified trade or class of trades no [transaction for trade or commerce]² shall be made or had except by weight, or measure, as the case may be.</p> <p>(2) A notification issued under this section shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.</p>

1. Subs. by section 3 of U. P. Act XV of 1966.

2. Subs. by section 4 *ibid*.

[CHAPTER II-A**Registration of persons Using weights or measures or weighing or measuring instruments in transaction for trade or commerce**

Registration of persons using weight or measures or weighing or measuring instruments in transactions for trade or commerce	8-A	<p>(1) No person, not being an itinerant vendor, shall in the ordinary course of business use any weight or measure or weighing or measuring instrument in any transaction for trade or commerce unless he registers himself within the prescribed period with the Controller and obtains from him a certificate in token thereof.</p> <p>(2) Every application for registration under sub-section (1) shall be made to the Controller and shall contain such particulars as may be prescribed.</p> <p>(3) If the Controller is satisfied that an application for registration is in order, he shall register the application and Issue to the applicant a certificate of registration in the prescribed form.]³</p>
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CHAPTER III**Verification and stamping of weights and measures**

Marking of denominations on commercial weights and measures	9-	Every weight or measure manufactured for use as a commercial weight or measure shall bear the description of the weight or measure which it purports to be marked legibly on it in such manner as may be prescribed.
[Prohibition of sale or use of un-stamped commercial weights and measures	10-	No weight or measure or weighing or measuring instrument shall lie [used be kept for use] ⁴ in any transaction for trade or commerce or so sold or delivered for such use unless it has been verified or re-verified in the manner prescribed and stamped in the prescribed manner by an Inspector with stamp of verification.] ¹
Power of State Government to exempt	11-	Where the size of a commercial weight or measure renders it impracticable to have any denomination marked on it under the provision of section 9 or to be stamped under the provisions of section 10, the State Government may, by notification in the official Gazette, exempt such weights or measures from being so marked or stamped.
Prohibition of manufacture, etc. of weights and measures without licence	12-	No person shall manufacture, repair or sell any [***] ² weight or measure or any weighing or measuring instrument [or any part thereof] ⁵ except under a licence obtained in the manner prescribed.
Marking of weight or measure on sealed containers	13-	No person shall sell, offer for sale, expose for sale, 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 attached thereto a deception of the net weight or measure of the article contained therein :

1. Section 10 Subs. by s 4 of U. P. Act 1 of 1963.

2. The word "commercial "omitted by s. 5 ibid.

3. New Chapter added by s. 5 of U. P. Act XV of 1966.

4. Subs. by section 6 ibid.

5. The words "or any part thereof" inserted by section 7 of U. P. Act XV of 1966.

[The Uttar Pradesh weights and Measures (Enforcement) Act, 1959]

[Section 13A-15]

[Provided that nothing in this section shall apply-

(i) to any sealed package or container, the net weight of the article contained wherein--

(a) in the case of biscuits, confectionary or other sweets, is less than 120 grammes; or

(b) in the case of any other foodstuffs, is less than 60 grammes; or

(ii) to any other article which is not ordinarily sold by weight or measure:

Provide further that the State Government, if it is satisfied that the size of any class of sealed packages or containers renders it impractical to comply with the provisions of this section, may, by notification in the Gazette, exempt such class from the operation of this section.]¹

[Prohibition of quoting price or expressing quality of any article other-wise than in terms of standard weight or measure

13-A

No person shall in any transaction for trade or commerce quote the price or express the quantity of any article in terms of any denomination of weight or measure other than one of the standard weights or measures.]²

Appointment of Controller, Deputy Controller, Assistant Controller and Inspectors

14-

(1) The State Government may appoint a Controller of weights and Measures for the State and as many Deputy Controllers and Assistant Controllers and Inspectors of Weights and Measures, as may be necessary for exercising the powers and discharging the duties conferred or imposed on them by or under Act or the rules made thereunder.

(2) The State Government may, by general or special order, define the local limits within which each Deputy Controller and Assistant Controller and Inspector shall exercise the powers and discharge the duties conferred or imposed on them by or under this Act or the rules made thereunder.

(3) Subject to the provisions of this Act, all Deputy Controllers, Assistant Controllers and Inspectors of Weights and Measures shall perform their functions under the general superintendence and control of the Controller; and the Controller, the Deputy Controller and the Assistant Controllers of Weights and Measures 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 Inspectors.

Verification and stamping by Inspector

15-

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

(2) The Inspector shall verify every weight or measure or weighing or measuring instrument which is brought to him for the purpose of verification and if he finds such weight or measure or weighing or measuring instrument correct and in conformity with the Standards of Weights and Measures Act, 1956 (Act no. 89 of 1956) and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

1. Proviso of s, 13 substituted by s, s of U. P. Act XV of 1966.

2. New section 13-A Ins. by s. 9 ibid.

Power to
inspect etc.

16- (1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce or are in the possession of any person or [are on any premises where such transactions are usually carried on]¹ and may verify every such weight of measure or weighing or measuring instrument with a secondary or working standard [weight or measure or weighing or measuring instrument.]²

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An 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 and measuring instruments which are used by him in transactions for trade or commerce or are in his possession or are kept on any premises where such transactions are usually carried on]³ and all documents and records relating thereto and such trader, employee or agent shall comply with such requirements.

(4) An 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 might be used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument together with any documents or records relating thereto.

(5) Where an Inspector has reasons to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, the Inspector may break open the sealed package or container and verify its contents, and if, on such verification, the net weight, or measure of the article is found to be correct the Inspector shall reseal the package or container where it is possible so to do without injury to the contents thereof and attach a certificate thereto stating the correct weight or measure of the article, but if the net weight or measure of article is found to be incorrect, the Inspector may seize and do to in the package or container and the article contained therein [:]⁴

[Provided that where it is not possible to reseal the package or container as a foresaid with out injury or to the contents, thereof, the Inspector shall buy the package or container along with its contents, paying the cost thereof calculated at the rate at which the article is usually sold to the public.]⁵

(6) For the purpose of such Inspection, an Inspector may, at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce and inspect such weights and measures and weighing and measuring instruments.

1- Substituted by section 10 (i) of U.P. Act XV of 1966.

2- Subs. by section 10 (i) ibid.

3- Subs. by section 10. (ii) ibid.

4- Subs full stop by section 10 (iii) ibid.

5- Ins. by section 10 (iii) ibid.

[The Uttar Pradesh weights and Measures (Enforcement) Act, 1959]

[Section 17-20]

² [Explanation-- Where any premises are partly used for trade and partly for dwelling purposes, the whole of such premises may, for the purposes of this sub-section be treated as a place where weights or measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce.]

Power of Inspector to, adjust weights or measures	17-	Where it appears to the State Government desirable that an Inspector should be allowed in any area to adjust the weights or measures or weighting or measuring instruments, it may, if it thinks fit, authorize such Inspector to adjust weights and measures or such instruments accordingly.
Manufacturer etc. to maintain records and documents	18-	<p>(1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments and every person using them in transactions for 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.</p> <p>(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that having regard to the nature of business carried on by any such manufacturer, repairer or dealer, it is necessary so to do, it may, by order exempt such person or class of persons from the operation of the said sub-section .</p>
Appeals	19-	<p>(1) Subject to the provisions of sub-section (2), an appeal shall lie --</p> <p>(a) from every decision of an Inspector under this Act, to the Controller, and</p> <p>(b) from every decision of the Controller under this Act, not being a decision made in appeal under clause (a) of the State Government or any officer specially authorized in this behalf by the State Government.</p> <p>(2) Every such appeal shall be preferred within sixty days from the date of the decision.</p> <p>(3) On receipt of any such appeal the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such enquiry as it deems proper, decide the appeal and the decision of the appellate authority shall be final.</p>
Levy of fees	20-	<p>The State Government may charge such fees-</p> <p>(a) for the grant of licences under section 12 for manufacture, repair or sale of [***]¹ weights and measures and weighing and measuring instruments; and</p> <p>(b) for the verification, marking, stamping and adjustment of commercial weights and measures and weighting and measuring instruments, as may be prescribed.</p>

1- The word commercial omit by sec. 6 of U.P. Act no. 1 of 1963.

2- Ins. by section 10 (iv) of U.P. Act no. XV of 1966.

[The Uttar Pradesh weights and Measures (Enforcement) Act, 1959]

[Section 21-25]

- Validity of weights and measures duly stamped 21- A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act, shall be a legal weight or measure or weighing or measuring instruments in all places 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.

CHAPTER IV PENALTIES

- Penalty for sale or delivery by weight or measure other than standard weight or measure 22- Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold or delivers or causes to be delivered in the course of any transaction for trade or commerce any article by any denomination of weight or measure other than one of the standard weights or measures, [or keeps any unit of mass or measure other than a standard weight or measure in any premises where such transactions are usually carried on,]² shall be punishable, for a first offence, with fine which may extend to three hundred rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to two months, or with fine which may extend to three hundred rupees or with both.

- Penalty to sale of unstamped commercial weights and measures 23- Whoever sells or delivers any commercial weight or measure or any weighing or measuring instrument which has not been verified or verified or stamped in accordance with the provisions of this Act and the rules made thereunder shall be punishable with fine which may extend to five hundred rupees.

- Penalty for use of unstamped commercial weights and measures 24- Whoever uses in any transaction for trade or commerce, or has in his possession for such use, any commercial weight or measure or any weighing or measuring instrument which has not been verified or re-verified or stamped in accordance with the provisions of this act and the rules made thereunder, shall be punishable for first offence with fine which may extend to three hundred rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to two months or with fine which may extend to three hundred rupees or with both.

Explanation 1-- When any such weight or measure or weighing or measuring instrument is found in the possession of any trader or any employee or agent of such 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 for trade or commerce.

Explanation 2-- Where any weight or measure or weighing or measuring instrument is used or possessed in contravention of this section by any employee or agent of a trader on behalf of such a trader, such trader shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent be also deemed to be guilty of the offence.

- Penalty for manufacture of weights, etc. without licence 25- Where any person manufactures, repairs or sells any [***]¹ weight or measure or weighing or measuring instrument [or any part thereof]³ without obtaining a licence as required by section 12, shall be punishable with imprisonment for a period which may extend to three months, or with fine which may extend to five hundred rupees or, with both.

1- The word 'commercial' omit by sec. 6 of U.P. Act no. 1 of 1966.

2- Ins. by sec. 11 of U.P. Act No. XV of 1966.

3- Ins. by section 12 *ibid*.

[The Uttar Pradesh weights and Measures (Enforcement) Act, 1959]

[Section 26-31]

Penalty for use of weight or measure in contravention of section 8	26-	Whoever contravenes any of the provisions of a notification issued under section 8 shall be punishable with fine which may extend to five hundred rupees.
[Penalty for non-registration	26-A	Whoever contravenes the provisions of section 8-A shall be punishable with fine which may extend to fifty rupees.] ¹
Penalty for failure to mark weight or measure on sealed containers	27-	Whoever contravenes the provisions of section 13 shall be punishable with fine which may extend to five hundred rupees.
[Penalty for quoting prices or, expressing quantities in contravention of section 13-A	27-A	Whoever contravenes the provisions of section 13-A shall be punishable with fine which may extend to five hundred rupees.] ²
Penalty for fraudulent use of weight and measures, etc.	28-	Whoever fraudulently uses any standard weight or measure or weighing or measuring instrument which he knows to be false, shall be punishable with imprisonment for a period which may extend to one year, or with fine which may extend to five hundred rupees or with both.
Penalty for being in possession of false weight or measures etc.	29-	Whoever is in possession of any commercial weight or measure or weighing or measuring instrument which he knows to be false, intending that the same may be fraudulently used, shall be punishable with imprisonment for a period which may extend to one year, or with fine which may extend to five hundred rupees or with both.
Penalty for making or selling false weight or measure, etc.	30-	Whoever [manufactures, repairs or sells or causes to be manufactured, repaired or sold] ³ any standard weight or measure weighing or measuring instrument which he knows to be false, in order that the same may be used as true, or knowing that the same likely to be used as true, shall be punishable with imprisonment for a period which may extend to one year, or with a fine which may extend to five hundred rupees or with both.
⁴ [Penalty for delivering or receiving any quantity of article less than or in excess of the quantity fixed by the weight or measure in the contract Etc.	31-	Whoever- (i) in selling any article by weight or measure, delivers or causes to be delivered to the purchaser any quantity of that article less than, or (ii) in buying any article by weight or measure, demands or receives or causes to be demanded or received from the vendor any quantity of-that article in excess of, the quantity fixed by the weight or measure by which the contract or dealing in respect of that article has been made, shall be punishable with fine which may extend to five hundred rupees.] ⁴

1- New section 26-A insertion by section 13 of Act no XV of 1966.

2- Ins. by section 14 *ibid*.

3- Substituted by section 15 *ibid*

4- Subs. by section 16 *ibid*.

[The Uttar Pradesh weights and Measures (Enforcement) Act, 1959]

[Section 32-35]

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| Penalty for forging of weights, measures etc. | 32- | <p>(1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing or measuring instrument or possess any such counterfeit stamp or removes a stamp from any standard weight or measure of weighing or measuring instrument and inserts the same into another, weight or measure or weighing or measuring instrument or willfully, increases or diminishes a weight or measure so stamped, shall be punishable with imprisonment for a period which may extend to one year, or with fine which may extend to five hundred rupees or with both.</p> <p>(2) Whoever knowingly uses, sells, 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 a measure so increased or diminished shall be punishable with imprisonment for a period which may extend to six months or with fine which may, extend to five hundred rupees or with both.</p> |
| Penalty for neglect or refusal to produce weight or measures etc. for inspection. | 33- | <p>Whoever-</p> <p>(a) refuses or neglects to produce for inspection under section 16, any weight or measure or weighing or measuring instrument or any document or record relating there to, in his possession or on his premises; or</p> <p>(b) refuses to permit an Inspector to inspect and verify any, such weight, measure, instrument, document on record; or</p> <p>(c) obstructs the entry of an Inspector under section 16; or</p> <p>(d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act, shall be punishable with fine which may extend to [one thousand rupee.]¹</p> |
| Penalty for breach of duty by inspector | 34- | <p>If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument in contravention of the provisions of this Act or of the rules made thereunder, he shall be punishable with imprisonment for a period which may extend to one year, or with fine which may extend to five hundred rupees or with both.</p> |

CHAPTER V

MISCELLANEOUS

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| Protection of action taken in good faith | 35- | <p>No suit, prosecution or other legal, proceed in shall the against the Controller, or any Deputy Controller or Assistant Controller of Weights and Measures or any Inspector or any other person appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.</p> |
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¹- Subs by section 17 of U.P. Act no. XV of 1966.

[The Uttar Pradesh weights and Measures (Enforcement) Act, 1959]

[Section 36-39]

Controller, etc. appointed under the Act to be public servants	36-	The Controller, every Deputy Controller, Assistant Controller and Inspector appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Act XLV of 1860).
Cognizance of offence etc.	37-	<p>(1) No court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Controller or any officer authorized in this behalf by the Controller by general or special order.</p> <p>(2) No court inferior to that of a magistrate of first class shall try any offence punishable under this Act.</p>
[Composition of offences,	37-A	<p>(1) Any offence punishable under section 22, section 23, section 24, section 26, section 26-A, section 27, section 27-A, section 31 or section 33, other than a second or a subsequent offence under section 22 or section 24 may, either before or after the institution of the prosecution, be compounded by the Controller on payment of such sum as he thinks fit.</p> <p>(2) On payment by the offender of such sum, the offender, if in custody, shall be set at liberty and if any proceedings in any criminal court have been instituted against the offender in respect of the offence, the composition shall be deemed to amount to an acquittal and no further criminal proceedings shall be taken against him in respect of such offence.]¹</p>
Stamped weights, etc. to be presumed to be corrects	38-	A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder shall, if produced in any court by any Inspector having charge thereof or by any person acting under the general or special authority of the Controller, be presumed to be correct until its inaccuracy proved.
Offences by companies	39-	<p>(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>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 or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any [Managing Agent, Secretaries and Treasurers]² director, manager, secretary or other officer, such [Managing Agent, Secretaries and Treasurers]² director, manager, secretary, or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p>

1- Add. by section 18 of U.P. Act no. XV of 1986.

2- Ins. by Sec. 19ibid

[The Uttar Pradesh weights and Measures (Enforcement) Act, 1959]

[Section 40-43]

Explanation- For the purposes of this section-

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "Director" in relation to a firm, means a partner in the firm.

Delegation of powers 40-

The State Government may, by notification in the official Gazette direct that any power exercisable by it under this Act, or 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 subordinate to it as may be specified in the notification.

Limits of error to be tolerated in weights and measures 41-

Subject to the rules, that may be made under the Standard of Weights and Measures Act, 1956 (Act 89 of 1956), in this behalf, the State Government may prescribe the permissible limits of error which may be tolerated-

(a) in secondary standards, referred to in section 4 ;

(b) in working standards referred to in section 3 ;

(c) in commercial weights and measures or in selling articles by weight or measure generally or as regards any trade or class of trades; and

(d) weighing and measuring Instruments.

Repeal 42-

The United Provinces weights and Measures Act, 1947 (U.P. Act no. XXIII of 1948) is hereby repealed and the provisions of section 6 and 24 of the U.P. General Clauses Act, 1904 (U. P. Act No. 1 of 1904) shall apply to it.

Power to make rules 43-

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

[(a) the manner in which weight and measures and weighing and measuring instruments may be verified, re-verified and stamped under section 10 ;]²

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

(c) the form and manner in which, the conditions' subject to which licences may be granted to persons for manufacture, repair or sale of [***]¹ weights and measures and weighing and measuring instruments ;

(d) the qualifications, functions and duties generally of Inspectors under this Act ;

(e) verification and stamping of weights and measures and weighing and measuring instruments and the period within which they are to be reverified ;

1- Omitted by section 6 of U.P. Act no. 1 of 1963.

2- Ins. by section 20(i) (b) of U.P. Act no. XV of 1966.

[The Uttar Pradesh weights and Measures (Enforcement) Act, 1959]

[Section 44]

[(f) inspection of weights and measures and weighing and measure instruments used in transaction for trade or commerce [or kept on premises where such transactions are usually carried on.]]¹

(g) the seizure, detention and disposal of [weights, measures, weighing and measuring instruments and other referred to in sub-section (4) of section 16 ;]]²

(h) [***]³ accounts and records relating to weights and measures and weighing and measuring instruments to be maintained and the manner in which they may be maintained or produced ;

(i) the form and manner in which appeals may be preferred against decisions of Inspectors and the procedure for hearing appeals;

(j) the material, form and specification [***]⁴ of commercial weights and measures and weighing and measuring instruments;

[(j-1) the period within which an application for registration shall be made, the particulars that shall be contained therein, and the form in which the certificate of registration shall be issued, under section 8-A ;]]⁵

(k) any other matter which has to be, or may be prescribed.

(3) In making any rule under this section the State Government may provide that a breach thereof shall be punishable with fine which may extend to five hundred rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication in the official Gazette.

[(5) All rules made under this Act shall as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of not less than fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette, subject to such modifications of annulments as the two Houses of the Legislature may agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.]]⁶

[Savings

44-

Nothing in this Act shall apply to any weights or measures or weighing, or measuring instruments used by or in any unit or establishment under the control of the Union Ministry of Defence.]]⁷

1. Subs by sec. 20 (i) (b) of U.P. Act no. XV of 1966.

2. Subs. By sec. 20 (i) (c) *ibid*.

3. Omit. by Sec. 20 (i) (d) *ibid*.

4. Omit. by Sec. 20 (i) (e) *ibid*.

5. Ins. by Sec. 20 (i) (f) *ibid*.

6. Subs. by Sec. 20 (ii) *ibid*.

7. Add. by Sec. 21 *ibid*