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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR
LAW DEPARTMENT

NOTIFICATION

The 19th December 1964

No.LJL.12/62/5.—The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

(Received the assent of the Governor on the 19th December, 1964)

ASSAM ACT XXVII OF 1964

THE ASSAM WEIGHTS AND MEASURES (ENFORCEMENT)
(AMENDMENT) ACT, 1964.

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An
Act

further to amend the Assam Weights and Measures (Enforcement)
Act, 1958.

Preamble

Whereas it is expedient further to amend the Assam Weights and Measures (Enforcement) Act, 1958, hereinafter called the principal Act, in the manner hereinafter appearing:

Assam Act
XIX of
1959.

It is hereby enacted in the Fifteenth Year of the
Republic of India as follows :—

Short title,
extent and
commence-
ment,

1. (1) This Act may be called the Assam Weights
and Measures (Enforcement) (Amendment) Act,
1964.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Amendment
of section 2
of Assam
Act XIX of
1959.

2. In section 2 of the principal Act, after clause (k), the following shall be inserted as clauses (l) and (m), namely :—

“(1) ‘Sealed package or container’ means a closed package, bottle, casket, tin, barrel, case, receptacle, bag, sack, wrapper or other thing in which any article is placed or packed and which is intended to be sold with its contents, without any weight or measurement of such contents at the time of sale ;

(m) ‘Use in transaction for trade or commerce’ means use for the purpose of determining or declaring the quantity of any thing 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, exchange or otherwise ; or

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

(c) the assessment of any work done or services rendered, otherwise than in relation to research or scientific studies or in individual house-holds for house-hold purposes.”

Amendment
of section
3 of Assam
Act XIX of
1959.

3. In section 3 of the principal Act,—

(1) in sub-section (1), for the punctuation comma occurring between the words “standards” and “and special” the punctuation fullstop shall be substituted and thereafter the words “and special sets of working standards in relation to bullion including precious stones” shall be deleted ;

(2) the proviso to sub-section (4) shall be deleted.

Amendment of section 7 (1) of Assam Act XIX of 1959. 4. In section 7 of the principal Act, for sub-section (1), the following shall be substituted, namely:—

“(1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure other than the standard weights or measures shall be used in any transactions for trade or commerce in any area or class of goods or undertakings in respect of which this Act has come into force or be kept in any premises where such transactions are usually conducted.”

Substitution of section 14 of Assam Act XIX of 1959. 5. For section 14, the following shall be substituted, namely:—

“Marking of weight or measure on sealed containers. 14. No person shall, 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 description of the net weight or measure of the article contained therein :

Provided that the provisions of this section shall not apply to—

- (i) any sealed package or container—
 - (a) of net weight of less than one hundred and twenty grammes, if the sealed package or container contains biscuits, confectionery or sweets ; and
 - (b) of net weight of less than sixty grammes, if the sealed package or container contains any other foodstuff ;
- (ii) any other article sold, offered for sale, exposed for sale, or in possession for sale which is not ordinarily sold in transactions for trade or commerce by weight or measure :

Provided further that the State Government may, if it is satisfied that the size of any class of such packages or containers renders it impracticable to comply with the provisions of this section by notification in the official Gazette, exempt such class from the operation of this section.”

Insertion of section 14A in Assam Act XIX of 1959. 6. After section 14 of the principal Act, the following shall be inserted as section 14A, namely:—

“Prohibition of or commerce, quote the price, or express the quantity, quoting of any article otherwise than in terms of the standard price, or expressing quantity, of any article otherwise than in terms of standard weight or measure.”

Amendment of section 17 (5) of Assam Act XIX of 1959. 7. For sub-section (5) of section 17 of the principal Act, the following shall be substituted, namely:—

“(5) Where an Inspector has reason to believe that a sealed package or container of an article 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

- (i) if, on such verification, the net weight or measure of the article is found to be correct, the Inspector shall tender the fair price thereof and may require a written acknowledgment therefor ;
- (ii) if, on the other hand, the net weight or measure of the article is found on such verification to be incorrect, the Inspector may seize the package or container and the article contained therein, after tendering the fair price thereof where the seizure is made from any person other than the manufacturer, and may file a complaint against the manufacturer for contravention of the provisions of section 14.”

Substitution of section 21 of Assam Act XIX of 1959. 8. For section 21 of the principal Act, the following shall be substituted, namely:—

“Levy of fees. 21. The State Government may charge such fees for the grant of licences under section 13, for manufacture, repair or sale of weights and measures and weighing and measuring instruments

and also for the verification, marking, stamping and adjustment of weights and measures and weighing and measuring instruments as may be prescribed."

Amendment of section 23 of Assam Act XIX of 1959. 9. In section 23 of the principal Act, between the words "standard weights or measures" and "shall" the words "or whoever after the commencement of the Assam Weights and Measures (Enforcement) (Amendment) Act, 1964 keeps any unit or mass or measure other than the standard weights or measures in any premises where such transactions are usually conducted" shall be inserted.

Insertion of section 28A in Assam Act XIX of 1959. 10. After section 28 of the principal Act, the following shall be inserted as section 28A, namely:—

"Penalty for quoting prices or expressing quantities otherwise than in terms of standard weight or measure." 28A. Whoever contravenes the provisions of section 14A shall be punishable with fine which may extend to one thousand rupees."

Substitution of section 32 of Assam Act XIX of 1959. 11. For section 32 of the principal Act, the following shall be substituted, namely:—

"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." 32. 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."

Amendment of section 38 of Assam Act XIX of 1959. 12. In sub-section (1) of section 38 of the principal Act, for the words "an Assistant Controller" occurring between the words "or" and "authorised" the words "any officer" shall be substituted.

Insertion of section 40A in Assam Act XIX of 1959.

13. After section 40 of the principal Act, the following shall be inserted as section 40A, namely :—
 “Composition of offences. 40A. (1) Any offence punishable under sections 24, 27, 28, 28A, 32 or 34 and other than a second or subsequent offence under section 23 or 25 may, either before or after the institution of the prosecution, be compounded by the State Government on payment of such sum as the State Government thinks fit.

(2) On payment by the offender of the compounding money as per sub-section (1), 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.”

Insertion of section 43A in Assam Act XIX of 1959.

14. After section 43 of the principal Act, the following shall be inserted as section 43A, namely :—

“Exemption. 43A. Nothing in this Act shall apply to weights or measures or weighing or measuring instruments used by or in any unit or establishment of the Armed Forces of the Union.”

U. TAHBILDAR,
 Deputy Secy. to the Govt. of Assam,
 Law Department,