

THE INDIAN WEIGHTS AND MEASURES
ACT, 1870.

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ACT No. XI OF 1870.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 1st April
1870).

An Act to regulate the Weights and Measures of
British India.

WHEREAS it is expedient to provide for the ultimate adoption of an uniform system of Weights and Measures throughout British India; It is hereby enacted as follows:—

Preamble.

I.—*Preliminary.*

1. This Act may be called “The Indian Weights and Measures Act, 1870,” and extends to the whole of British India.

Short title.
Local extent.II.—*Standards.*

2. The primary Standard of Weight shall be called a Ser, and shall be a Weight of metal in the possession of the Government of India, which weight, when weighed in a vacuum, is equal to the Weight known in France as the Kilogramme des Archives.

Standard of
Weight.

3. The primary Standard of Length shall be called a Metre, and shall be the distance between the marks at the ends of a rod of metal in the possession of the Government of India, which distance, when measured at the temperature of melting ice, is equal to the Measure of Length known in France as the Mètre des Archives.

Standard of
Length.

4. The Units of Weight and Measurement shall be—

Units of
Weight and
Measure-
ment.

for Weights, the said Ser ;
for Measures of Capacity, a measure containing one such Ser of water at its maximum density, weighed in a vacuum ;
for Measures of Length, the said Metre ;
for Measures of Area, the square Metre ;

for

for Measures of Solidity, the cubic Metre.

Special
Weights and
Measures to
be authorized.

5. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare the magnitude and denominations of the Weights and Measures, other than the said units, to be authorized under this Act:

Provided that every such Weight or Measure shall be an integral multiple or integral sub-multiple of one of the units aforesaid.

The Governor General in Council may, in like manner, revoke such notification.

Unless it be otherwise ordered in any such notification, the sub-divisions of all such Weights and Measures shall be expressed in decimal parts.

Districts how
defined.

6. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, define the limits of districts for the purposes of this Act.

Sub-districts
how defined.

The Local Government may, from time to time, by notification in the official Gazette, define the limits of sub-districts for the purposes of this Act.

Primary
standards to
be provided.

7. The Governor General in Council shall provide, in such manner and for such districts as the said Governor General in Council shall direct, proper primary standards and sets of the said authorized Weights and Measures.

Such standards shall, for the purposes of this Act, be deemed the standards for such districts.

Local stand-
ards to be
provided.

8. The Local Government shall provide, in such manner and for such sub-districts as the Local Government shall direct, copies of such of the said authorized Weights and Measures as shall be necessary to serve as local standards in such sub-districts.

Such local standards shall be deemed correct, until they are proved to be otherwise.

III.—Use of new Weights and Measures.

Use of new
Weights and
Measures in
Government
Offices, &c.

9. Whenever the Governor General in Council considers that proper standard Weights and Measures have been made available for the verification of the Weights and Measures to be used by any Government Office or Municipal Body or Railway Company,

the

the Governor General in Council may, by notification in the *Gazette of India*, direct that, after a date to be fixed therein, all or any of the Weights and Measures authorized as aforesaid shall be used in the dealings and contracts by such Office, Body or Company.

10. The Governor General in Council, or the Local Government with the previous assent of the Governor General in Council, may, by notification in the official Gazette, direct that, after a date to be fixed therein, all or any of the Weights and Measures of Capacity authorized as aforesaid shall, in every district or sub-district therein mentioned, be used in the dealings and contracts of all persons engaged in business or trade, or of the persons engaged in any specified business or trade ;

General use
of new
Weights and
Measures of
Capacity.

and may in like manner, from time to time, alter or revoke such direction :

Provided that no such notification shall issue, until proper standard Weights and Measures have been provided for such district or sub-district.

11. After the date fixed in any notification under section nine or section ten, all dealings and contracts had and made by the Officers, Bodies, Companies, or persons mentioned or referred to in such notification, for any work to be done or goods to be sold or delivered by Weight or Measure of capacity, length, area or solidity shall, in the absence of a special agreement to the contrary, be deemed to be had and made according to the Weights and the Measures of capacity, length, area or solidity, as the case may be, directed in such notification to be used by such Officers, Bodies, Companies or persons.

Contracts by
Weight or
Measure.

IV.—*Wardens.*

12. The Governor General in Council (as regards the said primary standards and sets of authorized Weights and Measures) and the Local Government (as regards the said local standards) shall appoint Wardens for the custody of the said standards and sets of authorized Weights and Measures.

Appointment
of Wardens.

The Governor General in Council, or the Local Government, as the case may be, may, at any time, suspend

pend or remove any such Warden, and appoint another person in his stead.

Periodical verification of Weights, Measures and Balances.

13. All officers of Government, municipal officers, officers and servants of Railway Companies and persons engaged in businesses or trades, shall, so far as they are required by the rules made under section twenty-seven, submit to a Warden for verification the Weights, Weighing Machines and Measures used by them under the provisions of section nine or section ten, and the Balances used by them in their dealings, at such times not oftener than once in two years, and pay for such verification such fee, as the said rules shall prescribe.

Warden to verify and correct Weights, Measures and Balances.

14. Every such Warden (so far as he is required by the rules made under section twenty-seven) shall verify, and shall, if requested so to do, correct, all Weights, Weighing Machines and Measures purporting to indicate Weights or Measures authorized under this Act, and all Balances, which are brought to him to be verified or corrected, and which appear to him fit for verification or correction.

When such Weights, Machines, Measures or Balances are found or made correct and in conformity with the requirements of this Act, he shall certify such correctness and conformity by stamping, engraving or branding them with the proper mark.

May refuse to verify or correct things unfit.

15. The Warden may deface, or render incapable of use, or refuse to verify, correct, or mark, anything so brought, which appears to him unfit for verification or correction.

To institute and conduct prosecutions.

16. All prosecutions under this Act shall be instituted and conducted by a Warden, or by such person as in each case the Warden may appoint in this behalf.

Search for Weights, Measures and Balances not verified or not correct.

17. On the application of a Warden, any officer in charge of a police station and, in a Presidency town, any inspector or superior officer of Police, may enter any premises or shop within the limits of such station or town for the purpose of inspecting or searching for Weights, Weighing Machines, and Measures kept for use under the provisions of section nine or ten, and for the purpose of inspecting or searching for the Balances

Balances kept for use in the dealings of the person occupying such premises or shop.

If such officer find in such premises or shop any such Weight, Machine, Measure or Balance, which shall not be verified under the provisions herein contained, or in conformity with the requirements of this Act, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

18. Any of the powers and duties conferred and imposed by this Act on a Warden may be exercised and performed by any other officer whom the Local Government may, from time to time, appoint.

Exercise of
any of War-
den's powers.

V.—Penalties.

19. The Governor General in Council, or the Local Government with the previous assent of the Governor General in Council, may, by notification in the official Gazette, fix the date from which all or any of the provisions of sections twenty, twenty-one, twenty-two and twenty-four shall come into force in respect to any district or sub-district; and the said sections shall be of no effect in such district or sub-district except in so far as they shall have so come into force.

Commence-
ment of penal
sections.

20. Whoever sells any Weight, Weighing Machine or Measure, purporting to indicate any Weight or Measure authorized under this Act and directed to be used under section nine or ten, or any Balance, which Weight, Machine, Measure or Balance shall not have been verified under the provisions herein contained, shall, for every such sale, be liable to a fine not exceeding five rupees,

Sale of
Weights,
Measures and
Balances not
verified.

and, in default of payment thereof, to imprisonment for a term not exceeding a week.

21. Whoever uses or has in his possession for purposes of business or trade any Weight, Weighing Machine or Measure purporting to indicate any Weight or Measure authorized under this Act, and directed to be used by him under section nine or ten, or any Balance, which Weight, Machine, Measure or Balance, being correct and in conformity with the requirements of this Act, shall not have been verified under the provisions

Use of
Weights,
Measures and
Balances not
verified but
correct.

provisions herein contained, shall, for every such thing so used or had in possession, be liable to a fine not exceeding five rupees,

and, in default of payment thereof, to imprisonment for a term not exceeding a week.

Use of
Weights,
Measures and
Balances not
verified and
not correct.

22. Whoever uses or has in his possession, for purposes of business or trade,

any Weight or Measure other than a Weight or Measure directed to be used by him under section nine or ten, or any Machine for the purpose of indicating any Weight other than a Weight so directed to be used,

or any Weight, Weighing Machine or Measure, purporting to indicate any Weight or Measure authorized under this Act, and directed to be used by him under section nine or ten, or any Balance, which Weight, Measure, Machine or Balance has not been verified under this Act and is not correct, or is not in conformity with the requirements of this Act,

shall, for every such offence, be liable to a fine not exceeding ten rupees,

and, in default of payment thereof, to imprisonment for a term not exceeding a fortnight :

Proviso as to
Weights and
Measures of
the United
Kingdom.

Provided that nothing herein contained shall render it penal to use or to have in possession for purposes of business or trade any Weight or Measure in accordance with the standards of Weights and Measures established throughout the United Kingdom of Great Britain and Ireland.

Convictions
under sec-
tions 21 and
22 how
limited.

23. No person shall be convicted under section twenty-one or section twenty-two unless the Warden shall have proved that Weights or Measures verified under this Act, and suitable for the purposes of the business or trade of such person, were publicly offered for sale and procurable at a reasonable price in the district or sub-district in which the offence was committed, and at or immediately before the time when the offence was committed.

Failure to
submit for
verification.

24. Whoever fails to submit for verification under section thirteen any Weight, Weighing Machine or Measure used by him under the provisions of section
nine

nine or section ten, or any Balance used by him in his dealings, shall be liable to a fine not exceeding fifty rupees,

and, in default of payment thereof, to imprisonment for a term not exceeding one month.

25. A Magistrate convicting any person under section twenty, twenty-one, twenty-two or twenty-four of this Act, or under chapter XIII of the Indian Penal Code (*Of offences relating to weighing and measuring*), may order the thing in respect to which the conviction took place to be brought before a Warden, to be dealt with under the provisions of sections fourteen and fifteen :

Disposal of things in respect to which convictions take place.

Provided that, if the Magistrate consider such thing unfit for verification or correction, he may, instead of ordering it to be brought before a Warden, cause it to be defaced or rendered incapable of use.

26. Whoever knowingly counterfeits any mark used by a Warden under section fourteen, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Counterfeit-
ing Wardens
marks.

VI.—*Miscellaneous.*

27. The Governor General in Council may, from time to time, make rules consistent with this Act for regulating the following matters :—

Power to
make rules.

(a).—The appointment of Wardens ;

(b).—The guidance of Wardens in all matters connected with the performance of their duties ;

(c).—The provision, replacement, custody and use of the standards ;

(d).—The method of verifying local standards, and Weights, Weighing Machines and Measures authorized under this Act, and Balances, and of certifying such verification ;

(e).—The errors which may be tolerated in Weights, Weighing Machines and Measures authorized under this Act, and in Balances ;

(f).—The shapes, proportions and dimensions to be given to Weights, Weighing Machines and Measures authorized under this Act, and to Balances, and the materials of which they may be made

(g).—The

(g).—The marking on Weights and Measures authorized under this Act of their several denominations ;

(h).—The conditions under which Government Offices, Municipal Bodies, Railway Companies, and persons engaged in businesses or trades, shall be subject to inspection and verification of the Weights, Weighing Machines and Measures authorized under this Act, and of the Balances used or sold by them ;

(i).—The fees to be paid for verifying, correcting and certifying the verification of Weights, Weighing Machines and Measures authorized under this Act, and of Balances.

Publication
of rules.

28. Such rules shall be published in the *Gazette of India*.

Commence-
ment of rules.

And the Governor General in Council, or the Local Government with the previous assent of the Governor General in Council, may, by notification in the official Gazette, declare that, from and after a day to be named therein, all or any of the said rules shall come into force in respect of any Government Office, Municipal Body, or Railway Company, or of the persons engaged in any specified business or trade in any district or sub-district, and thereupon, to the extent specified in such notification, such rules or rule shall have the force of law.

Recovery of
fines and fees.

29. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the police of such towns in force for the time being.

All fees payable under this Act shall be recoverable as though they were fines.

Tables of
equivalents.

30. The Local Government may, from time to time, prepare tables of the equivalents of Weights and Measures, other than those authorized under this Act, in terms of the Weights and Measures so authorized, and the equivalents so stated, after notification in the local official Gazette, shall be deemed the true equivalents.