



The Bombay Weights and Measures (Enforcement) (Gujarat Amendment)
Act, 1961

3 of 1962

Keyword(s):

Weights, Measures, Royalty, Toll, Duty, Sale, Exchange

Amendments appended: 47 of 1963, 41 of 1965, 6 of 1968, 3 of 2005

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The following Act of the Gujarat Legislature having been assented to by the Governor on the 31st January 1962, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. III OF 1962.

(*First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 7th February 1962.)*

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

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

1. This Act may be called the Bombay Weights and Measures (Enforcement) (Gujarat Amendment) Act, 1961.

2. For sub-section (6) of section 17 of the Bombay Weights and Measures (Enforcement) Act, 1958, the following shall be substituted, namely:—

Bom.
LXIX
of
1958.

Amendment
of section 17
of Bom.
LXIX of 1958.

“(6) For the purpose or such inspection, seizure or detention, an Inspector may, at all reasonable times, enter and search, with such assistance as may be required, any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce or in which he has reason to believe that an offence under this Act has been or is being committed, and take such action as he is authorised to take under the foregoing provisions of this section.”



The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 6th November, 1963 is hereby published for general information.

AKBAR S. SARELA,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. XLVII OF 1963.

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 12th November, 1963).

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

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

1. This Act may be called the Bombay Weights and Measures (Enforcement) Short title. (Gujarat Amendment) Act, 1963.

2. In section 2 of the Bombay Weights and Measures (Enforcement) Act, Amendment of section 2 of Bom. LXIX of 1958. (hereinafter referred to as "the principal Act"), after clause (j), the following clause shall be inserted, namely :—

LXIX of 1958.

"(ii) "use in transaction for trade or commerce" means use for the purpose of determination or declaration of the quantity of anything in terms of measurement of length, area, volume, capacity or weight in relation to,—

(a) any contract, whether by way of sale, exchange or otherwise; or

(b) any payment, whether by way of royalty, toll, duty or any other dues connected with or forming part of such transaction;".

Amendment
of section 3
of Bom.
LXIX of
1958.

3. In section 3 of principal Act,—

(i) in sub-section (1), for the words "the working standards, and special sets of working standards in relation to bullion and precious stones may also be prepared" the words "the working standards" shall be substituted;

(ii) in sub-section (4), the proviso shall be deleted.

Amendment
of section 7
of Bom.
LXIX of
1958.

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

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

Amendment
of section 14
of Bom.
LXIX of
1958.

5. In section 14 of the principal Act, after the existing proviso, the following proviso shall be inserted, namely :—

"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."

Amendment
of section 23
of Bom.
LXIX of
1958.

6. In section 23 of the principal Act, after the words "other than one of the standard weights or measures" the words, brackets and figures "or whoever after the commencement of the Bombay Weights and Measures (Enforcement) (Gujarat Amendment) Act, 1963 keeps any unit of mass or measure other than the standard weights or measures in any premises where such transactions are usually conducted" shall be inserted.

Guj.
XLVII
of
1963.

Insertion of
new section
37A in Bom.
LXIX of
1958.

7. After section 37 of the principal Act, the following section shall be inserted, namely :—

Composition
of offences.

"37A. (1) Any offence punishable under section 23, section 24, section 25, section 27, section 28, section 32 or section 34 other than a second or a subsequent offence under section 23, or section 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 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.”.

8. After section 47 of the principal Act, the following section shall be inserted, namely :—

Insertion of
new section
48 in Bom.
LXIX of
1958.

“48. 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.”.



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PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated
 and Regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the
 Governor on the 30th December 1965 is hereby published for general information.

SUMANT M. VIDYARTHI,
 Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 41 OF 1965.

(First published after having received the assent of the Governor in the
Gujarat Government Gazette on the 31st December 1965.

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

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

1. This Act may be called the Bombay Weights and Measures (Enforce- Short title.
 ment) (Gujarat Amendment) Act, 1965.

2. In the Bombay Weights and Measures (Enforcement) Act, 1958 after Insertion of
 Bom. section 40 the following new section shall be inserted, namely :— new section
 LXIX of 40A in Bom
 of LXIX of
 1958. 1958.

Presumption
as to certain
facts in cer-
tain cases.

"40-A. (1) Where in a trial of an offence under section 29, it is proved that the weight or measure or weighing or measuring instrument in respect of which the offence is alleged to have been committed by an accused person was false and was used by the accused person, the Court shall presume, until the contrary is proved, that the accused person knew that the weight or measure or, as the case may be, the weighing or measuring instrument was false and that he used the same fraudulently.

(2) Where in a trial of an offence under section 30, it is proved that the weight or measure or weighing or measuring instrument in respect of which the offence is alleged to have been committed by the accused person was false and was in the possession of the accused person the court shall presume, until the contrary is proved, that the accused person knew that the weight or measure or, as the case may be, the weighing or measuring instrument was false and that he intended to use the same fraudulently."

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the
Governor on the 30th December 1965 is hereby published for general information.

SUMANT M. VIDYARTHII

Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 41 OF 1965.

(First published after having received the assent of the Governor in the
Gujarat Government Gazette on the 31st December 1965.)

An Act further to amend the Bombay Weights and Measures
(Enforcement) Act 1958.

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

1. This Act may be called the Bombay Weights and Measures (Enforcement) Amendment Act, 1965.

2. In the Bombay Weights and Measures (Enforcement) Act, 1958 after section 40 the following new section shall be inserted, namely:—



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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
 Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the
 Governor on the 6th March 1968 is hereby published for general information.

N. C. BUCH,
 Deputy Secretary to the Government of Gujarat,
 Legal Department.

GUJARAT ACT NO. 6 OF 1968.

(First published after having received the assent of the Governor in the
 "Gujarat Government Gazette" on the 22nd March 1968.)

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

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

1. This Act may be called the Bombay Weights and Measures (Enforcement) Short title,
 (Gujarat Amendment) Act, 1967.

2. In section 2 of the Bombay Weights and Measures (Enforcement) Act, 1958 Amendment
 of section 2
 of Bom.
 LXIX of
 1958. (hereinafter referred to as "the principal Act")—

(a) after clause (g), the following clause shall be inserted, namely :—

"(gg) "sealed package or container" means a closed packet, bottle, casket,
 tin, barrel, receptacle, bag, sack, wrapper or any other thing in which any
 article is placed or packed, and which is intended to be sold with its con-
 tents, without any weighing or measurement of such contents at the time
 of sale;"

(b) in clause (ii),—

(i) in paragraph (b), after the word “transaction” the word “or” shall be inserted, and

(ii) after paragraph (b), the following paragraph shall be inserted, namely :—

“(c) the assessment of any work done or services rendered, otherwise than in relation to research or scientific studies or in individual households for household purposes.”.

Insertion of new section 14A in Bom. LXIX of 1958.

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

Prohibition of quoting price etc. otherwise than in terms of standard weight or measure.

“14A. No person shall, in any transaction for trade or commerce, quote the price, or express the quantity, of any article otherwise than in terms of the standard weight or measure.”.

Insertion of new section 28A in Bom. LXIX of 1958.

4. After section 28 of the principal Act, the following section shall be inserted, namely :—

Penalty for contravention of section 14A.

“28 A. Whoever contravenes the provisions of section 14A shall be punished with fine which may extend to two thousand rupees.”.

Substitution of new section 32 for section 32 of Bom. LXIX of 1958.

5. For section 32 of the principal Act, the following section shall be substituted, namely :—

Penalty for delivering article in quantity less than or receiving article in quantity more than the quantity fixed by contract.

“32 (1) Whoever in selling any article by weight or measure delivers or causes to be delivered to the purchaser any quantity of that article, which is less than the quantity fixed by the weight or measure by which the contract or dealing in respect of that article has been made shall, if the deficiency exceeds the prescribed limit of error, be punished with fine which may extend to five hundred rupees.

(2) Whoever in buying any article by weight or measure demands or receives or causes to be demanded or received 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 punished with fine which may extend to five hundred rupees.”.



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 24th February, 2005 is hereby published for general information.

S. S. PARMAR,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 3 OF 2005.

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*" on the 25th February, 2005).

AN ACT

to repeal the Bombay Weights and Measures (Enforcement) Act, 1958 in its application to the State of Gujarat.

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

1. This Act may be called the Bombay Weights and Measures Short title. (Enforcement) (Gujarat Repeal) Act, 2005.

Bom. LXIX
of 1958.

2. The Bombay Weights and Measures (Enforcement) Act, 1958 in its Repeal application to the State of Gujarat is hereby repealed.

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