

THE MEASURING BASKET STANDARDIZATION ACT.

[BURMA ACT I, 1939.]

(4th March, 1939.)

PART I.

Extent.

1. (1) The provisions of Part I extend to the whole of the Union of Burma.

(2) The President of the Union may, by notification, extend the provisions of Part II to any area from a date not less than one year from the date of the notification.

Definitions.

2. "Tin hman" means a receptacle for measuring paddy which shall be of the material, size and shape prescribed by the President of the Union and of a cubical capacity equal to nine gallons.

"Khwe" means a receptacle for measuring paddy which shall be of the material, size and shape prescribed by the President of the Union and of a cubical capacity equal to one-half the cubical capacity of the tin hman.

"Seik" means a receptacle for measuring paddy of a cubical capacity equal to one-quarter the cubical capacity of the tin hman.

"Pyi" means a receptacle for measuring paddy of a cubical capacity of one-sixteenth the cubical capacity of the tin hman.

"Zale" means a receptacle for measuring paddy of a cubical capacity of one-sixty-fourth the cubical capacity of the tin hman.

Explanation.- "Gallon" means the cubical capacity of the British standard so named and prescribed by the Weights and Measures Act, 1878.

In Arakan khwe to be substituted for tin hman.

3. In such parts of the Arakan Division as the President of the Union may by notification declare, this Act shall be construed as if the word "khwe" were used for the words "tin hman" wherever they occur, except in section 2.

Inspection and verification of tin hman.

4. The Government shall cause samples of the tin hman to be kept for public inspection in such places as may be convenient and shall provide for their care and periodical verification.

Appointment of person to test and stamp receptacles.

4A. (1) The President of the Union may, by notification, appoint any person to be the authority for testing and stamping receptacles which conform to the tin hman for such local area as may be specified in the notification.

(2) Such authority shall test every receptacle presented for testing and shall, if the receptacle conforms to the tin hman, stamp the same with a verification mark in the prescribed manner.

Power to make rules.

5. The President of the Union may make rules-

- (i) prescribing the material, size and shape of the tin hman;
- (ii) prescribing the method by which receptacles may be tested for the purpose of ascertaining whether they conform to the tin hman, or to one of the subdivisions of the tin hman described in section 2, as the case may be;
- (iii) prescribing the manner in which such receptacles may be stamped with a verification mark so as to show legibly the denomination of the measure;
- (iv) prescribing the fees which may be charged for testing and stamping such receptacles;
- (v) prescribing the functions and duties of authorities appointed under section 4A;
- (vi) generally for carrying into effect the purposes of this Act.

Penalty for forging or counterfeiting stamp.

6. Whoever forges or counterfeits any stamp used for the stamping under this Act of any receptacle, or wilfully increases or diminishes the cubical capacity of a receptacle stamped under this Act, shall be punishable with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

Application of Part I to dry goods.

7. The President of the Union may, by notification, apply the provisions of this Part to any form of dry goods other than paddy.

PART II.

All transactions to be made with reference to tin hman.

8. (1) No contract, bargain, sale or dealing shall be made or had for any work, goods, wares or merchandise, or other thing which had been or is to be done, sold, delivered, carried or agreed upon, with reference to paddy to be measured by volume, otherwise than by the tin hman or its subdivisions described in section 2.

- (2) Where an authority has been appointed for a local area under section 4A, no tin hman shall be used in such area in connection with any transaction mentioned in sub-section (1) after the expiry of six months from the date of such appointment unless it has been tested and stamped by such authority in accordance with rules made under section 5.

Relation of other measures to the tin hman.

9. Any transaction referred to in section 8 made with reference to any measure of paddy by volume other than the tin hman or its subdivisions shall be deemed to have been made with reference to the tin hman or its subdivisions. The transaction shall be void if it be impossible to relate the measure to the tin hman or its subdivisions.

Penalty for contravention of section 8.

10. Whoever contravenes the provisions of section 8 shall be punishable for a first offence with fine which may extend to five hundred rupees, and for a second or subsequent offence with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Liability of employer for acts of agent or servant.

11. Where an offence under this Act is committed by any person when acting as the agent or servant of another, the employer of such person shall also be liable to punishment as if he had himself committed the offence if he failed to take reasonable precautions to prevent the commission of the said offence.

Power of local authority to appoint Inspectors of Measures.

12. (1) Notwithstanding anything contained in any of the enactments mentioned in the Schedule, any local body constituted under such enactments may, and if so required by the Government shall, appoint and pay Inspectors of Measures, and every such Inspector shall be a public servant, and shall have power at all reasonable times to enter into any place where he has reason to believe that receptacles which have been or are intended to be used in connection with any transaction referred to in section 8 are kept, and to test such receptacles or to remove them for testing, and he shall seize any receptacle which he finds to be false.

(2) For the purposes of this section a receptacle that does not conform to the tin hman or whose cubical capacity is in error by more than one per cent shall be deemed to be false.

(3) The President of the Union may invest such other qualified officers as he may consider suitable with the powers of an Inspector appointed under sub-section (1).

Rules relating to exercise of powers by Inspectors.

13. The President of the Union may make rules providing for the manner in which Inspectors shall exercise their powers, and for the confiscating, destroying or otherwise disposing of receptacles seized under section 12.

Saving of other receptacles for measuring.

14. Notwithstanding anything contained in the foregoing sections, for a period of one year from the date on which the provisions of this Part have been extended to any area a receptacle of any material, size or shape may be used in the said area for measuring paddy by volume, provided it has the same cubical capacity as the tin hman or of one of its subdivision; described in section 2, and references in the said sections to the tin hman shall be construed as references to a receptacle of any material, size or shape but having the same cubical capacity as the tin hman.

Application of Part II to dry goods.

15. The President of the Union may, by notification, apply the provisions of this Part to any form of dry goods other than paddy to which the provisions of Part I have already been applied.

Application of sections 4A and 8 (2) to subdivisions of tin hman.

16. The President of the Union may, by notification, apply the provisions of section 4A and sub-section (2) of section 8 to any subdivisions of the tin
hman.