

**THE WEIGHTS AND MEASURES OF CAPACITY ACT.**

**[INDIA ACT XXXI, 1871.]**

**(30th October, 1871.)**

1. This Act shall not extend to Upper Burma unless extended thereto by the President of the Union by notification.

**II.-Standards.**

Standard of weight.

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, equal, when weighed in a vacuum, to the weight known in France as the Kilogramme do Archives.

Units of weight and measures of capacity.

3. The units for weight and of measures of capacity shall be-

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.

Special weights and measures of capacity may be authorized.

4. The President of the Union may, from time to time, by notification in the Gazette, declare the magnitude and denominations of the weights and measures of capacity, other than the said units, to be authorized under this Act:

Provided that every such weight or measure of capacity shall be an integral multiple or integral sub-multiple of one of the units aforesaid.

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

Districts how defined.

5. The President of the Union may, from time to time, by notification in the Gazette, define the limits of districts for the purposes of this Act.

Primary standards to be provided.

6. The President of the Union may provide, for such districts as he thinks fit, proper primary standards and sets of the said authorized weights and measures of capacity.

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

7.\*\*\*\*

**III.- Use of new Weights and Measures of Capacity.**

Use of new weights and measures of capacity in Government offices, etc.

8. Whenever the President of the Union considers that proper standard weights and measures of capacity have been made available for the verification of the weights and measures of capacity to be used by any Government office or municipal body or railway company, the President of the Union may, by notification in the Gazette, direct that, after a date to be fixed therein, all or any of the weights and measures of capacity authorized as aforesaid shall be used in dealings and contracts by such office, body or company.

Contracts by weight or measure of capacity.

9. After the date fixed in any notification under section 8, all dealings and contracts had and made by the officers, bodies or companies, mentioned in such notification, for any work to be done or goods to be sold or delivered by weight or measure of capacity, shall, in the absence of a special agreement to the contrary, be deemed to be had and made according to the weights or measures of capacity directed in such notification to be used by such officers, bodies or companies.

#### **IV.-Wardens.**

Appointment of wardens.

10. The President of the Union shall appoint wardens for the custody of the primary and local standards and sets of authorized weights and measures of capacity hereinbefore mentioned.

Power to make rules.

11. The President of the Union may, from time to time, make rules consistent with this Act for regulating the following matters:-

- (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 of capacity authorized under this Act, and balances, and of certifying such verification:

Provided that such verification shall not be required to be made oftener than once in two years;

- (e) the errors which may be tolerated in weights, weighing machines and measures of capacity authorized under this Act, and in balances;
- (f) the shapes, proportions and dimensions to be given to weights, weighing machines and measures of capacity authorized under this Act, and to balances, and the materials of which they may be made;
- (g) marking weights and measures of capacity authorized under this Act with their several denominations;
- (h) the conditions under which Government offices, municipal bodies and railway companies shall be subject to inspection and verification of the weights, weighing machines and measures of capacity authorized under this Act, and of the balances used by them;
- (i) the fees to be paid for verifying, correcting and certifying the verification of weights, weighing machines and measures of capacity authorized under this Act, and of balances.

Publication of rules, Rules, when specially applied, to have force of law.

12. Such rules shall be published in the Gazette.

And the President of the Union may, by notification in the 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; and thereupon, to the extent specified in such notification, such rules or rule shall have the force of law.

Officers of Government and others to comply with rules.

13. All officers of Government, municipal officers, and officers and servants of railway companies shall comply with such rules so far as they concern them, and pay such fees as the said rules shall prescribe.

Warden may refuse to verify or correct things unfit.

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

Exercise of any of warden's powers.

15. 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 President of the Union may, from time to time, appoint.

Counterfeiting warden's marks.

16. Whoever knowingly counterfeits any mark used by a warden under section 11 shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Tables of equivalents.

17. The President of the Union may, from time to time, prepare tables of the equivalents of weights and measures of capacity, other than those authorized under this Act, in terms of the weights and measures of capacity so authorized, and the equivalents so stated, after notification in the Gazette, shall be deemed the true equivalents.

Note: This is one of the enactments which has not been declared in force in Upper Burma by the Burma Laws Act (India Act XIII, 1898); but power is retained as under existing law to extend this Act thereto by notification.