

Bill Summary

The Standards of Weights and Measures (Enforcement) Amendment Bill, 2005

- The Standards of Weights and Measures (Enforcement) Amendment Bill, 2005 was introduced in the Rajya Sabha on March 10, 2005. The report of the Standing Committee on Food, Consumer Affairs and Public Distribution (Chairperson: Devendra Prasad Yadav) was submitted on December 23, 2005.
- The Standards of Weights and Measures Enforcement Act, 1985 (the Principal Act) provides for the enforcement of the standards of weights and measures established by the Standards of Weights and Measures Act, 1976. It (a) prohibits the use of weights and measures other than the standards, and provides for (b) the appointment of controllers, inspectors, and other officers, (c) custody and verification of reference standards, (d) registration of users of weights and measures (e) manufacture, sale and repair of weights and measures, (f) verification of measures.
- The Standards of Weights and Measures (Enforcement) Amendment Bill, 2005 seeks to (a) prescribe qualifications for appointment of Additional Controllers and Inspectors, (b) do away with the requirement of registration of users of weights and measures, (c) revise the penalties for various offences under the Act, (d) empower the central government to issue licenses, prescribe fees and make rules.
- The central government may prescribe qualifications for persons to be appointed as Additional, Joint, Deputy and Assistant Controllers and Inspectors by the state government.
- The Bill does away with the requirement of registration of users of weights and measures.
- Licenses issued by the central and state government for manufacturing and repairing weights and measures shall be valid all over India.
- Special verification agents under the Standards of Weights and Measures Act, 1976 shall verify weights and measures as prescribed under that Act.
- Punishments for offences
 - The penalty for counterfeiting of seals and fraudulent use of weights or measures is a maximum fine of Rs 10,000 for the first offence and imprisonment for six months to a year for the second offence.
 - Manufacture, packing or selling commodities in packaged form in less weight than that indicated on the package is punishable with a fine of upto Rs 20,000 or imprisonment upto two years or with both for the first offence and with imprisonment upto five years for the second offence.
 - The maximum fines that may be imposed for other offences such as sale or delivery of commodities by non standard weights or measures, keeping non standard weights or measures for use, short measurement, sale or possession of weights or measures that have not been verified, failure to maintain records etc. have been increased.
 - A company may authorise a director (and notify the Controller) to ensure that offences under the Act are not committed, and in case an offence is committed by the company, the nominated director shall be liable and proceeded against.
- The maximum amount of fees that may be levied for issue or renewal of licenses for manufacturing, repairing or selling weights and measures, alteration of license, verification or adjustment of weights and measures, grant of copies of documents etc. has been increased and shall be as prescribed by the central government (and not the state government, which was the case in the Principal Act).
- The central government (and not the state governments, which was the case in the Principal Act) shall make rules to carry out the provisions of the Act.

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