

**THE STANDARDS OF WEIGHTS AND MEASURES
ORDINANCE, 1982
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***THE STANDARDS OF WEIGHTS AND MEASURES
ORDINANCE, 1982**

ORDINANCE NO. XII OF 1982

[26th June, 1982]

An Ordinance to establish standards of weights and measures based on metric system and units of measurement.

WHEREAS it is expedient to make provision for the establishment of standards of weights and measures based on metric system and units of measurement and for matters connected therewith or incidental thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

PART I

PRELIMINARY

1. (1) This Ordinance may be called the Standards of Weights and Measures Ordinance, 1982.

Short title and commencement

(2) It shall come into force on such date as the Government may, by notification in the *official Gazette*, appoint; and different dates may be appointed for different-

- (a) provisions of this Ordinance,
- (b) areas,
- (c) classes of goods,
- (d) classes of undertakings,
- (e) classes of weights and measures, or
- (f) classes of users of weights and measures, and any reference in any such provision to the commencement of this Ordinance shall be construed as a reference to the coming into force of that provision in such areas, or in respect of such classes of undertakings, goods, weights and measures or users of weights and measures in relation to which this Ordinance has been brought into force.

* The Ordinance was declared void by the Appellate Division of the Supreme Court of Bangladesh in Civil Appeal No. 48 of 2011 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৮২ সনের ২৪ মার্চ হইতে ১৯৮৬ সালের ১১ নভেম্বর তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৭ নং আইন)।

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context,-

- (a) “authorised person” means a person authorised by the Government to exercise or perform any specific power or duty under this Ordinance.
- (b) “calibration” means all the operation which are necessary for the purpose of determining the values of the errors of a weight or measure and, if necessary, to determine the other metrological properties of such weight or measure, and includes the actual fixing of the positions of the gauge-marks or scale-marks of a weight or measure, or in some cases, of certain principal marks only, in relation to the corresponding values of the quantity to be measured;

Explanation.- Calibration may also be carried out with a view to permitting the use of a weight or measure as a standard;

- (c) “commercial weight or measure” means weight or measure purporting to be a standard of weight or measure used in any transaction for trade or commerce;
- (d) “commodity in packaged form” means commodity packaged, whether in any bottle, in wrapper or otherwise, in units suitable for sale, whether wholesale or retail;
- (e) “dealer”, in relation to any weight or measure, means a person who, or a firm or a family which, carries on directly or otherwise, the business of buying, selling, supplying or distributing any such weight or measures, whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes-
 - (i) a commission agent who carries on such business on behalf of any principal;
 - (ii) an importer sells, supplies, distributes or otherwise delivers any weight or measure to any user, manufacturer, repairer, consumer or any other person, but does not include a manufacturer who sells, supplies, distributes or otherwise delivers any weight or measures to any person or category of persons referred to in this clause;

Explanation.- For the removal of doubts, it is hereby declared that a manufacturer, who sells, supplies, distributes or otherwise delivers any weight or measure to any person other than a dealer, shall be deemed to be a dealer;

- ¹[(f) “Director-General” means the Director-General of the Bangladesh Standards and Testing Institution established under the Bangladesh Standards and Testing Institution Ordinance, 1985 (XXXVII of 1985);]
- (g) “export”, with its grammatical variations and cognate expressions, means taking out of Bangladesh to a place outside Bangladesh;
- (h) “false package” means any package which does not conform to the provisions of this Ordinance or any rule or order made thereunder in relation to such package;
- (i) “false weight or measure” means any weight or measure which does not conform to the standards established by or under this Ordinance in relation to that weight or measure;
- (j) “General Conference on Weights and Measures” means the *Conference General des Poids et Mesures* established under the *Convention de Metre*;
- (k) “import”, with its grammatical variations and cognate expressions, means bringing into Bangladesh from a place outside Bangladesh;
- ²[(l) “Inspector” means an Inspector appointed under section 14, and shall include an Inspector appointed under section 25 of the Bangladesh Standards and Testing Institution Ordinance, 1985 (XXXVII of 1985);]
- (m) “Institution” means the Bangladesh Standards and Testing Institution established under the Bangladesh Standards and Testing Institution Ordinance, 1985 (XXXVII of 1985);]

¹ Clause (f) was substituted by section 2 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

² Clauses (l) and (m) were substituted by section 2 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

- (n) “International Bureau of Weights and Measures” means the *Bureau International des Poids et Mesures*, established under the *Convention de Metre, et Sevres in France*;
- (o) “International Organisation of Legal Metrology” means the *Organisation Internationale de Metrologic Legale* established under the *Convention Instituant Une Organisation Internationale de Metrologic Legale*;
- (p) “International prototype of the kilogram” means the prototype sanctioned by the First General Conference on Weights and Measures held in Paris in 1889, and deposited at the International Bureau of Weights and Measures;
- (q) “label” means any written, marked, stamped, printed or graphic matter affixed to, or appearing upon, any commodity or package containing any commodity;
- (r) “manufacturer”, in relation to any weight or measure, means a person who, or a firm or a family which,-
 - (i) makes or manufactures such weight or measure;
 - (ii) makes or manufactures one or more parts, and acquires the other parts, of such weight or measure and, after assembling those parts, claims the end product to be a weight or measure manufactured by himself or itself, as the case may be;
 - (iii) does not make or manufacture any part of such weight or measure but assembles parts thereof made or manufactured by others and claims the end product to be a weight or measure manufactured by himself or itself, as the case may be;
 - (iv) puts, or causes to be put, his own mark on any complete weight or measure made or manufactured by any other person and claims such product to be a weight or measure made or manufactured by himself or itself, as the case may be;

Explanation.-where any manufacturer despatches any weight or measure or any part thereof to any branch office maintained by him or it, such branch office shall

not be deemed to be a manufacturer even though the parts so despatched to it are assembled at such branch office;

- (s) “mass” means the quantity of a matter and, while on the surface of the earth, is synonymous to, and may, for the purpose of this Ordinance, be expressed by, weight;
- (t) “normal atmospheric pressure” means the pressure exercised by 1,01.325 newtons per square metre, a newton being the force which imparts to a mass of one kilogram an acceleration of one metre per second per second;
- (u) “person” includes-
 - (i) every department or office;
 - (ii) every organisation established or constituted by the Government;
 - (iii) every local authority;
 - (iv) every co-operative society;
 - (v) every other society registered under the Societies Registration Act, 1860 (XXI of 1860);
- (v) “premises” includes-
 - (i) a place where any business, industry, production or trade is carried on by a person, whether by himself or through an agent, by whatever name called;
 - (ii) a warehouse, godown or other place where any weight, measure or other goods are stored or exhibited;
 - (iii) a place where any book of accounts or other documents pertaining to any trade or transaction are kept;
 - (iv) a dwelling house, if any part thereof is used for the purpose of carrying on any business, industry, production or trade;

Explanation.- For the purpose of this clause, “place” includes a vehicle or vessel or any other mobile device, with the help of which any trade or business is carried on, and also includes any measuring instrument mounted on a vehicle, vessel or other mobile device;

- (w) “prescribed” means prescribed by rules made under this Ordinance;
- (x) “reference standard” means the set of standard weight or measure which is made or manufactured by or on behalf of the Government for the verification of any secondary standard;
- (y) “repairer” includes a person who adjusts, cleans, lubricates or paints any weight or measure or renders any other service to such weight or measure to ensure that such weight or measure conforms to the standard established by or under this Ordinance;
- (z) “sale”, with its grammatical variations and cognate expressions, means transfer of property in any weight, measure or other goods by one person to another for cash or for deferred payment or for any other valuable consideration, and includes a transfer of any weight, measure or other goods on hire-purchase system of payment by instalments, but does not include a mortgage or hypothecation of, or a charge or pledge on, such weight, measure or other goods;
- (za) “seal” means a device or process by which a stamp is made, and includes any wire or other accessory which is used for ensuring the integrity of any stamp;
- (zb) “secondary standard” means the set of standard weight or measure which is made or manufactured by or on behalf of the Government for the verification of any working standard;
- (zc) “stamp” means a mark, which is made on, or in relation to, any weight or measure with a view to-
 - (i) certifying that such weight or measure conforms to the standard specified by or under this Ordinance, or
 - (ii) indicating that any mark which was previously made thereon certifying that such weight or measure conforms to the standards specified by or under this Ordinance, has been obliterated;

Explanation.- A stamp may be made by impressing, casting, engraving, etching, branding or any other process;

(zd) “trade”, with its grammatical variations, means any sale, bargain transaction, dealing or contract and includes collection of tolls and duties;

(ze) “transaction” means-

(i) any contract, whether for sale, purchase, exchange or any other purpose, or

(ii) any assessment of royalty, toll, duty or other dues, or

(iii) the assessment of any work done, wages due or services rendered;

(zf) “unverified weight or measure” means a weight or measure which, being required to be verified and stamped under this Ordinance, has not been so verified and stamped;

(zg) “verification”, with its grammatical variations and cognate expressions, includes, in relation to any weight or measure, the process of comparing, checking, testing or adjusting such weight or measure with a view to ensuring that such weight or measure conforms to the standards established by or under this Ordinance and also includes re-verification and calibration;

(zh) “weighing or measuring instrument” means any object, instrument, apparatus or device, or any combination thereof which is, or is intended to be, used, exclusively or additionally, for the purpose of making any weighing or measurement, and includes any appliance, accessory or part associated with any such object, instrument, apparatus or device;

(zi) “weight or measure” means a weight or measure specified by or under this Ordinance, and includes a weighing or measuring instrument;

(zj) “working standard” means the set of standard weight or measure which is made or manufactured by or on behalf of the Government for the verification of any standard weight or measure, other than a national prototype or national reference or secondary standard.

Provisions of the Ordinance to override the provisions of any other law

3. The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Ordinance or in any instrument having effect by virtue of any enactment other than this Ordinance.

PART II

ESTABLISHMENT OF STANDARDS OF WEIGHTS AND MEASURES

CHAPTER I

STANDARD UNITS

Base units of System International

4. (1) The units of weights and measures to be used throughout Bangladesh shall be units known as system international (SI) units.

(2) For the purpose of sub-section (1), the international system of units as recommended by the General Conference on Weights and Measures, and such additional units as may be recommended by the International Organisation of Legal Metrology shall be the units of the metric system or international system.

(3) The base units shall be as under-

(a) kilogram-

- (i) the base unit of mass shall be the kilogram;
- (ii) the “kilogram” is the unit of mass; it is equal to the mass of the international prototype of the kilogram;

(b) metre-

- (i) the base unit of length shall be the metre;

¹[(ii) the “metre” is the length of the path travelled by light in vacuum during a time interval of $\frac{1}{299\,792\,458}$ of a second;]

¹ Sub-clause (ii) was substituted by section 3 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

(c) second-

- (i) the base unit of time shall be a second;
- (ii) a “second” is the duration of $9\,192\,631\,770$ periods of the radiation corresponding to the transition between the two hyperfine levels of the ground state of the caesium-133 atom;

(d) ampere-

- (i) the base unit of electric current shall be the ampere;
- (ii) the “ampere” is that constant current which, if maintained in two straight parallel conductors of infinite length, of negligible circular cross-section, and placed one metre apart in vacuum, would produce between these conductors a force equal to 2×10^{-7} newton per metre of length;

(e) kelvin-

- (i) the base unit of thermodynamic temperature shall be the kelvin;
- (ii) the “kelvin” is the fraction $1/273.16$ of the thermodynamic temperature of the triple point of water;

Note- (i) The unit kelvin and its symbol k will be used to express an interval or a difference of temperature:

- (ii) In addition to the thermodynamic temperature (symbol T) expressed in kelvins use is also made of Celsius temperature (symbol t) defined by the equation $t = T - T_0$, where $T_0 = 273.15$ k by definition. The Celsius temperature is in general expressed in “degrees Celsius” (symbol $^{\circ}\text{C}$). The unit “degree Celsius” is thus equal to the unit “kelvin” and an interval or a difference of Celsius temperature may also be expressed in degrees Celsius:

(f) candela-

- (i) the base unit of luminous intensity shall be the candela;

- (ii) the “candela” is the luminous intensity in the perpendicular direction, of a surface of 1/600 000 square metre of a black body at the temperature of freezing platinum under a pressure of 101 325 newtons per square metre;

(g) mole-

- (i) the base unit of amount of substance shall be the mole;
- (ii) the “mole” is the amount of substance of system which contains as many elementary entities as there are atoms in 0.012 kilogram of carbon 12.

Note.- When the mole is used, the elementary entities shall be specified and may be atoms, molecules, ions, electrons, other particle, or specified groups of such particles.

Supplementary, derived, special and other units of weight or measure, etc.

5. (1) The Government may, by notification in the *official Gazette*, from time to time, vary, alter or adjust the base units of weights and measures and may, in relation to such units, specify such supplementary, derived, or other units or standard symbols or definitions as the General Conference on Weights and Measures or the International Organisation of Legal Metrology may recommend.

Explanation.- For the purpose of this sub-section, “derived unit” shall mean a unit which is derived from the base or supplementary units or both.

(2) The Government may specify such multiples and sub-multiples of, and physical constants and ratios of co-efficients in relation to such units of weight or measure as the General Conference on Weights and Measures or the International Organization of Legal Metrology may recommend.

(3) The Government may, by notification in the *official Gazette*, declare, for such period as it may consider necessary, such special units of weight or measure as the General Conference on Weights and Measures or the International Organisation of Legal Metrology may recommend.

CHAPTER II

STANDARD WEIGHTS AND MEASURES AND THEIR CUSTODY

6. (1) The Government shall cause to be prepared a national prototype of the kilogram and shall cause the same to be certified in terms of the international prototype of kilogram and shall deposit the same in such place and in such condition as it may think fit.

National
prototype of
primary units

(2) The Government shall cause to be prepared a national prototype of the metre and shall cause the same to be certified by the International Bureau of Weights and Measures and shall deposit the same at such place and in such custody as it may think fit.

(3) The other national prototypes of weights and measures shall also be kept at such place and in such custody as may be specified by the authorised person who shall cause them to be verified and certified before they are deposited and at intervals of not more than ten years thereafter.

7. The Government may, by notification in the *official Gazette*, declare the magnitude and denomination of such units of measure as it deems fit to be the secondary units of measure under this Ordinance:

Secondary units
of measures

Provided that every such secondary unit except that of time shall be an integral positive or negative power of ten of the relevant primary unit.

8. (1) The units of weights and measures referred to in sections 4 and 6 and the secondary units of measures declared under section 7 shall be the standard of weights and measures.

Standard of
weights and
measures

(2) The weight at any place of the primary unit of mass referred to in sub-section (3) (a) of section 4 shall be the standard unit of weight at that place.

(3) No weight, measure or numeral, other than the standard weight, measure or numeral, shall be a standard weight, measure or numeral.

(4) No weight or measure shall be made or manufactured unless it conforms to the standards of weight or measure established by or under this Ordinance:

Provided that the Government may permit the making or manufacturing of any weight or measure which does not conform to the standards established by or under this Ordinance, if such weight or measure is made or manufactured exclusively for the purpose of export and is made or manufactured under such conditions and restrictions as may be laid down by the Government.

(5) No weight, measure or other goods shall bear thereon any inscription or indication of weight, measure or number except in accordance with the standard unit of such weight measure or numeration established by or under this Ordinance:

Provided that in relation to any weight, measure or other goods which are exported, inscription or indication thereon of any weight, measure or number may also be made in accordance with any other system of weight, measure or numeration if such inscription or indication is demanded by the person to whom the export is to be made.

Conversion of
existing weights
and measures
into standard
measures

9. (1) The value expressed in terms of any unit of weight or measure other than the standard unit of weight or measure may be converted into the value expressed in terms of the appropriate standard of measure at the rate specified in the Schedule.

(2) All references in any enactment or in any notification, rule or order made under any enactment for the time being in force, or in any contract, deed or other instrument to a value expressed in terms of any unit of weight, measure or numeration other than that of a standard unit of weight, measure or numeration shall be construed as references to that value expressed in terms of standard units of weight, measure or numeration, as the case may be, converted at the rates specified in the Schedule.

(3) The Government may, by notification in the *official Gazette*, specify the rates at which the value expressed in terms of any weight or measure other than those referred to in sub-section (1) may be converted into the value expressed in terms of the standard of weights and measures.

(4) Where in any transaction the value expressed in terms of any weight or measure is required to be converted into the value expressed in terms of the standard of measure under this section, the calculation, for the purposes of such transaction, shall be made in such manner as may be prescribed.

10. (1) The Government shall cause to be prepared as many sets of such standards of measure specified in sub-section (1) of section 8 or multiples or sub-multiples thereof, to be called reference standards, as it may consider expedient and shall cause the measure of each such set to be authenticated as having been ascertained from the primary units of measure.

Reference
Standard

(2) The reference standards shall be kept in such place and in such condition as may be specified by the authorised person.

11. (1) For the purpose of verifying the correctness of the working standards, the Government may cause to be prepared as many sets of standard weights and standard measures, to be called secondary standards, as it may consider expedient and shall cause each such set to be authenticated as having been verified with the reference standards.

Secondary
Standards

(2) The Secondary standards shall be kept in such places and in such conditions as may be specified by the authorised person who shall cause them to be verified with the reference standards at least once in every five years and marked with the date of such verification.

12. (1) For the purpose of verifying the correctness of commercial weights and measures, the Government may cause to be prepared as many sets of standard weights and measures, to be called working standards, as it may consider expedient and shall cause each such set to be authenticated as having been verified with the secondary standards:

Working
Standards

Provided that the working standards in respect of bullion and precious stones shall be verified with the reference standards.

(2) The working standards shall be kept in such place and in such condition as may be specified by the authorised persons who shall cause them to be verified with the secondary standards or reference standards, as the case may be, at such intervals and in such manner as may be specified by him and to be marked with the date of such verification.

(3) A working standard which has not been verified at any interval specified therefore shall not, after the expiry of the day closing the interval, be used until it has been verified and marked with the date of verification.

Standard
weighing and
measuring
instruments

13. (1) For the purpose of verifying the correctness of the weighing instruments and measuring instruments used in trade or commerce, the Government may cause to be prepared as many sets of standard weighing instruments and standard measuring instruments as it may consider expedient and the correctness of such instrument shall be verified, and the date of such verification shall be marked, in such manner as may be specified by the authorised person.

(2) The standard weighing instruments and standard measuring instruments shall be kept at all places where the secondary standards or working standards are kept.

PART III

APPOINTMENT AND POWER OF INSPECTORS, ETC.

Appointment of
officers, etc.

¹**[14.** (1) The Institution may, with the approval of the Government, appoint as many Directors, Deputy Directors, Assistant Directors, Senior Examiners, Examiners, and Inspectors for weights and measures as it may deem fit.

(2) Subject to the provisions of this Ordinance and the rules made thereunder, all Directors, Deputy Directors, Assistant Directors, Senior Examiners, Examiners, and Inspectors shall perform their duty under the General Superintendence and control of the Director-General.

(3) The Directors, Deputy Directors, Assistant Directors, Senior Examiners and Examiners may, in addition to the powers and duties conferred or imposed on them by or under this Ordinance, exercise any powers or discharge any duties so conferred or imposed on an Inspector.

¹ Section 14 was substituted by section 4 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

(4) The Government shall, by general or special order, define the local limits within which each Inspector or any other officer appointed under sub-section (1) shall exercise the powers and discharge the duties conferred or imposed on him by or under this Ordinance.

(5) The Director-General, every Director, Deputy Director, Assistant Director, Senior Examiner, Examiner, Inspector, and every other officer duly authorised by or under this Ordinance to perform any duty shall be deemed to be a public servant within the meaning of section 21 of the Penal Code (Act XLV of 1860).]

15. An Inspector shall, at such place within his jurisdiction and at such time as the authorised person may direct, verify a weight, measure, weighing instrument or measuring instrument brought to him for the purpose and shall, if he finds it correct and in conformity with this Ordinance and the rules made thereunder, stamp it with a stamp of verification in such manner as the Government may specify.

Verification and stamping by Inspectors

16. (1) The authorised person may at any reasonable time, inspect and verify with a secondary standard or a working standard or, as the case may be, with a weighing instrument or a measuring instrument prescribed for the purpose, any weight, measures, weighing instrument or measuring instrument which is used in any transaction of trade or commerce or is in possession of any person or is found on any premises for such use, and may, for the purpose of such inspection and verification enter into or upon any place of premises and require any trader or any employee or agent of a trader to produce before him, or, in case of non-compliance with the requirement, search for, any weight measure, weighing instrument or measuring instrument or any document or record relating thereto.

Power to inspect and verify weights and measures

(2) For the purpose of verifying any weight, measure, weighing instrument or measuring instrument under sub-section (1), the authorised person may verify or cause to be verified the weight or measure of any article sold or delivered in the course of any transaction of trade or commerce.

(3) Where any weight, measure, weighing instrument or measuring instrument or any other article in relation to which trade or commerce has taken place or is intended to take place is inspected and verified under sub-section (1) and is not found to be what it purports to be, the authorised person may seize or detain the same.

(4) Where any article seized under sub-section (3) is subject to speedy or natural decay, the authorised person may dispose of such article in such manner as may be specified by the Government.

(5) Every search or seizure made shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), relating to searches and seizures made under that Code.

(6) Every false or unverified weight or measure or article seized under sub-section (3) shall be liable to be forfeited to the ¹[Institution]:

Provided that an unverified weight or measure shall not be forfeited to the ²[Institution] if the person from whom such weight or measure was seized gets the same verified and stamped within such times as may be prescribed.

Power to inspect and verify the contents of sealed packages and containers

17. (1) Where the authorised person or an Inspector has reason to believe that a sealed package or container intended for sale does not contain the net weight or measure of the article which it purports to contain, the authorised person or, as the case may be, the Inspector may break open the package or container and verify the weight or measure of its contents and may, for the purpose of such verification, enter into or upon any place or premises and require the trader concerned or any employee or agent of the trader to produce before him the package or container which is to be so verified.

¹ The word "Institution" was substituted for the word "Government" by section 5 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

² The word "Institution" was substituted for the word "Government" by section 5 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

(2) Where, upon verification under sub-section (1), the net weight or measure of the contents is found to be the same as the package or container purports to contain, the authorised person or, as the case may be, the Inspector shall re-seal the package or container where it is possible to do so without injuring the contents, and attach thereto a certificate stating the correct weight or measure of the contents.

(3) Where the net weight or measure of the contents verified under sub-section (1) is not found to be the same as the package or container purports to contain, the authorised person or, as the case may be, the Inspector may seize or detain the package or container and its contents.

18. The authorised person may, if he considers it desirable that in any area, a weight, measure, weighing instrument or measuring instrument should be adjusted, require an Inspector to adjust, in such manner as he may direct, such weight, measure, weighing instrument or measuring instrument and the Inspector shall adjust it accordingly.

Power to adjust weights and measures

19. Every manufacturer, repairer or dealer in weights, measures, or weighing and measuring instruments, and every person using them in transactions of trade or commerce shall maintain such record and accounts as may be specified by the Government and, if required so to do by the authorised person, shall produce such records and accounts before him.

Manufacturers, etc., to maintain records and documents

PART IV

TRADE OR COMMERCE IN WEIGHTS, MEASURES OR OTHER GRADE

CHAPTER I

APPROVAL OF MODELS

20. (1) Save as otherwise provided in this section, this Chapter shall not apply to-

Approval of models

- (a) any weight or measure which, being subject to verification and stamping under the law as in force immediately before the commencement of this Ordinance, is in use at such commencement;

- (b) any cast iron, brass, bullion or carat weight or any beam scale, except those prescribed by rules made in this behalf;
- (c) length measures (not being measuring tapes) ordinarily used in retail trade for measuring textile or timber;
- (d) capacity measures which are ordinarily used in retail trade for measuring kerosene, milk or portable liquors.

(2) Where any officer of the Government charged with the duty of implementing the law relating to weights and measures has any reason to believe that the model of any weight or measure referred to in sub-section (1) requires a test by the authorised person, he may obtain one such weight or measure from the market and forward it to the authorised person for test, the fees for which shall be payable by the Government.

(3) Every person shall, before making or manufacturing any weight or measure to which this Chapter applies, submit for approval to the authorised person, such number of models, drawings and other information relating to such weight or measure as may be specified by the authorised person:

Provided that in relation to any weight or measure which has already been made or manufactured, or which is in the process of being made or manufactured, models of such weight or measure shall be submitted to the authorised person from out of the weights or measures which have already been, or are in the process of being, made or manufactured:

Provided further that in the case of a weight or measure the model whereof cannot be submitted, whether by reason of its nature or otherwise, it shall be sufficient if the drawings and other specified information about the weight or measure is submitted to the authorised person and thereupon the authorised person shall test the models of such weight or measure at the place where it is made or manufactured or at such other place as may be specified by the Government.

(4) The authorised person may levy and collect from the maker of manufacturer such fees for the testing of any model, submitted under this section for approval, as may be fixed by the Government.

(5) The authorised person shall test the models submitted to him with a view to-

- (a) ascertaining whether such models conform to the standards established by or under this Ordinance;
- (b) finding out the ability of such models to maintain accuracy over periods of sustained use; and
- (c) determining the performance of such models under such varied conditions as may be specified by the ¹[Director-General].

(6) The authorised person may, if he is satisfied after considering the report that the aforesaid model is in conformity with the provisions of this Ordinance or any rule made thereunder and is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions, issue a certificate of approval in respect of that model.

(7) Every certificate of approval of a model may either be published in the *official Gazette* or in such other manner as the Government may direct.

(8) The authorised person may, if he is satisfied that the product made or manufactured in accordance with the model which was approved by him has failed to render the expected performance or to conform to the standards established by or under this Ordinance, revoke the certificate of approval issued by him under sub-section (6):

Provided that no such revocation shall be made except after giving the maker or manufacturer of such weight or measure a reasonable opportunity of being heard:

Provided further that where the authorised person is satisfied that as a result of the alteration made by the maker or manufacturer in the model of the weight or measure, such model has become fit for approval, he may vacate the order of revocation of the certificate of approval issued by him.

¹ The words "Director-General" were substituted for the word "Director" by section 6 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

(9) If for any reason any material of the approved model of a weight or measure becomes non-available in Bangladesh, the manufacturer may continue the manufacture of such weight or measure with such substitute materials as may be, in his opinion, most suitable for the manufacture of such weight or measure, but where the manufacturer does so, he shall send such substitute materials to the authorised person for test.

(10) If the authorised person is of opinion that the substitute material referred to in sub-section (9) is not suitable and that there is available in Bangladesh any other material which is more suitable, the authorised person shall intimate his findings to the manufacturer, and thereupon the manufacturer shall not manufacture the weight or measure with any material other than the material recommended by the authorised person, until the material which was originally approved by the authorised person becomes available in Bangladesh:

Provided that where, in the opinion of the authorised person, the substitute material referred to in sub-section (9) is not suitable and no other suitable material is also available in Bangladesh, the approval in relation to the model shall stand suspended until a suitable material becomes available in Bangladesh.

(11) Where the model of any weight or measure has been approved, the models of different denominations of such weight or measure shall not require any approval if such denominations are manufactured in accordance with the principles according to which, and the materials with which, the approved model has been manufactured.

Licence to
manufacture
weights and
measures

21. (1) Before issuing a licence to make or manufacture any weight or measure to which this Chapter applies, the Government or any person authorised by it in this behalf shall satisfy itself or himself, as the case may be, that a certificate of approval of the model of such weight or measure has been granted under section 20.

(2) Where any certificate of approval of any model has been revoked by the authorised person, the licence issued for making or manufacturing of any weight or measure in accordance with such model shall stand suspended:

Provided that such suspension shall stand vacated if such model is subsequently approved by the authorised person.

22. Every weight or measure for which a model has been approved shall bear thereon, in such manner as may be specified by the Government, the number of the approved model and the number of the certificate by or under which such model was approved:

Weights and measures to contain the number of the approved model, etc.

Provided that where the Government is of opinion that inclusion of any such particulars on any weight or measure is not possible by reason of its size or nature, it may exempt the inclusion of such particulars on such weight of measure.

CHAPTER II

COMMODITIES IN PACKAGED FORM

23. (1) No person shall-

- (a) make, manufacture, pack, sell, or cause to be packed or sold, or
- (b) distribute, deliver, or cause to be distributed or delivered, or
- (c) offer, expose or possess for sale,

any commodity in packaged form unless such package bears thereon or on a label securely attached thereto a definite, plain and conspicuous declaration, made in the specified manner, of -

- (i) the identity of the commodity in the package;
- (ii) the net quantity, in terms of the standard unit of weight or measure, of the commodity in the package;
- (iii) the accurate number of the commodity contained in the package, if the commodity is packed or sold by number; and
- (iv) the sale price of the package.

(2) Every package referred to in sub-section (1) shall bear thereon the name of manufacturer and also of the packer or distributor.

(3) Where the package of a commodity or the label thereon bears a representation as to the number of servings of the commodity contained therein, such package or label shall also bear a statement of the net quantity (in terms of weight, measure or number) of each such serving.

(4) The statement on a package or label as to the net weight, measure or number of the contents thereof shall not include any expression which tends to qualify such weight, measure or number.

(5) Where the Government has reason to believe that there is undue proliferation of weight, measure or number in which any commodity is, or reasonable comparable commodities are, being packed for sale, distribution or delivery and such undue proliferation impairs, in the opinion of the Government, the reasonable ability of the consumer to make a comparative assessment of the prices after considering the net quantity or number of such commodity, the Government may direct the manufacturers and also the packers or distributors to sell, distribute or deliver such commodity in such standard quantities or numbers as it may specify.

(6) Whenever the retail price of a commodity in packaged form is stated in any advertisement, there shall be included in the advertisement a conspicuous declaration as to the net quantity or number of the commodity contained in the package and retail unit sale price thereof.

(7) No person shall sell, distribute or deliver for sale a package containing a commodity which is filled less than the specified capacity of such package except where it is proved by such person that the package was so filled with a view to-

- (a) giving protection to the contents of such package, or
- (b) meeting the requirements of machines used for enclosing the contents of such package.

(8) The Government may specify such reasonable variations in the net contents of the commodity in a package as may be caused by the method of packing or the ordinary exposure which may be undergone by such commodity after it has been introduced in trade or commerce.

CHAPTER III

MANUFACTURE, IMPORT AND EXPORT OF WEIGHTS AND MEASURES AND COMMODITIES IN PACKAGED FORM

24. (1) No person shall carry on the business of manufacturing, repairing or selling any commercial weight or measure or any weighing instrument or measuring instrument except in accordance with the provisions of a certificate granted under section 20.

Prohibition of the manufacture, etc. of weights and measures without licence

(2) No dealer or manufacturer shall export or import any weight or measure unless he is registered under this section as such exporter or importer, as the case may be.

(3) Every person who intends to commence or continue business as an exporter or importer of any weight or measure shall make, within such time from the commencement of this Ordinance as may be prescribed an application for the inclusion of his name in the register to be maintained for the purpose.

(4) The application referred to in sub-section (3) shall be made to the authorised person and every such application shall be made in such form, in such manner and on payment of such fees, not exceeding one hundred Taka, as may be prescribed.

(5) On receipt of an application referred to in sub-section (3), the authorised person shall enter the name of the applicant in the register referred to in that sub-section and issue to the applicant a certificate to the effect that his name has been so entered.

(6) A certificate granted under sub-section (5) shall be valid for the period specified therein and may be renewed, from time to time, for such further period as may be prescribed.

25. (1) Subject to such conditions, limitations and restrictions as may be prescribed, the Government may allow the export of any weight or measure which has been made or manufactured exclusively for export with the previous permission of the Government notwithstanding that such weight or measure does not conform to the standards established by or under this Ordinance.

Conditions under which export of non-standard weights and other goods may be allowed

(2) Where any commodity in packaged form is exported and the person to whom such export is to be made so requires, the exporter may, in addition to specifying the net contents of such package in terms of the standard units of weight or measure established by or under this Ordinance, also specify the weight or the net contents thereof in terms of such units of weight or measure as may be specified by the person to whom such commodity is to be exported.

(3) Notwithstanding anything contained elsewhere in this Ordinance, in relation to any goods which are exported,-

- (a) quotation of any price;
- (b) issue of any price list, invoice or cash memo;
- (c) indication of the weight or measure or number of net contents of any package on any label, carton or other thing; and
- (d) expression of any dimension,

may be made in accordance with any other system of weight, measure or numeration if the person to whom the export is to be made so requires.

Non-metric
weight or
measure not to
be imported

26. (1) Save as otherwise provided in sub-section (2), no weight or measure, whether singly or as a part or component of any machine or machinery, shall be imported unless it conforms to the standards of weight or measure established by or under this Ordinance.

(2) Where any commodity, machinery or any part or component of any machineries imported from a country in which the metric system of weight or measure is not in force, or in which such system being in force, such commodity, machinery, part or component of any machinery has not been made or manufactured in accordance with such system, the importer shall before making such import, make an endeavour to obtain, on such commodity, machinery, part or component, and also on the drawing thereof, the weight or measurement thereof expressed in terms of the standard unit of weight or measure established by or under this Ordinance:

Provided that where any weight or measure has not been expressed in terms of the standard unit of weight or measure established by or under this Ordinance, on any commodity, machinery, part or component or on any drawings thereof, the importer shall, within six months from the date of import, get the weight or measure thereof expressed on such commodity, machinery, part or component and on the drawings thereof in terms of the standard unit of weight or measures established by or under this Ordinance.

27. (1) Notwithstanding anything contained in any other law for the time being in force or any custom or usage or practice, no unit or measure, other than standard weight or standard measure, shall, after the expiry of six months from the date on which this section has come into force in any area or in relation to any goods or undertaking, be used, except as permitted under sub-section (2) in such area or in relation to such goods or undertaking in any transaction of trade or commerce or in any dealing or contract.

Prohibition of use of weights and measures other than standard weights and measures

(2) The Government may, by notification in the *official Gazette*, permit the continuance in use, in any area in which, or in relation to any class of goods or undertaking in respect of which, this section has come into force, of such weight or measure which was in use immediately before the date of such coming into force, for such period not exceeding three years from that date, as may be specified in the notification.

28. Notwithstanding any custom, usage, practice or method of whatever nature to the contrary, no person shall demand or receive, or cause to be demanded or received, any quantity of goods or commodity in excess of, or less than, the quantity fixed by the contract or dealing in respect of such goods or commodity and determined in terms of a standard weight or standard measure.

Prohibition of demanding or receiving a quantity different from that determined in terms of standard weight, etc.

29. The Government may, by notification in the *official Gazette*, direct that no transaction, dealing or contract shall be made in such area, from such date, subject to such conditions and in respect of such trade or call of trades as may be specified therein except by weight only or except by measure only.

Power to direct the use of weights only, or measures only, in certain areas

Commercial weights and measures to bear mark of denomination

30. No weight or measure shall be sold, delivered or in any manner used as a commercial weight or measure unless the description of the weight or measure which it purports to be is marked on it in the prescribed manner:

Provided that where, in the case of any commercial weight or measure or any class thereof compliance with the requirement of this section is not, in the opinion of the Government, practicable, the Government may, by notification in the *official Gazette*, exempt such weight or measure or class from such requirement.

Prohibition of sale, etc., of unstamped commercial weights and measures

31. (1) No commercial weight or measure or weighing instrument or measuring instrument shall be sold, delivered, used or possessed for use in any transaction of trade or commerce unless it has been verified and stamped in the prescribed manner:

Provided that where, in the case of any commercial weight or measure or any class thereof, compliance with the requirement of this section is not, in the opinion of the Government, practicable, the Government may, by notification in the *official Gazette*, exempt such weight or measure or class from such requirement.

(2) Where any commercial weight or measure or weighing instrument or measuring instrument-

- (a) is found in the possession of any trader or any employee or agent of any trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transaction of trade or commerce; and
- (b) is used or possessed by any employee or agent or any trader on behalf of the trader, such trader shall, unless he proves that it was used or possessed by the employee or agent without his knowledge or consent, be also deemed to have used it or to have had it in his possession.

PART V

OFFENCES AND THEIR TRIAL

Penalty for use of non-standard weights or measures

32. Whoever uses any weight or measure or makes any numeration otherwise than in accordance with the standards of weight or measure or the standards of numeration, as the case may be, established by or under this Ordinance, shall be

punished with imprisonment for a term which may extend to six months, or with fine which may extend to ¹[three thousand Taka], and, for the second or subsequent offence, with imprisonment for a term which may extend to two years and also with fine.

33. Except where any weight or measure is made or manufactured, with the permission of the Government, exclusively for export, every person who makes or manufactures any weight or measure which does not conform to the standards of weight or measure established by or under this Ordinance, shall, where such offence is not punishable under any other law relating to weights and measures for the time being in force, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ²[ten thousand Taka], or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for
contravention of
section 8(4)

34. Except where any weight or measure is made or manufactured with the permission of the Government exclusively for export, every person who makes or manufactures any weight or measure which bears thereon any inscription of weight, measure or number which does not conform to the standards of weight or measure established by or under this Ordinance, shall, where such offence is not punishable under any other law relating to weights and measures for the time being in force, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ³[five thousand Taka], or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for
contravention of
section 8(5)

¹ The words “three thousand Taka” were substituted for the words “one thousand Taka” by section 7 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

² The words “ten thousand Taka” were substituted for the words “two thousand Taka” by section 8 of the Standards of weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

³ The words “five thousand Taka” were substituted for the words “two thousand Taka” by section 9 of the Standards of weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

Penalty for
contravention of
sections 10, 11
and 12

35. Whoever tempers with, or alters, in any way, any reference standard, secondary standard or working standard except such alteration is made for the correction of any error noticed therein on verification, shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand Taka, or with both.

Penalty for
contravention of
section 16

36. Whoever obstructs the authorised person in the exercise of his powers or discharge of his functions as authorised person, or with intent to prevent or deter the authorised person from exercising his powers or discharging his functions, or in consequence of any thing done or attempted to be done by the authorised person in the lawful exercise of his powers or discharge of his functions as such, shall be punished with imprisonment for a term which may extend to ¹[two years, or with fine which may extend to fifteen thousand Taka, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine].

Penalty for
contravention of
²[section 19]

37. Whoever, being required by or under this Ordinance so to do, without any reasonable excuse, omits or fails to maintain any record or register, or being required by the authorised person, to produce any record or register for his inspection, omits or fails, without any reasonable excuse, so to do, shall be punished with fine which may extend to ³[five thousand Taka], and, for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.

¹ The words and commas “two years, or with fine which may extend to fifteen thousand Taka, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine” were substituted for the words and commas “two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years” by section 10 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

² The word and figure “section 19” were substituted for the word and figure “section 10” by section 11 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

³ The words “five thousand Taka” were substituted for the words “one thousand Taka” by section 11 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

38. Whoever, being required by section 20 to submit the model of any weight or measure for approval, omits or fails, without any reasonable excuse, so to do, shall be punished with fine which may extend to five thousand Taka, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for contravention of section 20

39. (1) Whoever makes or manufactures any weight or measure which is, or is intended to be, sold, distributed, delivered or otherwise transferred in the course of trade or commerce, shall, unless a certificate of approval of the model of such weight or measure granted under section 20 is in force, be punished with imprisonment for a term which may extend to two years and shall also be liable to fine, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for manufacture of weights and measures unless approval of model is in force

(2) Whoever, without any reasonable excuse, manufactures any weight or measure in accordance with an approved model with any material other than the material approved or recommended by the authorised person, shall be punished with imprisonment for a term which may extend to three years and also with fine.

40. Whoever makes or manufactures, any weight or measure without complying with the requirements of section 22 shall be punished with fine which may extend to ¹[ten thousand Taka], and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for contravention of section 22

41. Whoever, in the course of trade or commerce, sells, distributes, delivers or otherwise transfers, or causes to be sold, distributed, delivered or otherwise transferred any commodity in a packaged form which does not conform to the standards of weight or measure established by or under this Ordinance, shall be punished with fine which may extend to five thousand Taka, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for contravention of section 23

¹ The words “ten thousand Taka” were substituted for the words “five thousand Taka” by section 12 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

Penalty for
contravention of
section 24

42. Whoever exports or imports any weight or measure without being registered under this Ordinance shall be punished with fine which may extend to ¹[five thousand Taka], and, for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.

Penalty for
contravention of
section 25

43. Every person who exports any weight or measure or commodity in packaged form which does not conform to the standard of weight or measure established by or under this Ordinance shall, except where such export has been made with the previous approval of the Government, be punished with fine which may extend to five thousand Taka, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for
contravention of
section 26

44. Whoever contravenes, without any reasonable excuse, the provisions of section 26, shall be punished with fine which may extend to ²[ten thousand Taka], and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for
contravention of
section 28

45. Whoever, in the course of any trade or commerce,-

- (i) sells, delivers, or causes to be sold or delivered to the purchaser any quantity or number of any article or thing, less than the quantity or number contracted for or paid for; or
- (ii) renders any service by weight, measure or number, less than the service contracted for or paid for; or
- (iii) demands, or causes to be demanded, or receives, or causes to be received, while buying any article or thing, any quantity or number of goods in excess of the quantity or number contracted for or paid for; or
- (iv) obtains any service in excess of the service contracted for or paid for;

¹ The words “five thousand Taka” were substituted for the words “one thousand Taka” by section 13 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

² The words “ten thousand Taka” were substituted for the words “five thousand Taka” by section 14 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

shall be punished with fine which may extend to ¹[ten thousand Taka], and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

46. Whoever, in the course of any trade or commerce, contravenes the provisions of ²[section 31 or 58] shall be punished with fine which may extend to ³[five thousand Taka] and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for contravention of ⁴[sections 31 and 58]

⁵[**46A.** Whoever-

Penalty for counterfeiting seal, etc.

- (a) counterfeits any seal or stamp; or
- (b) possesses, sells or otherwise disposes of any counterfeit seal; or
- (c) removes or tempers any stamp; or
- (d) removes any stamp and affixes the same on, or inserts the same into any other weights or measures; or
- (e) increases or diminishes or alters in any way any weight or measure with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby;

shall be punished with imprisonment for a term which may extend to two years but shall not be less than six months and,

¹ The words “ten thousand Taka” were substituted for the words “five thousand Taka” by section 15 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

² The words and figures “section 31 or 58 ” were substituted for the word and figure “section 58” by section 16 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

³ The words “five thousand Taka” were substituted for the words “two thousand Taka” by section 16 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

⁴ The words and figures “sections 31 and 58 ” were substituted for the word and figure “section 58” by section 16 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

⁵ Section 46A was inserted by section 17 of the Standards of weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

for the second or subsequent offence, with imprisonment for a term which may extend to five years but shall not be less than one year and also with fine.]

Penalty where no specific penalty is provided

47. Whoever contravenes any provision of this Ordinance for the contravention of which no punishment has been separately provided elsewhere in this Ordinance, shall be punished with fine which may extend to ¹[five thousand Taka].

Presumption to be made in certain cases

48. (1) If any person, in the course of trade or commerce, uses, or causes to be used, sells, distributes, delivers or otherwise transfers, or causes to be sold, distributed, delivered or otherwise transferred, any false or unverified weight or measure, it shall be presumed, until the contrary is proved, that he had done so with the knowledge that the weight or measure was false or unverified weight or measure.

(2) If any person makes or manufactures or has in his possession, custody or control any false or unverified weight or measure in such circumstances as to indicate that such weight or measure is likely to be used in the course of trade or commerce, it shall be presumed, until the contrary is proved, that such false or unverified weight or measure was made manufactured, possessed, held or controlled by such person with the knowledge that the same would be, or is intended to be, used in the course of trade or commerce.

Penalty for personation of officials

49. Whoever personates, in any way, the Director, or the authorised person, shall be punished with imprisonment for a term which may extend to three years.

Penalty for giving false information or false returns

50. (1) Whoever gives information to the authorised person which he may require or ask for in the course of his duty and which such person either knows, or has reason to believe, to be false shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to ²[five thousand Taka], or with both.

¹ The words “five thousand Taka” were substituted for the words “two thousand Taka” by section 18 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

² The words “five thousand Taka” were substituted for the words “one thousand Taka” by section 19 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

(2) Whoever, being required by or under this Ordinance so to do, submits a return which is false in material particulars, shall be punished with fine which may extend to ¹[five thousand Taka], and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

51. (1) The authorised person who knows that there are no reasonable grounds for so doing, and yet-

Vexatious actions

- (a) searches, or causes to be searched, any house, conveyance or place, or
- (b) searches any person, or
- (c) seizes any weight, measure or other movable property, shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand Taka, or with both.

(2) If an inspector-

- (a) wilfully verifies any weight or measure within the meaning of section 16, or
- (b) wilfully obliterates any stamp on any such weight or measure, he shall, for every such offence, be punished with imprisonment for a term which extend to one year, or with fine which may extend to two thousand Taka, or with both.

52. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898),-

Cognizance of offences

- (a) no Court shall take cognizance of an offence punishable under this Ordinance except upon a complaint in writing, made by an officer authorised ²[by the Institution] in this behalf;

¹ The words “five thousand Taka” were substituted for the words “two thousand Taka” by section 19 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

² The words “by the Institution” were substituted for the words “by the Government” by section 20 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

- (b) no Court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Ordinance;
- (c) an offence punishable under section 32, section 33, section 34, section 37, section 39, section 40, section 41, section 42, section 43, section 44, ¹[section 46 or section 46A], may be tried summarily and no sentence of imprisonment for a term exceeding one year shall be passed in the case of any conviction for an offence which is summarily tried under this section.

Compounding
of offences

53. (1) Any offence punishable under section 32, section 37, section 38, section 39, section 41, section 42, section 43, section 44, section 45, section 46, ²[section 46A] or section 47, may, either before or after the institution of the prosecution, be compounded by the authorised person or such other officer as may be specially authorised by the Government in this behalf, on payment for credit ³[to the Institution] of such sum as the authorised person or such other officer may specify :

Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Ordinance for the offence so compounded.

(2) Nothing in sub-section (1) shall apply to a person who commits the same or similar offence within a period of three years from the date on which the first offence committed by him was compounded.

Explanation.- For the purposes of this sub-section, any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded shall be deemed to be a first offence.

¹ The words, figure and letter “section 46 or section 46A” were substituted for the words and figures “or section 46 ” by section 20 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

² The word, figure and letter “section 46A” were inserted by section 21 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

³ The words “to the Institution” were substituted for the words “to the Government” by section 21 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

(3) Where an offence has been compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded, and the offender, if in custody, shall be discharged forthwith.

(4) No offence under this Ordinance shall be compounded except as provided by this section.

¹[53A. If, in any prosecution under this Ordinance, the Court imposes any penalty provided in this Ordinance, it shall also direct the person upon whom such penalty is imposed to pay to the Institution such sum towards the costs of the prosecution (including the cost of any analysis or examination made under this Ordinance) as the Court may think reasonable and such sum shall be realised from that person as though it was a fine imposed under this Ordinance.]

Award of Costs

54. (1) If the person committing an offence under this Ordinance is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies, and proceedings against them

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to the neglect on the part of, any director, manager, secretary or other officer, he shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

¹ Section 53A was inserted by section 22 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

Explanation.- For the purposes of this section,-

- (a) “company” means any body corporate and includes a firm or other association of individuals ; and
- (b) “director”, in relation to a firm, means a partner in the firm.

Provisions of Penal Code not to apply to any offence under this Ordinance

55. The provisions of the Penal Code (Act XLV of 1860), shall not, in so far as such provisions relate to offence with regard to weights and measures, apply to any offence which is punishable under this Ordinance.

PART VI

MISCELLANEOUS

Survey and statistics

56. The Government may make, or cause to be made, such surveys and collect, or cause to be collected, such statistics as it may consider necessary with a view to ascertaining the extent to which any standard of weight, measure or numeration established by or under this Ordinance has been implemented in any area or in relation to any class of undertaking, users or goods and it shall be the duty of every person using weight or measure or making any numeration to render such assistance as the person making such survey or collecting such statistics may require.

Delegation of powers

57. The Government may, by notification in the *official Gazette*, direct that such of its powers under this Ordinance or the rules made thereunder shall, as may be specified in the notification, be exercisable also by such authority or person as may be so specified.

Prohibition of quotations, etc., otherwise than in terms of standard units of weights and measures or numeration

58. No person shall, in relation to any goods, thing or service,-

- (a) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge, or
- (b) issue or exhibit any price list, invoice, cash memo or other document, or
- (c) prepare or publish any advertisement, poster or other documents, or

- (d) indicate the contents of any package either on itself or on any label, carton, or other thing, or
- (e) indicate the contents on any container, or
- (f) express any quantity or dimension,

otherwise than in accordance with the standard unit of weight, measure or numeration.

59. Any custom, usage, practice or method of whatever nature which permits a person to demand, receive, or cause to be demanded or received any quantity of article, thing or service in excess of, or less than, the quantity specified by weight, measure or number in the contract or other agreement in relation to the said article, thing or service shall be void.

Custom, usage, etc., contrary to standard weight, measure or numeration to be void

60. (1) No unit of weight, measure or numeration shall, after the commencement of this Ordinance, be stated in any enactment, notification, rule, order, contract, deed or other instrument in terms of any unit of weight, measure or numeration other than that of a standard unit of weight, measure or numeration.

Non-metric weight or measure not to be mentioned in any document etc.

(2) On and from the commencement of this Ordinance, no weight, measure or number other than the standard weight, measure or number shall be used in, or form the basis of, any contract or other agreement in relation to any national or international trade or commerce:

Provided that, in relation to any goods which are exported, the weight, measure or number of such goods may be indicated thereon, or in any contract, in addition to the standard units of weight, measure or numeration, in accordance with any other system of weight, measure or numeration if the person to whom the export is to be made so requires.

(3) Any contract or other agreement in contravention of the provisions of sub-section (2) shall be void.

(4) No written record of the results of any measurement shall be maintained in any unit other than the standard unit of weight, measure or numeration established by or under this Ordinance.

Training Centre

61. (1) The Government may establish a Centre to be known as the Metrology Training Centre (hereafter referred to as the “Centre”) for imparting training in scientific, technical, legal and administrative aspects of Metrology.

(2) The management and control of the affairs of the Centre shall be vested in such person or authority as the Government may direct and shall be carried out in such manner as may be prescribed.

(3) The Government may provide the Centre with such teaching staff and other employees and with such equipments and other facilities as it may think fit to enable the Centre to function efficiently.

(4) The course and curricula for training and the period for which the training may be imparted thereat for each course shall be such as may be specified by the Government from time to time.

(5) The Government shall specify the minimum qualification which a person shall possess in order to be eligible for admission to the Centre for receiving training thereat and different qualifications may be specified for different courses and training imparted at the Centre.

(6) The Government or any corporation or private organisation may depute, in such batches as may be convenient to the Centre, employees of or above the rank of an Inspector for receiving training at the Centre and the Government may also arrange for the training, at the Centre, of such other persons as it may think fit.

(7) Where the Government is of the opinion that in addition to the training imparted at the Centre it is necessary to impart to an employee, not below the rank of an Inspector, further specialised training which is not provided for at the Centre, it may send such employee to such other place, authority or institution within the country or abroad as it may think fit for receiving such specialised training.

Appeals

62. (1) Subject to the provisions of sub-section (2), any person aggrieved by an order made under section 16 or section 20 may prefer an appeal against such order to the Government.

(2) Every such appeal shall be preferred within sixty days from the date on which the impugned order was made:

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, permit the appellant to prefer the appeal within a further period of sixty days.

(3) On receipt of any such appeal, the appellate authority shall, after giving the parties to the appeal a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order as it may think fit, confirming, modifying or reversing the order appealed against or may send back the case with such direction as it may think fit for a fresh order after taking additional evidence, if necessary.

(4) Every appeal shall be preferred on payment of such fees, not exceeding twenty-five Taka, as may be prescribed.

(5) The Government may, on its own motion or otherwise, call for and examine the record of any proceeding (including a proceeding in appeal) in which any decision or order has been made, for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such order thereon as it may think fit:

Provided that no decision or order shall be varied under this sub-section so as to prejudicially affect any person unless such person has been given a reasonable opportunity of showing cause against the proposed action.

63. ¹[(1) The Government may, by rule made under section 64, specify fees for- Levy of fees

- (a) approval of the model of any weight or measure intended to be made or manufactured for sale, purchase, distribution or delivery in the course of any trade or commerce;
- (b) verification and stamping of test weights, poises, counter weights etc. and weights or measures of the commercial, industrial and scientific category;

¹ Sub-section (1) was substituted by section 23 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

- (c) verification and stamping of a set of weight or measure of the working and secondary category;
- (d) granting copies of any document not being a document of a confidential nature;
- (e) registration of exporters or importers of weights, measures, weighing instruments or measuring instruments;
- (f) any appeal preferred under this Ordinance;
- (g) granting certificates of approval of model to manufacturers, repairers, or dealers relating to any weight, measure, weighing instrument or measuring instrument.]

(2) No approval, verification or stamping shall be made, copy granted, registration made or appeal entertained unless the fee prescribed therefore under sub-section (1) has been paid.

Power to make rules

64. (1) The Government may, by notification in the *official Gazette*, make rules to give effect to the provisions of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely-

- (a) supplementary, derived, special or other units of weight or measure, standard symbols or definitions, as recommended by the General Conference on Weights and Measures or the International Organisation of Legal Metrology;
- (b) multiples and sub-multiples of, and physical constants, ratios or coefficients in relation to units of weight or measure, as recommended by the General Conference on Weights and Measures or the International Organisation of Legal Metrology;
- (c) denominations of decimal multiples and sub-multiples of numerals and the manner in which they shall be written;
- (d) periodical intervals at which the accuracy of the objects or equipment referred to in sections 7 and 8 shall be certified ;

- (e) the physical characteristics, configuration, constructional details, materials, equipment, performance, tolerances, methods or procedures of tests in relation to weights or measures;
- (f) the conditions, limitations and restrictions under which non-standard weights or measures may be manufactured for export or may be exported;
- (g) class of goods or undertakings in relation to which, or class of users in relation to whom, no transaction, dealing or contract shall be made or had except by specified weight, measure or number;
- (h) the manner of declaration of the contents of a package and specification of the unit of weight, measure or number in accordance with which the retail sale price shall be declared on the package;
- (i) the standard quantities or number in which commodities may be packed;
- (j) the reasonable variations in the net contents of a packaged commodity which may be caused by the method of packing or ordinary exposure;
- (k) the classes of weights or measures which would fall in the first category or the second category;
- (l) the special seal by which weights or measures of the first category shall be stamped;
- (m) the form and manner in which and the time within which applications for inclusion of a name in the register of exporters and importers of weights and measures shall be made;
- (n) the period for which certificate of registration of an exporter or importer of weights or measures may be renewed;
- (o) the scales in accordance with which fees may be collected under section 63;
- (p) any other matter which is required to be, or may be, prescribed.

Repeal and savings

65. (1) The enactments specified below shall stand repealed in an area in which or in relation to any class of goods or undertakings or weights and measures or users of weights and measures in respect of which this Ordinance comes into force-

- (a) the Weights and Measures of Capacity Act, 1871 (XXXI of 1871);
- (b) the Measures of Length Act, 1889 (II of 1889);
- (c) the Standards of Weight Act, 1939 (IX of 1939); and
- (d) the Weights and Measures (Metric System) Act, 1967 (V of 1967).

(2) If, immediately before the commencement of this Ordinance, any provision thereof in any area or in relation to any class of goods or undertakings, there is in force in that area or in relation to that class of goods or undertakings any law which corresponds to this Ordinance or to any such provision thereof and which is not repealed by sub-section (1) that corresponding law shall stand repealed.

THE SCHEDULE

(See section 9)

(1) MASS:

1 grain	= 0.000 064 798 91	kilogram
1 tola	= ¹ [0.011 663 803 8]	kilogram
1 seer	= 0.933 104 304	kilogram
1 maund	= 37.324 172 16	kilogram
1 ounce (troy)	= 0.031 103 476 8	kilogram
1 pound (avoirdupois)	= 0.453 592 37	kilogram
1 hundred weight (UK)	= 50.802 345 44	kilogram

¹ The figures and sign “0.011 663 803 8” were substituted for the figures and sign “0.011 663 303 8” by section 24 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

1 hundred weight (USA)	= 45.359 237	kilogram
1 ton (UK)	= 1016.046 908 8	kilogram
1 ton (USA)	= 907.184 74	kilogram
(2) LENGTH :		
1 inch	= 0.025 4	metre
1 foot	= 0.304 8	metre
1 yard	= 0.914 4	metre
1 mile	= 1609.344	metre
1 nautical mile (UK)	= 1853.18	metre
¹ [1 International nautical mile	= 1852	metre]

For Survey of Bangladesh only

1 foot	= 0.304 799	metre
(3) AREA :		
1 square inch	= 0.000 645 16	square metre
1 square foot	= 0.092 903 04	square metre
1 square yard	= 0.836 127 56	square metre
1 square mile	= 2589 988.110 336	square metre

For Survey of Bangladesh only

1 square foot	= 0.092 903	square metre
1 acre	= ² [4046.8561]	square metre
	= ³ [0.404 685 61]	hectare

¹ The entry “1 International nautical mile = 1852 metre” was inserted by section 24 of the Standards of weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

² The figures and sign “4046.8561” were substituted for the figures and sign “4046.8468” by section 24 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

³ The figures and sign “0.404 685 61” were substituted for the figures and sign “0.404 648 58” by section 24 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

(4) VOLUME :

1 cubic inch	= ¹ [0.000 016 387 064]	cubic metre
1 cubic foot	= ² [0.028 316 846 592]	cubic metre
1 cubic yard	= 0.764 554 857 984	cubic metre
1 gallon (UK)	= 0.004 546 087	cubic metre
	= 4.546 087	litre
1 gallon (USA)	= 0.003 785 411 784	cubic metre
	= 3.785 411 784	litre
1 bushel (USA)	= 0.035 239 070 17	cubic metre
(2 150. 42 cubic inches)		
1 barrel (for petroleum)	= 0.158 987 294 928	cubic metre
1 acre-foot	= 1 233.482	cubic metre

(5) TEMPERATURE:

1 degree Fahrenheit	= $\frac{9}{5} T - 459.67$ kelvin (K)
1 degree Celsius	= $T - 273.15$ kelvin (K)
1 degree kelvin	= $\theta + 273.15$ degree Celsius ($^{\circ}\text{C}$)
	= $\frac{5}{9} (t + 459.67)$ degree Fahrenheit ($^{\circ}\text{F}$)

Where T= Temperature in kelvin; θ = Temperature in Celsius and t = Temperature in Fahrenheit.

¹ The figures and sign “0.000 016 387 064” were substituted for the figures and sign “0.000 160 387 064” by section 24 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

² The figures and sign “0.028 316 846 592” were substituted for the figures and sign “0.023 316 846 592” by section 24 of the Standards of Weights and Measures (Amendment) Act, 2001 (Act No. VI of 2001).

(6) FORCE:

1 pound-force = 4.448 221 615 260 5 newton

1 poundal = 0.138 254 954 376 newton

(7) PRESSURE:

1 barometric inch of mercury = 3 386.388 640 341 pascals

1 inch of water = 249.088 91 pascals

(8) ENERGY:

1 British thermal unit = 1 055.055 852 62 joules

1 foot-pound-force = 1.355 817 948 331 400 4 joules

(9) POWER:

1 horse-power (UK) = 745.699 871 582 270 22 watts

1 horse-power (European) = 735.498 75 watts

1 ton of refrigeration = 3516.852 842 67 Watts.
