

CONFIDENTIAL

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PROVINCIAL ASSEMBLY OF THE PUNJAB

REPORT OF THE SPECIAL COMMITTEE NO.1 REGARDING THE PUNJAB WEIGHTS AND MEASURES (INTERNATIONAL SYSTEM) ENFORCEMENT (AMENDMENT) BILL 2013 (BILL NO. 16 OF 2013)

The Weights and Measures (International System) Enforcement (Amendment) Bill 2013 (Bill No. 16 of 2013) was referred to Special Committee No.1 on 15 August 2013. The Committee considered the bill in its meetings held on 3 and 10 September 2013.

2. The following were present:—

1.	Mian Naseer Ahmad, MPA (PP-155)	Convener
2.	Raja Ashfaq Sarwar Minister for Labour & Human Resources, Punjab	<i>ex-officio</i> Member
3.	Rana Muhammad Arshad, MPA (PP-171)	Member
4.	Mian Tariq Mehmood, MPA (PP-113)	Member
5.	Sardar Qaisar Abbas Khan Maggasi, MPA (PP-264)	Member
6.	Mr Muhammad Khurram Gulfam, MPA (PP-162) (attended on 3 September 2013)	Member
7.	Mrs Ayesha Javed, MPA (W-317) (attended on 3 September 2013)	Member
8.	Dr Murad Raas, MPA (PP-152)	Member

3. Mr Muhammad Yousaf, Secretary to Government of the Punjab, Labour and Human Resource Department and Mr Mohsin Abbas Syed, Director, Law and Parliamentary Affairs Department represented their Departments. Hafiz Muhammad Shafiq Adil, Additional Secretary (Legislation), Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. The Secretary to Government of the Punjab, Labour and Human Resources Department, apprised the Committee that a number of dynamic developments made in the field of mechanics and electronics had changed by and large the silhouette of weighing and measuring instruments especially the introduction of fourth generation computer (Micro processor), digital weighing and measuring instruments had become more precise and self deliberated. To make the law in line with the latest devices, some new definitions were required to be added in the law. He said that an amendment in the Punjab Weight and Measures (International System) Enforcement Act, 1975 was made through an Ordinance in 2002 to abolish the licensed repairs without consulting the stakeholders. He added that the Ordinance was promulgated with the aim to maintain healthy activities in the field of repairing

weights and measures but adverse repercussions had been observed, resulting in a mushroom growth of unqualified and ill-equipped repairers in the delicate field of repairing weighing and measuring instruments. He further added that in the other Provinces, only the licensed repairers were allowed to repair a weight or measure. He also said that Government was of the view that acquisition of license for repairing of weights and measures may be made mandatory to curb malpractice, ensure accuracy of weights and measures and to streamline the system of verification. Penalties, in certain cases, were also proposed to be revised to make the law more effective and address issue of less measurement.

5. After detailed discussion on the aims and objects and clauses of the bill, the Committee unanimously decided to recommend that the bill may be passed by the Assembly subject to the following amendments:-

AMENDMENTS IN THE BILL

(1) GENERAL AMENDMENT

the expression "&", wherever occurs, be substituted by the word "and".

(2) LONG TITLE

the word "further", be added before the words "to amend".

(3) PREAMBLE

before the words "to amend", occurring in line 1, the word "further", be added.

(4) CLAUSE 1

in sub-section (1), the figures "2012", be substituted by the figures "2013".

(5) CLAUSE 2

(1) in para (a), the word "Calibration", occurring in the beginning, be substituted by the word "calibration". And

(2) in para (b), the word "Counterfeit", occurring in the beginning, be substituted by the word "counterfeit".

(6) CLAUSE 4

in para (a), the word "For", occurring in the beginning, be substituted by the word "for" and the word "inserted", occurring in line 2, be substituted by the word "substituted".

(7) CLAUSE 5

(1) the marginal heading be substituted as under -

"Substitution of section 19 in Act LII of 1975.-"

(2) in sub-section (5), the word "punishable", occurring in line 3, be substituted by the word "punished" and the words "or with both", occurring at the end be omitted.

6. A copy of the bill as introduced in the Assembly is at Annexure-A and a copy of the bill as recommended by the Committee is at Annexure-B.



MIAN NASEER AHMAD
Convener
Special Committee No.1

Lahore
10 September, 2013



(RAI MUMTAZ HUSSAIN BABAR)
Acting Secretary

Lahore
10 September, 2013

(BILL AS INTRODUCED IN THE ASSEMBLY)
PROVINCIAL ASSEMBLY OF THE PUNJAB

BILL NO. 16 OF 2013

**THE PUNJAB WEIGHTS & MEASURES (INTERNATIONAL
 SYSTEM) ENFORCEMENT (AMENDMENT) BILL 2013**

A

BILL

to amend the Punjab Weights & Measures (International System)
 Enforcement Act, 1975

Preamble:- Whereas it is expedient to amend the Punjab Weights & Measures (International System) Enforcement Act, 1975 (LII of 1975) for purposes hereinafter appearing;

It is enacted as follows:

1. **Short title and commencement.** - (1) This Act may be cited as the Punjab Weights & Measures (International System) Enforcement (Amendment) Act, 2012.
 (2) It shall come into force at once.
2. **Amendment in section 2 of Act LII of 1975.** - In the Punjab Weights & Measures (International System) Enforcement Act, 1975 (LII of 1975), hereinafter referred to as the said Act, in section 2, in subsection (1):
 - (a) after clause (a), the following clause (aa) shall be inserted:
 "(aa) "Calibration" means the set of operations which establishes under specified conditions, the relationship between values indicated by a measuring instrument or corresponding known values of measures;"
 - (b) after clause (c), the following clause (ca) shall be inserted:
 "(ca) "Counterfeit" in relation to seal or stamp, means a seal or stamp made to resemble an authorized seal or stamp, which may deceive or likely to deceive any person;"
 - (c) after clause (h), the following clause (ha) shall be inserted:
 "(ha) "repairer" means a person who adjusts, cleans, lubricates, paints or calibrates any weighing instrument or measuring instrument, or renders any other service relating to a weighing instrument or measuring instrument in order to ensure that such weighing instrument or measuring instrument conforms to the standard established by or under the Act;" and
 - (d) after clause (i), the following clause (ia) shall be inserted:
 "(ia) "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;"
3. **Amendment in section 11 of Act LII of 1975.** - In the said Act, in section 11, after the words "Every manufacturer", the comma and word "repairer" shall be inserted.
4. **Amendment in section 17 of Act LII of 1975.** - In the said Act, in section 17, in subsection (1):
 - (a) For the words "manufacturing or selling", the commas and the words "calibration, manufacturing, repairing or selling" shall be inserted; and
 - (b) the Explanation shall be omitted.
5. **Amendment in section 19 of Act LII of 1975.** - In the said Act, for section 19, the following shall be substituted:
"19. Penalty for forged stamp or measure. - (1) If a person forges or counterfeits a stamp used for stamping, or willfully increase or diminishes a weight, measure, weighing instrument or measuring instrument, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to twenty five thousand rupees, or with both.
 (2) If a person fraudulently uses any weight, measure, weighing instrument or measuring instrument, which he knows to be false, he shall be punished with

Imprisonment of either description for a term which may extend to two years, or with fine which may extend to twenty five thousand rupees, or with both.

(3) If a person has in his possession a weight, measure, weighing instrument or measuring instrument, which he knows to be false, intending to use or fraudulently to be used, he shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to twenty five thousand rupees, or with both.

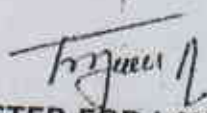
(4) If a person sells any article by weight or measure and delivers or causes to be delivered to the purchaser less than what is purported to be sold and the deficiency exceeds the prescribed limit of error, he shall be punished with imprisonment which may extend to two years or with fine which may extend to twenty five thousand rupees, or with both.

(5) If any person, who has been convicted of an offence punishable under sub-sections (1), (2), (3) or (4), again commits any such offence, he shall, on second or subsequent conviction, be punishable with imprisonment which may extend to three years and with fine which may extend to fifty thousand rupees but not less than twenty thousand rupees, or with both."

STATEMENT OF OBJECTS AND REASONS

A number of dynamic developments made in the field of mechanics and electronics have changed by and large the silhouette of weighing and measuring instruments. Especially the introduction of fourth generation computer (Micro processor), digital weighing and measuring instruments become more precise and self deliberated. To make the law in line with the latest devices, some new definitions are required to be added in the law.

An amendment in the Punjab Weights & Measures (International System) Enforcement Act, 1975 was made through an ordinance in 2002 to abolish the licensed repairers without consulting the stakeholders. The ordinance was promulgated with the aim to maintain healthy activities in the field of repairing weights and measures. But adverse repercussions have been observed, resulting a mushroom growth of unqualified and ill-equipped repairers in the delicate field of repairing weighing and measuring instruments. In the other Provinces, only the licensed repairers are allowed to repair a weight or measure. The Government is of the view that acquisition of licence for repairing of weights and measures may be made mandatory to curb malpractices, ensure accuracy of weights and measures and to streamline the system of verification. Penalties, in certain cases, are also proposed to be revised to make the law more effective and address issue of less measurement. Hence this Bill.


MINISTER FOR LAW & PA

RAI MUMTAZ HUSSAIN BABAR
Acting Secretary

15 August 2013

ANNEXURE – B

**(BILL AS RECOMMENDED BY THE
SPECIAL COMMITTEE NO.1)**

A
Bill

further to amend the Punjab Weights and Measures (International System) Enforcement Act, 1975.

Preamble.— Whereas it is expedient further to amend the Punjab Weights and Measures (International System) Enforcement Act, 1975 (LII of 1975) for purposes hereinafter appearing;

It is enacted as follows:-

1. Short title and commencement.— (1) This Act may be cited as the Punjab Weights and Measures (International System) Enforcement (Amendment) Act, 2013.

(2) It shall come into force at once.

2. Amendment in section 2 of Act LII of 1975.— In the Punjab Weights and Measures (International System) Enforcement Act, 1975 (LII of 1975), hereinafter referred to as the said Act, in section 2, in subsection (1)–

(a) after clause (a), the following clause (aa) shall be inserted:-

“(aa) “calibration” means the set of operations which establishes under specified conditions, the relationship between values indicated by a measuring instrument or corresponding known values of measures;”

(b) after clause (c), the following clause (ca) shall be inserted:-

“(ca) “counterfeit” in relation to seal or stamp, means a seal or stamp made to resemble an authorized seal or stamp, which may deceive or likely to deceive any person;”

(c) after clause (h), the following clause (ha) shall be inserted:-

“(ha) “repairer” means a person who adjusts, cleans, lubricates, paints or calibrates any weighing instrument or measuring instrument, or renders any other service relating to a weighing instrument or measuring instrument in order to ensure that such weighing instrument or measuring instrument conforms to the standard established by or under the Act;” and

(d) after clause (i), the following clause (ia) shall be inserted:-

“(ia) “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;”

3. Amendment in section 11 of Act LII of 1975.— In the said Act, in section 11, after the words “Every manufacturer”, the comma and word “, repairer” shall be inserted.

4. Amendment in section 17 of Act LII of 1975.— In the said Act, in section 17, in subsection (1)–

(a) for the words “manufacturing or selling”, the commas and the words “, calibration, manufacturing, repairing or selling” shall be substituted; and

(b) the Explanation shall be omitted.

5. Substitution of section 19 in Act LII of 1975.— In the said Act, for section 19, the following shall be substituted:-

“19. Penalty for forged stamp or measure.— (1) If a person forges or counterfeits a stamp used for stamping, or willfully increase or diminishes a weight, measure, weighing instrument or measuring instrument, he shall be punishable with

imprisonment for a term which may extend to two years, or with fine which may extend to twenty five thousand rupees, or with both.

(2) If a person fraudulently uses any weight, measure, weighing instrument or measuring instrument, which he knows to be false, he shall be punished with Imprisonment of either description for a term which may extend to two years, or with fine which may extend to twenty five thousand rupees, or with both.

(3) If a person has in his possession a weight, measure, weighing instrument or measuring instrument, which he knows to be false, intending to use or fraudulently to be used, he shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to twenty five thousand rupees, or with both.

(4) If a person sells any article by weight or measure and delivers or causes to be delivered to the purchaser less than what is purported to be sold and the deficiency exceeds the prescribed limit of error, he shall be punished with imprisonment which may extend to two years or with fine which may extend to twenty five thousand rupees, or with both.

(5) If any person, who has been convicted of an offence punishable under sub-sections (1), (2), (3) or (4), again commits any such offence, he shall, on second or subsequent conviction, be punished with imprisonment which may extend to three years and with fine which may extend to fifty thousand rupees but not less than twenty thousand rupees.
