

**GOVERNMENT OF INDIA  
PETROLEUM AND NATURAL GAS  
LOK SABHA**

UNSTARRED QUESTION NO:5776  
ANSWERED ON:30.08.2001  
MS/HSD CONTROL ORDER UNDER EC ACT  
ADHIR RANJAN CHOWDHURY

**Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:**

- (a) whether MS/HSD Control Order under EC Act or Marketing Discipline Guidelines (MDG) are having overriding effect on the provisions of the Weight and Measures Act, 1985 regarding authorisation, checking and putting penalties for the offences under this Act;
- (b) if so, the final authority who can give verdict regarding the short measurement by the traders including RPO dealers;
- (c) whether the Government are aware of the judgement that the provisions of the Cr. PC shall not apply in the presence of the provisions of special statute;
- (d) if so, whether the Government shall direct the inspecting authorities of petrol pumps to follow and honour the judgement of different Hon'ble High Courts on the issue and different provisions of special statute; and
- (e) if so, the details thereof?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF PETROLEUM & NATURAL GAS (SHRI SANTOSH KUMAR GANGWAR)

(a) & (b) : The Standards of Weights and Measures (Enforcement) Act 1985 has been enacted by the Parliament to provide for the enforcement of the standards of weights and measures established by or under the Standards of Weights and Measures Act 1976 and for matters connected therewith or incidental thereto. There is no conflict between the Standards of Weights and Measures (Enforcement) Act 1985 and the MS and HSD Control Order 1998. Similarly, there is no conflict between Marketing Discipline Guidelines and the Standards of Weights and Measures (Enforcement) Act 1985.

Various authorities have been prescribed under MS/HSD Control Order, Marketing Discipline Guidelines and the Standards of Weight and Measures (Enforcement) Act 1985 for exercising the powers and discharging duties conferred on them. These authorities can independently take action as provided under the relevant Act/Order/Guidelines.

(c) to (e) : Government are not aware of any such judgement.