

## Prosecution and Penalties under Weights & Measures (Legal Metrology) Laws:

The penal provisions are related to violations of The Jammu and Kashmir Standards of Weights & Measures (Enforcement) (Amendment) Act 2011 and Legal Metrology Act, 2009 and the rules made there under. The prosecution and penalties are mainly related with the violation of manufacturing of non-standard Weights & Measures, counterfeiting of seal, short weightment/measurement, use of un-verified weights & measures, not making mandatory declarations on the packaged commodities etc.

The penalties under the respective Acts are given under chapter **V** in Central Act and chapter-**XI** of State Act depending upon the nature of offence committed by the respective trading establishment. The offences which are not compoundable are sent to court of law for trial.

### Offences and Penalties under “The Jammu and Kashmir Standards of Weights & Measures (Enforcement) (Amendment) Act 2011”:-

S. No.	Prosecution Section	Penal Provision	Violation	For 1 <sup>st</sup> offence	For 2 <sup>nd</sup> Offense
				Composition Sum (Maximum Upto)	
1	10	40	Non-use of weights, measures or numbers in certain cases	Rs. 2,000 fine	Fine + One year imprisonment
2	11	41	Quotation etc. otherwise then in term of standard weights & Measures	Rs. 2,000 fine	Fine + One year imprisonment
			Manufacture, sale or Repair of weights or measures without valid License	One year Imprisonment or Rs. 2000 fine or both	Three years imprisonment + fine
4	20	43	Working with suspended, cancelled License	One year imprisonment	-
5	21	44	Manufacturing of such weights or measures which did not confirm to the standards & units of W&M as specified under the Act & Rules	1 year imprisonment or Rs. 2000 fine or both	Three years imprisonment + fine

<b>6</b>	<b>22</b>	<b>45</b>	Sale or use of unstamped weights or measures	6 months imprisonment or Rs. 1000 fine or both	One year imprisonment + Fine
<b>7</b>	<b>23</b>	<b>46</b>	Non-maintaining of records and register by through dealing in weights or measures	Rs. 1,000 fine	One year imprisonment + Fine
<b>8</b>	<b>24</b>	<b>47</b>	Failing or omitting to get weights or measures re-verified	Rs. 500	One year imprisonment + Fine
<b>9</b>	<b>28</b>	<b>48</b>	Non-production of weights or measures or related records on inspection	Rs. 1,000	One year imprisonment+ Fine
<b>10</b>	<b>29</b>	<b>49</b>	Obstructing the entry of inspector or any authorized person into any premises for discharge of his duty	Two years imprisonment	One year imprisonment + Fine
<b>11</b>	<b>30,31</b>	<b>50</b>	Obstructing Inspector or his authorized representation from making search & seizure	Two years imprisonment	Five year imprisonment+Fine
<b>12</b>	<b>33</b>	<b>51</b>	i) Violation of Packaged Commodity Rules ii) short weightment etc. in Packaged Commodities	Rs. 5000 fine	Five years imprisonment + Fine
<b>13</b>	<b>35</b>	<b>52</b>	Non-declaration of approximate weights, measures or numbers, correct up to 5% of commodities sold by heap	Rs.1000 fine	6 months imprisonment or Rs.1000 fine or both
<b>14</b>	<b>36</b>		Manufacturing etc. of non-standard weights or measures	Three months to one year imprisonment	6 months to 3 years imprisonment
<b>15</b>	<b>37</b>		i). counterfeiting and mishandling of seal/stamp of weight or measures ii). unlawful possession of	6 months to 1 year imprisonment	1-5 years imprisonment

		seal/stamp iii). use of any seal/stamp without lawful authority iv). dealing in weights or measures with counterfeit seal/stamp		
<b>16</b>	<b>38</b>	Sale or delivery of commodities etc. by non-standard W&Ms	Rs. 500 to Rs. 2000 fine	3 months to 1 year imprisonment+ Fine
		i). Rendering any service in weights or measures other than standard W&Ms		1-5 years imprisonment
<b>17</b>	<b>39</b>	i). Keeping non-standard weights or measures for use and other contravention short weightment , less delivery, etc. ii). Whoever enters into any contract or agreement in non standard weight or measure or number	Rs. 5000 fine	One year imprisonment + Fine
<b>18</b>	<b>53</b>	Tempering with License issuing in W&M	Rs. 2000 fine or 1 year imprisonment or both	-
<b>19</b>	<b>54</b>	Penalty for selling or delivering rejected W&Ms	Rs. 2000 fine or 1 year imprisonment or both	-
<b>20</b>	<b>55</b>	Penalty for personation of officials	Three years imprisonment	-
<b>21</b>	<b>56</b>	Penalty for giving false information or maintaining false records or registers	6 months imprisonment or Rs.1000 fine or both	-

<b>22</b>	<b>57</b>	<p>i). If any Inspector willfully verifies or stamps any weight or measure in contravention of the provision of this Act</p> <p>ii). If willfully discloses any information obtained by him in any inspection etc.</p>	1 year imprisonment or Rs. 2000 fine or both	-
<b>23</b>	<b>58</b>	If any inspector makes inspection without any valid reasons	1 year imprisonment or Rs. 2000 fine or both	-
<b>24</b>	<b>59</b>	Penalty for contraventions not separately provided for	Rs. 2000 fine	-
<b>25</b>	<b>61</b>	When employer to be deemed to have abetted an offence	1 year imprisonment or Rs. 2000 fine or both	-
<b>26</b>	<b>62</b>	Offences by Companies	Five years imprisonment + Fine	-