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separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW,
JUSTICE AND PARLIAMENTARY AFFAIRS

Jammu, the 13th January, 2015.

The following Act as passed by the Jammu and Kashmir State
Legislature received the assent of the Governor on 13th January, 2015
and is hereby published for general information :—

THE JAMMU AND KASHMIR STANDARDS OF
WEIGHTS AND MEASURES (ENFORCEMENT)
(AMENDMENT) ACT, 2011.

(Act No. 1 of 2015)

[13th January, 2015.]

An Act to amend the Jammu and Kashmir Standards of Weights
and Measures (Enforcement) Act, 1997.

Be it enacted by the Jammu and Kashmir State Legislature in the Sixty-second Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Standards of Weights and Measures (Enforcement) (Amendment) Act, 2011.

(2) It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint.

2. *Substitution of preamble.* Act No. XXXVII of 1997.— For the existing preamble of the Jammu and Kashmir Standards of Weights and Measures (Enforcement) Act, 1997 (hereinafter referred to as the 'principal Act'), the following preamble shall be substituted, namely :—

“An Act to establish standards of weights and measures, regulate trade and commerce in weights, measures and other goods which are sold or distributed by weight, measure or number as established by or under the Legal Metrology Act, 2009 (Central Act No. 1 of 2010) and matters connected therewith or incidental thereto.”.

3. *Amendment of section 3, Act No. XXXVII of 1997.*— In section 3 of the principal Act,—

(i) in clause (c) for the words, signs and figures, “the Standards of Weights and Measures Act, 1976 (Act 60 of 1976)”, the words, signs and figures “the Legal Metrology Act, 2009 (Act 1 of 2010)” shall be substituted ; and

(ii) after clause (h), the following clauses shall be inserted, namely :—

“(ha). “Legal Metrology” means that part of Metrology which treats units of weighment and measurement, methods of weighment and measurement and weighing and measuring instruments, in relation to the mandatory technical and legal requirements which have the object of ensuring public guarantee from the point of view of security and accuracy of the weighments and measurement ; and

(hb). “Legal Metrology Officer” means Controller, Additional Controller, Joint Controller,

Deputy Controller, Assistant Controller and Inspector appointed under section 5 of the Act.”.

4. *Amendment of section 22, Act No. XXXVII of 1997.*—
In section 22 of the principal Act, the colon shall be substituted by full stop and the proviso thereto shall be deleted.

5. *Amendment of section 24, Act No. XXXVII of 1997.*—
In section 24 of the principal Act, after sub-section (6), the following sub-sections shall be added, namely :—

“(7) The Government may notify the Government Approved Test Centres for verification of weights and measures.

(8) The Government may prescribe the kinds of weights and measures for which the verification is to be done through the Government Approved Test Centre and on payment of such fee as may be prescribed.

(9) The Government Approved Test Centres shall appoint or engage persons having such qualifications and experience and collect such fee on such terms and conditions for the verifications of weights and measures specified under sub-section (7), as may be prescribed.”.

6. *Amendment of section 32, Act No. XXXVII of 1997.*—
In section 32 of the principal Act for the words, signs and figures “Every false or unverified weight or measure (other than those referred to in section 30 of the Central Act) seized under the provisions of this Act shall be liable to be forfeited to the Government”, the words, signs and figures “Every false or unverified weight or measure seized under the provisions of this Act or under the Central Act (Act No. 1 of 2010) shall be liable to be forfeited to the Government” shall be substituted.

7. *Amendment of section 33, Act No. XXXVII of 1997.*—
In section 33 of the principal Act for the words “immediately before the commencement of this Act”, the words “immediately before the commencement of the Jammu and Kashmir Standards of Weights and Measures (Enforcement) (Amendment) Act, 2011” shall be substituted.

8. *Amendment of section 42, Act No. XXXVII of 1997.*—
In section 42 of the principal Act for the words “Penalty for contravention of section 12”, the words “Penalty for contravention of section 19” shall be substituted.

9. *Substitution of section 73, Act No. XXXVII of 1997.*—
For section 73 of the principal Act, the following section shall be substituted, namely :—

“73. Power of Government to make provisions of the Central Act, relating to approval of models applicable to models of weights or measures intended to be used exclusively within the State—

(1) Where any type of weight or measure manufactured by a licensed manufacturer is such that all the weights or measures of the type manufactured by him within the State are intended to be sold, distributed or delivered therein, the Government may by notification, direct that the model of every such type of weight or measure shall be submitted for approval in accordance with the provisions of section 22 of the Central Act and thereupon, the provisions of the said section shall become applicable to such model and reference in those sections to the “Central Government” and to the “Central Act” shall be construed as reference, respectively to the “Government” and “this Act”.

(2) Where the Government makes a direction under subsection (1) in relation to any type of weight or measures, any contravention of the provisions of Central Act, in relation to that type of weight or measure shall be an offence punishable under this Act and the punishment provided therefor in this Act, as if the said provisions relating to punishment were enacted by this Act.”.

10. *Deletion of certain words.*—In principal Act, the words “or for industrial production”, wherever occurring, shall be deleted.

(Sd.) **ACHAL SETHI,**

Addl. Secretary to Govt.,
Department of Law, Justice and
Parliamentary Affairs.