

Jammu and Kashmir Namdha Quality Control Act, 2010 (1953 A.D.)

JAMMU & KASHMIR

India

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Rule

JAMMU-AND-KASHMIR-NAMDHA-QUALITY-CONTROL-ACT-2010-1953 of 1953

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Jammu and Kashmir Namdha Quality Control Act, 2010 (1953 A.D.)(Act No. 6 of Samvat 2010)Last Updated 1st February, 2021[Received the assent of the Sadar-i-Riyasat on 15th May, 1953 and published in Government Gazette dated 15th Jeth, 2010.]An Act to improve the trade and quality of Namdha in the Jammu and Kashmir State and to make certain regulations for the same.Where it is expedient to improve the trade and quality of Namdhas in the Jammu and Kashmir State and to make certain regulations for the same ; It is hereby enacted as follows :-

1. Short title, extent and commencement.

(1)This Act may be called the Jammu and Kashmir Namdha Quality Control Act, 2010.(2)It shall extend to the whole of Jammu and Kashmir State.(3)[It shall come into force from such date as the Government may, by notification in the Government Gazette, appoint.] [Enforced on the 1st day of May, 1960. (Published in Government Gazette dated 9-2-1961).]

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a)"the Board" means Quality Control Board to be constituted under section 7 of this Act ;(b)"competent authority" means an officer who shall be declared as such by the Jammu and Kashmir Government in consultation with the Board ;(bb)["dealer" means a person carrying on the business of selling or exporting Namdhas, whole -sale or in retail, and includes his agent or an employee selling or exporting Namdhas on his behalf ;] [Clause (bb) inserted by Act 19 of 1963.](c)["export" means export to any

place in India outside the State or to any foreign country ;] [Clause (c) substituted by Act 35 of 1966.](d)"exporter" means a person who applies for a certificate of quality for the Namdhas proposed to be exported ;(e)"manufacturer" means a person who has a bona-fide established Karkhana in the Jammu and Kashmir State for getting Namdhas made and inspecting and packing them, who either manufactures in his own premises or gets them manufactured by others under his instructions and/or contract ;(f)"mark" means an exclusive identifying mark as representing the goods of a particular manufacturer ;(g)"Namdha" means a hand felted rug made of wool and cotton or allwool, plain or chain-stitch embroidered in different designs. It may be of any size, provided the size is specified ;(h)"prescribed" means prescribed by rules made under this Act.

3. Registration of manufacturers.

(1)Every manufacturer shall, before the expiration of two months from the date of commencement of this Act, apply to the competent authority to be registered as a manufacturer. The application shall be made in the prescribed form and shall be accompanied by the prescribed fee.(2)A registration once made shall be renewable from year to year on payment of the prescribed annual fee.

3A. [Registration of dealers. [Section 3-A inserted by Act 19 of 1963.]

(1)Every dealer shall, within two months from the commencement of the Jammu and Kashmir Namdha Quality Control (Amendment) Act, 1963, or from the commencement of his business, as the case may be, apply to the competent authority to be registered as a dealer. The application shall be made in the prescribed form and shall be accompanied by the prescribed fee.(2)A registration once made shall be renewable from year to year on payment of the prescribed annual fee.]

4. Allotment of marks.

- As soon as may be after registration is effected, every registered manufacturer shall be allotted by the competent authority a mark which shall be stamped on a Namdha manufactured by him.

5. Constitution of Board.

(1)As soon as may be after the commencement of this Act, the Government shall, by notification in the Government Gazette, constitute for the purpose of this Act a Board to be called the Namdha Quality Control Board.(2)The Board shall consist of five members, three official and two nonofficial, to be nominated by the Government. Non-official members shall be appointed from among the panel of names to be submitted by the Namdha Traders Association [and Namdha Manufacturers Association] [Inserted by Act 6 of 1960.], Srinagar. One of the members shall be nominated by the Government as Chairman of the Board. The term of non-official members shall not exceed two years.

6. Function of the Board.

(1) It shall be the duty of the Board to promote, by such measures as it thinks fit, development of the Namdha trade. (2) Without prejudice to the generality of the foregoing provisions, the measures referred to therein may provide for—(a) determining of qualities of Namdhas to be exported or sold for export, and of specifications in respect of such qualities; (b) the form, size etc., of stamps to be stamped to such Namdhas and other conditions to be observed in this respect; and (c) procedure for export of Namdhas.

6A. [Appointment of Inspectors. [Sections 6-A, 6-B, 6-C, 6-D, 6-D, 6-E, 6-F and 6-G inserted by Act 35 of 1966.]

- The Government or any officer empowered by it in this behalf may, by notification in the Government Gazette, appoint such persons as it or he thinks necessary to be Inspectors for the purposes of this Act, and may by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed upon an Inspector by or under this Act.

6B. Power to enter and inspect.

(1) Subject to any rules made by the Government in this behalf, an Inspector may within the limits of his jurisdiction—(a) enter and search, at all reasonable times and with such assistance, if any, as may be necessary any place or premises where he has reason to believe, Namdha are stocked, sold or manufactured; (b) examine the Namdhas stocked, sold or manufactured in such place or premises with a view to ascertaining the quality, size and specification of such Namdhas; (c) require the production of any register or any other documents kept in pursuance of this Act or the rules made thereunder and take on spot or otherwise statement of any person which he may consider necessary for carrying out the purposes of this Act: Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself; (d) seize any stock of Namdhas in respect of which he has reasons to believe that contravention of this Act or of any provision made under sub-section (2) of section 6 has been or is being committed and thereafter take all measures necessary for securing the production of stocks so seized in a Court or for their safe custody pending such production. (2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, Samvat 1989 relating to searches and seizures shall, so far as may be, apply to searches and seizures under this section.

6C. Maintenance of registers and records and display of notices.

- Every dealer, exporter and manufacturer shall maintain such records and registers and display such notices and in such manners as may be prescribed.

6D. Penalty for obstructing Inspectors, etc.

- Any person who voluntarily obstructs an Inspector in the exercise of any power conferred on him by or under this Act, or any person lawfully assisting an Inspector in the exercise of such powers, or who fails without sufficient cause to comply with any lawful direction made by an Inspector, shall be punishable with imprisonment which may extend to one month, or with a fine which may extend to one hundred rupees, or with both.

6E. Penalties.

- Any person who contravenes any of the provisions of this Act or fails to comply with any provision made under sub-section (2) of section 6 shall be punishable with imprisonment which may extend to one month, or with a fine which may extend to one hundred rupees, or with both ; and where such contravention relates to section 3 or 3-A of this Act, he shall be punishable with a further fine not exceeding five rupees for each day on which the contravention continues after conviction.

6F. Penalty where the person contravening is a firm or a company.

- If the person who contravenes any of the provisions of this Act, or who fails to comply with any provisions made under sub-section (2) of section 6, is a Company or a firm, every Director, Partner, Manager or Secretary thereof shall, unless he proves that the contravention or non-compliance took place without his knowledge or that he exercised all due diligence to prevent such contravention or non-compliance, be deemed to be guilty of such contravention or non-compliance.

6G. Cognizance of offence.

- No Court shall take cognizance of any offence punishable under this Act except on a complaint made by an Inspector in that behalf :Provided that no such complaint shall be made without previous permission of the Government or any Officer authorised by it in this behalf.]

7. Punishment for export or sale.

- Whoever exports or sells for export a Namdha not conforming to the quality, specifications or other conditions as determined by the Board in pursuance of section 6 shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees or, with both.

8. Exemption.

- The Government may, on the recommendation of the Board, exempt any person or class of persons from all or any of the provisions of the Act. The power to grant exemptions shall, however, be limited to the stocks held by a manufacturer on the date of the commencement of this Act.

9. Power to make rules.

- The Government may make rules-(a)prescribing the form in which applications for registration may be made ;(b)the fees to be charged for registration or for renewal of registration ;(c)generally for carrying out the purposes of this Act.