

a

oe PF NDA FY N

CONTENTS

Short title, extent and commencement.

Definition.

Collection of statistics.

Appointment of statistics authority.

Power of statistics authority to call for returns and information.

Right of access to record or document.

Restriction on the publication of returns and information.

Penalties.

Penalty for improper disclosure of Information or returns.

Cognizance of offences.

[Omitted]

Power of Provincial Government to make rules.

Page 1 of 4

THE INDUSTRIAL STATISTICS ACT, 1942

'ACT No. XIX OF 1942

[3rd April, 1942]

An Act to facilitate the collection of statistics of certain kinds relating to industries

WHEREAS it is expedient to facilitate the collection of statistics of certain kinds relating to industries;

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This act may be called the Industrial Statistics Act, 1942.

>[(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the *[appropriate Government] may, by notification in the official Gazette, appoint in this behalf for the territories under its administration.]

2. Definition. In this Act “prescribed” means prescribed in rules made under this Act or in any form prescribed by those rules “[;]

5[and the “appropriate Government” means, in relation to industries the development where of under Federal control has been declared by a Federal law to be expedient in the public interest, the Federal Government and, in relation to other industries, the Provincial Government.]

3. Collection of statistics— (1) The *[appropriate Government] may, by notification in the official Gazette, direct that statistics shall be collected relating to any of the following matters, namely :—

(a) any matter relating to factories,

(b) any of the following matters so far as they relate to welfare of labour and conditions of labour, namely:—

(i) price of commodities.

(ii) attendance,

'For Statement of Objects and Reasons, see Gazette of India, 1942, Pt V, page 41.

The Act has been applied in Baluchistan (with effect from the 7" February, 1945) see Notification No. 43-I, India, 1945, Pt. I, p. 159 and 714- G/45 (1), dated the 12" October, 1945, Gazette of India, 1945, Pt. II- A.

It has been extended to the Leased Areas of Baluchistan by the Leased Areas (Laws) Order, 1950 (G. G.

This Act has been amended in its application to the West Pakistan by West Pakistan Ordinance No. XXV.

This Act has been applied to the Provincially Administered Tribal Areas or to the parts of those areas to w. No. I of 1972, section 2 and Sch.

Subs by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), s. 3 and 2TM Sch. (with effect sub-sections (2) and (3), as amended by A. O., 1949.

3Subs. by F. A. O., 1975, Art. 2 and Sch., for “Provincial Government”.

'Subs. *ibid* for full stop.

Added *ibid*.

Page 2 of 4

(iii) living conditions, including housing water supply and sanitation,
(iv) indebtedness,

(v) rents of dwelling-houses,

(vi) | wages and other earnings,

(vii) provident and other funds provided for labour,

(viii) benefits and amenities provided for labour,

(ix) hours of work,

(x) employment and unemployment,

(xi) industrial and labour disputes,

and thereupon the provisions of this Act shall apply to the collection of those statistics.

(2) In clause (a) of subsection (1), "factory" means a factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934), or any premises deemed to be a factory in pursuance of a declaration made under sub-section (1) of section 5 of that Act.

4. Appointment of statistics authority. The '[appropriate Government] may appoint an officer to be the statistics authority for the purposes of the collection of any statistics under this Act.

5. Power of statistics authority to call for returns and information.—(1) The statistics authority may serve or cause to be served on any person a notice requiring him to furnish, at such intervals and in such form and with such particulars as may be prescribed, such information or returns relating to any matter in respect of which statistics are to be collected and to such authority or person and in such manner and at such times as may be prescribed.

(2) The notice referred to in sub-section (1) may be served by post.

6. Right of access to record or document. The statistics authority or any person authorized by him in writing in this behalf shall, for the purposes of the collection of any statistics under this Act, have access to any relevant record or document in the possession of any person required to furnish any information or return under this Act, and may enter at any reasonable time any premises wherein he believes such record or document to be, and may ask any question necessary for obtaining any information required to be furnished under this Act.

7. Restriction on the publication or returns and information.— (1) No individual return, and no part of an individual return, made, and no information with respect to any particular undertaking given, for the purposes of this Act, shall, without the previous consent in writing of the owner for the time being of the undertaking in relation to which the return or information was made or given, or his authorized agent, be published in such manner as would enable any particulars to be identified as referring to a particular undertaking.

(2) Except for the purposes of a prosecution under this Act or under the Pakistan Penal Code (XLV of 1860), no person not engaged in connection with the collection of statistics under this Act shall be permitted to see any individual return or information referred to in sub-section (1).

"Subs. by F. A. O., 1975, Art. 2 and Sch., for "Provincial Government".

8. **Penalties.**— If any person required to furnish any information or any return—

(a) willfully refuses or without lawful excuse neglects to furnish such information or return as required under this Act, or

(b) willfully furnishes or causes to be furnished any information or return which he knows to be false, or

(c) refuses to answer or willfully gives a false answer to any question necessary for obtaining any information required to be furnished under this Act, or if any person impedes the right of access to relevant records and documents or the right of entry conferred by section 6, he shall for each such offence be punishable with fine which may extend to '?[twenty thousand] rupees], and in the case of a continuing offence *[with a further fine] which may extend to *feight hundred] rupees for each day after the first during which the offence continues; and in respect of false information, returns or answers the offence shall be deemed to continue until true information or a true return or answer has been given or made.

9. **Penalty for improper disclosure of information or returns.** If any person engaged in connection with collection of statistics under this Act willfully discloses any information or the contents of any return given or made under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Pakistan Penal Code (XLV of 1860), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to 7[four thousand] rupees, or with both imprisonment and fine.

10. **Cognizance of offences.** No prosecution under section 8 shall be instituted except by or with the sanction of the statistics authority and no prosecution under section 9 shall be instituted except by or with the sanction of the '[appropriate Government].

11. [Power of the Central Government to give directions.] Omitted by A.O., 1964, Art, 2 and Sch.

12. **Power of Provincial Government to make rules.**— (1) The "[appropriate Government] may, subject to the condition of previous publication by notification in the official Gazette, make rules? for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section regulating the exercise of the right of access to documents and the right of entry conferred by section 6.

'Subs. by the Industrial Statistics (Amdt.) Ordinance 1980 (XXXVIII of 1980), s.2, for "five hundred rupees"

?Subs. by ord. VI of 2000, ss. 2 and 3.

Subs. by the Repealing and Amending Act, 1942 (XXV of 1942), s. 3 and Second Sch., for "to a further fine"

'Subs. by F. A. O., 1975, Art. 2 and Sch for "Provincial Government".

*For the Industrial Labour Statistics Rules 1959, framed under this section, see West Pakistan Gazette, 1

For the Industrial Labour Statistics Rules, 1959, framed under sub-section (1) of s. 11 of the Bahawalpur ibid., pp. 332-348; and

For the Industrial Labour Statistics Rules 1959, framed under sub-section (1) of s. 11 of the Khairpur State Industrial Statistics
see *ibid.*, pp. 349-365.

Page 4 of 4