

THE AZAD JAMMU & KASHMIR CENSUS ACT,
(VII OF 1959)

(Passed under Government Order No. 622/59 dated 17-12-1959)

Whereas it is expedient to provide for the taking, from time to time, of census for Azad Jammu and Kashmir Territory and for obtaining certain information with respect to the population of Azad Jammu and Kashmir, it is hereby enacted as follows :-

1. Short title, extent and commencement:- (1) This Act may be called the Azad Jammu and Kashmir Census Act, 1959.

(2) It extends to the whole of Azad Jammu and Kashmir Territory.

(3) It shall come into force at once.

2. Definitions :- In this Act, unless there is anything repugnant in the subject or context :-

(a) 'Census Officer' means any person appointed under Section

(b) 'prescribed' means prescribed by rules made under this Act.

3. Declaration for taking census :- The Azad Jammu and Kashmir Government may, from time to time, by notification in the official Gazette, declare that a census for Azad Jammu and Kashmir shall be taken during such period as may be specified therein.

4. Census Officers :- (1) The Azad Jammu and Kashmir Government may appoint Census Officers to take, aid in or supervise the taking of census within any specified area.

(2) The Azad Jammu and Kashmir Government may, by order, delegate the powers conferred upon it by sub-section (1) to such officer or authority as may be specified in the order.

(3) A declaration in writing signed by any authority authorised in this behalf by the Azad Jammu and Kashmir Government that any person has been duly appointed a census officer shall be conclusive proof of such appointment.

5. Discharge of duties of census officers in certain cases :- (1) If the District Magistrate, or any authority authorised in this behalf

by the Azad Jammu and Kashmir Government, by an order in writing so directs :-

- (a) every officer in command of any body of men belonging to Azad Kashmir Regular Forces ;
- (b) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up or of any public, charitable, religious or educational institution ;
- (c) every keeper, owner, secretary or manager of any sarai, hotel, boarding-house, lodging-house, emigration depot, or club ;
- (d) every manager or officer of a commercial or industrial establishment or trading concern; and
- (e) every occupant of immovable property wherein persons are living at the time of taking census ;

shall, in relation to the persons who, at the time of taking of the census, are under his command or charge, or are inmates of his sarai, hotel, house depot, or club or are employed under him, or are present on or in such immovable property, perform such duties of a census officer as may be required by such order.

(2) The provisions of this Act relating to a census officer shall, so far as may be, apply to a person performing the duties of a census officer in pursuance of an order under sub-section (1).

(3) Whoever refuses or neglects to perform the duties which he is directed under sub-section (1) to perform shall be deemed to have committed an offence under Section 187 of the Azad Jammu and Kashmir Penal Code.

Power to call upon Certain persons to give assistance :- The

District Magistrate, or any Census Officer, appointed under sub-

section (1) of Section 4 for any local area and authorised by rules

in this behalf, may, by order in writing, call upon :-

- (a) owners and occupiers of land, farmers, tenure holders and assignees of land revenue, or their agents ;
- (b) school teachers, government servants and literate persons of good repute for the time being residing in the area concerned;

to work as enumerators, or perform any other duties of a Census Officer, or to give such assistance as may be specified in the order towards the taking of census of persons who are, at the time of taking of census on the land of such owners, occupiers, farmers, tenure holders or assignees or areas for which such local authorities are established, or, as the case may be, in which such teachers, government servants or literate persons are themselves residing and the persons to whom an order under this Section is directed shall be bound to obey the same.

Formation of questionnaire and asking of questions :- (1) The Azad Jammu and Kashmir Government may by notification in the official Gazette, formulate such questionnaire as it thinks fit and a census officer may require any person within his jurisdiction to give answers to such questionnaire and to such other questions relevant to the questionnaire as he may think fit.

(2) Any person who is required to give answers to the questionnaire and other relevant questions under sub-section (1) shall be legally bound to give answers to the best of his knowledge or belief ;

Provided that a woman shall not be so bound to state the name of her husband or of any other person whose name she is forbidden by custom to mention.

Occupier to allow access and affixing of marks, etc :- Every person occupying any house enclosure or other place shall allow the census officers such access thereto as, having regard to the customs of the country, they may reasonably require for the purposes of the census and shall allow them to paint on, or affix to the house, enclosure or place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier, manager to fill up a prescribed Schedule:- (1) Subject to any rule made in this behalf, a census officer may within the local limits of his jurisdiction leave or cause to be left a Schedule prescribed for the purpose at any dwelling house or with the manager or any officer of any commercial or industrial establishment or trading concern, for the purpose of its being filled up by the occupier of such house or of any specified part thereof, or by such manager or officer with respect to such particulars regarding the inmates of such house or part or the

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persons employed under such manager or officer during the time of the taking of the census as may be specified in the Schedule.

(2) When a Schedule has been left under sub-section (1), the occupier, manager or officer concerned shall fill it up or causes it to be filled up as required by that sub-section to the best of his knowledge or belief, sign his name thereto and deliver it to the census officer or to such person as the census officer may direct.

Census record not open to inspection :- No person shall have a right to inspect any book register or record made by a census officer in the discharge of his duties as such and, notwithstanding anything to the contrary in the Azad Kashmir Evidence Act, no entry in any such book, register or record shall be admissible as evidence in any civil proceeding, whatsoever or in any criminal proceedings other than a prosecution under this Act or under any other law for any act or commission under this Act which constitutes an offence under such other law.

Local authorities to take census :- Notwithstanding anything contained in any other law for the time being in force, a local authority shall, in consultation with the officer authorised in this behalf by the Azad Jammu and Kashmir Government, cause during the period specified under Section 3, the census of the area within its jurisdiction to be taken wholly or in part in the manner authorised or required by or under this Act.

Penalties:- If any person:

(a) being a census officer, or being lawfully required to give assistance towards the taking of census refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or hinders or obstructs another person in performing any such duty or in obeying any such order ; or

(b) being a census officer intentionally puts any offensive or improper question or knowingly makes any false return or discloses any information which he has received by means of, or for the purpose of, a census return ; or

(c) intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, the questionnaire or other relevant question asked of him by a census officer

which he is legally bound to answer ; or

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(d) occupying any house, premises, or land, refuses to allow a census officer such reasonable access thereto as he is required under this Act to allow ; or

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removes, obliterates, alters or damages without proper authority or before the completion of the census any letters, marks or objects which have been painted or affixed for the purpose of the census ;

he shall be punishable with fine which may extend to two hundred rupees.

Sanction for prosecution under this Act :- No prosecution under this Act shall be instituted except with the previous sanction of the Azad Jammu and Kashmir Government or of any authority authorised in this behalf by the Azad Jammu and Kashmir Government.

Prosecution under other laws :- Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or commission under this Act which constitutes an offence under such other law :

Provided that no such prosecution shall be instituted except with the previous sanction referred to in Section 13.

Jurisdiction :- No Court inferior to that of a Magistrate of the Second Class shall try an offence under this Act.

Census officers and persons assisting them to be public servants:- All census officers, and all persons performing the duties of a census officer or giving assistance towards the taking of the census while acting in pursuance of an order made under this Act shall be deemed to be public servants within the meaning of Section 21 of the Azad Jammu and Kashmir Penal Code.

Rules:- The Azad Jammu and Kashmir Government may make rules for carrying out the purposes of this Act.

Repeal :- The Census Act 1950 is hereby repealed.