

# THE AZAD KASHMIR CENSUS ACT, 1950.

Whereas it has been determined to take a census of Azad

Kashmir during the year, 1951, and whereas it is expedient to provide for certain matters in connection with the taking of such census ;

It is hereby enacted as follows :-

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- (a) This Act may be called the Azad Kashmir Census Act, 1950.
- (b) It extends to the liberated territory comprising Azad Kashmir.

(c) It shall be deemed to have come into force on the 1st of December, 1950.

(1) The Azad Kashmir Government may appoint a Chief Enumeration Officer to supervise the taking of the census throughout the Azad Kashmir Territory and as many census officers as it deems fit, to take or aid in or supervise the taking of the census within any specified local area.

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

(3) The Azad Kashmir Government may delegate to such authority as it thinks fit the power of appointing census officers conferred by sub-section (1).

The Chief Enumeration officer and all census officers shall be deemed to be public servants within the meaning of section 21 of the Azad Kashmir Penal Code.

(1) (a) Every officer in command of any body of men belonging to naval, military or air forces of Pakistan and Azad Kashmir Regular Forces;

(b) every person having charge or control of a vessel;

(c) every person incharge of a lunatic asylum hospital, work-

house, prison, reformatory or lock-up or of any public, charitable, religious or educational institution,

(d) every keeper, owner, secretary or manager of any sarai, hotel, board-house, lodging house, emigration depot or club :

(c) every manager or officer of a commercial or industrial establishment or trading concerns ; and

(f) every occupant of immovable property wherein at the time of taking of the census persons are living shall, if so required by the District Magistrate or by such authority as the Azad Kashmir Government may appoint in this behalf, perform such of the duties of a census officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property, or are employed under him, as such Magistrate or authority may, by written order, direct.

(2) All the provisions of this Act relating to census officers shall apply so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under section 187 of the Azad Kashmir Penal Code.

The District Magistrate, or such authority as the Azad Kashmir Government may appoint in this behalf for any local area, may, by a written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon.

(a) all owners and occupiers of land, tenure-holders and farmers and assignees of, land revenue, or their agents ; and

(b) all members of district, municipal, panchayat, Union Boards and other local authorities and officers and servants of such authorities, to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of section 21 of the Azad Kashmir Penal Code.

(1) A census officer may ask all such questions of all persons within the limits of the local area for which he is appointed as by instructions issued in this behalf by the Azad Kashmir Government he may be directed to ask.

(2) Every persons of whom any question is asked under sub-section (1) shall be legally bound to answer such question to the best of his knowledge or belief :

Provided that no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

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

(1) Subject to such orders as the Azad Kashmir Government, may issue in this behalf, a census officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling house or with the manager or any officer of any commercial or industrial establishment, or any trading concerns, for the purpose of its being filled up by occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Azad Kashmir Government may direct regarding the inmates of such house or part thereof, or the person employed under such manager or officer, as the case may be at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid, and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census officer or to such person as, the census-officer may direct.

(a) Any census officer or any person lawfully required to give assistance towards the taking of a census who refuses or neglects to use reasonable diligence in performing any duty

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imposed upon him or in obeying any order issued to him in accordance with this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty or in obeying any such order ; or

Any Census officer who intentionally puts any offensive or improper question or knowingly makes any false return or without the previous sanction of the Azad Kashmir Government discloses any information which he has received by means of, or for the purposes of, a census return;

any person who intentionally gives a false answer to or refuses to answer to the best of his knowledge or belief, any question asked of him by a census officer which he is legally bound by section 6 to answer ; or

any person occupying any house, enclosure, vessel or other place who refuses to allow a census officer such reasonable access thereto as he is required by Section 7 to allow ; or

any person who removes, obliterates, alters or damages before the thirty first day of March, 1951, any letters, marks or numbers which have been painted or affixed for the purposes of the census ; or

any person who, having been required under section 8 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder :-

Shall be punishable with fine which may extend to two

hundred rupees.

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

Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offences under this Act :

Provided that no such prosecution shall be instituted except with the previous sanction referred to in Section 10.

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No Court inferior to that of a Magistrate, of the second class shall try whether under this Act or under any other law for the time being in force, anything which constitutes an offence under this Act.

No person shall have a right to inspect any book, register or record made by a census officer in the discharge of duty as such, or any schedule delivered under section 8, and notwithstanding anything to the contrary in the Azad Kashmir Evidence Act, entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding whatsoever or in any criminal proceedings, other than a prosecution under this Act or any other law for the time being in force for any act or omission which constitutes an offence under this Act.

Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority, in consultation with the Chief Enumeration Officer or with such other authority as Azad Kashmir Government may authorise in this behalf shall, at the time appointed for the taking of the census of Azad Kashmir territories during the year 1951, cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

The Chief Enumeration officer or such person as the Azad Kashmir Government may authorise in this behalf may, if he so thinks fit at the request and cost (to be determined by him) of any local authority or person, cause abstracts to be prepared and supplied containing any such statistical information as can be derived from the census returns being information which is not contained in any published report and which in his opinion it is reasonable for that authority or person to require.

(a) The Azad Kashmir Government may make rules for carrying out the purposes of this Act.

(b) In particular, and without prejudice to the generality of the foregoing power, the Azad Kashmir Government may make rules providing :-

(i) for the appointment of census officers and of persons to perform any of the duties of census officers or to give assistance towards the taking of a census, and for the

general instructions to be issued to such officers and persons ;

(ii) for the enumeration of such classes of the population for which it may be necessary or expedient to make special provision.