

**AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LAW & PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated December 15, 1974

No.3482/SL/74 The following Ordinance made by the President on the 29th November, 1974, is hereby published for general information:-

(ORDINANCE XXVI OF 1974)

AN ORDINANCE 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;

AND WHEREAS the Legislative Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE in exercise of the powers conferred by Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974 the president of Azad Government of the State of Jammu and Kashmir is pleased to make and promulgate the following Ordinance:-

1. **Short title, extent and commencement-** (1) This Ordinance may be called the Azad Jammu and Kashmir Industrial Statistics Ordinance, 1974.
 - (2) It extends to the whole of Azad Jammu and Kashmir.
 - (3) It shall come into force at.
2. **Definitions:-** In this Ordinance "prescribed" means prescribed in rules made under this Ordinance or in any form prescribed by those rules.
3. **Collection of statistics:-** (1) the 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) prices of commodities,
- ii) attendance,
- 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 ordinance shall apply to the collection of those statistics.

(2) in clause (a) of subsection (1) "Factory" means a factory as defined in clause (b) 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 Government may appoint an officer to be the statistics authority for the purposes of the collection of any statistics under this ordinance.
5. **Delegation of powers and functions:-** The statistics authority may, with the previous approval of the Government, direct that all or any of the powers and functions to be exercised and performed by the statistics authority under this Ordinance shall be exercised and performed by any other officer or authority subordinate to the Government subject to such conditions, if any, as may be specified in the direction.
6. **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 forms and with such as may be prescribed, which 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,

7. **Right of access to record or documents:-** The statistics authority or any person authorised by him in writing in this behalf shall for the purpose of the collection of any statistics under this Ordinance, have access to any relevant record or document in the possession of any person required to furnish any information or return under this Ordinance 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 Ordinance.

8. **Restriction on the Publication of 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 ordinance, shall without the previous consent in writing of the owner for the time being of the undertaking in which information was made or given, or his authorised 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 ordinance or under the penal code (XLV of 1860) no person not engaged in connection with the collection of statistics under this ordinance shall be permitted to see any individual return or information referred to in sub-section (1).

9. **Penalties:-** if any person required to furnish any information or any return:-

(a) wilfully refuses or without lawful excuse neglect to furnish such information or return as required under this Ordinance, or

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

(c) refuses to answer or wilfully given a false answer to any question necessary for obtaining any information required to be furnished under this ordinance.

Or if any person impedes the right of access to relevant records and documents or the right of entry conferred by section 7, he shall for each offence be punishable with fine which may

extend to five hundred rupees, and in the case of a continuing offence with a further fine which may extend to two hundred rupees for each day after the first during which the offence continues; and in respect of false information, returns or answer the offence shall be deemed to continue until true information or true return or answer has been given or made,

10. **Penalty for improper disclosure of information or returns:-** if any person engaged in connection with collection of statistics under this ordinance wilfully discloses any information or the contents of any return given or made under this ordinance other wise than in the execution of his duties under this ordinance or under the penal code (XIV or 1860) he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both imprisonment and fine.
11. **Cognizance of offences:-** No prosecution under section shall be instituted except by or with the sanction of the statistics authority and no prosecution under section 10 shall be instituted except by or with the sanction of the Government.
12. **Power of the government the make rules:-** the Government may, subject to the condition of previous publication by notification in the official Gazette, make rules for carrying out the purposes of this ordinance.

(2) without prejudice to the generality of the foregoing powers, rules may be made under the section regulating the exercise of the right of access to documents and the right of entry conferred by section 7.

Sd/-(Sardar Mohammad Abdul Qayyum Khan)
President

Azad Government of the State of J&K