

**AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR, LAW
AND PARLIMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated the 25th November 1975.

No. 3612/ SL/ 75. The following Act of the Legislative Assembly received the assent of the President on the 25th day of November 1975, and is hereby published for general information.

(ACT XII OF 1975)

AN ACT to facilitate the collection of statistics of certain kinds relating to industries;

WHERE AS 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 Azad Jammu and Kashmir Industrial Statistics Act, 1975.
(2) It extends to the whole of Azad Jammu and Kashmir.
(3) It shall come into force at once.
- 2. Definitions:-** In this Act 'Prescribed' means prescribed in rules made under this Act or in any form prescribed by the rules.
- 3. Collection of statistics:** (1) The Government may be notified 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 house.
- (vi) Wages and other earning.
- (vii) Provident and other funds provided for labours.
- (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 sub-section (1), 'Factory' means a factory as define in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934), or any premises deemed to be a factory pursuance of declaration made under sub-section (i) of section 5 of that Act.

4. **Appointment of Statistics Authority:-** The Government may appoint and officer to be the statistics authority for the purposes of the collection of any statistics under this Act.
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 Act 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 form and with such particulars as may be prescribed such information or returns relating to any matter in respect of which statistics or 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. Rights 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 collectedof 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.

- 8. Restriction on the Publication of Returns An information:-** (1) No individual return, and no part of an individual return, made, and no information with respect to any particular under taking 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 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 refereeing to particular undertaking.

(2) Except for the purposes of a prosecution under

this Act or under the 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)

9. Penalties: If any person required to furnished any information or any return:-

- (a) Willfully refuses or without lawful excuse neglects to furnished such information or return as required under this Act, or
- (b) Willfully furnished or causes to be furnished any information or return which he know 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 7, he shall for each offence be punished 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, return or answers 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 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

penal Code (XLV of 1860), he shall be punishable with imprisonment for 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 offence:** No prosecution under section 8, 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 to make rules:** The Government may, subject to the condition of previous publication by notification in the official Gazette, make rules of carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, rules may be made under this section regulating the exercise of the rights of access to documents and the right of entry conferred by section 7.
13. **Repeal:** The Azad Jammu and Kashmir Industrial Statistics Ordinance, 1975 (Ordinance XXII of 1975) is hereby repealed.

Sd/- (Mohammad Akram Shah)
Deputy Secretary Law