

The Jammu and Kashmir Collection of Statistics Act, 1961

JAMMU & KASHMIR

India

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Act 23 of 1961

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The Jammu and Kashmir Collection of Statistics Act, 1961 Act No. 23 of 1961 [Received the assent of the Sadar-i-Riyasat on 29th March, 1961 and published in the Government Gazette dated 1st April, 1961]. An Act to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce. Be it enacted by the Jammu and Kashmir State Legislature in the Twelfth Year of the Republic of India as follows :

1. Short title, extent and commencement.

(1) This Act may be called the Jammu and Kashmir State Collection of Statistics Act, 1961. (2) It extends to the whole of the State of Jammu and Kashmir. (3) [It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint.] [Enforced with effect from 1-10-1964 by SRO-239 dated 11-9-1964.]

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "commercial concern" means a public limited company or a co-operative society or a firm or any other person or body of persons' engaged in trade or commerce and includes-(i) a concern engaged in the business of brokers dealing in shares, stocks and securities and commodities ;(ii) a concern engaged in the business of advertising consultants ;(iii) a concern engaged in road transport service ;(iv) a concern engaged in water transport service ;(v) a tea plantation ;(vi) a concern engaged in the business of forwarding and clearing agents ;(vii) any other concern which, in the opinion of the Government is a commercial concern and is declared to be such by the Government by notification in the Government Gazette, but does not include an industrial concern ;(b) "factory" means a factory as defined in clause (m) of section 2 of the [Jammu and Kashmir Factories Act, 1957 (I of 1957)] [Now the Factories Act, 1948 (Central Act 63 of 1948).];(c) "industrial concern" means a public limited company or a co-operative society or a

firm or any other person or body of persons engaged in the manufacture, assembling, packing, preservation or processing of goods or in mining or in the generation or distribution of electricity or any other form of power ;(d)"owner" in relation to a commercial or an industrial concern means the person who, or the authority which, has the ultimate control over the affairs of the concern and where the said affairs are entrusted to a manager, managing director or managing agent, such manager, managing director or managing agent, shall be deemed to be the owner of the concern ;(e)"prescribed" means prescribed by rules made under this Act or in any form laid down by such rules.

3. Collection of statistics.

- The Government may, by notification in the Government Gazette, direct that statistics shall be collected, relating to any of the following matters, namely :-(a)any matter relating to any industry or class of industries ;(b)any matter relating to any commercial or industrial concern or class of commercial or industrial concerns, and in particular, any matter relating to factories ;(c)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 ;(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 ;(xii)labour turnover;(xiii)trade unions ;and thereupon the provisions of this Act shall apply in relation to those statistics :Provided that nothing contained in this section shall be deemed to authorise the Government to issue any direction under this Act with respect to the collection of statistics relating to any matter falling under any of the entries specified in list I in the Seventh Schedule to the Constitution of India as applied to the State of Jammu and Kashmir.

4. Appointment of statistics authority.

- The Government may appoint an officer to be the statistics authority for the purpose of collecting any statistics directed by it to be collected.

5. Power of statistics authority, to call for information or returns.

(1)The statistics authority may serve or cause to be served on the owner of an industrial or commercial concern or on any other person a notice requiring him to furnish such information or returns as may be prescribed relating to any matter in respect of which statistics are to be collected.(2)The form in which, and the person to whom, or the authorities to which such information or returns should be furnished, the particulars which they should contain and the intervals within which such information or returns should be furnished, shall be such as may be prescribed.(3)The notice referred to in sub-section (1) may be served by post.

6. Right of access to records or documents.

- The statistics authority or any person authorised 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 where he believes such record or document to be and may inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

7. Restriction on the publication of information and returns.

(1) No information, no individual return and no part of an individual return with respect to any particular industrial or commercial concern, given for the purposes of this Act shall, without the previous consent in writing of the owner for the time being of the industrial or commercial concern in relation to which the information or return was given or made or his authorised agent, be published in such manner as would enable any particulars to be identified as referring to a particular concern. (2) Except for the purposes of a prosecution under this Act or under the Jammu and Kashmir State Ranbir Penal Code, Svt. 1989, no person who is not engaged in the collection of statistics under this Act shall be permitted to see any information or individual return referred to in sub-section (1).

8. Penalties.

- If any person - (a) required to furnish any information or return - (i) wilfully refuses or without lawful excuse neglects to furnish such information or return as may be required under this act; or (ii) wilfully furnishes or causes to be furnished any information or return which he knows to be false; (iii) refuses to answer or wilfully gives a false answer to any question necessary for obtaining any information required to be furnished under this Act; or (b) impedes the right of access to relevant records or documents or the right of entry conferred by section 6; he shall for each such offence be punishable with fine which may extend to two hundred rupees and in the case of a continuing offence to a further fine which may extend to one hundred rupees for each day after the first during which the offence continues.

9. Offences by companies.

(1) If the person guilty of an offence under section 8 is a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that offence

has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation. - For the purpose of this section - (a) "company" means any body corporate and includes a firm or other association of individuals, and (b) "Director" in relation to a firm means a partner in the firm.

10. Penalty for improper disclosure of information or returns.

- if any person engaged in connection with the collection of statistics under this Act wilfully discloses any information of 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 Jammu and Kashmir Ranbir Penal Code, Svt. 1989, he shall be punishable for such offence with imprisonment for a term which may extend to three months, or with fine which may extend to three months, or with fine which may extend five hundred rupees, or with both.

11. Cognizance of offence.

- No prosecution for an offence under section 8 shall be instituted except by or with the sanction of the statistics authority and no prosecution for an offence under section 10 shall be instituted except by or with the consent of the Government.

12. Protection of action taken in good faith.

- No suit or other legal proceeding shall lie against the Government, the statistics authority or any other person acting under the authority of the Government or of the statistics authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or directions issued thereunder.

13. Power to make rules.

(1) The Government may, subject to the condition of previous publication, by notification in the Government Gazette, make rules for the purpose of carrying out the purposes of this Act. (2) Without prejudice to the generality of the foregoing power, rules may be made under this section for all or any of the following matters, namely :- (a) the form and manner in which the information and returns may be furnished, the particulars which they should contain, the intervals within which and the authority to which such information and returns may be furnished ; (b) the manner in which the right of access to documents and the right of entry conferred by section 6 may be exercised ; and (c) any other matter which is to be or may be prescribed under this Act. (3) All rules made under this section shall be laid, as soon as may be, before the Jammu and Kashmir State Legislature.

14. Repeal.

- The Jammu and Kashmir Industrial Statistics Act, Svt. 2003, is hereby repealed.