The East Punjab Enumeration of Dwellings Act, 1948

HARYANA
India

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Act 24 of 1948

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The East Punjab Enumeration of Dwellings Act, 1948Act 24 of 1948Statement of Objects and Reasons. - The next decennial census of India will take place in 1961. It is considered expedient that the actual census operations should follow complete enumeration of houses and dwellings in the Province. The object of the Bill is to provide legal cover under which Government can proceed with such enumeration and in particular with collection of the necessary details.Published vide East Punjab Government Gazette Extraordinary, dated the 20th March 1948, page 298.Received the assent of His Excellency the Governor on the 10th April, 1948, and was first published in the East Punjab Gazette Extraordinary, dated the 12th April, 1948.It is hereby enacted as follows:-

1. Short title and extent.

(1)This Act may be called the East Punjab Enumeration of Dwellings Act, 1948.(2)It extends to the whole of the [State] [Substituted for the word 'Province by the Adaptation of Laws Order, 1950.] of [Haryana] [Substituted for the words 'Punjab' by the Adaptation of Laws Order, 1968.].

2. Interpretation.

- In this Act "dwelling house" means the building or structure used or constructed or adapted to be used wholly or principally for human habitation and includes any part of a house where that part is separately occupied for such habitation.

3. Appointment of enumeration staff.

(1)The [State] Government may appoint an Enumeration Commissioner to supervise the making of the enumeration of dwelling houses throughout the [State] [Substituted for the word 'Province by the Adaptation of Laws Order, 1950.].(2)The [State] Government may, by general or special order and either by name or designation, appoint persons as enumeration officers to make, or aid in making, or supervise the making of the enumeration in such local area as may be specified.(3)The

[State] Government may delegate to such authority as it thinks fit the power of appointing enumeration officers conferred by sub-section (2).

4. Status of enumeration officers as public servants.

- The Enumeration Commissioner and all enumeration officers shall be public servants within the meaning of the Indian Penal Code, 1860.

5. Power to call upon certain persons to give assistance.

- The District Magistrate or the enumeration officer for any local area may by written order which shall have effect throughout the extent of his district or of such local area as the case may be, call upon all members of district, municipal, panchayat and other local authorities and officers and servants of such authorities, to give such assistance as shall be specified in the order towards the making of the enumeration within the area for which such local authorities are established, and the persons to whom such order 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 the Indian Penal Code, 1860.

6. Occupier to permit access and affixing of numbers of marks.

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

7. Penalties.

(1)Any person lawfully required to give assistance towards the making of the enumeration who 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 any person who hinders or obstructs another person in performing any such duty or in obeying such order, or(2)Any enumeration officer who knowingly makes any false return, or(3)Any person occupying any dwelling house or other place who refuses to allow any enumeration officer such reasonable access thereto as he is required by section 6 to allow, or(4)Any person who removes, obliterates, alters or damages any letters, marks or numbers which may have been painted or affixed for the purpose of the enumeration,. shall be punishable with fine which may extend to two hundred rupees.

8. Section required for prosecution.

- No prosecution under this Act shall be instituted except with the previous sanction of the [State] Government or of an authority empowered in this behalf by the [State] Government.

9. Operation of other laws not barred.

- 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 offence under this Act:Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 8.

10. Jurisdiction

- No court inferior to that of a Magistrate of the second class shall try, whether under this Act or under any other law, anything which constitutes an offence under this Act.

11. Records of enumeration to be public documents.

- All records or registers made under this Act or the rules made thereunder shall be deemed to be public documents within the meaning of the Indian Evidence Act, 1872.

12. Power to make rules.

(1)The [State] Government may make rules for carrying out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power the [State] Government may make rules providing for the appointment of enumeration officers and persons to perform any of the duties of enumeration officers or to give assistance in the making of the enumeration, and for the general instructions to be issued to such officers and persons.