

THE CENSUS ORDINANCE, 1959

¹ORDINANCE NO. X OF 1959

[21st March, 1959]

An Ordinance to provide for the taking, from time to time, of census for Pakistan and for obtaining certain, information with respect to the population of ²[and housing conditions in] Pakistan.

WHEREAS it is expedient to provide for the taking, from time to time, of census for Pakistan and for obtaining certain information with respect to the population of ²[and housing conditions in,] Pakistan;

NOW, THEREFORE, in pursuance of the Proclamation of the 7th day of October, 1958 and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title, Extent and Commencement.—(1) This Ordinance may be called the Census Ordinance, 1959.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

³**[2. Definitions.**— In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “Census” means population and housing census;

(b) “Census Officer” means any person appointed under section 4;

(c) “House” includes a building, tent or vessel used as human dwelling;

(d) “Local council” means a local council constituted under any law relating to

¹ The Ordinance has been applied to the Provincially Administered Tribal Areas of Baluchistan by Baluchistan Government Notification no. S.O. (TA) 3-1/71, dated 28-12-1980, *see* Baluchistan Gazette, *Ext.* No. 251, dated 28-12-1980.

This Ordinance shall apply to the whole of the Tribal Areas, *see* Regulation No. 1 of 1981, Art. 2.

This Ordinance shall applied to the Federally Administered Tribal Areas, by S.R.O. No. 1273 (I)/80, dated 21-12-1980.

The Census (Amendment) Act, 1991 (6 of 1991), shall apply to the Federally Administered Tribal Areas, Vide S.R.O. No. 1154 (I)/92, dated 15-11-1992.

The Census (Amendment) Act, 1991, (6 of 1991), shall apply to the Provincially Administered Tribal Areas, of Baluchistan, Vide Baluchistan Notification No. S.O (T.A.) 3-11/91/621, dated 6-5-1993.

² Ins. by the Census (Amdt.) Act, 1991 (6 of 1991), ss. 2 and 3.

³ Subs. *ibid.*, s. 4, for section 2.

local government and includes a Cantonment Board constitute under the Cantonments Act 1924 ; and

(e) “Prescribed” means prescribed by rules made under this Ordinance.]

3. Declaration for Taking Census. The ¹[Federal Government] may, from time to time, by notification ²in the official Gazette, declare that census for Pakistan shall be taken during such period as may be specified therein.

4. Census Officers. —(1) The ¹[Federal Government] may appoint—

- (i) a ³[Chief Census Commissioner] to supervise the taking of census throughout Pakistan;
- (ii) ⁴[Provincial Census Commissioner] to supervise the taking of census within Province ⁵* * *, and
- (iii) Census Officers to take, aid in or supervise the taking of, census within any specified area.

(2) The ¹[Federal Government] may, by order⁶, delegate the powers conferred upon it by clause (iii) of sub-section (1) to such officer or authority as may be specified in the order.

(3) A declaration in writing signed by any authority authorized in this behalf by the ¹[Federal Government] that any person has been duly appointed a Census Officer shall be conclusive proof of such appointment.

5. Discharge of duties of Census Officers in certain cases.—(1) If the District Magistrate, or any authority authorized in this behalf by the ¹[Federal Government], by an order in writing so directs, —

- (a) every officer in command of any body of men belonging to naval, military or air force of Pakistan or of any vessel of war,
- (b) every person, other than a pilot or harbour-master, having charge or control of a vessel,

¹ Subs. by F.A.O., 1975 Art. 2 and Table, for “Central Government”.

² For such a notification, *see* Gaz. of P., 1960, Ext., p. 117.

³ Subs. by the Census (Amdt.) Act, 1991 (6 of 1991), s. 5 for “Census Commissioner”.

⁴ Subs. *ibid.*, for “Director of Census”.

⁵ The words “or the Federal Capital” omitted by A.O., 1964, Art. 2 and Sch.

⁶ For such an order, *see* Gaz. of P., 1960, Ext., pp. 325—334.

- (c) every person, in charge 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, boardinghouse, lodging-house, emigration depot, or club,
- (e) every manager or officer of a railway, or any commercial or industrial establishment or trading concern, and
- (f) every occupant of immovable property wherein persons are living at the time of taking census,

shall, in relation to the person who, at the time of the taking the census, are under his command or charge, or are inmates of his *sarai*, hotel, house, depot or club, or are employed under him, or are present on or in such immovable property, perform such duties of a Census Officer as may be required by such order.

(2) The provisions of this Ordinance relating to a Census Officer shall, so far as may be, apply to a person performing the duties of a Census Officer in pursuance of an order under sub-section (1).

(3) Whoever refuses or neglects to perform the duties which he is directed under sub-section (1) to perform shall be deemed to have committed an offence under section 187 of the Pakistan Penal Code (Act XLV of 1860).

6. Power to call upon certain persons to give assistance. The District Magistrate, or any Census Officer appointed under clause (iii) of sub-section (1) of section 4 for any local area and authorized by rules in this behalf, may, by order in writing, call upon—

- (a) owners and occupiers of land, farmers, tenure holders and assignees of land revenues, or their agents;
- (b) member of ¹[local councils] and other local authorities, and officers, and

¹ Subs. by the Census (Amdt.) Act, 1991 (6 of 1991), s. 6, for Certain words.

servants thereof; and

- (c) school teachers, government servants and literate persons of good repute for the time being residing in the area concerned;

to work as enumerators, or perform any other duties of a Census Officer, or to give such assistance as may be specified in the order towards the taking of census of persons who ¹[and of house which] are, at the time of the taking of census, on the lands of such owners, occupiers, farmers, tenure holders or ³assignees, or within the areas which such members represent or for which such local authorities are established, or, as the case may be, in which such teachers, government servants or literate persons are themselves residing, and the persons to whom an order under this section is directed shall be bound to obey the same.

7. Formulation of Questionnaire and asking of Questions.—(1) The ²[Federal Government] may, by notification in the official Gazette, formulate such questionnaire as it thinks fit, and a Census Officer may require any person within his jurisdiction to give answers to such questionnaire and to such other questions relevant to the questionnaire as he may think fit.

(2) any person who is required to give answers to the questionnaire and other relevant questions under sub-section (1) shall be legally bound to give answer to the best of his knowledge or belief:

Provided that a woman shall not be so 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.

8. Occupier to allow access and affixing of marks, etc. Every person occupying any house, enclosure, vessel or other place shall allow the Census Officer such access thereto as, having regard to the customs of the country, they may reasonably

¹ Ins. by the Census (Amdt.) Act, 1991 (6 of 1991), s. 6.

² Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

require for the purposes of the census and shall allow them to paint on, or affix to, the house, enclosure, vessels or place such letters, marks or numbers as may be necessary for the purposes of the census.

9. Occupier, manager to fill up a prescribed schedule. —(1) Subject to any rule made in this behalf, a Census Officer may within the local limits of his jurisdiction leave or cause to be left a Schedule prescribed for the purpose at any dwelling house¹[(including any commercial, industrial or other premises which are also used for the purpose of residence)] or with the manager or any officer of any commercial or industrial establishment or trading concern, for the purpose of its being filled up by the occupier of such house or of any specified part thereof, or by such manager or officer with respect to such particulars regarding the inmates of such house or part or the persons employed under such manager or officer during the time of the taking of the census, as may be specified in the Schedule.

(2) When a Schedule has been left under sub-section (1), the occupier, manager or officer concerned shall fill it up or cause it to be filled up as required by that sub-section to the best of his knowledge or belief, sign his name thereto and deliver it to the Census Officer or to such person as the Census Officer may direct.

10. Census record not open to inspection.—²[(1)] No person shall have a right to inspect any book, register or record made by a Census Officer in the discharge of his duties as such, and notwithstanding anything to the contrary in the³[Qanun-e-Shahadet, 1984 (P.O.X of 1984), no entry in any such book, register or record shall be admissible as evidence in any civil proceeding whatsoever, or in any criminal proceedings other than a prosecution under this Ordinance or under any other law for any act or omission under this Ordinance which constitutes an offence under such other law.

¹ Ins. by the Census (Amdt.) Ordinance, 1979 (58 of 1979), s. 2.

² Re-numbered by the Census (Amdt.) Act, 1991 (6 of 1991), s. 7.

³ Subs. *ibid.*, for “Evidence Act 1872”.

¹[(2) The individual information furnished in the Census returns, except so much of it as is not traceable to an individual, shall be confidential and shall not be used for any purpose other than compilation of Statistics].

11. ²[Local Councils] and other local authorities to take census. Notwithstanding anything contained in any other law for the time being in force, a ³[local council] or other local authority shall, in consultation with the ⁴[Provincial Census Commissioner] or other officer authorized in this behalf by the ⁵[Federal Government], cause, during the period specified under section 3, the census of the ⁶[area within the jurisdiction of a local council or other local authority] to be taken wholly or in part in the manner authorized or required by or under this Ordinance.

12. Grant of statistical abstracts. The ⁷[Chief Census Commissioner, the Provincial Census Commissioner] or any authority authorized in this behalf by the ⁵[Federal Government] may, at the request of any ⁸[local council or local authority] or person, cause abstracts to be prepared and supplied containing such statistical information as can be derived from the census returns being information which is not contained in any published reports and which, in the opinion of such Commissioner, ⁹* or authority, such ⁸[local council or local authority] or person may reasonably require.

13. Penalties. If any person—

¹Added by the Census (Amdt.) Act, 1991 (6 of 1991), s. 7.

² Subs. *ibid.*, s., 8 for “Municipalities”.

³ Subs. *ibid.*, for “Municipality”.

⁴ Subs. *ibid.*, for “Director of Census”.

⁵ Subs. by F.A.O., 1975 For Art. 2 and Table for “Central Government”.

⁶ Subs. by Act 6 of 1991, s. 8, for certain words.

⁷ Subs. *ibid.*, s. 9, for Certain words.

⁸ Subs. *ibid.*, for “local Authority”.

⁹ Omitted *ibid.*

- (a) being a Census Officer, or being lawfully required to give assistance towards the taking of census, 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 Ordinance or any rule made there under, or hinders or obstructs another person in performing any such duty or in obeying any such order, or
- (b) being a Census Officer intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the ¹[Federal Government] discloses any information which he has received by means of or for the purpose of, a census return ²[or fails to deliver or forward to the proper authority, or retains copies or extracts from, the Census returns or any documents relating to the Census], or
- (c) intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, the questionnaire or other relevant question asked of him by a Census Officer which he is legally bound to answer, or
- (d) occupying any house, premises, vessel or land, refuses to allow a Census Officer such reasonable access thereto as he is required under this Ordinance to allow, or
- (e) removes, obliterated, alters or damages without proper authority or before the completion of the census any letters, marks or objects which have been painted or affixed for the purposes of the census, ³[or]
- ⁴[(f) attempts to have a false return made by a Census Officer,]

he shall be punishable with ⁵[⁶* imprisonment for a term which may extend to ⁷[six months] or with fine which may extend to ⁷[fifteen thousand rupees, or with both]

¹ Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".

² Ins. by the Census (Amdt.) Ordinance 1979, (58 of 1979), s. 3.

³ Subs. *ibid.*, for "full stop".

⁴ Added by the Census (Amdt.) Ordinance, 1979 (58 of 1979), s. 3.

⁵ Subs. by the Census (Amdt.) Ordinance, 1970 (16 of 1970), s. 2.

⁶ The word "rigorous" omitted by the Census (Amdt.) Act, 1991 (6 of 1991), s. 10.

⁷ Subs. by Act 41 of 1997, s. 2.

14. Sanction for prosecution under this Ordinance. No prosecution under this Ordinance shall be instituted except with the previous sanction of the ¹[Federal Government] or of any authority authorized in this behalf by the ¹[Federal Government].

15. Prosecution under other laws. Nothing in this ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission under this Ordinance which constitutes an offence under such other law:

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 14.

16. Jurisdiction. No court inferior to that of a Magistrate of the second class shall try an offence under this Ordinance.

17. Census Officers and persons assisting them to be public servants. All Census Officers, and all persons performing the duties of a Census Officer or giving assistance towards the taking of the census, while acting in pursuance of an order made under this Ordinance, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

18. Delegation of Power. The ¹[Federal Government] may, by notification in the official Gazette direct that all or any of the powers conferred upon it by or under this Ordinance shall subject to such conditions, if any, as may be specified in the notification be exercisable also by the Provincial Government.

19. Rules. The ¹[Federal Government] may make rules for carrying out the purposes of this Ordinance.

20. [Repeal.] *Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and II Sch.*

¹ Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".