

THE AGRICULTURE CENSUS ACT, 1958

¹ACT No. XLI OF 1958

[23rd September, 1958]

An Act to provide for certain matters for the purpose of taking agricultural census.

WHEREAS in a general meeting of the Food and Agricultural Organization of the United Nations a decision has been taken urging the member countries to take agricultural census ;

¹ For Statement of Objects and Reasons, *see* Gaz. of P., 1958, Ext., P. 1509.

AND WHEREAS it is expedient to take agricultural census in pursuance of the said decision and to provide for certain matters for that purpose ;

AND WHEREAS in pursuance of the proviso to Article 108 of the Constitution the Governors of the Provinces of East Pakistan and West Pakistan have been consulted ;

It is hereby enacted as follows :—

1. Short title, extent and commencement. — (1) This Act may be called the Agricultural Census Act, 1958.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date² as the ³[Federal Government] may, by notification in the official Gazette, appoint.

2. Definitions. In this Act unless there is anything repugnant in the subject or context :—

(a) “census” means agricultural census ;

(b) “census officer” means an officer appointed for the purpose of carrying out the provisions of this Act.

3. Census Officers. — (1) The ³[Federal Government] may appoint—

(i) a Census Commissioner to supervise the taking of the census throughout Pakistan ;

(ii) Joint Census Commissioners, Deputy Census Commissioners and Assistant Census Commissioners to supervise the taking of census within the Provinces and the Federal Capital; and

¹ I, e., the 1st December, 1958, see Gaz. of P., 1958, Pt. I, p. 469.

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

(iii) other census officers to take, aid in or supervise the taking of, the census within any specified area.

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

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

4. Collection of information for census. — (1) For the purpose of taking census, information shall be collected on or with respect to the following matters, namely :—

- (a) land ownership and land tenure ;
- (b) land unit and subdivision of land ;
- (c) land utilization;
- (d) crop acreage and production ;
- (e) livestock and poultry;
- (f) employment in agriculture;
- (g) agricultural population;
- (h) agricultural power and machinery;

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

- (i) irrigation and drainage;
- (j) fertilizers and soil dressing
- (k) wood and fishery products ;
- (l) agricultural credit ;
- (m) agriculture and sericulture ;
- (n) fruit and vegetable products ; and
- (o) such other matters as the ¹[Federal Government] may, by notification in the official Gazette, specify.

(2) For the purpose of collecting information referred to in sub-section (1), the ¹[Federal Government] may, by notification in the official Gazette, prepare 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 to ask.

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

5. Crop-cutting experiment.— (1) For the purpose of collecting information referred to in sub-section (1) of section 4, crop-cutting experiments may be conducted, and for such experiments may be conducted, and for such experiments any land in any area may be selected.

(2) The owners or occupiers of lands or their agents or servants shall allow such access to the census officers and other persons assisting them to their lands as may be necessary for the conduct of crop-cutting experiments.

(3) The owner or other person entitled to the crop shall be paid such compensation for any loss or damage caused to him by the conduct of crop cutting experiments ²[as is not less than such loss or damage, and the assessment of the loss or damage shall be carried out in such manner] as the ¹[Federal Government] may prescribe.

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

² Ins. by the Agricultural Census (Amdt.) Ordinance, 1984 (19 of 1984), s. 2.

6. Access to census officers to premises and lands. Every person owning or occupying any house, premises or lands shall allow the census officers such access thereto as they may require for the purposes of the census and shall allow them to paint on, affix to, or dig in, the house, premises or lands such letters, mark or objects as may be necessary for the said purpose.

7. Penalties. — (a) Any census officer or any person lawfully required to give assistance towards the taking of a census 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 any such order, or

(b) any census officer who knowingly makes any false return or, without the previous sanction of the ¹[Federal Government] or the Provincial Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

(c) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, to the questionnaire or other relevant question asked of him by a census officer which he is legally bound to answer, or

(d) any person occupying any house, premises or land who refuses to allow a census officer such reasonable access thereto as he is required under section 6 to allow, or

(e) any person who removes, obliterates, alters or damages without proper authority or before the completion of the census any letters, marks or objects which have been painted, affixed or dug for the purposes of the census, shall be punishable with fine which may extend to five hundred rupees.

8. Sanction for prosecution under this Act. No prosecution under this Act shall be instituted except with the previous sanction of the ²[Federal Government] or of an authority authorized in this behalf by the ²[Federal Government].

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

²Subs. *ibid.*, Art. 2 and Sch., for "Provincial Government".

9. Prosecution under other laws. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission under this Act 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 8.

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

11. Census records not open to inspection. 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 the Evidence Act, 1872 (I of 1872), 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 Act or under any other law for any act or omission under this Act which constitutes an offence under such other law.

12. Preparation of statistical abstracts. The Census Commissioner or any Joint Census Commissioner, Deputy Census Commissioner or Assistant Census Commissioner or such person as the ¹[Federal Government] may authorize in this behalf may, if he thinks fit, at the request and cost (to be determined by him) of any local authority or person, cause abstracts to be prepared and supplied containing any such statistical information as can be derived from the census returns being information which is not contained in any published report and which, in his opinion, it is reasonable for that authority or person to require.

13. Censes officers to be public servants. All census officers shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

14. Power to make rule. The ¹[Federal Government] may make rules for carrying out the purposes of this Act.

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