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THE INDUSTRIAL STATISTICS ACT, 1942

(XIX of 1942)

CONTENTS

- 1. Short title, extent and commencement**
- 2. Definitions**
- 3. Collection of statistics**
- 4. Appointment of statistics authority**
- 4A. Delegation of powers and functions**
- 5. Power of statistics authority to call for returns and informations**
- 6. Right of access to record or document**
- 7. Restriction on the publication of returns and information**
- 8. Penalties**
- 9. Penalty for improper disclosure of information or returns**
- 10. Cognizance of offences**
- 11. Power of Provincial Governments to make rules**

TEXT

THE INDUSTRIAL STATISTICS ACT, 1942 (XIX of 1942)¹

[3rd April, 1942]

An Act

to facilitate the collection of statistics of certain kinds relating to industries

Whereas 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 Industrial Statistics Act, 1942.

(2) It extends to ²[all the Provinces and the Capital of the Federation].

(3) It shall come into force in a Province on such date as the ³[appropriate Government] by notification in the official Gazette, appoint in this behalf for such Province.

2. Definitions.— In this Act "**prescribed**" means prescribed in rules made under this Act or in any form prescribed by those rules;

⁴[And the "**appropriate Government**" means, in relation to industries the development whereof under Federal control has been declared by a Federal law to be expedient in the public interest, the Federal Government and, in relation to other industries, the Provincial Government].

3. Collection of statistics.— (1) ⁵The [appropriate Government] may, by notification in the official Gazette, direct that statistics shall be ⁶collected 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,

¹For Statement of Objects and Reasons, see Gazette of India, Part V, 7th March 1942, p.39.

²Subs. for the words "the whole of British India" by G.G.O.4 of 1949.

³Subs. for "Provincial Government" by P.O. 4 of 1975 dated 28 July 1975, Art.2 (3). Gaz. Of Pak. Extr. Pt. I, Aug. 1975, p. 435

⁴Added, ibid, Art. 2(1) & sch.

⁵Subs. for "Provincial Government" by P.O. 4 of 1975 dated 28 July 1975, Art.2 (3). Gaz. Of Pak. Extr. Pt. I, Aug. 1975, p. 435.

⁶(a) Punjab Govt. ordered the collection of statistics on matters stated in Sec. 3(1)(b), vide Labour Deptt. Noti. No.338, Lab.55/52427 of 7 sept. 1955, Punjab Gazette part I, sept. 16,1955,p. 1065.

(b) West Pakistan Govt ordered the collection of statistics relating to matters concerning factories in section 3(1)(a) in areas comprising former khairpur State, former sind and N.W.F.Province and former Bahawalpur State, Ind. Com. And Lab. Deptt. Noti. II/2-3/59, may 1, 1959, Gazette of West Pak. Extr. 2 May, 1959, p.387

- (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,

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 defined in clause (j) section 2 of the Factories Act, 1934 (XXV of 1934), or any premises deemed to be a factory pursuant to a declaration made under sub-section (1) of section 5 of that Act.

4. Appointment of statistics authority.— The [appropriate Government] may appoint an officer to be the statistics authority for the purposes of the collection of any statistics under this Act.

⁷**[4-A. Delegation of powers and functions.**— The Statistics Authority may, with previous approval of the Provincial Government, direct that all or any of the powers 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 ⁸[appropriate Government] subject to such conditions, if any, as may specified in the direction].

5. 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 are 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.

6. Right 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 collection any statistics under this Act, have access to any⁹ 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.

⁷Inserted by Ordinance XXVIII of 1958.

⁸Subs for "Provincial Government" by P.O. 4 of 1975, s. 2(3).

⁹of 1975, s. 2(3).

7. Restriction on the publication of returns and information.— (1) No individual return, and no part of an individual return, made, and no information with respect to any particular undertaking given, for the purposes of this Act, shall, without 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 referring to a particular undertaking.

(2) Except for the purposes of a prosecution under this Act or Pakistan 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).

8. Penalties.— If any person required to furnish any information or any return:—

- (a) willfully refuses or without lawful excuse neglects to furnish such information or return as required under this Act, or
- (b) willfully furnishes or causes to be furnished any information or return which he knows 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 6, he shall for each offence be punishable with fine which may extend to ¹⁰[twenty thousand] rupees and in the case of a continuing offence ¹¹[with a further fine] which may extend to ¹²[eight hundred] rupees for each day after the first during which the offence continues; and in respect of false information, returns or answers the offence shall be deemed to continue until true information or true return answer has been given or made.

9. 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 Pakistan Penal Code (XLV of 1860), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ¹³[Four thousand] rupees, or with both imprisonment and fine.

10. Cognizance of offences.— No prosecution under section 2 shall be instituted except by or with the sanction of the statistics authority and no prosecution under section 9 shall be instituted except by or with the sanction of the ¹⁴[appropriate

¹⁰Subs. for "five thousand" by Industrial Statistics (Amendment) Ordinance, 2000 (Ord. VI. Of 2000), s. 2(i). Gaz. Of Pak., Extr., Pt. I, Feb. 26, 2000, p. 65-66. These words were earlier subs. for "one hundred" rupees by Ord. 38 of 1980.

¹¹Subs. for "to a further fine" by Act XXV of 1942, 2nd Schedule.

¹²Subs. for "two hundred" by Industrial Statistics (Amendment) Ordinance, 2000, s. 2(ii).

¹³Subs. for the original "one thousand" by Industrial Statistics (Amendment) Ordinance, 2000 (Ord. VI of 2000), s. 3. Gaz. of Pak., Extr., Pt. I, Feb. 26, 2000, p. 65-66.

¹⁴Subs. for "Provincial Government" by P.O. 4 of 1975, s. 2(3).

Government].

¹⁵[* * * * *]

11. Power of Provincial Governments to make rules.— (1) ¹⁶The Provincial Government may, subject to the condition of previous publication by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, rules may be made under this section regulating the exercise of the right of access to documents and the right of entry conferred by Section 6.

¹⁵Section 11 omitted by P.O.1 of 1964, Sch.

¹⁶Subs. for "Provincial Government" by P.O. 4 of 1975, s. 2(3).