

THE AGRICULTURAL CENSUS ACT, 1958

(ACT 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;

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:-

Short title, extent and commencement

1. (1) This Act may be called the Agricultural Census Act, 1958.

(2) It extends to the whole of 2[Bangladesh].

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

Definitions

2. 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[;

(c) "Director-General" means the Director-General of the Bangladesh Bureau of Statistics.]

Census officers

3. 4[(1) The Director-General may-

(a) make plan and supervise the taking of census throughout Bangladesh;

(b) appoint census officers to take, aid in or supervise the taking of, the census within any specified area.]

(2) [Omitted by section 5 of the Agricultural Census (Amendment) Ordinance, 1983 (Ordinance No. XXII of 1983).]

(3) A declaration in writing, signed by any authority authorised by the 5[Director-General] in this behalf, that a person has been duly appointed a census officer shall be conclusive proof of such appointment.

Collection of information for census

4. (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 utilisation;
- (d) crop acreage and production;
- (e) livestock and poultry;
- (f) employment in agriculture;
- (g) agricultural population;
- (h) agricultural power and machinery;
- (i) irrigation and drainage;
- (j) fertilisers 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 Government may, by notification in the official Gazette, specify.

(2) For the purpose of collecting information referred to in sub-section (1), the 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 other relevant questions under sub-section (2) shall be legally bound to give answers to the best of his knowledge or belief.

Crop-cutting experiment

5. (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 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 as the Government may prescribe.

Access to census officers to premises and lands

6. 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.

Penalties

7. (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 6[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 7[taka].

Sanction for prosecution under this Act

8. No prosecution under this Act shall be instituted except with the previous sanction of the 8[Government] or of an authority authorised in this behalf by the 9[Government].

Prosecution under other laws

9. 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.

Jurisdiction

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

Census records not open to inspection

11. 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, 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.

Preparation of statistical abstracts

12. The 10[Director-General] or such person as the Government may authorise 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.

Census officers to be public servants

13. All census officers shall be deemed to be public servants within the meaning of section 21 of the 11[* * *] Penal Code.

Power to make rules

14. The Government may make rules for carrying out the purposes of this Act.

1 Throughout this Act, unless otherwise provided, the word "Government" was substituted for the words "Central Government" by section 2 of the Agricultural Census (Amendment) Ordinance, 1983 (Ordinance No. XXII of 1983)

2 The word "Bangladesh" was substituted for the word "Pakistan" by section 3 of the Agricultural Census (Amendment) Ordinance, 1983 (Ordinance No. XXII of 1983)

3 The semi-colon (;) was substituted for the full-stop (.) and clause (c) was added by section 4 of the Agricultural Census (Amendment) Ordinance, 1983 (Ordinance No. XXII of 1983)

4 Sub-section (1) was substituted by section 5 of the Agricultural Census (Amendment) Ordinance, 1983 (Ordinance No. XXII of 1983)

5 The word "Director-General" was substituted for the words "Central Government" by section 5 of the Agricultural Census (Amendment) Ordinance, 1983 (Ordinance No. XXII of 1983)

6 The word "Government" was substituted for the words "Central Government or the Provincial Government" by section 6 of the Agricultural Census (Amendment) Ordinance, 1983 (Ordinance No. XXII of 1983)

7 The word "taka" was substituted for the word "rupees" by section 6 of the Agricultural Census (Amendment) Ordinance, 1983 (Ordinance No. XXII of 1983)

8 The word "Government" was substituted for the words "Provincial Government" by section 7 of the Agricultural Census (Amendment) Ordinance, 1983 (Ordinance No. XXII of 1983)

9 The word "Government" was substituted for the words "Provincial Government" by section 7 of the Agricultural Census (Amendment) Ordinance, 1983 (Ordinance No. XXII of 1983)

10 The word “Director-General” was substituted for the words and comma “Census Commissioner or any Joint Census Commissioner, Deputy Census Commissioner or Assistant Census Commissioner” by section 8 of the Agricultural Census (Amendment) Ordinance, 1983 (Ordinance No. XXII of 1983)

11 The word “Pakistan” was omitted by section 9 of the Agricultural Census (Amendment) Ordinance, 1983 (Ordinance No. XXII of 1983)