

**THE HIMACHAL PRADESH ENUMERATION OF DWELLINGS
ACT, 1976**

ARRANGEMENT OF SECTIONS

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(ACT NO. 41 OF 1976)¹

(Received the assent of the Governor on the 17th November, 1976 and was published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 23rd November, 1976, pp. 1883-1886).

An Act to provide legal cover under which Government may proceed with such enumeration of houses and dwellings in Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Enumeration of Dwellings Act, 1976.

(2) It extends to the whole State of Himachal Pradesh.

(3) It shall come into force at once.

1. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 8th March, 1976, p. 828.

2. Definition.- In this Act "dwelling house" means a 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.

(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 areas as may be specified.

(3) The State Government may delegate to such authority as it thinks fit the power of appointing enumeration officer 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 (45 of 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 areas 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 (45 of 1860).

6. Occupier to permit access and affixing of number or 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 any 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. Sanction 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 first 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 (1 of 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 making of the enumeration, and for the general instructions to be issued to such officers and persons.

(3) In making a rule under this section, the Government may provide that a contravention thereof shall be punishable with fine which may extend to two hundred rupees.

(4) Every rule made under this section, shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the sessions aforesaid the Legislative Assembly makes any modification in the rule or decides that the rule should not be made that rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

13. Repeal and savings.- The East Punjab Enumeration of Dwelling Act, 1948 (24 of 1948) as in force in the areas added to Himachal

Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) is hereby repealed:

Provided that anything done or any action taken under the provisions of the Act so repealed, shall, in so far as it is not inconsistent with the provisions of the Act, be deemed to have been done or taken under the corresponding provisions of this Act.
