

## Statistics Act, 2015 (1958)

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<u>Amendments</u>	<u>Date of Authentication and Publication</u>
1. Statistics (Amendment) Act, 2018 (1961)	2018.9.13 (27 Dec. 1961)
2. Some Nepal Laws (Amendment and Rearrangement) Act, 2020 (1964)	2020.11.16 (27 Feb. 1962)
3. Summary Procedures Act, 2028 (1972)	2028.12.20 (2 April 1972)
4. Statistics (Second Amendment) Act, 2030(1974)	2030.12.11(24 March 1974)
5. Judicial Administration Reform Act, 2031(1974)	2031.4.18(3 Sept. 1974)
6. Judicial Administration Reform (Fourth Amendment) Act, 2043 (1986)	2043.7.24(10 Nov. 1986)
7. Administration of Justice Act, 2048 (1991))	2048.2.16 (30 May 1991)

8. Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010)<sup>1</sup> 2066.10.7 (21 Jan. 2010)

Act No. 20 of 2015 (1958)

**An Act Made to Facilitate the Collection of Statistics**

Whereas, in order to formulate policies that may bring forth substantial benefit to the people in greater extent, enhance the administrative efficiency of the governmental departments and acquire actual information regarding the economic activities in the country, the Government of Nepal requires realistic basis and, to acquire such basis, it is expedient to make provisions to facilitate the collection of statistics and to establish a Central Bureau for the collection, consolidation publication and analysis of statistics, and thereby to maintain peace and tranquility and provide for the convenience and economic wellbeing of the general public<sup>2</sup>;

Now, therefore, be it enacted and promulgated by His Majesty the King, on the advice of the Council of Ministers.

1. **Short Title, Extent and Commencement:** (1) This Act may be called the "Statistics Act, 2015."
  - (2) It shall extend throughout Nepal.
  - (3) It shall come into force immediately.
2. **Definitions:** Unless the subject or the context otherwise requires, in this Act,-
  - (a) "Authorized Officer" means the officer authorized by a notified order to collect such statistics and details of information as required to be collected pursuant to the provisions of this Act.

<sup>1</sup> This Act came into force on 15 *Jestha* 2065, "*Prasasti*" and the word "Kingdom" has been deleted.

<sup>2</sup> Amended by Some Nepal Laws (Amendment and Rearrangement) Act, 2020.

- (b) "Director General" means the Director General of the Central Bureau of Statistic appointed by the Government of Nepal.
- (c) "Notified order" means an order published in the Nepal Gazette.
- (d) "Officer of the Bureau" means an officer appointed as the officer of the Central Bureau of Statistics.
- (e) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

3. **Power to require production of details:** The Government of Nepal, by a notified order, may require persons of any class to supply to the Director General such information, records and statistics in their possession or control in such a format and within such a time as may be specified in the notified order.

4. **Power to give direction to collect statistics:** (1) The Government of Nepal may, by a notified order, issue direction for the collection of statistics concerning any matter as provided in this Section.

(2) The following arrangements may be made by an order notified pursuant to Sub-section (1):

- (a) Specify the details of information required to be collected;
- (b) Appoint or nominate officers authorized for the collection of such information, prescribe the functions, duties and powers of such officers, and prescribe the procedures required to be followed by them in the exercise of and carrying out of such functions, duties and powers; and

- (c) Provide for all other contingent situations or make such provisions which in the opinion of the Government of Nepal would facilitate the collection of statistics required to be collected pursuant to such an order.

**5. Power of the Director General to require production of details:**

The Director General may by himself or herself or through any other officer issue a written Notification and inform to require any person to submit to him or her any information, details and statistics in such a format and within such a time as may be specified in the Notification.

**6. Power to inspect records:** The Director General or any of the authorized officers working under his or her jurisdiction or any officer exercising powers conferred by the Director General in writing pursuant to Section 5 may, either for the purpose of the collection of statistics concerning any thing that may be specified in the order issued pursuant to Section 3 or 4 or under the Notification issued pursuant to Section 5 or for the purpose of ascertaining the genuineness of records, particulars details or information collected pursuant to such an order or Notification, take any of the following steps:

- (a) To enter, by giving prior information and within a reasonable time, into any land or house in the possession or control of any person under the duty to provide any information or details;
- (b) To order the production before him or her of any document or article in the possession or control of such a person and to examine such document or article; and
- (c) To ask any question to any person about whom he or she has reasonable ground to believe that such a person has information

about any statistics required to be collected pursuant to the provisions this Act.

7. **Power to demand for details:** The Director General may, by a Notification published in the Nepal Gazette, request persons of any class to submit before him or her such information or statistics in such a format and within such a time as may be specified in such a Notification.

7A.<sup>3</sup> **Permission of Central Bureau of Statistics is required to collect statistics:** (1) If any government office, a government owned or such other organization receiving government aid for this purpose or foreign national or institution desires to collect any details, information or statistics of any economic matters for professional purpose, such an office, organization, national or institution shall have to obtain permission from the Central Bureau of Statistics.

(2) Any person or organization desiring to obtain permission for the purpose of collecting statistics pursuant to Sub-section (1) shall have to submit to the Central Bureau of Statistics details including the reason for the collection of statistics, the area in which the collection of statistics is to be made, the methodology for the collection of statistics and the programmes for carrying out such activities.

(2) If the request to collect statistics pursuant to Sub-section (1) appears to be reasonable, the Central Bureau of Statistics shall give its permission; and in so giving permission, the Bureau may specify in its permission the methodology to be adopted in the collection of statics and such other conditions as deemed necessary.

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<sup>3</sup> Inserted by the Second Amendment.

**7B.**<sup>4</sup> **Statistics to be authenticated before use or publication:** (1) Any person or organization having obtained permission pursuant to Section 7A. to collect statistics shall, before making use of or publishing such statistics, cause such statistics to be authenticated by the Central Bureau of Statistics.

(2) In cases where the Central Bureau of Statistics has to incur expenses in connection with the authentication of the statistics pursuant to Sub-section (1) above, the person or organization which seeks such authenticity shall pay the cost to the Central Bureau of Statistics.

(3) No statistical information shall be given to any foreign national or institution or international institution without the permission of the Central Bureau of Statistics.

**8. Restriction on publication of information and details:** Any information or details relating to any person, family, firm or company, which have been supplied, obtained or prepared pursuant to Section 3 or Section 4 or Section 5 or Section 6 or Section 7 or any part of such information or details, shall not be disclosed or published directly except to the Director General or to any other officer of the Bureau without the written permission of the person or of his or her authorized representative supplying such information or details.

(2) For the purpose of institution of any suit under this Act, nothing mentioned in Sub-section (1) shall be deemed to bar the production of such information before any court.

**9. Penalty:** (1) If any person having the duty to supply any information or details pursuant to Section 3 or Section 4 or Section 5, commits any of the following offences, the person shall be liable to punishment of a fine of up

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<sup>4</sup> Inserted by Second Amendment.

to Two Hundred Rupees or of imprisonment for a term not exceeding Two months<sup>5</sup> or both punishments for each offence:

- (a)<sup>6</sup> Deliberately withholding or refusing to supply such information or details within the prescribed time-limit; or
- (b) Deliberately giving or causing to give false information or details.

Provided that, if any offence punishable under this Sub-section is committed by any company or body corporate, except when it is proved that the offence was committed without their knowledge or that they had done their utmost to prevent such an offence, the director, manager, secretary or any other officer or representative of such a company or body shall be liable to punishment of a fine of up to Three Hundred Rupees or of imprisonment for a term not exceeding Three months or the both punishments.

(2) Any person who causes obstruction to the exercise of powers by the Director General or any other officer authorized by him or her under Section 6 to make entry into any house or land pursuant to Clause (a) of the same Section, or deliberately refuses to produce any document or article required to be produced pursuant to Clause (b) of the same Section, or refuses to answer any queries or deliberately gives false answers to queries made pursuant to Clause (c) of the same Section shall be liable to punishment of a fine of up to One Hundred Rupees or of imprisonment for a term not exceeding One month or the both punishments.

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<sup>5</sup> Amended by First Amendment.

<sup>6</sup> Amended by Second Amendment.

(2a)<sup>7</sup> Any person or organization who otherwise collects statistics without obtaining prior permission in accordance with Section 7A. or who collects statistics in contravention of the methodology or terms and conditions specified while giving permission or who makes use of any statistics or publishes it without obtaining prior authentication pursuant to Section 7B. before using or publishing the same and any person who publishes the same shall be liable to punishment of a fine of up to Five Thousand Rupees for each such offence.

Provided that, if any offence punishable under this Sub-section is committed by any body corporate, the general manager or manager or the chief of the body concerned shall be liable to punishment for such an offence except where such a manager or chief proves that the offence was committed without his or her knowledge.

(3) In cases where the Director General or any officer of the Bureau or any officer authorized under this Act commits any of the following offences, he or she shall be liable to punishment of a fine of up to Two Hundred Rupees or of imprisonment for a term not exceeding Two months or both punishments for each such offence:

- (a) Publishing any information or details or any part thereof in contravention of Section 8; or
- (b) Failing to carry out or refusing to carry out any order issued in pursuant of this Act or the Rules framed under this Act, or failing to exercise due care or show promptness in the carrying out of such order; or
- (c) Destroying statistical records negligently or deliberately or otherwise causing damage to such

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<sup>7</sup> Inserted by Second Amendment.



records in any other manner, or forging or using in any other manner such records so as to cause wrong results or using such records for his or her personal gains or unauthorized purpose.

(4) Any person who obtains information or details from any authorized officer or any officer of the Bureau in contravention of Section 8 shall be liable to punishment of a fine of up to Two Hundred Rupees or of imprisonment for a term not exceeding Two months or both punishments.

Provided that, if the information so obtained has been published as well, he or she shall be liable to punishment of a fine of up to Five Hundred Rupees or of imprisonment for a term not exceeding Five months or both punishments.

(5) Any person who induces the general public not to obey any order issued pursuant to this Act or not to supply information or details lawfully demanded by any authorized officer, or not to answer any questions put to them by such an officer shall be liable to punishment of a fine of up to Five Hundred Rupees or of imprisonment for a term not exceeding Five months<sup>8</sup> or both punishments.

**10. Power to hear cases and appeals:** (1) The following officer or court shall have the power to try cases and impose punishment in relation to the following offences under this Act:

- (a) The Chief District Officer with regard to offences mentioned in Sub-sections (1), (2 and (5) of Section 9;
- (b) The Director General with regard to the offence mentioned in Sub-section (2a) of Section 9;

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<sup>8</sup> Amended by Judicial Administration Reform (Fourth Amendment) Act, 2043

- (c) The District Court<sup>9</sup> with regard to offences mentioned in Sub-sections (3) and (4) of Section 9.

(2) No complaint for any offences punishable under this Act shall be filed without the prior approval of the Government of Nepal if it is against any gazetted officer and without the prior approval of the Director General if it is against any employee serving for the Central Bureau of Statistics.

(3)<sup>10</sup> Any decision made by the Chief District Officer or the Director General pursuant to Sub-section (1) shall be appealable to the Court of Appeal.

**10A.**<sup>11</sup> **Delegation of power:** The Government of Nepal may, by a Notification published in the Nepal Gazette, so delegate the power vested in the Director General pursuant to Clause (b) of Sub-section (1) of Section 10 as to be exercised by any officer.

**11.**<sup>12</sup> **The Government of Nepal to be plaintiff:** The Government of Nepal shall be plaintiff in cases under this Act.

**12. Question not to be raised in courts:** No question may be raised in any court in relation to any order given in pursuance of the power conferred by this Act.

**13. Power to frame Rules:** The Government of Nepal may frame Rules in order to carry out the objectives of this Act.

**14. Repeal:** The Census Act, 2013 (1956) is, hereby, repealed.

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<sup>9</sup> Amended by Judicial Administration Reform (Fourth Amendment) Act, 2043.

<sup>10</sup> Amended by Judicial Reform Act, 2031.

<sup>11</sup> Inserted by Second Amendment.

<sup>12</sup> Amended by Second Amendment.