

# **THE CENSUS ACT, 1948**

## **INTRODUCTION**

The census of erstwhile North-West Provinces, conducted in 1865, is referred as first proper census in India. The first complete census on uniform basis, throughout India, was conducted in 1881. Since then census is being conducted every ten years.

The Census Act was passed in 1948 and placed on the Statute Book.

In 1949, the Government of India decided to establish a single organization at the Centre in the Ministry of Home Affairs under the Registrar General and ex-officio Census Commissioner of India to deal with Vital Statistics and Census. Until 1961, responsibility for arranging, conducting and analysing the results of the census was exercised by a temporary administrative structure that was put in place for each census and then dismantled. From that time on, the office of the Registrar General and Census Commissioner of India was made a permanent department under the Central Government.

The information collected pertains to distribution of population with respect to its density, physical group, urban and rural population, housing condition, migration, occupation, racial distribution, literacy, religion, physical deformities, sex, civil conditions etc.

## **STATEMENT OF OBJECTS AND REASONS**

Legislation alone can confer the powers to put questions, mark buildings, etc., for the purposes of a census. There is no Census Act in force at the moment since all the former Census Acts were confined to the specific census undertaken in particular years. Legislation is, therefore necessary to provide for the census operations now to be undertaken. The present Bill is intended to be a measure for all time, unlike the previous Census Acts. It differs from the Indian Census Act, 1939 (24 of 1939), in that it provides for a general continuous cover for census operations to be undertaken at any time, raises the fine limit from Rs. 200 to Rs. 1000, makes abetment of census offences punishable, provides against tampering by the tabulation staff and makes it obligatory on persons nominated as census officers by the Provincial Governments to serve in the capacity directed. In other respects it follows the Census Act of 1939.

## **ACT 37 OF 1948**

The Census Bill having been passed by the Legislature received its assent on 3rd September, 1948. It came on the Statute Book as THE CENSUS ACT, 1948 (37 of 1948).

## **LIST OF AMENDING ACTS AND ADAPTATION ORDERS**

1. The Repealing and Amending Act, 1949 (40 of 1949).
2. A.O. 1950.
3. The Census (Amendment) Act, 1950 (51 of 1950).
4. A.O. 1956.
5. The Repealing and Amending Act, 1957 (36 of 1957).
6. The Census (Amendment) Act, 1959 (22 of 1959).
7. The Repealing and Amending Act, 1974 (56 of 1974).
8. The Delegated Legislation Provisions (Amendment) Act, 1985 (4 of 1986).
9. The Census (Amendment) Act, 1993 (11 of 1994).

# THE CENSUS ACT, 1948

(Act No. 37 of 1948)<sup>1</sup>

[3rd September, 1948]

*An Act to provide for certain matters in connection with the taking of census.*

WHEREAS it is expedient to provide for the taking of census in<sup>2</sup>[\*\*\*] India or any part thereof whenever necessary or desirable and to provide for certain matters in connection with the taking of such census;

It is hereby enacted as follows:—

**1. Short title and extent.**—(1) This Act may be called the Census Act, 1948.

<sup>3</sup>[(2) It extends to the whole of India <sup>4</sup>[\*\*\*]].

<sup>5</sup>[**2. Definitions.**—In this Act, unless the context otherwise requires,—

- (a) “premises” means any land, building or part of a building and includes a hut, shed or other structure or any part thereof;
- (b) “prescribed” means prescribed by rules made under this Act;
- (c) “vehicle” means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise.

**2A. Rule of construction respecting enactments not extending to Jammu and Kashmir.**—Any reference in this Act to the \*Indian Penal Code (45 of 1860), the \*\*Indian Evidence Act, 1872 (1 of 1872) or the \*\*\*Code of Criminal Procedure, 1973 (2 of 1974) shall, in relation to the State of Jammu and Kashmir, be construed as a reference to the corresponding enactment in force in that State.]

## STATE & UT AMENDMENT

**+Union Territory of Jammu and Kashmir:**

“Omit Section 2A”.

[*Vide The Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Order, 2020 (w.e.f. 18-3-2020), S.O. 1123(E) dated 18th March, 2020, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), No. 1016, dated 18th March, 2020.*]

1. The Act has been extended to:—

- Goa, Daman and Diu by Regulation 11 of 1963, sec. 3 and the Schedule, with modifications to the whole of the Union territory of Lakshadweep, *vide* Regulation 8 of 1965, sec. 3 and the Schedule (w.e.f. 1-10-1967).
- The State of Sikkim *vide* Notification No. S.O. 3465, dated 21-9-1976 (w.e.f. 13-9-1976).
- The State of Arunchal Pradesh, *vide* Act 44 of 1993, Section 2 and Sch. (w.e.f. 1-7-1974).

2. The words “the Provinces and Acceding States of” omitted by A.O. 1950.

3. Subs. by A.O. 1950, for sub-section (2). Earlier sub-section (2) was subs. by Act 40 of 1949, sec. 3 and Second Sch.

4. The words “except the State of Jammu and Kashmir” omitted by Act 22 of 1959, sec. 2 (w.e.f. 19-5-1959). Earlier these words were subs. by Act 51 of 1950, sec. 2.

5. Subs. by Act 11 of 1994, sec. 2, for section 2 (w.e.f. 14-1-1994). Earlier sec. 2 was omitted by A.O. 1950 and ins. by Act 51 of 1950, sec. 3 (w.e.f. 14-8-1950) and again omitted by Act 36 of 1957, sec. 2 and Second Sch. and again ins. by Act 22 of 1959, sec. 3 (w.e.f. 19-5-1959).

\* Now see the Bharatiya Nyaya Sanhita, 2023 (45 of 2023).

\*\* Now see the Bharatiya Sakshya Adhinyam, 2023 (47 of 2023).

\*\*\* Now see the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023).

+ *Refer, Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020 vide S.O. 3774(E), dated 23rd October, 2020 regarding Union Territory of Ladakh.*

**3. Central Government to take Census.**—The Central Government may, by notification in the Official Gazette, declare its intention of taking a census in the whole or any part of the territories to which this Act extends, whenever it may consider it necessary or desirable so to do, and thereupon the census shall be taken.

**4. Appointment of Census staff.**—(1) The Central Government may appoint a Census Commissioner to supervise the taking of the census throughout the area in which the census is intended to be taken, and <sup>1</sup>[Directors of Census Operations] to supervise the taking of the census within the several States.

(2) The State Government may appoint persons as census-officers <sup>2</sup>[with such designations as that Government may deem necessary] to take, or aid in or supervise the taking of, the census within any specified local area and such persons, when so appointed, shall be bound to serve accordingly.

(3) A declaration in writing, signed by any authority authorised by the State Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(4) The State Government may delegate to such authority as it thinks fit the power of appointing census-officers conferred by sub-section (2).

<sup>3</sup>**[4A. Staff of every local authority to be made available for taking census.**—Every local authority in a State shall, when so directed by a written order by the Central Government or by an authority appointed by that Government in this behalf, make available to any Director of Census Operations such staff as may be necessary for the performance of any duties in connection with the taking of census.]

**5. Status of Census authorities as public servants.**—The Census Commissioner, all <sup>4</sup>[Directors of Census Operations] and all census-officers shall be deemed to be public servants within the meaning of the \*Indian Penal Code (45 of 1860).

**6. Discharge of duties of census-officers in certain cases.**—(1) Where the District Magistrate, or such authority as the State Government may appoint in this behalf, by a written order so directs—

- (a) every officer in command of any body of men belonging to the naval, military or air forces, or of any vessel of war, of India;
- (b) every person (except a pilot or harbourmaster) having charge or control of a vessel;

1. Subs. by Act 56 of 1974, sec. 3 and Second Schedule, for “Superintendents of Census Operations” (w.e.f. 20-12-1974).

2. Ins. by Act 11 of 1994, sec. 3 (w.e.f. 14-1-1994).

3. Ins. by Act 11 of 1994, sec. 4 (w.e.f. 14-1-1994).

4. Subs by Act 56 of 1974, sec. 3 and the Second Schedule for “Superintendents of Census Operations” (w.e.f. 20-12-1974).

\* Now see the Bharatiya Nyaya Sanhita, 2023 (45 of 2023).

- (c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up or of any public, charitable, religious or educational institution;
- (d) every keeper, secretary or manager of any sarai, hotel, boarding-house, lodging-house, emigration depot or club;
- (e) every manager or officer of a railway or any commercial or industrial establishment; and
- (f) every occupant of immovable property wherein at the time of the taking of the census persons are living,

shall perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or are inmates of his house, or are present on or in such immovable property or are employed under him as may be specified in the order.

(2) All the provisions of this Act relating to census-officers shall apply, so far as may be, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which under this section he is directed to perform shall be deemed to have committed an offence under \*section 187 of the Indian Penal Code (45 of 1860).

**7. Power to call upon certain persons to give assistance.**—The District Magistrate, or such authority as the State Government may appoint in this behalf 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—

- (a) all owners and occupiers of land, tenure-holders, and farmers and assignees of land revenue, or their agents;
- (b) all members of the district, municipal, panchayat and other local authorities and officers and servants of such authorities, and
- (c) all officers and members of staff of any factory, firm or establishment,

to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or in the premises of factories, firms and other establishments, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section 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 (45 of 1860).

<sup>1</sup>[7A. **Requisitioning premises, vehicles, etc. for taking of a census.**—(1) If it appears to the Central Government that, in connection with taking of a census,—

\* Now see section 222 of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023).

\*\* Now see the Bharatiya Nyaya Sanhita, 2023 (45 of 2023).

1. Ins. by Act 11 of 1994, sec. 5 (w.e.f. 14-1-1994).

- (a) any premises are needed or are likely to be needed, or
- (b) any vehicle, vessel or animal is needed or is likely to be needed,

that Government may by order in writing requisition such premises, or vehicle, vessel or animal, as the case may be, and make such further orders as may appear to it to be necessary or expedient in connection with the requisitioning.

(2) The requisition shall be effected by an order in writing addressed to the person deemed by the Central Government to be the owner or person in possession of the property, and such order shall be served in the prescribed manner on the person to whom it is addressed.

(3) Whenever any property is requisitioned under sub-section (1), the period of such requisition shall not extend beyond the period for which such property is required for any of the purposes mentioned in that sub-section.]

<sup>1</sup>[7B. **Payment of compensation.**—(1) Whenever in pursuance of section 7A the Central Government requisitions any premises, there shall be paid to the persons interested compensation the amount of which shall be determined by taking into consideration the following, namely—

- (i) The rent payable in respect of the premises or if no rent is so payable, the rent payable for similar premises in the locality;
- (ii) If in consequence of the requisition of the premises the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change:

Provided that where any person interested being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government may determine:

Provided further that where there is any dispute as to the title to receive the compensation or as to the apportionment of the amount of compensation, it shall be referred by the Central Government to an arbitrator appointed in this behalf by that Government for determination, and shall be determined in accordance with the decision of such arbitrator.

*Explanation.*—In this sub-section, the expression “person interested” means the person who was in actual possession of the premises requisitioned under section 7A immediately before the requisition, or where no person was in such actual possession, the owner of such premises.

(2) Whenever in pursuance of section 7A the Central Government requisitions any vehicle, vessel or animal, there shall be paid to the owner thereof compensation the amount of which shall be determined by the Central Government on the basis of the fares or rates prevailing in the locality for the hire of such vehicle, vessel or animal:

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1. Ins. by Act 11 of 1994, sec. 5 (w.e.f. 14-1-1994).

Provided that where the owner of such vehicle, vessel or animal being aggrieved by the amount of compensation so determined makes an application within the prescribed time to the Central Government for referring the matter to an arbitrator, the amount of compensation to be paid shall be such as the arbitrator appointed in this behalf by the Central Government may determine:

Provided further that where immediately before the requisitioning the vehicle or vessel was by virtue of a hire-purchase agreement in the possession of a person other than the owner, the amount determined under this sub-section as the total compensation payable in respect of the requisition shall be apportioned between that person and the owner in such manner as they may agree upon, and in default of agreement, in such manner as an arbitrator appointed by the Central Government in this behalf may decide.]

<sup>1</sup>[7C. **Power to obtain information.**—The Central Government may, with a view to requisitioning any property under section 7A or determining the compensation payable under section 7B, by order, require any person to furnish to such authority as may be specified in the order such information in his possession relating to such property as may be so specified.]

<sup>1</sup>[7D. **Power of entry into and inspection of premises, etc.**—Any person authorised in this behalf by the Central Government may enter into any premises and inspect such premises and any vehicle, vessel or animal therein for the purpose of determining whether, and if so in what manner, an order under section 7A should be made in relation to such premises, vehicle, vessel or animal or with a view to securing compliance with any order made under that section.]

<sup>1</sup>[7E. **Eviction from requisitioned premises.**—(1) Any person remaining in possession of any requisitioned premises in contravention of any order made under section 7A may be summarily evicted from the premises by any officer empowered by the Central Government in this behalf.

(2) Any officer so empowered may, after giving to any woman not appearing in public reasonable warning and facility to withdraw, remove or open any lock or bolt or break open any door of any building or do any other act necessary for effecting such eviction.]

<sup>1</sup>[7F. **Release of premises from requisition.**—(1) When any premises requisitioned under section 7A are to be released from requisition, the possession thereof shall be delivered to the person from whom possession was taken at the time when the premises were requisitioned, or if there were no such person, to the person deemed by the Central Government to be the owner of such premises, and such delivery of possession shall be a full discharge of the Central Government from all liabilities in respect of such delivery, but shall not prejudice any rights in respect of the premises which any other person may be entitled by due process of law to enforce against the person to whom possession of the premises is so delivered.

1. Ins. by Act 11 of 1994, sec. 5 (w.e.f. 14-1-1994).

(2) Where the person to whom possession of any premises requisitioned under section 7A is to be given under sub-section (1) cannot be found or is not readily ascertainable or has no agent or any other person empowered to accept delivery on his behalf, the Central Government shall cause a notice declaring that such premises are released from requisition to be affixed on some conspicuous part of such premises and publish the notice in the Official Gazette.

(3) When a notice referred to in sub-section (2) is published in the Official Gazette, the premises specified in such notice shall cease to be subject to requisition on and from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the Central Government shall not be liable for any compensation or other claim in respect of such premises for any period after the said date.]

<sup>1</sup>[7G. **Delegation of functions of the Central Government with regard to requisitioning.**—The Central Government may, by notification in the Official Gazette, direct that any powers conferred or any duty imposed on that Government by any of the provisions of sections 7A to 7F shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer as may be specified.]

<sup>1</sup>[7H. **Penalty for contravention of any order regarding requisitioning.**—If any person contravenes any order made under section 7A or section 7C, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.]

**8. Asking of questions and obligation to answer.**—(1) A census officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the <sup>2</sup>[Central Government] and published in the Official Gazette, he may be directed to ask.

(2) Every person of whom any question is asked under sub-section (1) shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

**9. Occupier to permit access and affixing of numbers.**—Every person occupying any house, enclosure, vessel or other place shall allow census-officers such access thereto as they may require for the purposes of the census and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on, or affix to, the place such letters, marks or numbers as may be necessary for the purposes of the census.

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1. Ins. by Act 11 of 1994, sec. 5 (w.e.f. 14-1-1994).

2. Subs. by Act 11 of 1994, sec. 6, for "State Government" (w.e.f. 14-1-1994).

**10. Occupier or manager to fill up schedule.**—(1) Subject to such orders as the <sup>1</sup>[Census Commissioner] may issue in this behalf, a census-officer may, within the local area for which he is appointed, leave or cause to be left a schedule at any dwelling-house or with the manager or any officer of any commercial or industrial establishment, for the purpose of its being filled up by the occupiers of such house or of any specified part thereof or by such manager or officer with such particulars as the <sup>1</sup>[Census Commissioner] may direct regarding the inmates of such house or part thereof, or the persons employed under such manager or officer, as the case may be, at the time of the taking of the census.

(2) When such schedule has been so left, the said occupier, manager or officer, as the case may be, shall fill it up or cause it to be filled up to the best of his knowledge or belief so far as regards the inmates of such house or part thereof or the persons employed under him, as the case may be, at the time aforesaid, and shall sign his name thereto and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as the census-officer may direct.

**11. Penalties.**—(1) <sup>2</sup>(a) any census-officer or any person lawfully required to give assistance towards the taking of census who refuses to perform any duty imposed upon him by this Act or any rule made thereunder, or any person who hinders or obstructs another person in performing any such duty, or

(aa) any census-officer or any person lawfully required to give assistance towards the taking of a census who 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 obeying any such order, or]

(b) any census-officer who intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Central Government or the State Government, discloses any information which he has received by means of, or for the purposes of, a census return, or

(c) any sorter, compiler or other member of the census staff who removes, secrets, damages or destroys any census document or deals with any census document in a manner likely to falsify or impair the tabulations of census results, or

<sup>3</sup>[(ca) any local authority which fails to comply with an order made under section 4A, or]

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1. Subs. by Act 11 of 1994, sec. 7, for “State Government” (w.e.f. 14-1-1994).

2. Subs. by Act 11 of 1994, sec. 8(i), for Part (a) (w.e.f. 14-1-1994).

3. Ins. by Act 11 of 1994, sec. 8(ii) (w.e.f. 14-1-1994).

(d) any person who intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief, any question asked of him by a census-officer which he is legally bound by section 8 to answer, or

(e) any person occupying any house, enclosure, vessel or other place who refuses to allow a census-officer such reasonable access thereto as he is required by section 9 to allow, or

(f) any person who removes, obliterates, alters, or damages any letters, marks or numbers which have been painted or affixed for the purposes of the census, or

(g) any person who, having been required under section 10 to fill up a schedule, knowingly and without sufficient cause fails to comply with the provisions of that section, or makes any false return there under, or

(h) any person who trespasses into a census office,  
shall be punishable with fine which may extend to one thousand rupees and in case of a conviction under part <sup>1</sup>[(a), (b) or (c) shall also be punishable with imprisonment which may extend to three years.]

(2) Whoever abets any offence under sub-section (1) shall be punishable with fine which may extend to one thousand rupees.

<sup>2</sup>[12. **Sanction required for prosecutions.**—Without prejudice to the provisions of \*section 197 of the Code of Criminal Procedure, 1973 (2 of 1974), no prosecution under this Act shall be instituted except with the previous sanction,—

(a) in the case of a person who is employed or was at the time of commission of the alleged offence employed—

(i) in a company, as defined in section 3 of the Companies Act, 1956 (1 of 1956), in which not less than fifty-one per cent of the paid-up capital is held by the Central Government or any company which is a subsidiary thereof within the meaning of that Act, or

(ii) by a corporation or a local authority established by or under a Central Act which is owned or controlled by the Central Government, of the Central Government or of an authority authorised in this behalf by that Government; and

(b) in the case of a person other than referred to in clause (a) of the State Government.]

**13. 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:

1. Subs. by Act 11 of 1994, sec. 8(iii), for certain words (w.e.f. 14-1-1994).

2. Subs. by Act 11 of 1994, sec. 9, for section 12 (w.e.f. 14-1-1994).

\* Now see section 218 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023).

Provided that no such prosecution shall be instituted except with the previous sanction referred to in section 12.

<sup>1</sup>[13A. **Certain offences to be cognizable and triable summarily.**—(1) Notwithstanding anything contained in the \*Code of Criminal Procedure, 1973 (2 of 1974), no police officer or court shall take cognizance of any offence under part (a), (b) or (c) of sub-section (1) of section 11, except upon information received from or on a complaint made by, as the case may be, the Director of Census Operations or any officer authorised by him in this behalf.

(2) Notwithstanding anything contained in the \*Code of Criminal Procedure 1973 (2 of 1974), every offence punishable under part (a), (b) or (c) of sub-section (1) of section 11 may be tried summarily.]

**14. Jurisdiction.**—No Court inferior to that of a <sup>2</sup>[Metropolitan Magistrate or a Judicial Magistrate of the first class] <sup>3</sup>[\*\*\*], shall try, whether under this Act or under any other law, any act or omission which constitutes an offence under this Act.

**15. Records of census not open to inspection nor admissible in evidence.**—No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such, or any schedule delivered under section 10 and notwithstanding anything to the contrary in the \*\*Indian Evidence Act, 1872 (1 of 1872), no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding whatsoever or in any criminal proceeding other than a prosecution under this Act or any other law for any act or omission which constitutes an offence under this Act.

<sup>4</sup>[15A. **Protection of service interests of members of census staff.**—No member of the census staff shall suffer any disability in service by reason of his being on census duty and the period spent by him on such census duty shall be deemed to be the duty under his lending employer and any duty performed under this Act shall not in any manner affect the right of promotion or other advancement in his original service.]

<sup>4</sup>[15B. **Protection of action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against the Census Commissioner or any Director of Census Operations or any census-officer or any member of the census staff for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.]

1. Ins. by Act 11 of 1994, sec. 10 (w.e.f. 14-1-1994).

2. Subs. by Act 11 of 1994, sec. 11, for "Presidency Magistrate or a Magistrate of the second class" (w.e.f. 14-1-1994).

3. The words and letter "or in a Part B State, Magistrate corresponding to magistrate of second class" omitted by Adaptation of Laws (No. 3) Order, 1956.

4. Ins. by Act 11 of 1994, sec. 12 (w.e.f. 14-1-1994).

\* Now see the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023).

\*\* Now see the Bharatiya Sakshya Adhiniyam, 2023 (47 of 2023).

**16. Temporary suspension of other laws as to mode of taking census in municipalities.**—Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority, in consultation with the <sup>1</sup>[Director of Census Operations] or with such other authority as the State Government may authorise in this behalf, shall, at the time appointed for the taking of any census cause the census of the municipality to be taken wholly or in part by any method authorised by or under this Act.

**17. Grant of statistical abstracts.**—<sup>2</sup>[Subject to the provisions of section 15, the Census Commissioner or any Director of Census Operations] may, If he so 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 for <sup>3</sup>[India or any State], as the case may be, 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.

<sup>4</sup>[**17A. Power to extend the provisions of Act to other operations.**—The Central Government may, by notification in the Official Gazette, extend the provisions of this Act, with such restrictions and modifications as it thinks fit, to pre-tests, pilot studies, census of houses which precede the population count and post enumeration check and evaluation studies or statistical surveys or any other operation as may be deemed necessary for the purpose of census.]

**18. Power to make rules.**—(1) The Central Government may <sup>5</sup>[by notification in the Official Gazette] 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 Central Government may make rules providing for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census, and for the general instructions to be issued to such officers and persons <sup>6</sup>[and providing for the manner of service of orders regarding requisitioning of premises, or vehicle; vessel or animal and the time within which the application may be made to it by any interested person aggrieved by the amount of compensation determined under section 7B for referring the matter to an arbitrator.]

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1. Subs. by Act 56 of 1974, sec. 3 and the Second Schedule, for “Superintendent of Census Operations” (w.e.f. 20-12-1974).

2. Subs. by Act 11 of 1994, sec. 13, for certain words (w.e.f. 14-1-1994).

3. Subs. by the A.O. 1950, for “the provinces of India or the Province”.

4. Ins. by Act 11 of 1994, sec. 14 (w.e.f. 14-1-1994).

5. Ins. by Act 4 of 1986, sec. 2 and the Schedule (w.e.f. 15-5-1986).

6. Added by Act 11 of 1994, sec. 15 (w.e.f. 14-1-1994).

<sup>1</sup>[(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the 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.]

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1. Ins. by Act 4 of 1986, sec. 2 and the Schedule (w.e.f. 15-5-1986).

## THE CENSUS RULES, 1990<sup>1</sup>

*In exercise of the powers conferred by sub-section (1) of section 18 of the Census Act, 1948 (37 of 1948), the Central Government hereby makes the following rules, namely:—*

**1. Short title and commencement.**—(1) These rules may be called the Census Rules, 1990.

(2) They shall come into force from the date<sup>2</sup> of their publication in the Official Gazette.

**2. Definitions.**—In these rules unless the context otherwise requires:—

- (a) “Act” means the Census Act, 1948 (37 of 1948);
- (b) “Census Commissioner” means the Census Commissioner appointed under sub-section (1) of section 4 of the Act;
- (c) “Census Schedule” means the schedule containing questions referred to in sub-section (1) of section 8 of the Act <sup>3</sup>[, in paper form or in an electronic form and can be canvassed in the said modes including through self-enumeration.

*Explanation.*—For the purposes of this clause “electronic form” shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000);]

- <sup>3</sup>[(ca) “self-enumeration” means filling-up, completion and submission of census schedule by respondents themselves;]
- (d) “Charge Officer” “Additional Charge Officer” and “Sub Charge Officer” mean the census officers appointed as such under sub-section (2) of section 4 of the Act and includes Tehsildar, Mamlatdar, Block Development Officer, Chief Administrative Officer of a town, executive officer and other officers;
- (e) “Director of Census Operations” means the Director of Census Operations appointed under sub-section (1) of section 4 of the Act to supervise the taking of census within a State or Union Territory;
- (f) “District Census Officer”, “Sub-divisional Census Officer” and “Additional District Census Officer” mean the census officers appointed under sub-section (4) of section 4 of the Act;
- (g) “Enumerator” means an officer appointed under sub-section (4) of section 4 of the Act;
- (h) “Joint Director of Census Operations”, “Deputy Director of Census Operations” and “Assistant Director of Census Operations” mean officers assisting Director of Census Operations;

1. *Vide* G.S.R 967(E), dated 31st December, 1990, published in the Gazette of India, Extra., Pt. II, Sec. 3(ii), dated 31st December, 1990.

2. Came into force on 31-12-1990.

3. Ins. by G.S.R. 194(E), dated 11th March, 2022 (w.e.f 11-3-2022).

- (i) "Principal Census Officer" means a census officer designated as such under sub-section (2) of section 4 of the Act;
- (j) "Supervisor" means an officer appointed under sub-section (4) of section 4 of the Act;
- <sup>1</sup>[(k) All other words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in Act.]

**3. Appointment of Census Officers.**—The State Governments and the Union territory Administrations in order to aid the taking of the census within their States or Union territories, may appoint officers from against the category mentioned in column 2 as census officers within their jurisdictions with such designation mentioned in column 1 of the Table below:

TABLE

|    | Designation                                                                                               | Officers to be appointed                                                                                                                                        |
|----|-----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | 1                                                                                                         | 2                                                                                                                                                               |
| 1. | Principal Census Officer                                                                                  | District Collectors/Magistrates/Commissioners of administrative heads of Corporations or any nominated Officer.                                                 |
| 2. | District/Additional district/Deputy district/Sub-divisional district/City/Additional City Census, Officer | District Collectors/Magistrates/Officer assisting District Collectors/Magistrates/Commissioner/District Sub-divisional Officers or Revenue Divisional Officers. |
| 3. | Charge Officer/Assistant Charge Officer/Additional Charge Officer and Sub-Charge Officer                  | Tehsildars/Additional Tehsildars/Mamlatdars/Block Development Officer/Chief Administrative Officer of towns/Executive Officers and other Officers.              |
| 4. | Supervisor                                                                                                | Officers generally of a rank higher than enumerators or any person.                                                                                             |
| 5. | Enumerator                                                                                                | Teachers, Clerks or any official or any person.                                                                                                                 |

**4. Designating of Officers.**—The <sup>2</sup>[Central Government] may designate the Director of Census Operations, the Joint Director of Census Operations, the Deputy Director of Census Operations and Assistant Director of Census Operations as the Chief Principal Census Officer, Joint Chief Principal Census Officer, Deputy Chief Principal Census Officer and Assistant Chief Principal Census Officer <sup>3</sup>[for the States and the Union Territories].

1. Ins. by G.S.R. 589(E), dated 19th July, 1994 (w.e.f 19-7-1994).

2. Subs. by G.S.R. 589(E), dated 19th July, 1994 for "The State Government and the Union Territory Administrations" (w.e.f 19-7-1994).

3. Subs. by G.S.R. 589(E), dated 19th July, 1994 for "within the Jurisdiction of the State or Union Territory concerned" (w.e.f 19-7-1994).

**5. Functions of the Census Officers.**—(1) The Census Commissioner shall,—

- (a) take, aid in and supervise the taking of the census within the country;
- (b) cause the Directors of Census Operations to be appointed for each State or Union territory, as the case may be;
- (c) devise the census schedules or questionnaires and provide to the State Governments or Union territory Administrations for publication in their respective Gazette in order to canvass in the census <sup>1</sup>[and to be used for self enumeration];
- (d) compile and provide guidance to the Directors of Census Operations of States and Union territories in taking the census and computation of results; and
- (e) publish the census statistics through publications or magnetic <sup>2</sup>[or electronic or any other media].

(2) The Director of Census Operations shall,—

- (a) take, aid in and supervise the taking of the census within the limit of his State or Union territory;
- (b) prepare village or hamlet lists, classify places as towns according to demographic criteria, group places to form urban agglomeration, standard urban areas, etc. according to instructions from the Census Commissioner and coordinate the field work of house numbering and houselisting as per instructions from the Census Commissioner;
- (c) provide provisional population figures to the Census Commissioner, India through the District Census Officers within such time as is specified;
- (d) compile and provide assistance to Census Commissioner in compilation of the statistical data as per procedures laid down by the Census Commissioner;
- (e) publish statistics collected and computed during the census relating to the State or Union territory, as the case may be with the approval of the Census Commissioner;
- (f) provide the census material required in taking the census to census-officers in accordance with the guidelines provided by the Census Commissioner in this regard;
- (g) arrange to provide necessary publicity to census at the appropriate time; and
- (h) coordinate the work of appointment of census-officers and arrangements for their training.

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1. Ins. by G.S.R. 194(E), dated 11th March, 2022 (w.e.f 11-3-2022).

2. Subs. by G.S.R. 194(E), dated 11th March, 2022, for “media” (w.e.f 11-3-2022).

- (3) The Principal Census Officer shall,—
- (a) cause the required number of District or Sub-Divisional Census Officers or Charge officers to be appointed for taking census in the district or municipal corporation or panchayat area, etc.;
  - (b) take, aid in and supervise the houselisting and taking of the census within the limit of the district or municipal corporation or panchayat areas, town area committee/notified areas and the like and forward the result alongwith the filled in schedules and blank forms to the Director of Census Operations within the period specified by him;
  - (c) arrange for the training to Enumerators, Supervisors and Charge Officers so as to enable them to perform their duties efficiently and within the time specified by the Director of census Operations; and
  - (d) take action and prosecute any defaulting person with the previous sanction of the State Government or of an authority authorised in this behalf by the State Government.
- (4) The District/Additional District or Sub-Divisional Census Officer shall,—
- (a)
    - (i) cause the required number of Charge Officers and other census officers in a district or sub-division to be appointed;
    - (ii) cause the entire area of a district to be divided into well demarcated census divisions, namely, charges, supervisor's circles and enumerator's blocks as per instruction issued in this behalf by the Director of Census Operations;
    - (iii) cause the upto date list of villages and towns to be compiled and their jurisdictional maps prepared;
    - (iv) assist the Director of Census Operations in compiling the related statistical data as per his requirement;
    - (v) give proper publicity to census programmes from time to time so as to get proper responses from the public;
  - (b) impart training to Charge Officers and cause proper training to be imparted to Supervisors and Enumerators through Charge Officers so as to enable them to perform their duties efficiently and to assist the Principal Census Officers to take, aid in and supervise the houselisting and taking of census within the limits of the districts, municipal corporations, panchayats etc.;
  - (c) collect the filled in and blank forms of the various schedules alongwith abstracts or any other statement that may be required to be prepared by the Enumerators;
  - (d) consolidate the summary of enumerator's abstract or statement for the entire district;

- (e) forward the filled in or blank forms of each schedule alongwith the consolidated summary of enumerator's abstract or statement for district and similar collected abstracts for each Charge Officer or census-officer, through the Principal Census Officer to the Director of Census Operations for the State or Union territory Administration; and
  - (f) carry out such other jobs necessary for the successful taking of the census;
- (5) The Charge Officer shall,—
- (a) cause the required number of Supervisors and Enumerators to be appointed within the jurisdiction of his charge;
  - (b) prepare basic documents like general village registers and charge registers as per instructions from the Director of Census Operations within the time schedule;
  - (c) familiarise himself with the enumeration instructions and cause the Supervisors and Enumerators to be trained so as to enable them to perform their duties efficiently;
  - (d) ensure that the work goes on according to the time schedule;
  - (e) ensure full coverage, accuracy and timeliness in taking census;
  - (f) collect the filled in and blank forms of the various schedules from all the Supervisors in the charge;
  - (g) provide provisional population figures to the Census Commissioner, through the Director of Census Operations within a week on completion of census operations;
  - (h) consolidate the summary of enumerator's abstract of various enumeration blocks and statements and forward these to the District Census Officers or Sub-divisional Officers alongwith the filled in and blank schedules; and
  - (i) carry out such other tasks as may be necessary for the successful taking of the census;
- (6) The Supervisor shall,—
- (a) help the Enumerators under his jurisdiction and ensure that work is done as per schedule and the coverage is complete; and
  - (b) collect the filled in and blank forms and statements from each Enumerator and forward the documents alongwith such statements he may be required to prepare, duly signed to the Charge Officer within two days of completion of census operations.
- <sup>1</sup>[(c) carry out such other tasks as may be necessary for the successful taking of the census.]

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1. Ins. by G.S.R. 194(E), dated 11th March, 2022 (w.e.f 11-3-2022).

(7) The Enumerator shall,—

- (a) prepare Notional Map and layout sketch of the allotted enumeration block;
- (b) update the house numbering;
- (c) fill up the various schedules according to instructions issued to him;
- (d) undertake revisional round and updating of records;
- (e) prepare enumerator's abstract which shall consist of the location particulars of the enumeration block alongwith the total population by various characteristics asked for in the schedules and such other statements he may be required to compile; and
- (f) hand over all documents, filled in and blank, to the Supervisors.

**6. Census schedules and questionnaires.**—The census schedules or questionnaires shall be notified by the <sup>1</sup>[Central Government] through Official Gazette under sub-section (1) of section 8 of the Act:

<sup>2</sup>[Provided that the schedules or questionnaires canvassed in relation to conduct of pre-test, pilot studies, post enumeration check and evaluation studies or statistical surveys may not be notified in the Official Gazette.]

<sup>3</sup>**[6A. Declaration of the date and duration of Census.**—The Central Government may by a notification published in the Official Gazette declare the date for the commencement of the census and the period during which the houselisting operations and population census shall take place.]

<sup>3</sup>**[6B. Manner of serving the order of requisition of premises and vehicles.**—An order of requisition under section 7A, shall be served—

- (a) where the person to whom such order is addressed is a corporation or firm—  
in the manner provided for the service of summons in rule 2 of order XXIX or rule 3 of order XXX, as the case may be, in the first Schedule to the Code of Civil Procedure, 1908 (Act V of 1908); and
- (b) where the person to whom such order is addressed is an individual—
  - (i) personally by delivering or tendering the order, or
  - (ii) by registered post, or
  - (iii) if the person cannot be found, by leaving an authentic copy of the order with any adult member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain.]

1. Subs. by G.S.R. 589(E), dated 19th July, 1994 for "State Government" (w.e.f 19-7-1994).

2. Ins. by G.S.R. 458(E), dated 30th June, 2009 (w.e.f 3-7-2009).

3. Ins. by G.S.R. 589(E), dated 19th July, 1994 (w.e.f 19-7-1994).

<sup>1</sup>[6C. **Time for application for reference to arbitration under section 7B.**—The time within which any interested person, who is aggrieved by the amount of compensation determined under section 7B may make an application for referring the matter to arbitration shall be fourteen days from the date of determination of the amount of such compensation or where the amount of such compensation has been determined in the absence of the person interested or, as the case may be, the owner, fourteen days from the date on which the intimation of such determination is sent to that person or owner.]

<sup>1</sup>[6D. **Filling-up of census schedule though self-enumeration.**—Without prejudice to any other provisions of these rules, a person may fill-up, complete and submit the census schedule through self-enumeration.]

**7. Census data.**—The Census Commissioner shall decide the items on which data may be released.

**8. Notifications, Orders and Instructions to be issued by State Government.**—The State Governments and the Union territory Administrations shall,—

- (i) republish the intention of taking a census notified by the Central Government in their State or Union territory Gazettes;
- <sup>2</sup>[(ia) republish the census schedules and questionnaires notified by the Central Government in their States or Union Territory Gazettes;]
- (ii) publish a notification directing the public to cooperate in furnishing accurate and unambiguous information in respect of the questions that may be put to them through census alongwith an extract of penalties prescribed under section 11 of the Act;
- (iii) <sup>3</sup>[republish] in the gazette the reference date for the census and the period during which houselisting operations and population census will take place under section 3 of the Act;
- (iv) freeze the administrative boundaries of districts, tehsils, towns, etc. from the date to be intimated by the Census Commissioner which shall not be earlier than one year from the census reference date and till the completion of the census;
- (v) nominate a senior officer of the State Government at State Head Quarters as Nodal officer to liaise between Director of Census Operations and other Officers in Census work;
- (vi) impose restrictions on the Head of Department/Officer on the transfer of officers/officials once appointed as Supervisor/ Enumerator, without the proper consent of Principal/District Census Officer; and

1. Ins. by G.S.R. 194(E), dated 11th March, 2022 (w.e.f 11-3-2022).

2. Ins. by G.S.R. 589(E), dated 19th July, 1994 (w.e.f 19-7-1994).

3. Subs. by G.S.R 589(E), dated 19th July, 1994 for “publish” (w.e.f 19-7-1994).

- (vii) give wide publicity of the census through radio, <sup>1</sup>[print media, electronic media, social media,] audiovisuals, posters etc.

<sup>2</sup>**[9. Custody of census schedules and connected papers.]**—After the completion of the taking of the census, the canvassed census schedules and filled in census schedules through self-enumeration, shall be kept in the office of the Director of Census Operations or at such other place the Census Commissioner may direct for processing of the data as so collected.]

**10. Canvassed schedules.**—The canvassed schedules shall after processing is over be preserved at the office of the Director of Census Operations or at such other place the Director of Census Operations may direct.

<sup>3</sup>**[11. Disposal of census schedules and other connected papers.]**—The schedules and other connected papers shall be disposed of totally or in part by the Director of Census Operations, after creating electronic record of such documents, in accordance with the general or special directions as may be given by the Census Commissioner in this behalf.

*Explanation.*—For the purpose of this rule, ‘electronic record’ shall have the same meaning as assigned to it in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000 (21 of 2000).]

**12. General or special instructions.**—The Census Commissioner and the Director of Census Operations may issue from time to time general or special instructions or such directions, to the Principal Census Officers and other census officers appointed under the Act, as may be necessary for the efficient conduct and timely completion of the census operations.

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1. Ins. by G.S.R. 194(E), dated 11th March, 2022 (w.e.f 11-3-2022).
  2. Subs. by G.S.R. 194(E), dated 11th March, 2022, for rule 9 (w.e.f 11-3-2022). Rule 9 before substitution stood as under:

*“9. Custody of census schedules and connected papers.*—After the completion of the taking of the census the canvassed census schedules shall be kept in the office of the Director of Census Operations or at such other place the Director of Census Operations may direct for processing the data collected.”
  3. Subs. By G.S.R. 576(E), dated 19th June, 2018, for rule 11 (w.e.f 20-6-2018). Rule 11, before substitution stood as under:

*“11. Disposal of census schedules and other connected papers.*—The schedules and other connected papers shall be disposed of totally or in part by the Director of Census Operations a year before the next census in accordance with the general or special directions as may be given by the Census Commissioner in this behalf.”