

CENSUS ACT, 1948

37 of 1948

[3rd September, 1948]

CONTENTS

1. Short title and extent
2. Definitions
- 2A. Rule of construction respecting enactments not extending to Jammu and Kashmir
3. Central Government to take census
4. Appointment of census staff
- 4A. Staff of every local authority to be made available for taking census
5. Status of census authorities as public servants
6. Discharge of duties of census-officers in certain cases
7. Power to call upon certain persons to give assistance
- 7A. Requisitioning premises, of vehicles, etc. for taking of a census.
- 7B. Payment of compensation
- 7C. Power to obtain information
- 7D. Power of entry into and inspection of premises, etc
- 7E. Eviction from requisitioned premises
- 7F. Release of premises from requisition
- 7G. Delegation of functions of the Central Government with regard to requisitioning
- 7H. Penalty for contravention of any order regarding requisitioning.
8. Asking of questions and obligation to answer
9. Occupier to permit access and affixing of numbers
10. Occupier or manager to fill up schedule
11. Penalties
12. Sanction required for prosecutions
13. Operation of other laws not barred
- 13A. Certain offences to be cognizable and triable summarily.
14. Jurisdiction
15. Records of census not open to inspection nor admissible in evidence
- 15A. Protection of service interests of members of census staff
- 15B. Protection of action taken in good faith
16. Temporary suspension of other laws as to mode of taking census in municipalities
17. Grant of statistical abstracts
- 17A. Power to extend the provisions of Act to other operations
18. Power to make rules

CENSUS ACT, 1948

37 of 1948

[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 b[* *] 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.

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.]

3. Central Government to take census :-

The Central Government may, by notification¹ 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.

1. Functions of the Central Government under this section. S.4(I) and Section 18(1) and (2) entrusted to the Government of Meghalaya subject to conditions - See Assam Gaz., 16-1-1971, Ext., p. 10 (No. 4).

4. Appointment of census staff :-

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 ¹ [Directors of Census Operations] and all census-officers shall be deemed to be public servants within the meaning of Indian Penal Code, 1860 .

1. Substituted for the words "Superintendent of Census Operations", by the Repealing and Amending Act (56 of 1974), S. 3 and Sch. II.

6. Discharge of duties of census-officers in certain cases :-

7. Power to call upon certain persons to give assistance :-

The District Magistrate, as such authority as the ¹ [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

1. Substituted for the words 'Provincial Government by A.L.O., 1950.

7A. Requisitioning premises, of vehicles, etc. for taking of a census. :-

(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.]

7B. Payment of compensation :-

(2) Whenever in pursuance of Section 7-A of 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 : 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.

7C. Power to obtain information :-

The Central Government may, with a view to requisitioning any property under Section 7-A or determining the compensation payable under Section 7-B, 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.

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 7-A 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.

7E. Eviction from requisitioned premises :-

(1) Any person remaining in possession of any requisitioned

premises in contravention of any order made under Section 7-A 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.

7F. Release of premises from requisition :-

(1) When any premises requisitioned under Section 7-A 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.

(2) Where the person to whom possession of any premises requisitioned under Section 7-A 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 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.

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 7-A to 7-F

shall, under such conditions, if any, as may be specified in the direction, be exercised or discharged by such officer as may be specified.

7H. Penally for contravention of any order regarding requisitioning. :-

If any person contravenes any order made under Section 7-A or Section 7-C, 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 :-

(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 maybe necessary for the purposes of the census.

10. Occupier or manager to fill up schedule :-

(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 :-

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

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,-

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

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 ¹Metropolitan Magistrate or a Judicial Magistrate of the first class ² [* * *] shall try, whether under this Act or under any other law, any act or omission which constitutes an offence under this Act.

1. Substituted for "Presidency Magistrate or a Magistrate of the second class" in Section-14 By The Census (Amendment)Act, 1993, January 14, 1994, (11 of 1994)

2. The words "or in a Part B State, a Magistrate corresponding to a Magistrate of the second class" were omitted by S.3, A.L.O., 1956.

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 Evidence Act, 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.

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.

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.

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 ¹[Director of Census Operation] or with such other authority as the ² [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.

1. Substituted for the words 'Superintendent of Census Operation' by the Repealing and Amending Act (56 of 1974), S. 3 and Sch. II.
2. Substituted for the words 'Provincial Government', by A.L.O.. 1950.

17. Grant of statistical abstracts :-

¹ [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 [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.

1. Substituted for "The Census Commissioner or any Director of Census Operations or such person as the State Government may authorise in this behalf" in Section-17 By The Census (Amendment) Act, 1993, January 14, 1994, (11 of 1994)

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 :-