

Bill No. 228 of 2022

THE CENSUS (AMENDMENT) BILL, 2022

By

SHRIMATI SUPRIYA SULE, M.P.

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further to amend the Census Act, 1948.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Census (Amendment) Bill, 2022.

Short title and commencement.

(2) It shall come into force with immediate effect.

37 of 1948 5

2. For section 3 of the Census Act, 1948, (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

Substitution of new section for section 3.

Central
Government to
take census.

“3. (1) The Central Government shall, 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, decennially (every ten years), and thereupon the census shall be taken.

(2) The Central Government shall release the latest Census data in the year 2024 and thereupon the Census shall be conducted and be made public decennially: 5

Provided that in exceptional circumstances, the release of Census data may be delayed by not more than two years:

Provided further that if when the Central Government fails to release decennial Census data, the Central Government shall lay the reasons for such delay before each House of Parliament and get approval of the House with at least two thirds majority.” 10

Explanation.— For the purpose of this section,—

“(a) 'census' shall include information about the education, income and caste of the population (individuals or households), in addition to the demographic parameters;

(b) “income” of the population shall include the source of income, level of income and any other parameters representing disposable income of the households; and 15

(c) “caste of population” shall mean the self declaration of the name of the caste and sub-caste by individuals or households.”.

STATEMENT OF OBJECTS AND REASONS

The Census Act, 1948 governs the conduct and release of census data in India. This law in its present form does not have provisions mandating the timing and frequency of census in our country. For a diverse country like India, census data is very crucial as it provides information about the growth, development of citizens across gender, communities, age groups and regions. This serves as an important tool through which the Government can design new policies for population groups that are stagnating and identify target populations for their policies.

In India where there is much diversity in social, income and education status, census can also validate backwardness of certain communities. In *K.Krishna Murthy and others v/s. Union of India (2010)*, the Supreme Court held that it cannot comment on the quantum of reservation provided for Other Backward Classes (OBCs) without contemporaneous empirical data about the nature and implications of backwardness. It held the Executive responsible for conducting rigorous empirical inquiry into the patterns of backwardness that act as barriers to political participation of OBCs.

Following the judgment, to study the social, educational and economic backwardness of OBCs the Centre initiated empirical enquiry into OBCs on 02 October, 2011 in the form of Socio-Economic and Caste Census (SECC), 2011. But this SECC, 2011 data is withheld by the Central Government on the pretext of inaccuracy of the data, when in fact the Registrar General and Census Commissioner of India has deposed before the Standing Committee on Rural Development in 2016 that data has been examined and 98.87% data on individuals' caste and religion is error free. The Central Government contradicted itself by further claiming in the Parliament that no study was undertaken by them on OBCs.

Since the political participation of more than 56,000 OBCs in Maharashtra and 9 lakh OBCs across India, through reservation in local Government is threatened, it is imperative to conduct a census that includes information about the education, income and caste of the population, in addition to the demographic parameters.

This Bill aims to precisely do this, by stipulating timing and frequency of census and by inclusion of caste, income related parameters in the regular census itself. This provision does away with the need for undertaking a completely new Socio-Economic and Caste Census. The Bill, thus, bestows liability on the Central Government to conduct empirical study on the progress and backwardness of various communities across the country and release the data decennially (every ten years).

Political reservation of communities and their participation in local-self government is important as it empowers the community that the elected representative belongs to. The objectives of democratic decentralisation are not only to bring governance closer to the people, but also to make it more participatory, inclusive and accountable to the weaker sections of society. Many States including Maharashtra, Karnataka, Madhya Pradesh, Himachal Pradesh and Kerala are experiencing roadblocks to conducting local body elections due to a lack of empirical data on OBCs.

NEW DELHI;
19 November, 2022.

SUPRIYA SULE

ANNEXURE

EXTRACTS OF RELEVANT SECTIONS FROM THE CENSUS ACT, 1948.

(ACT No. 37 OF 1948)

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3. 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.

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(Shrimati Supriya Sule, M.P.)