

**Bill No. XIV of 2010**

THE CENSUS (AMENDMENT) BILL, 2010

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BILL

*further to amend the Census Act, 1948.*

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

**1.** (1) This Act may be called the Census (Amendment) Act, 2010.

Short title  
and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2.** After section 3 of the Census Act, 1948 (hereinafter referred to as the principal Act), the following proviso shall be inserted, namely:—

Amendment  
of section 3.

Provided that, if, there is a substantial change in the data collected after the last Census, in any part of the country, more particularly, data relating to weaker sections of the society, including Scheduled Castes and Scheduled Tribes, the Central Government may declare its intention of holding a Special Census in the whole or any part of the territories to which this Act extends, thereupon the Census shall be taken, accordingly.

Amendment of section 11. **3.** In the principal Act, in section 11, in sub-section (1), in clause (d), the following proviso shall be inserted, namely:—

Provided that any person who intentionally mentions a language as his mother tongue, to the Census Authorities, inspite of a fact that his mother tongue is different from the one stated by such person as his mother tongue, shall be deemed to have given false answer, intentionally.

Amendment of section 18. **4.** In the principal Act, in section 18, in sub-section (2), the following sub-section shall be inserted, namely:—

(2A). The Central Government may also make rules to determine the mother tongue of every citizen who is bound to give information to a Census Officer under the Act.

#### STATEMENT OF OBJECTS AND REASONS

Although, the Central Government can order holding of census operations any time under section 3 of the Census Act, 1948, the Government of India conventionally, holds census after every ten years. However, in a fast moving world, data collected by census get outdated equally fast, giving thereby a different picture of a situation than the one existing on the ground. In the Census of 2001, three communities namely, Kunbi, Gawda and Velip declared as Scheduled Tribes in Goa on 8th January, 2003 but were not shown despite the fact that they constitute twelve per cent of Scheduled Tribes population.

The Delimitation Commission having started the process of delimitation of forty constituencies and the two Parliamentary constituencies of Goa Legislative Assembly therefore, refused to reserve any constituency for the Scheduled Tribe as there were no figures of Scheduled Tribes reflected in 2001 census. They also refused to order any Special Census although such a power could be read into relevant provisions of the Delimitation Act, 2002. This Bill, therefore, provides for undertaking Special Census in such circumstances.

Secondly, there is a tendency among a section of population in some parts of the country to misinform the census authorities about their mother tongue. The proposed amendment specially makes such an act as an offence and provides for making of rules for determination of mother tongue of an individual, in disputed cases.

Hence this Bill.

SHANTARAM LAXMAN NAIK

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules to determine the mother tongue of every citizen. The rules relate to matters of details only.

The delegation of legislative power is of a normal character.

ANNEXURE

EXTRACT FROM THE CENSUS ACT, 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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11. (1) [(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

[(ca) any local authority which fails to comply with an order made under section 4A, or;

(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 number 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 any without sufficient cause fails to comply with the provisions of that section, or makes any false return thereunder, 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 [(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.

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18. (1) The Central Government may make rules by notification in the Official Gazette 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 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 7 B for referring the matter to an arbitrator.

(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 30 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 that the rule should not be made, the rules 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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**BILL**

further to amend the Census Act, 1948.

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*(Shri Shantaram Laxman Naik, M.P.)*