

## THE CENSUS ACT, 1948

ACT NO. 37 OF 1948 1 [ 3rd September, 1948.]

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

1. Short title and extent.-

(1) This Act may be called the Census Act, 1948 .

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

2.<sup>5</sup> 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 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>6</sup> Directors of Census Operations] to supervise the taking of the census within the several States.

1. The Act has been extended to:-- Goa, Daman and Diu by Reg. 11 of 1963, s. 3 and Sch. with modifications to the whole of the Union territory of Lakshadweep, vide Reg. 8 of 1965, s 3 and Sch. (w. e. f. 1- 10- 1967 ). the State of Sikim vide Notification No. 3465, dated 21- 9- 1976 (w. e. f., 13- 9- 1976 ).

2. The words" the Provinces and Acceding States" were rep. by the A. O. 1950. 3. Subs., ibid. for the former sub- section. 4. The words" except the State of Jammu and Kashmir" omitted by Act 22 of 1959, s. 2. 5. Subs. by Act 11 of 1994, s. 2, for s. 2. 6. Subs. by Act 56 of 1974, s. 3 and Second Sch., for" Superintendents of Census Operations" (w. e. f. 20- 12- 1974 ).

(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).

4A.<sup>2</sup> 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>3</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,

(c) every person in charge of a lunatic asylum, hospital, work- house, 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.

1. Ins. by Act 11 of 1994, s. 3. 2. Ins. by s. 4, *ibid*. 3. Subs. by Act 56 of 1974, s. 3 and Second Sch., for " Superintendent of Census Operations" (w. e. f. 20- 12- 1974 ).

(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 ).

**7A.** <sup>1</sup> 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,--

**(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.

**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:--