

## Census Act, 1948

### Section 18 - POWER TO MAKE RULES

1) The Central Government 37[by notification in the Official Gazette,] Act may make rules for carrying out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power<sup>38</sup>, 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>39</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 7-B for referring the matter to an arbitrator] 37(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.] 3. Substituted for former sub-section (2) by A.L.O., 1950. 7. Functions of the Central Government under this section. S.4(1) 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). 8. Substituted for the words "Superintendents of Census Operations", by the Repealing and Amending Act (56 of 1974), S. 3 and Sch. II. 9. Substituted for the word 'Provincial' by A.L.O., 1950. 11. Inserted after "census-officers" By The Census (Amendment) Act, 1993, January 14, 1994, (11 of 1994) 13. Substituted for the words "Superintendent of Census Operations", by the Repealing and Amending Act (56 of 1974), S. 3 and Sch. II. 14. Substituted for the words 'Provincial Government' by A.L.O., 1950. 15. Substituted for the words 'Provincial Government' by A.L.O., 1950. 17. Substituted for the words 'Provincial Government' by A.L.O., 1950. 18. Substituted for "State Government" in Sub-section(1) of Section-8 By The Census (Amendment) Act, 1993, January 14, 1994, (11 of 1994) 19. Substituted for the words 'Provincial Government' by A.L.O., 1950. 20. Substituted for "State Government" at both of places in Sub-section(1) of Section-10 By The Census (Amendment) Act, 1993, January 14, 1994, (11 of 1994) 21. Substituted for the words 'Provincial Government' by A.L.O., 1950. 22. Substituted for "(a) Any census-officer or any person lawfully required to give assistance towards the taking of a census who refuses or 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 binds or obstructs another person in performing any such duty or in obeying any such order, or" in Sub-section(1) of section-11 and inserted Sub-section(aa) By The Census (Amendment) Act, 1993, January 14, 1994, (11 of 1994) 23. Inserted Sub-section(ca) in Section-11 By The Census (Amendment) Act, 1993, January 14, 1994, (11 of 1994) 27. 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. 29. 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) 30. Substituted for the words 'Superintendent of Census Operation' by the Repealing and Amending Act (56 of 1974), S. 3 and Sch. II. 31. Substituted for the words 'Provincial Government', by A.L.O., 1950. 35. 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) 37. Inserted by the Delegated Legislation Provisions (Amendment) Act (4 of 1986), S, 2, Sch. (15-5-1988). 38. For delegation of functions of Central Government to Meghalaya, see Assam Gaz., 16-1-1971. Ext., (No. 4) p. 10. 39. Inserted at end of Sub-section(2) of Section-18 By The Census (Amendment) Act, 1993, January 14, 1994, (11 of 1994) CENSUS RULES, 1990 S.O. 967(E), dated the 31st December, 1990. 1-In exercise of the powers

conferred by sub-section (1) of Sec. 18 of the Census Act, 1948 (37 of 1948), the Central Government hereby makes the following rules, namely : **RULE 01: SHORT TITLE AND COMMENCEMENT** -- (1) These rules may be called the Census Rules, 1990. (2) They shall come into force from the date of their publication in the Official Gazette. **RULE 02: 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 Sec. 4 of the Act; (c) "Census Schedule" means the schedule containing questions referred to in sub-section (1) of Sec. 8 of the Act ; (d) "Charge Officer" "Additional Charge Officer" and "Sub-Charge Officer" . mean the census officers appointed as such under sub-section (2) of Sec. 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 Sec. 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 Sec. 4 of the Act; (g) "Enumerator" means an officer appointed under sub-section (4) of Sec. 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 ; (i) "Principal Census Officer" means a census officer designated as such under sub-section (2) of Sec. 4 of the Act ; (j) "Supervisor" means an of officer appointed under sub-section (4) of Sec. 4 of the Act. 2(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 the Act. **RULE 03: APPOINTMENT OF CENSUS OFFICER** -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 I of the Table below. **RULE 04: DESIGNATING OF OFFICERS** -4["The 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 Officer5["for the States and the Union Territories"]. **RULE 05: 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 : (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 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 house listing 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) co-ordinate the work of appointment of census-officers and arrangements for their training. (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 along with the filled in schedules and blank forms to the Director of Census Operations within the period specified by him ; (c) arrange for the training lo 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 along with abstracts or any other statement that may be required to be panchayat area, etc.; (d) consolidate the summary of enumerator's abstract or statement for the entire district: (e) forward the filled in or blank form of each schedule along with 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 timelines 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 along with 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 along with such statements he may be required to prepare, duly signed to the Charge Officer within two days of completion of census operations. (7) The Enumerator shall- (a) prepare National Map and lay-out sketch of the allotted enumeration block ; (b) up date 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 along with 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. **RULE 06: CENSUS SCHEDULES AND QUESTIONNAIRES** -The census schedules or questionnaires shall be notified by the6["Central Government"] through Official Gazette under sub-section (1) ofSec.8oftheAct. **RULE 06A: DECLARATION OF THE DATE AND DURATION OF CENSUS** 7-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 house-listing operations and population census shall take place. **RULE 06B: MANNER OF SERVING THE ORDER OF REQUISITION OF PREMISES AND VEHICLES** -An order of requisition under Sec. 7-A, 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 XXXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908 (Act 5 of 1908); and (b) where the person lo 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. **RULE 06C: TIME FOR**

APPLICATION FOR REFERENCE TO ARBITRATION UNDER SEC.7 7--B -The time within which any interested person, who is aggrieved by the amount of compensation determined under Sec. 7-B 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. RULE 07: CENSUS DATA -The Census Commissioner shall decide the items on which data may be released. RULE 08: 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 ; 8(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 along with an extract of penalties prescribed under Sec. 11 of the Act ; (iii)9["republish"]in. the Gazette the reference date for the census and the period during which house listing operations and population census will take place under Sec. 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 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 (vii) give wide publicity of the census through radio audiovisuals, posters, etc. RULE 09: 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. RULE 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. RULE 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 i.n accordance with the general or special directions as may be given by the Census Commissioner in this behalf. RULE 12: GENERAL OR SPECIAL INSTRUCTIONS -The Census Commissioner and the Director or 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. Liberal construction.-The widest possible construction, according to the ordinary meaning of the words in the entry, must be put upon them. Reference to legislative practice may be admissible in reconciling two conflicting provisions in rival legislative lists. In construing the words in a constitutional document conferring legislative power the most liberal construction should be put upon the words so that the same may have effect in their widest amplitude.3 2. Inserted vide " Census Rules, 1990" Dt.19th July, 1994 Published in G.S.R. 589 (F)Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), dated 19th July, 1994. 3. The Elel Hotels and Investments Ltd. v. Union of India, A.I.R. 1990 S.C. 1664 at pp. 1667-69. 4. Substituted for "The State Governments and the Union territory Administrations ", vide " Census Rules, 1990" Dt.19th July, 1994 Published in G.S.R. 589 (F)Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), dated 19th July, 1994. 5. Substituted for "within the jurisdiction of the State or Union territory concerned", vide " Census Rules, 1990" Dt.19th July, 1994 Published in G.S.R. 589 (F)Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), dated 19th July, 1994. 8. Inserted vide " Census Rules, 1990" Dt.19th July, 1994 Published in G.S.R. 589 (F)Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), dated 19th July, 1994. 9. Substituted for " publish ", vide " Census Rules, 1990" Dt.19th July, 1994 Published in G.S.R. 589 (F) Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (i), dated 19th July, 1994. Central Bare Acts