



**HANDBOOK ON**

**COLLECTION OF STATISTICS ACT, 2008**

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राज्य मंत्री (स्वतंत्र प्रभार)  
सांख्यिकी और कार्यक्रम कार्यान्वयन,  
राज्य मंत्री, रसायन और उर्वरक  
भारत सरकार, नई दिल्ली-110001  
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Minister of State for Chemicals & Fertilizers  
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## PREFACE

The effectiveness of development planning and policy depends not only on the availability of data but also the quality of basic data collected. Good data is also essential for proper monitoring and evaluation of socio-economic policies and development programmes of the Government to manage effective delivery of basic services besides improving the transparency and accountability of policy making, both of which are essential for good governance.

India is one of the leading nations growing at a rapid pace and occupying a prominent position in the World today. It requires, inter-alia, a wide range of reliable data to help in formulating good policies, managing resources and monitoring and evaluating the impact of policies and investments, besides meeting the obligations under international data dissemination standards. Increasing data demands in the era of liberalization of economic policies and the globalization as well as compulsions of stimulating social sector development has posed new challenges on the data front requiring adequate strengthening of data collection mechanism. The erstwhile Collection of Statistics Act, 1953 provided a legal framework for collection of statistics in the country but it was not adequate to meet the ever growing requirements in the emerging socio-economic scenario.

The Rangarajan Commission (2001) which examined the statistical system of the country and its requirement, recommended for making necessary legal provisions either by expanding the scope of the Collection of Statistics Act, 1953 or by passing a new Act which could effectively meet the requirement of statistics in the country. As such, a much more comprehensive new legislation called the Collection of Statistics Act, 2008 has been enacted repealing the Collection of Statistics Act, 1953. The new Collection of Statistics Act, 2008 (7 of 2009) was enacted by the Parliament on 7<sup>th</sup> January, 2009 and published in the Official Gazette on 9<sup>th</sup> January 2009 for general information. The Act was brought into force on 11<sup>th</sup> June 2010 through another Notification. The rules under the Act viz. the Collection of Statistics Rules, 2011 have also been notified on 16<sup>th</sup> May 2011.

This booklet "Handbook on Collection of Statistics Act, 2008 in India" has been prepared with a view to providing ready reference to all concerned with the subject. It includes various provisions of the Collection of Statistics Act, 2008 (7 of 2009) and related Rules as well as replies to most frequently asked questions. In order to create larger awareness, the material has been uploaded on the website of the Ministry ([www.mospi.nic.in](http://www.mospi.nic.in)) also besides conducting training programmes.

It is hoped that this manual will be found useful by all concerned. We shall welcome any suggestions for improvement.

I would like to compliment Shri S. K. Das, Director General, CSO, Shri A. K. Bhatia Additional Director General, and Sh. Nand Lal, DDG for bringing out this Manual. I would also like to acknowledge the contribution of Shri M. Ranganadham, DDG who was associated with the work on COS Act and provided some material useful for this manual.



(Srikant Kumar Jena)

## Background Note on the Collection of Statistics Act, 2008

### Recommendations of the Rangarajan Commission

The National Statistical Commission (NSC) appointed by the Central Government under the Chairmanship of Dr. C. Rangarajan, former Governor of Andhra Pradesh stated, in their report submitted to the Government in 2001, the following limitations of the Collection of Statistics Act, 1953.

The Collection of Statistics Act, 1953 has been serving at present, the limited purpose of Annual Survey of Industries (ASI) which covers only a part of the entire industrial sector. There are a large number of industries in the small-scale sector, which are excluded from the scope of ASI. Similarly, there is plenty of industrial activity in the unregistered informal or household sector, which is out of the ASI purview, though it plays a highly significant role by way of feeding the larger units as well as producing value added goods for non-industrial consumers. Although, there is scope under section 2 (b) of the Act to cover all “commercial concerns”, this is not being done so far. It is also necessary to include sectors such as information technology, bio-technology, food processing and the services sector whose share in the economy is rapidly growing. To include the developments in these industries and related sectors, data must flow out of the provisions of the Act.

Even where the Collection of Statistics Act, 1953 with provision for prosecution can be executed, response is poor. This is largely due to the meager penalty of a maximum fine of Rs.500/-, which theoretically can be extended to a fine of Rs.200/- per day on default beyond a certain period, it has almost never been imposed. So the Act in such cases hardly serves the purpose and becomes counter-productive. This is despite the fact that the factories covered under ASI are statutorily obliged to furnish the required data in the prescribed format.

The Rangarajan Commission also recommended that necessary legal provisions should be made either by expanding the scope of the Collection of Statistics Act, 1953 or by passing a new Act or Acts to:

- (i) cover any topic under Core Statistics, as defined by the proposed NSC;
- (ii) make it obligatory on the part of individuals, or enterprises, or State and private agencies to provide the information sought for any survey under the aegis of the NSC;
- (iii) provide right of access to records, including the record of Government agencies for statistical purposes;
- (iv) ensure the informant's right to privacy by making it illegal to publish the identity of the informant, or by requiring him to furnish sensitive information;
- (v) provide penalties for informants, for their refusal to supply, or for willfully supplying wrong information; and
- (vi) make it a penal offence for a statistical officer authorized to collect, process, or disseminate information collected from any survey under the Act, if he willfully distorts or manipulates the data.

## Need for a new law

The Central Government, after having examined the aforesaid recommendations of the Rangarajan Commission felt that the provisions under the Collection of Statistics Act, 1953 are not adequate to meet the growing data requirements of the Government at all levels. There are many survey programmes in the Government setup both at the Centre and in the State wherein information is being collected from households, enterprises, companies, public and private institutions, etc., on a purely voluntary basis. Besides, the law enforcing authorities also collect different types of statistical information under the powers vested with them in the respective statutes for the purpose of enforcement. With the introduction of the third tier in the Government in the form of Panchayats and Nagar Palikas, with allocation of specific subjects, a new set of data needs have been added to the system. In the wake of liberalization, privatization and globalization (LPG) resulting in de-licensing/ deregulation, the system of obtaining information as a byproduct of administering various statutes/ regulations has been losing ground gradually. The need for statistical information for planning and policy formulation has also expanded over the years due to market driven economy in most of the sectors with the increasing role of the private sector in areas which were under the monopoly of the public sector.

For the aforesaid reasons, the new legislation, namely, the Collection of Statistics Act, 2008 has been enacted. The Act repealed the Collection of Statistics Act, 1953 (32 of 1953).

## Notifications

The Collection of Statistics Act, 2008 (7 of 2009) was enacted by the Parliament on 7<sup>th</sup> January, 2009. It was published in the Official Gazette for general information on 9<sup>th</sup> January 2009. The Act was brought into force on 11<sup>th</sup> June 2010 through another Notification. The rules under the Act, namely, the Collection of Statistics Rules, 2011 have been notified on 16<sup>th</sup> May 2011.

## Salient features of the Collection of Statistics Act, 2008

Compared to the Collection of Statistics Act, 1953, the Collection of Statistics Act, 2008 enhances the scope of data collection in many ways. It is intended to overcome many limitations of the Collection of Statistics Act, 1953. Some of the salient features of the Collection of Statistics Act, 2008 vis a vis the provisions of the Collection of Statistics Act, 1953 are given below.

- (i) In the 1953 Act, the Central Government and the State Governments were empowered to issue a notification for collection of statistics on any subject from any industrial or commercial concern. In the new Act, the scope has been enhanced to collect all kinds of statistics not only from industrial/ commercial concerns but also from individuals and households. The local governments such as Panchayats and Municipalities are also empowered to collect statistics in the new Act.
- (ii) In the 1953 Act, the Central Government/ State Governments, as the case may be, were empowered to appoint a Statistics Authority for conducting the collection of statistics. In the new Act, the scope has been enhanced to such an extent that any Government Department/ Organisation either in the States or at the Centre or local government could appoint a statistics officer for each subject of data collection and/ or for each geographical unit. Thus, the new Act while continuing with the enabling nature of the 1953 Act enhances the scope of the definition of 'appropriate Government' by the inclusion of local governments within its ambit.

- (iii) In the new Act, necessary provisions have also been made for ensuring support to any statistics officer appointed by the appropriate Government, in terms of providing necessary inputs, manpower, etc. Such provisions are not there in the 1953 Act.
- (iv) In the 1953 Act, no mechanism has been prescribed for avoiding duplication of surveys and for ensuring standards for the collection of statistics. In the new Act, the Central Government is empowered to make rules for avoiding duplication and for maintaining technical standards in data collection in respect of 'core statistics', which are important for the country.
- (v) In the 1953 Act, the mode of data collection was in the form of a return, which would be obtained by the statistics authority after issuing a notice to each industrial/commercial concern. In the new Act, all methods of data collection including oral interviews and filing of returns electronically have been covered.
- (vi) As per the 1953 Act, the information collected from any informant under the Act cannot be made use of, for any purpose other than for prosecution under the Act or under the Indian Penal Code (IPC). In the new Act, it is provided that the information would be used only for statistical purposes and for prosecution of offences under the Act.
- (vii) In the 1953 Act, the penalties were very meager and the procedures for prosecution were very cumbersome. In the new Act, these have been rationalized. Penalties for not furnishing information have been enhanced. The procedure for trial has been simplified, to eliminate the burden of proof on the data collection agencies, by way of a summary trial.
- (viii) Appropriate enabling provisions have also been made in the new Act for notifying certain subjects of national importance as 'core statistics', for the purpose of ensuring methodological standards, timeliness, credibility and completeness.
- (ix) Adequate provisions are also available in the new Act, to avoid unnecessary duplication of data collection programmes.

# Collection of Statistics Act, 2008

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—09

REGISTERED NO. DL—(N)04/0007/2003—09



## भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 81  
No. 81

नई दिल्ली, शुक्रवार, जनवरी 9, 2009/पौष 19, 1930  
NEW DELHI, FRIDAY, JANUARY 9, 2009 / PAUSA 19, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

### MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 9th January, 2009/Pausa 19, 1930 (Saka)*

The following Act of Parliament received the assent of the President on the 7th January, 2009, and is hereby published for general information:—

### THE COLLECTION OF STATISTICS ACT, 2008

No. 7 OF 2009

[7th January, 2009.]

An Act to facilitate the collection of statistics on economic, demographic, social, scientific and environmental aspects, and for matters connected therewith or incidental thereto.

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

#### CHAPTER I

#### PRELIMINARY

1. (1) This Act may be called the Collection of Statistics Act, 2008.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—
  - (a) “agency” includes a person or persons engaged by the appropriate Government, directly or by outsourcing, for collection of statistics;
  - (b) “appropriate Government” means—
    - (i) any Ministry or Department in the Central Government; or

Short title,  
extent and  
commence-  
ment

Definitions



(ii) any Ministry or Department in a State Government or Union territory Administration; or

(iii) any local government that is to say, Panchayats or Municipalities, as the case may be,

in relation to the collection of statistics under a direction issued by it under section 3;

(c) "informant" means any person, who supplies or is required to supply statistical information and includes a owner or occupier or person in-charge or his authorised representative in respect of persons or a firm registered under the Indian Partnership Act, 1932 or a co-operative society registered under any Co-operative Societies Act or a company registered under the Companies Act, 1956 or a society registered under the Societies Registration Act, 1860 or any association recognised or registered under any law for the time being in force;

9 of 1932.  
1 of 1956.  
21 of 1860

(d) "information schedule" means any book, document, form, card, tape, disc or any storage media on which information required is entered or recorded or is required to be entered or recorded for statistical purposes under this Act;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "sampling" means a statistical procedure by which information relating to a particular field of inquiry is derived by applying statistical techniques to information obtained in respect of a proportion of the total number of persons or units concerned relevant to the field of inquiry;

(g) "statistical survey" means a census or a survey, whereby information is collected from all the informants in the field of inquiry or from a sample thereof, by an appropriate Government under this Act or any other relevant Act, wholly or primarily for the purposes of processing and summarising by appropriate statistical procedures;

(h) "statistics" means statistics derived by collecting, classifying and using statistics, specially in or for large quantities or numbers by appropriate Government from statistical surveys, administrative and registration records, and other forms and papers, the statistical analysis of which are, whether in a published or unpublished form;

(i) "statistics officer" means any officer appointed under section 4 for the purposes of any direction issued under section 3 of this Act.

## CHAPTER II

### COLLECTION OF STATISTICS

Collection of statistics.

3. The appropriate Government may, by notification in the Official Gazette, direct that the statistics on economic, demographic, social, scientific and environmental aspects shall be collected through a statistical survey or otherwise, and thereupon the provisions of this Act shall apply in relation to those statistics:

Provided that—

(a) nothing contained in this section shall be deemed to authorise a State Government or Union territory Administration or any local government to issue any direction with respect to the collection of statistics relating to any matter falling under any of the entries specified in List I (Union List) in the Seventh Schedule to the Constitution; or

(b) where the Central Government has issued any direction under this section for the collection of statistics relating to any matter, no State Government or Union territory Administration or any local government shall, except with the previous approval of the Central Government, issue any similar direction for so long as the collection of such statistics by the Central Government remain to be completed; or

(c) where a State Government or Union territory Administration or any local government has issued a direction under this section for the collection of statistics relating to any matter, the Central Government shall not issue any similar direction for so long as the collection of such statistics by the State Government remain to be completed, except in cases where such statistics have to be collected with reference to two or more States or Union territories.

4. (1) The appropriate Government may appoint or cause to appoint an officer to be the statistics officer for any geographical unit for the purpose of collecting any statistics directed by it.

Powers of appropriate Government to appoint statistics officer, etc

(2) The appropriate Government may appoint any agency or persons working in such agencies to take, or aid in, or supervise the collection of the statistics within any specified geographical unit and such agencies or persons, when so appointed, shall be bound to serve accordingly.

(3) The appropriate Government may employ on contract basis any agency or company or organisation or association or person, on such terms and conditions and on such safeguards as may be prescribed, for the purpose of collecting the statistics directed by it.

(4) The appropriate Government may delegate to any statistics officer, as it thinks fit, the power of appointing agencies or persons working in such agencies or employing on contract basis any agency or company or organisation or association of persons, conferred on it by sub-sections (2) and (3) within the geographical unit for which such statistics officer is appointed.

(5) The appropriate Government may, by order specify the form, the particulars required or the interval within which, and the statistics officer to whom, the statistical information by the informants shall be furnished.

(6) The appropriate Government may, by order published in the Official Gazette, delegate to any statistics officer, as it thinks fit, any power conferred under sub-section (5) for the purpose of the collection of statistics under a direction issued by it under section 3.

5. The statistics officer may, for the purpose of collection of statistics on any specified subject in any geographical unit for which the said officer was appointed—

Power of statistics officer to call for information.

(a) serve or cause to be served on any informant a notice in writing asking him to furnish the information specified under sub-section (5) of section 4 or cause a information schedule to be given to any informant for the purpose of its being filled up; or

(b) cause all questions relating to the subject to be asked from any informant; or

(c) seek information through tele fax or telephone or e-mail or in any other electronic mode or in a combination of different modes for different sets of information so specified.

6. The informants who are asked to furnish any information under the provisions of this Act shall be bound to furnish the information so asked in the prescribed manner to the best of knowledge or belief; and in cases where only a portion of a particular class or group of persons or units is asked to furnish information because of any sampling procedure, it shall not be a defence in failure on the part of any informant to furnish that information, if so asked.

Duty of informants

7. Every agency shall render such help and assistance and furnish such information to the statistics officer or a person or an agency authorised by him in writing, as he may require for the discharge of his functions, and shall make available for inspection and examination of such records, plans and other documents, as may be necessary.

All agencies to assist

Right of access to records or documents.

8. The statistics officer or any person authorised by him in writing in this behalf shall, for the purposes of collection of any statistics under this Act, have access to any relevant record or document in the possession of any informant required to furnish any information under this Act, and may enter at any reasonable time any premises where he believes such record or document is kept and may inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

### CHAPTER III

#### DISCLOSURE OF INFORMATION IN CERTAIN CASES AND RESTRICTIONS OF THEIR USE

Security of information.

9. (1) Any information furnished to the statistics officer or to any person or agencies authorised under this Act shall only be used for statistical purposes.

(2) No person other than a person engaged in the work of collection of statistics under this Act or preparation of statistics resultant to such collection shall be permitted to see any information schedule or any answer to a question asked, except for the purposes of a prosecution under this Act.

(3) No information contained in any information schedule and no answer to any question asked shall, except for the purposes of a prosecution under this Act, be separately published, or disclosed without suppressing the identification of informants to any agency.

(4) All statistical information published by any agency shall be arranged in such a manner so as to prevent any particulars becoming identifiable by any person (other than the informant by whom those particulars were supplied) as the particulars relating to the informant who supplied it, even through the process of elimination, unless—

(a) that informant has consented to their publication in that manner; or

(b) their publication in that manner could not reasonably have been foreseen by the concerned agency or any employee thereof.

(5) For the purposes of sub-section (4), the Central Government may make such rules or make such arrangement, as it may consider necessary.

Appropriate Government authorised to disclose certain information.

10. Notwithstanding the provisions contained in section 9 of this Act, the appropriate Government may disclose the following information, namely:—

(a) information supplied by informant in respect of which disclosure is consented to in writing by the informant or by any person authorised by the said informant;

(b) information otherwise available to the public under any Act or as a public document;

(c) information in the form of an index or list of the names and addresses of informants together with the classification, if any, allotted to them and the number of persons engaged.

Disclosure of information schedules for bona fide research or statistical purposes.

11. (1) Notwithstanding the provisions contained in section 9 of this Act, the appropriate Government may disclose individual returns or formats or information schedules to other agency or person or institutions or universities solely for *bona fide* research or statistical purposes pursuant to their functions and duties.

(2) No individual return or information schedule shall be disclosed pursuant to this section unless —

(a) the name and address of the informant by whom the schedule or related information was supplied is deleted;

(b) every agency or person or institutions or Universities involved in the research or statistical project makes a declaration to use the schedules disclosed to them only for *bona fide* research or statistical purposes; and

(c) the appropriate Government, making such disclosure is satisfied that the security of the schedules and any information contained therein shall not be impaired.

(3) The published results of any research or statistical project shall not divulge any more information than what the agency authorised for collection of statistics could publish under this Act.

(4) Every agency or person or institutions or universities to whom any individual return or information schedule is disclosed under this section shall comply with directions given by the agency authorised for collection of statistics making the disclosure relating to the schedules and any information contained therein.

12. Notwithstanding anything contained in section 9 of this Act, the appropriate Government may release such documents relating to information schedules, which in its opinion have attained historical importance.

Disclosure of historical documents

13. The statistics officer or any person or agency authorised for collection of statistics shall, while copying or recording any statistical information collected pursuant to this Act from individual returns, information schedules, worksheets or any other confidential source by means of cards, tapes, discs, film or any other method, whether using encoded or plain language symbols for processing, storage or reproduction of particulars, take and cause to take such steps as are necessary to ensure that the security provisions of this Act are complied with.

Security of recorded information.

14. Save as otherwise provided under this Act,—

Restrictions on use of information

(a) no information obtained pursuant to this Act and no copy of the information in the possession of any informant shall be disclosed or used as evidence in any proceedings whatsoever; and

(b) no person who has access to any information because of his official position in the collection of any statistics shall be compelled in any proceedings whatsoever to give oral testimony regarding the information or to produce any schedule, document, or record with respect to any information obtained in the course of administering this Act,

except in the manner provided under this Act.

#### CHAPTER IV

##### OFFENCES AND PENALTIES

15. (1) Whoever, fails to produce any books of accounts, vouchers, documents or other business records or whoever neglects or refuses to fill in and supply the particulars required in any information schedule or return given or sent to him or whoever neglects or refuses to answer any question or inquiry addressed to him as may be required under or for the purposes of any provision of this Act and the rules made thereunder, shall be punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees.

Penalty for neglect or refusal to supply particulars

(2) The conviction of a person or company for an offence shall not relieve him or it of the obligations under sub-section (1) and if after the expiry of fourteen days from the date of conviction, he or it still fails to give the required particulars or continues to neglect or refuses to fill in and supply the particulars or to answer the question or inquiry, then he or it shall be punishable with a further fine which may extend to one thousand rupees or, in the case of a

company, with a fine which may extend to five thousand rupees, for each day after the first during which the failure continues.

Penalty for making false statement.

16. Whoever, wilfully makes any false or misleading statement or material omission in any information schedule or return filled in or supplied, or in answer to any question asked to him under this Act or the rules made thereunder, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees or with both.

Penalty for mutilation or defacement of information schedule.

17. Whoever, destroys, defaces, removes, or mutilates any information schedule, form, or other document containing particulars collected under this Act or requesting any such particulars, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.

Penalty for obstruction of employees.

18. Whoever, interferes with, hinders, or obstructs any employee in the exercise of any power or duty conferred by this Act, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both.

Penalty for other offences.

19. Whoever---

(a) acts in contravention of or fails to comply with any provision of this Act or any requirement imposed under this Act; or

(b) wilfully deceives or attempts to deceive any statistics officer or any agency or any employee thereof,

shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

Penalty for failure to carry out duties and functions by employees.

20. If any person employed in the execution of any duty or functions under this Act,—

(a) omits without lawful excuse to carry out his duty, or knowingly makes any false declaration, statement or return; or

(b) pretends performance of his duties or obtains or seeks to obtain information which he is not authorised to obtain; or

(c) fails to keep inviolate the secrecy of the information gathered or entered in the information schedules collected pursuant to this Act and, except as permitted under this Act, divulges the contents of any schedule filled in or any information furnished by any informant under this Act,

shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

Penalty for impersonation of employee.

21. Whoever, not being authorised to collect statistics under the provisions of this Act, by words, conduct or demeanor pretends that he is authorised to do so, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

General penalty.

22. Whoever, commits an offence under this Act for which no penalty is prescribed elsewhere than in this section, shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both.

23. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purpose of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “Director”, in relation to a firm, means a partner in the firm.

24. No court shall take cognizance of any offence under this Act except on a complaint made by the appropriate Government or an officer authorised in this behalf by such appropriate Government or, as the case may be, the statistics officer, and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Cognizance of offences.

25. No prosecution for an offence committed by any informant shall be instituted except by or with the sanction of the statistics officer, and no prosecution for an offence committed by persons other than informants shall be instituted except by or with the consent of the appropriate Government.

Sanction for prosecution for offence.

2 of 1974.

26. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act shall be tried in a summary way by a Judicial Magistrate of the first class or by a Metropolitan Magistrate and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Power of court to try cases summarily.

Provided that when in the course of, a summary trial under this section it appears to the Magistrate that the nature of the case is such that it is, for any reason, undesirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter recall any witness who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.

## CHAPTER V

### POWER IN RESPECT OF CORE STATISTICS

27. Without prejudice to the provisions contained in this Act, the Central Government may, by notification in the Official Gazette, declare from time to time any subject for the collection of statistics of national importance as ‘core statistics’ and make such arrangement, as it may consider necessary, for regulating the collection and dissemination of statistics on the subject so declared.

Power in respect of core statistics

## CHAPTER VI

### MISCELLANEOUS

28. The Central Government may give directions to any State Government or Union territory Administration or to any local government that is to say Panchayats or Municipalities, as to the carrying into execution of this Act in the State or Union territory or Panchayats or Municipalities, as the case may be.

Power to give directions.

29. Any statistics officer and any person authorised for the collection of statistics or preparation of official statistics under the provisions of this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Public servants.

45 of 1860.

Bar of jurisdiction.

30. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the appropriate Government or the statistics officer or the agency is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Protection of action taken in good faith.

31. No suit or other legal proceedings shall lie against the appropriate Government or agency or any statistics officer or other officers or employees in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules or directions issued thereunder.

Overriding effect.

32. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force except in relation to the conduct of human population census as per the directions, if any, issued under the Census Act, 1948.

Power to make rules.

33. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules under this section for all or any of the following matters, namely:—

(a) principles for coordinating as effectively as possible to achieve the objectives of section 3 including nomination and registration of statistics officers by the Central Government and also to avoid unnecessary duplication in the collection of statistics;

(b) the terms, conditions and safeguards under which any person or agency or company or organisation or association may be engaged by the appropriate Government for the purpose of collection of statistics under sub-section (3) of section 4;

(c) principles for prescribing the form and manner in which the information may be required to be furnished;

(d) principles for prescribing the manner in which the right of access to documents and the right of entry conferred by section 8 may be exercised; and

(e) any other matter which is to be or may be prescribed under this Act.

(3) Every rule made by the Central Government under this Act 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.

Repeal and savings.

34. (1) The Collection of Statistics Act, 1953 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

(3) All rules made under the said Act shall continue to be in force and operate till new rules are made under this Act.

T. K. VISWANATHAN,  
Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVT. OF INDIA PRESS, MINTO ROAD, NEW DELHI  
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 2009.

GMGIPMRND—86G1—10-01-2009.

37 of 1948

32 of 1953.

## MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

### NOTIFICATION

New Delhi, the 16th May, 2011

**G.S.R. 387(E).**— In exercise of the powers conferred by section 33 of the Collection of Statistics Act, 2008 (7 of 2009), the Central Government hereby makes the following rules, namely:—

### COLLECTION OF STATISTICS RULES, 2011

**1. Short title and commencement:** (1) These rules may be called the Collection of Statistics Rules, 2011.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions:** (1) In these rules, unless the context otherwise requires –

- (a) 'Act' means the Collection of Statistics Act, 2008;
- (b) "Form" means a form appended to these rules;
- (c) 'nodal officer' means an officer designated as nodal officer under rule 3 of these rules;
- (d) "personal information" means any information, whether true or not, and whether recorded in a material form or not, about an informant whose identity can reasonably be ascertained from such information;
- (e) "reference period" means the time period over which the data collected reflects the characteristics of the units of enumeration;
- (f) "State Government", in relation to a Union territory, means the Administration thereof; and
- (g) "outsourcing" means making use of the services of a private service provider for the purposes of these rules.

(2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Act.

**3. Nodal officer.** – (1) The Central Government shall designate an officer not below the rank of a Joint Secretary to the Government of India in a nodal Department dealing with statistical matters, as the nodal officer for exercising powers and performing duties under these rules.



(2) Every State Government shall designate an officer not below the rank of a Deputy Secretary to the State Government in a nodal Department dealing with statistical matters, as the nodal officer for exercising powers and performing duties under these rules.

**4. Powers and duties of nodal officer.** - (1) The nodal officer designated by the Central Government under sub-rule (1) of rule 3 shall –

- (a) maintain and update register of statistics officers appointed by the Central Government;
- (b) obtain and maintain, from time to time, information on availability of statistics including unit-level data, whether collected under the provisions of the Act or not, with different Departments of the Central Government and nodal officers in the States;
- (c) advise the Departments of the Central Government and the nodal officers in the States on steps to improve the statistical potential of administrative records to avoid conducting separate statistical surveys to collect statistics contained or purported to be contained in such administrative records;
- (d) issue instructions from time to time on promoting the sharing of statistical information including unit-level data among different Departments of the Central Government and States to avoid unnecessary duplication of programmes of collection of statistics and resolve disputes or differences of opinion, if any, among them on the issue; and
- (e) submit annual report to the Central Government on the working.

(2) The nodal officer designated by the State Government under sub-rule (2) of rule 3 shall –

- (a) maintain and update a register of statistics officers appointed from time to time in the State;
- (b) obtain and maintain from time to time information on availability of statistics including unit-level data, whether collected under the provisions of the Act or not, with different Government Departments and local governments in the State;
- (c) advise the Departments of the State Government and local governments in the State on steps to improve the statistical potential of administrative records to avoid conducting separate statistical surveys to collect statistics contained or purported to be contained in such administrative records;

- (d) issue instructions from time to time on promoting the sharing of statistical information including unit-level data among Departments of the State Government and local governments in the State to avoid unnecessary duplication of programmes of collection of statistics and resolve disputes or differences of opinion, if any, among them on the issue; and
- (e) obtain reports, as may be required, on the working of this Act from Government Departments and local governments in the State and submit annual reports on the working of this Act in the State to the nodal officer appointed by the Central Government.

**5. Direction on collection of statistics.-** (1) Any Department in a State Government or any local government in a State shall, before making a direction under section 3 of the Act for collection of statistics on any subject for any reference period in any geographical unit under its jurisdiction, consult the nodal officer in the State to avoid unnecessary duplication in collection of statistics.

(2) Any Department of the Central Government shall, before making a direction under section 3 of the Act for collection of statistics on any subject for any reference period in any geographical unit under its jurisdiction, consult the nodal officer of the Central Government to avoid unnecessary duplication in collection of statistics.

(3) The nodal officer shall, on receipt of any request under sub-rule (1) or sub-rule (2), as the case may be, within a period of one month render such advice as may be necessary to the concerned office to avoid unnecessary duplication in collection of statistics.

(4) The appropriate Government on receipt of advice under sub-rule (3) shall communicate to the nodal officer, the reasons in all cases of disagreement with such advice, at least fifteen days prior to issuing notification under section 3 of the Act.

(5) Every notification under section 3 of the Act shall contain the following particulars, namely: -

- (a) subject and purpose for collection of statistics;
- (b) geographical area for collection of statistics;
- (c) method of data collection;
- (d) nature of informants from whom data may be collected;
- (e) period during which collection of statistics may be completed;
- (f) reference period;
- (g) nature of information to be collected;
- (h) language in which information is to be furnished by informant;
- (i) obligation of informant;

- (j) nature of business records and other records which may be inspected; and
- (k) the manner of inspection.

(6) A copy of every notification referred in sub-rule (5) shall be forwarded to the nodal officer of the Central Government and the nodal officer of the State concerned.

**6. Principles for prescribing information schedules.** - In respect of prescribing any information schedule for collection of statistics on any subject, the appropriate Government or a statistics officer, as the case may be, shall satisfy itself that –

- (i) it has authority to direct collection of statistics on the subject under the Act subject to the restrictions given in the proviso to section 3 of the Act;
- (ii) it has, for the purpose of finalising items on which information is to be collected, consulted the nodal officer to include the requirements of other Government Departments;
- (iii) excessive demands would not be placed on the informants by making the direction and for the purpose field testing of information schedules has been carried out where necessary;
- (iv) the range and detail in the information schedules specified for collection of statistics on any subject shall be limited to what is absolutely necessary;
- (v) the reporting burden shall be spread as widely as possible over informant populations through appropriate sampling;
- (vi) the information sought from business shall, as far as possible, be readily available from their accounts and electronic means are used where possible to facilitate their collection;
- (vii) best estimates and approximations on any item of information sought shall be accepted when exact details are not readily available with any informant;
- (viii) each information schedule used for collecting statistics from any informant has, where necessary, a provision for particulars on which information may be furnished at the discretion of the informant;
- (ix) provision is made in each information schedule for filling up the details and appending the signature of the person concerned who would be engaged in the collection of statistics;
- (x) indicate in each information schedule, for general information of informants prior to collection of statistics from them under the Act, its plan, if any, to disclose any information collected from them which in the opinion of the appropriate Government is otherwise available to the public under any other Act or as a public document or which is in the form of an index or list of the names and addresses of informants together with the classification, if any, allotted to them and the number of persons engaged; and

- (xi) make a provision in each information schedule to obtain written consent from each informant whose information other than the information covered in clause (x), it proposes to disclose.

**7. Appointment of statistics officers.** - (1) Every notification under section 4 of the Act appointing the statistics officer shall contain the following particulars, namely: -

- (a) name, designation and address of the officer appointed as statistics officer for each geographical unit for collection of statistics;
- (b) details of any agency or company or organisation or association or person engaged for collection of statistics, and, terms and conditions of engagement and safeguards laid down for the purpose;
- (c) the form and the particulars required or the interval within which, and the statistics officer to whom, the statistical information by the informants shall be furnished; and
- (d) the powers, if any, delegated under sub-sections (4) or (6) of section 4 the Act to any statistics officer.

(2) Every statistics officer, immediately on his appointment, shall submit an undertaking in Form-I to the appropriate Government.

**8. Registration of statistics officers.** - The appropriate Government shall maintain a record of statistics officers in respect of their appointment, their terms and geographical areas for which they have been appointed, in Form-II.

**9. Powers and functions of a statistics officer.** - A statistics officer, appointed for the purposes of collection of statistics on any subject in any geographical unit, shall -

- (i) take, aid in and supervise the collection of statistics;
- (ii) cause agencies to be appointed or engaged for collection of statistics;
- (iii) obtain undertaking from all the persons engaged in the collection of statistics in Form-I and forward them to the appropriate Government or to an officer authorised for the purpose by that Government;
- (iv) devise or cause to devise relevant information schedules and the mode or modes of collection of statistics;
- (v) allot or cause to allot work of collection of statistics in his jurisdiction to different persons and agencies engaged for the purpose;
- (vi) provide all the relevant material to be distributed to agencies engaged and arrange for their training for facilitating collection of statistics;
- (vii) cause to provide necessary publicity for collection of statistics at an appropriate time;
- (viii) coordinate the work of all agencies during the period of collection of statistics and maintain liaison with local authorities for smooth conduct of the collection of statistics;

- (ix) cause notices to informants for furnishing information issued under his signature, where necessary and cause acknowledgements received from such informants, to be kept in safe custody;
- (x) take steps, in case of statistical surveys having the same set of informants with different reference periods, to issue only one notice to each informant indicating therein the information required to be furnished and the reference periods for which the information is required;
- (xi) cause entry of persons authorised by him in writing and carrying a photo-identity card issued by him into any premises of any informant for collection of statistics;
- (xii) cause necessary assistance provided to informants requiring such assistance for furnishing the information sought;
- (xiii) cause access to any informant to the information collected from that informant for facilitating intimation of corrections or amendments on any inaccurate information;
- (xiv) cause verification of information furnished by any informant;
- (xv) based on complaints or otherwise, take action against erring persons and others in accordance with the provisions of the Act and these rules;
- (xvi) obtain from the agencies engaged in the collection of statistics, all the information schedules, all the undertakings obtained from persons engaged in collection of statistics, all other relevant records and documents on completion of their work and forward them with a certificate to that effect to the appropriate Government or to any officer authorised by that Government;
- (xvii) carry out such other tasks as may be necessary for the successful collection of statistics; and
- (xviii) submit periodical reports as may be specified by the appropriate Government.

**10. Assistance in collection of statistics.** - (1) Every Department of the Central Government or the State Government or the local governments shall furnish within such time and in such form as required, the list of informants and other information which is available with them, relevant for conducting any statistical survey under these rules to a statistics officer or any agency or person authorised by the appropriate Government upon receipt of a notice to that effect.

(2) The appropriate Government or a statistics officer, as the case may be, may write to any Department of the Central Government or the State Government or any local government specifying the nature of assistance required for collection of statistics under the Act and upon receipt of such communication, the latter shall comply with the requirement to the extent feasible.

(3) In cases of collection of statistics in disturbed areas, the police, the paramilitary and the armed forces shall provide such assistance as would be required by the concerned statistics officer.

**11. Duty to furnish information.** - Subject to the provisions of section 6 of the Act,

(1) every informant shall, on demand, produce or give a copy of any books of accounts, vouchers, documents, or other business records or personal records or documents in his possession relevant to collection of statistics under the Act to any statistics officer or any person authorised by him in writing and carrying a photo-identity card issued by him, and the statistics officer or the authorised person, as the case may be, may take a copy or extract of such record or document; and

(2) the head of every family shall be responsible to furnish or cause to furnish the correct details of name and number of members, other particulars, records and documents, as may be required, of the family of which he is the head including dependants:

provided that in so far as inmates of institutions, such as orphanages, old age homes, and mental asylums are concerned, the responsibility for providing or causing to provide the requisite details, records and documents shall lie with the head of the Institution.

**12. General terms, conditions and safeguards for outsourcing.** - Every contract or arrangement for collection of statistics under the Act by any person or agency or company or organisation or association shall be subject to the following terms, conditions, and safeguards, namely: -

- (a) outsourcing arrangements shall be subject to a formal and comprehensive written contract;
- (b) functions which are to be decided and enforced by the appropriate government under the Act shall not be outsourced;
- (c) appropriate Government or a statistics officer authorised for the purpose by that Government shall have a right, of information and conduct or order on-site inspections in an outsourcing service provider's premises or place of work and right to cancel contract in case of unsatisfactory performance;
- (d) every agency, engaged in collection of statistics, shall render such help and assistance and furnish such information to the statistics officer or a person or an agency authorised by him in writing, as he may require for the discharge of his functions, and shall make available for inspection and examination such records, plans and other documents, as may be necessary;
- (e) persons engaged by any agency for collection of statistics, are made aware of the agency's obligations, and they shall submit a written undertaking in Form-I to the concerned statistics officer not to access, use, disclose or retain personal information except in performing their duties of employment or contractual obligations; and are informed that failure to comply with the provisions of the Act and these rules may be an offence rendering themselves for punishment as per the provisions of the Act;

- (f) each person engaged in any activity relating to the collection of statistics shall be bound by the provisions of the Act and these rules, the violation of which shall render him punishable as per the provisions of the Act;
- (g) provisions relating to disclosure of information and restrictions of their use under sections 9, 10, 11, 12, 13 and 14 of the Act and these rules shall have effect during the period of collection of statistics provided in the contract and shall continue to have effect even after the termination or completion of the contract, as the case may be;
- (h) the appropriate Government or any statistics officer on receipt of any complaint shall immediately communicate the agency engaged in collection of statistics of only those details of the complaint, as may be necessary to minimize any breach or prevent further breaches of the agreement or failure to comply with any of the provisions of the Act or these rules;
- (i) if any agency engaged in collection of statistics receives any complaint from any informant, it shall immediately communicate the complaint to the appropriate Government or the concerned statistics officer, as may be required;
- (j) the appropriate Government or the statistics officer may, on receipt of any communication under clauses (h) or (i), give directions, as may be necessary, to the agency; and
- (k) the statistics officer and every person engaged in the collection of statistics shall, on completion of their work, handover all the records and documents and furnish a certificate to that effect to the appropriate Government or to an officer authorised for the purpose by that Government.

**13. Restrictions on use of personal information.** - Each agency engaged in collection of statistics shall take all reasonable measures to ensure that -

- (a) personal information is protected against unauthorised access, disclosure or other misuse;
- (b) the agency uses personal information only for the purpose of fulfilling its obligations under a specified contract;
- (c) in case of repetitive statistical surveys with a common set of informants, the agency uses the personal information earlier collected only for the purpose of setting up interviews with or otherwise contacting informants; and
- (d) the agency uses personal information for data processing only with adequate security checks.

**14. Right of entry into any premises of informants.** - A statistics officer or any person authorised by him in writing and carrying a photo-identity card issued by the statistics officer, shall, during the period of collection of statistics for the purpose of collection of statistics under the Act or for inspection and examination of records, and documents in connection with it, during 10.00 hrs to 17.00 hrs on any day or at a time mutually convenient to both the parties have the right to enter the premises of any informant in the portion of the premises normally entered by visitors or guests or as suggested by the informant.

**15. Processing of complaints -** (1) In cases of alleged offences committed by any informant as per provisions of the Act, any statistics officer, after making such inquiries as deemed fit, may cause a notice issued to the informant in writing to show cause within a reasonable period to be specified in the notice as to why prosecution under the Act shall not be sanctioned for committing the alleged offence.

(2) A statistics officer shall consider the explanation, if any, furnished by the informant in pursuance to the notice issued under sub-rule (1), and after satisfying himself, for reasons to be recorded in writing, sanction for institution of prosecution of the informant.

(3) In case of any alleged offences committed by any person other than an informant, the appropriate Government may, after making such inquiries as deemed fit, cause a notice issued to the person in writing to show cause within a reasonable period to be specified in the notice as to why prosecution under the Act shall not be sanctioned for committing the alleged offence.

(4) The appropriate Government may, if it considers necessary, send a copy of the show-cause notice issued under sub-rule (3) of this rule and the explanation, if any, received from the alleged offender to the concerned statistics officer and obtain his recommendation on it, and after considering the explanation of the alleged offender and recommendation of statistics.

**16. Storage of data and records. -** Subject to the provisions of section 13 of the Act, the appropriate Government or an officer authorised by that Government shall, provide details by which any informant could access his own information for facilitating intimation of corrections or amendments on any inaccurate information, store the statistics collected under the provisions of the Act in such a manner as would facilitate easy retrieval of information collected from any informant so as to provide access to the informant, if necessary and keep all the undertakings and other material obtained from the statistics officers and other persons or agencies engaged in collection of statistics in safe custody.



**Form-I**

[See rules 7 (2), 9 (iii), 12 (e)]

Undertaking by statistics officer and other persons to be engaged in any capacity for collection of statistics under the provisions of the Collection of Statistics Act, 2008 (7 of 2009)

I, \_\_\_\_\_ (Full Name), born on \_\_\_\_ (Date of birth), son/ daughter/ wife of \_\_\_\_\_ (Name of person) resident of \_\_\_\_\_ (address) do hereby solemnly affirm, that I accept the responsibility \_\_\_\_\_ (nature of work) assigned to me for collection of statistics in respect of \_\_\_\_\_ (direction under section 3 of the Act) under the Collection of Statistics Act, 2008 (7 of 2009) and the Collection of Statistics Rules, 2011, that I shall not access, use, disclose or retain personal information of any informant except in performing my duties of employment or contractual obligations in respect of collection of statistics, and that in case of any violation on my part to comply with the provisions of the Act and the rules made thereunder, and I shall render myself punishable as per the provisions of the Act.

Place: \_\_\_\_

Date: \_\_\_\_

Signature of statistics officer or the person engaged in any capacity for collection of statistics

**Form-II**  
(See rule 8)

**Register of statistics officers to be maintained by the appropriate Government**

1. Details of the direction issued under section 3 of the Collection of Statistics Act, 2008:
2. Name and address of the appropriate Government making direction:
3. Details of statistics officers appointed for collection of statistics under the aforesaid direction:

S. No.	Name of statistics officer	Permanent address	Educational qualifications and experience, if any, in collection of statistics	Geographical unit for which appointed and period of appointment	Powers, if any, delegated under section 4 (4) and (6) of the Act
(1)	(2)	(3)	(4)	(5)	(6)

Date of appointment	Date of termination of appointment
(7)	(8)

Place:

Date:

Signature with office seal of the officer  
responsible for maintaining  
the record of statistics officers

[F.No. M-15011/1/2007-Admn. III]

Prof. T.C.A. ANANT, Secy.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 497] नई दिल्ली, बृहस्पतिवार, सितम्बर 8, 2011/भाद्र 17, 1933  
No. 497] NEW DELHI, THURSDAY, SEPTEMBER 8, 2011/BHADRA 17, 1933

सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय  
शुद्धि-पत्र

नई दिल्ली, 8 सितम्बर, 2011

सा.का.नि. 665(अ).—भारत के राजपत्र, असाधारण, भाग II, खण्ड 3, उप-खण्ड (i) में प्रकाशित सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय की दिनांक 16 मई, 2011 की सा.का.नि. 387(अ), अधिसूचना संख्या 254, में अधिसूचना के पृष्ठ-9 पर नियम 15 के उप-नियम (4) को नीचे दिए गए अनुसार पढ़ा जाए।

“(4) यदि समुचित सरकार उचित समझे तो इस नियम के उप-नियम (3) के अधीन जारी हेतुक दर्शित करने वाली सूचना और अभिकथित अपराधी से प्राप्त स्पष्टीकरण की प्रति, यदि कोई हो, तो, को संबंधित सांख्यिकी अधिकारी को भेज सकेगी और उस पर उसकी सिफारिशें अभिप्राप्त कर सकेगी तथा अभिकथित अपराधी के स्पष्टीकरण और सांख्यिकी अधिकारी की सिफारिश, यदि कोई हो, तो, पर विचार करने के बाद अभियोजन सन्स्थित करने की स्वीकृति दे सकेगी।”

2. राजपत्र अधिसूचना को अन्य विषय सामग्री अपरिवर्तित रहेगी।

[पृष्ठांकन सं. एम-15011/1/2007-प्रशा. III]

अरविन्द कुमार, संयुक्त सचिव

MINISTRY OF STATISTICS AND PROGRAMME  
IMPLEMENTATION  
CORRIGENDUM

New Delhi, the 8th September, 2011

G.S.R. 665(E).—In the Notification of the Government of India, Ministry of Statistics and Programme Implementation, number 254 dated 16th May, 2011 bearing G.S.R. 387(E) and published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), the sub-rule (4) of rule 15 at page-20 of the notification shall be read as follows.

“(4) The appropriate Government may, if it considers necessary, send a copy of the show-cause notice issued under sub-rule (3) of this rule and the explanation, if any, received from the alleged offender to the concerned statistics officer and obtain his recommendation on it, and after considering the explanation of the alleged offender and recommendation of statistics officer, if any, sanction the institution of prosecution.”

2. The other contents of the Gazette Notification shall remain unchanged.

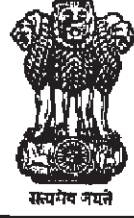
[Endt. No. M-15011/1/2007-Admn. III]

ARVIND KUMAR, Jt. Secy.

## Notification

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 1192]

नई दिल्ली, शुक्रवार, जून 11, 2010/ज्यैष्ठ 21, 1932

No. 1192]

NEW DELHI, FRIDAY, JUNE 11, 2010/JYAISTHA 21, 1932

सांख्यिकी और कार्यक्रम कार्यान्वयन मंत्रालय  
अधिसूचना

नई दिल्ली, 9 जून, 2010

का.आ.1416(अ).—सांख्यिकी संग्रहण अधिनियम, 2008 (2009 का 7) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा जून, 2010 के 11वें दिवस को वह तिथि निर्धारित करती है जिस दिन से उक्त अधिनियम के प्रावधान लागू होंगे।

[सं. एम-15011/1/2007-प्रशा. III]

अरविंद कुमार, संयुक्त सचिव

MINISTRY OF STATISTICS AND PROGRAMME  
IMPLEMENTATION  
NOTIFICATION

New Delhi, the 9th June, 2010

S.O. 1416(E).—In exercise of the powers conferred by sub-section (3) of Section 1 of the Collection of Statistics Act, 2008 (7 of 2009), the Central Government hereby appoints the 11th of June, 2010 as the date on which the provisions of the said Act shall come into force.

[No. M-15011/1/2007-Admn. III]

ARVIND KUMAR, Jt. Secy.

2284 GI/2010

Printed by the Manager, Government of India Press, Ring Road, Mayapuri, New Delhi-110064  
and Published by the Controller of Publications, Delhi-110054.

## Frequently Asked Questions (FAQs)

### 1. What is the jurisdiction of the Act?

The Act extends to the whole of India, except the State of Jammu and Kashmir. The State of Jammu and Kashmir has enacted the Jammu & Kashmir Collection of Statistics Act, 2010 on the lines of the Central legislation.

### 2. What are the constitutional provisions under which the enactment has been made?

The subject 'Statistics' is covered in the Seventh Schedule of the Constitution of India (as applicable to the whole of India other than the State of Jammu and Kashmir), in the following entries.

- **Entry 94 of the Union List (List-I):** Inquiries, Surveys and Statistics for the purpose of any of the matters in this List
- **Entry 45 of Concurrent List (List-III):** Inquiries and Statistics for the purpose of any of the matters in List II or List III
- **The subject is not covered under the State List (List-II).**

The enactment has been made under the aforesaid provisions.

### 3. What are the Notifications issued in respect of the Act?

The Collection of Statistics Act, 2008 (7 of 2009) was enacted by the Parliament on 7<sup>th</sup> January, 2009. It was published in the Official Gazette for general information on 9<sup>th</sup> January 2009. The Act was brought into force on 11<sup>th</sup> June 2010 through another Notification. The rules under the Act, namely, the Collection of Statistics Rules, 2011 have been notified on May 2011. A 16<sup>th</sup> corrigendum on the rules was notified on 8<sup>th</sup> September 2011.

### 4. What is the purpose of the Act?

The Act is intended to facilitate the collection of statistics on economic, demographic, social, scientific and environmental aspects by Government at all levels, and for matters connected therewith or incidental thereto.

*[Preamble and Section 3 of the Act]*

### 5. What is meant by 'statistics' and what kind of statistics could be collected?

“Statistics” means not only the data collected by appropriate Government from statistical surveys, administrative and registration records, and other forms and papers, but also the statistics derived on the basis of data collected. The analysis of statistics may be in a published or unpublished form.

Statistics on economic, demographic, social, scientific and environmental aspects may be collected subject to restrictions given in Section 3.

*[Sections 2 (h) and 3 of the Act]*

## **6. Who will decide the subject of data collection?**

The appropriate Government, meaning thereby, (i) any Ministry or Department in the Central Government; or (ii) any Ministry or Department in a State Government or Union territory Administration; or (iii) any local government, namely, a Panchayat or a Municipality, will decide the subject for data collection in their respective jurisdictions.

*[Sections 2 (b) and 3 of the Act]*

## **7. How the public would come to know about the decision of Government to collect any statistics?**

The Act provides for notifying the decision of Government to collect any statistics in the official gazette. Besides, the matter may be publicized through media.

Every notification under section 3 of the Act shall contain the following particulars, namely:-

- (a) subject and purpose for collection of statistics;
- (b) geographical area for collection of statistics;
- (c) method of data collection;
- (d) nature of informants from whom data may be collected;
- (e) period during which collection of statistics may be completed; (f) reference period;
- (g) nature of information to be collected;
- (h) language in which information is to be furnished by informant;
- (i) obligation of informant;
- (j) nature of business records and other records which may be inspected; and
- (k) the manner of inspection.

A copy of every notification under section 3 shall be forwarded to the nodal officer of the Central Government and the nodal officer of the State concerned.

*[Section 3 of the Act and Rules 5 (5) and 5 (6) of the Rules]*

## **8. Are there any restrictions in the choice of subject for data collection?**

A State Government or a Union territory Administration or any local government is not authorized to issue any direction with respect to the collection of statistics relating to any matter falling under any of the entries specified in List I (Union List) in the Seventh Schedule to the Constitution. In all other cases, where the Central Government has issued any direction for the collection of statistics relating to any matter, no State Government or Union territory

Administration or any local government shall, except with the previous approval of the Central Government, issue any similar direction for so long as the collection of such statistics by the Central Government remains to be completed. Similarly, where a State Government or Union

territory Administration or any local government has issued a direction for the collection of Statistics relating to any matter, the Central Government shall not issue any similar direction for so long as the collection of such statistics by the State Government remain to be completed, except in cases where such statistics have to be collected with reference to two or more States or Union territories.

The Central Government is empowered to make rules on principles for coordinating as effectively as possible to achieve the objectives of section 3 and also to avoid unnecessary duplication in the collection of statistics.

*[Sections 3 and 33 (2) (a) of the Act]*

## **9. What are the provisions available in the Rules on the choice of subject for data collection and for avoiding unnecessary duplication?**

The Central Government shall designate an officer not below the rank of a Joint Secretary to the Government of India in an nodal Department dealing with statistical matters, as the nodal officer. Every State Government and every Union territory Administration shall designate an officer not below the rank of a Deputy Secretary to the State Government in an nodal Department dealing with statistical matters, as the nodal officer. The nodal officer would provide advice to the appropriate Government in his jurisdiction on the steps to be taken to avoid unnecessary duplication.

*[Rules 3, 4 and 5 of the Rules]*

## **10. What are the powers and duties of a nodal officer?**

The nodal officer appointed by the Central Government shall—

- (a) maintain and update register of statistics officers appointed by the Central Government;
- (b) obtain and maintain, from time to time, information on availability of statistics including unit-level data, whether collected under the provisions of the Act or not, with different line Departments of the Central Government and nodal officers in the States;
- (c) advise the Departments of the Central Government and the nodal officers in the States on steps to improve the statistical potential of administrative records to avoid conducting separate statistical surveys to collect statistics contained or purported to be contained in such administrative records;
- (d) issue instructions from time to time on promoting the sharing of statistical information including unit-level data among different Departments of the Central Government and States to avoid unnecessary duplication of programmes of collection of statistics and resolved disputes or differences of opinion, if any, among them on the issue; and
- (e) submit annual report to the Central Government on the working.

The nodal officer appointed by a State Government or Union territory Administration shall carry out similar duties in his jurisdiction and obtain reports, as may be required, on the working of this Act from Government Departments and local governments and submit annual reports on the working of this Act to the nodal officer appointed by the Central Government.

*[Rule 4 of the Rules]*

## 11. What formalities have to be fulfilled by appropriate Government before issuing a direct order on collection of statistics for the purpose of avoiding unnecessary duplication?

Any Department in a State Government or any local government in a State shall, before making a direct order under section 3 of the Act for collection of statistics, consult the nodal officer in the State to avoid unnecessary duplication in collection of statistics. Similarly, any Department of the Central Government shall, before making a direct order under section 3 of the Act for collection of statistics, consult the nodal officer of the Central Government to avoid unnecessary duplication in collection of statistics. The nodal officer concerned shall, on receipt of any such request, within a period of one month render such advice as may be necessary to the concerned officer **to avoid unnecessary duplication in collection of statistics.** The appropriate Government on receipt of the advice shall communicate to the nodal officer, the reasons in all cases of disagreement with such advice, at least fifteen days prior to issuing notification under section 3 of the Act.

*[Rule 5 of the Rules]*

## 12. Who will collect data?

The appropriate Government may appoint a statistic officer in any geographical unit for organizing collection of data on any subject directed by it. The appropriate Government may also appoint any agency (includes a person or persons engaged by the appropriate Government, directly or by outsourcing) or persons working in such agencies to take, or aid in, or supervise the collection of the statistics or may employ on contract basis any agency or company or organisation or association or person, on such terms and conditions and on such safeguards as may be prescribed, for the purpose of collecting the statistics directed by it. **The power of appointing agencies or persons working in such agencies or employing on contract basis any agency or company or organisation or association of persons, may be delegated by the appropriate Government to a statistic officer.**

*[Sections 2 (a) and 4 of the Act]*

## 13. What details must be available in the notification appointing a statistic officer?

Every notification under section 4 of the Act appointing the statistic officer shall contain the following particulars, namely:-

- (a) name, designation and address of the officer appointed as statistic officer for each geographical unit for collection of statistics;
- (b) details of any agency or company or organisation or association or person engaged for collection of statistics, and, terms and conditions of engagement and safeguards laid down for the purpose;
- (c) the form and the particulars required or the interval within which, and the statistic officer to whom, the statistical information by the informant shall be furnished; and
- (d) the powers, if any, delegated under sub-sections (4) or (6) of section 4 of the Act to any statistic officer.

*[Rule 7 of the Rules]*



#### 14. How the data is collected?

Data could be collected through a statistical survey (census or a sample survey) or otherwise (i) by interviewing persons or (ii) by leaving a form to be filled up by them or (iii) by issuing a notice asking them to furnish information in the prescribed format within the time periods specified in the notice or (iv) through telefax or telephone or e-mail or in any other electronic mode or (v) in a combination of different modes. Statistics Officer has the power to decide the mode of collecting data. The data collectors authorised in writing by statistics officers may enter any premises at any reasonable time for data collection and also inspect any record/document for the purpose.

*[Sections 2(g), 3, 5, 8 of the Act]*

#### 15. From whom data is collected?

Data would be collected from any informant, who could be any person, whose supplies or is required to supply statistical information and includes a owner or occupier or person in-charge or his authorised representative in respect of persons of a partnership firm or a co-operative society or a company or a society or any association recognised or registered under any law for the time being in force.

*[Section 2(c) of the Act]*

#### 16. What are the informant expected to do?

The informant shall be bound to furnish information in the prescribed manner to the best of their knowledge or belief. There could be cases where information would be sought from selected persons because of any sampling procedure. In such cases, these selected persons will not have a defence in failure to furnish information sought because such information has not been sought from others. The informant shall allow entry to the data collectors authorised in writing by statistics officers into their premises and allow to furnish the required records/documents for inspection.

Every informant shall, on demand, produce or give a copy of any books of accounts, vouchers, documents, or other business records or personal records or documents in his possession relevant to collection of statistics under the Act to any statistic officer or any person authorised by him in writing **and carrying a photo-identity card issued by him**, and the statistic officer or the authorised person, as the case may be, may take a copy or extract of such record or document.

The head of every family shall be responsible to furnish or cause to furnish the correct details of name and number of members, other particulars, records and documents, as may be required, of the family of which he is the head including dependants. In so far as inmates of institutions, such as orphanages, old age homes, and mental asylums are concerned, the responsibility for providing or causing to provide the requisite details, records and documents shall lie with the head of the Institution.

*[Sections 6 and 8 of the Act and Rule 11 of the Rules]*

## **17. What are the data collectors expected to do?**

Data collectors may be government employees or private persons. The data collectors are expected to perform all the duties and functions assigned to them in respect of data collection given in Sections 4 and 5 and access records as may be necessary as provided in Section 8. They are also required to observe these curity restrictions on information collected as given in Sections 9, 13 and 14.

Any person engaged for the purpose of collection of statistics and any statistic officer shall submit an undertaking in Form-I.

*[Sections 4, 5, 8, 9, 13 and 14 of the Act and Rule 7(2) of the Rules]*

## **18. How is the right of entry to premises of any informant going to be exercised?**

A statistic officer or any person authorised by him in writing and carrying a photo-identity card issued by the statistic officer, shall, during the period of collection of statistics for the purpose of collection of statistics under the Act for inspection and examination of records, and documents in connection with it, during 10.00 hrs to 17.00 hrs on any day or at a time mutually convenient to both the parties have the right to enter the premises of any informant in the portion of the premises normally entered by visitors or guests or as suggested by the informant.

*[Rule 14 of the Rules]*

## **19. What is the relationship between a statistic officer and an agency engaged for data collection?**

Every agency shall render such help and assistance and furnish such information to other authorised agency or any statistic officer as it may require for the discharge of its or his functions, and shall make available for inspection and examination of such records, plans and other documents, as may be necessary.

*[Sections 5, 7 of the Act and Rule 9 of the Rules]*

## **20. What are the powers and functions of appropriate Government?**

The powers and functions of appropriate Government are: -

- directing collection of statistics on economic, demographic, social, scientific and environmental aspects through statistical survey or otherwise by notification in the Official Gazette;
- appointing statistic officer for any geographical unit for the purpose of collecting any statistic directed by it;
- appointing any agency or persons working in such agencies to take, or aid in, or supervise the collection of the statistics within any specified geographical unit;
- employing on contract basis any agency or company or organisation or association or person, as may be necessary, for the purpose of collecting the statistics directed by it;

delegating to any statistic officer, as it thinks fit, the power of appointing agencies or persons working in such agencies or employing on contract basis any agency or company or organisation or association of persons;

- specifying the form, the particulars required or the interval within which, and the statistic officer to whom, the statistical information by the informant shall be furnished or delegating to any statistic officer the power to do so;
- filing complaints in the court on offences committed; and
- sanctioning prosecution for an offence committed by persons other than informants.

Besides, the Central Government may give directions to any State Government or Union territory Administration or to any local government, as to the carrying into execution of various provisions of the Act.

The Central Government also has the power to make rules.

**[Sections 3, 4, 10, 12, 24, 25, 28 and 32 of the Act]**

## **21. What are the powers and functions of a statistic officer?**

The powers and functions of a statistic officer are:-

- exercising the powers delegated by the appropriate Government on appointing agencies or persons working in such agencies or employing on contract basis any agency or company or organisation or association of persons for data collection;
- exercising the powers delegated by the appropriate Government on specifying the form, the particulars required or the interval within which, the statistical information by the informant shall be furnished;
- causing data collection in any mode given in Section 5;
- seeking assistance and records for inspection and examination from any agency for the discharge of its or his functions;
- accessing any relevant record or document in the possession of any informant and entering at any reasonable time any premises for the purpose;
- authorising persons to discharge various functions;
- ensuring security of information collected; and
- sanctioning prosecution for offences committed by informants.

Besides, a statistic officer, appointed for the purposes of collection of statistics on any subject in any geographical unit, shall-

- i. take, aid in and supervise the collection of statistics;
- ii. cause agencies to be appointed or engaged for collection of statistics;
- iii. obtain undertaking from all the persons engaged in the collection of statistics in Form-I and forward them to the appropriate Government or to an officer authorised for the purpose by that Government;
- iv. devise or cause to devise relevant information schedules and the mode or modes of collection of statistics;
- v. allot or cause to allot work of collection of statistics in his jurisdiction to different persons and agencies engaged for the purpose;
- vi. provide all the relevant material to be distributed to agencies engaged and

- arrange for their training for facilitating collection of statistics;
- vii. cause to provide necessary publicity for collection of statistics at an appropriate time;
- viii. coordinate the work of all agencies during the period of collection of statistics and maintain liaison with local authorities for smooth conduct of the collection of statistics;
- ix. cause notices to informants for furnishing information issued under his signature, where necessary and cause acknowledgements received from such informants, to be kept in safe custody;
- x. take steps, in case of statistical surveys having the same set of informants with different reference periods, to issue only one notice to each informant indicating therein the information required to be furnished and the reference periods for which the information is required;
- xi. cause entry of persons authorized by him in writing and carrying a photo-identity card issued by him into any premises of any informant for collection of statistics;
- xii. cause necessary assistance provided to informants requiring such assistance for furnishing the information sought;
- xiii. cause access to any informant to the information collected from that informant for facilitating intimation of corrections or amendments on any inaccurate information;
- xiv. cause verification of information furnished by any informant;
- xv. based on complaints or otherwise, take action against erring persons and others in accordance with the provisions of the Act and these rules;
- xvi. obtain from the agencies engaged in the collection of statistics, all the information schedules, all the undertakings obtained from persons engaged in collection of statistics, all other relevant records and documents on completion of their work and forward them with a certificate to that effect to the appropriate Government or to any officer authorised by that Government;
- xvii. carry out such other tasks as may be necessary for the successful collection of statistics; and
- xviii. submit periodical reports as may be specified by the appropriate Government.

***[Sections 4, 5, 7, 8, 9, 13 and 24 of the Act and Rule 9 of Rules]***

## **22. What kind of assistance can an appropriate Government or a statistic officer expect from other Government offices for collection of statistics under the Act?**

The appropriate Government or a statistic officer may write to any Department of the Central Government or the State Government or any local governments specifying the nature of assistance required for collection of statistics under the Act and upon receipt of such communication, the latter shall comply with the requirement to the extent feasible. Every Department of the Central Government or the State Government or the local governments shall furnish within such time and in such form as required, the list of informants and other information which is available with them, relevant for conducting any statistical survey to a statistic officer or any agency or person

authorised by the appropriate Government upon receipt of a notice to that effect. In cases of collection of statistics in disturbed areas, the police, the paramilitary and the armed forces shall provide such assistance as would be required by the concerned statistics officer.

**[Rule 10 of Rules]**

### **23. How the information collected would be disseminated?**

The information collected from individuals would be kept confidential and would be used only for statistical purposes. No person other than the data collector would be having access to such information. However, the individual information could be used as evidence for the purposes of a prosecution under the relevant provisions. In case there is a need to publish/disclose individual information, it would be done only after suppressing the identification details of the individual. While doing so, care would be taken to ensure that individual information would not be known to anybody even by the process of elimination. Individual information may be disclosed to any agency or person or institutions or Universities solely for *bonafide* research or statistical purpose after deleting the name and address of the informants by whom related information was supplied and after taking a declaration from them that they would use the information only for *bonafide* research or statistical purposes. However, individual information, which has attained historical importance, may be released.

**[Sections 9 to 12 of the Act]**

### **24. What steps should be taken to ensure that personal information is kept confidential and secure?**

Personal information means any information, whether true or not, and whether recorded in a material form or not, about an informant whose identity can reasonably be ascertained from such information. Each agency engaged in collection of statistics shall take all reasonable measures to ensure that-

- (a) personal information is protected against unauthorised access, disclosure or other misuse;
- (b) the agency uses personal information only for the purpose of fulfilling its obligations under a specified contract;
- (c) in case of repetitive statistical surveys with a common set of informants, the agency uses the personal information earlier collected only for the purpose of setting up interviews with or otherwise contacting informant s; and
- (d) the agency uses personal information for data processing only with adequate security checks.

**[Rule 13 of the Rules]**

### **25. What are the restrictions on the use of individual information as evidence in any court proceedings?**

Individual information in the possession of any informant shall not be disclosed or used as evidence in any proceedings. No person who has access to such information because of his official position in the collection of any statistics shall be compelled in any proceedings whatsoever to give oral testimony regarding the information or to produce any schedule, document, or record with respect to any information obtained in the course of data collection.

**[Section 14 of the Act]**

## 26. What are the offences for which any information could be punished and what are the penalties?

Offence	Penalty
1. Failure to produce any books of accounts, vouchers, documents, or other business records	Punishable with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees <b>[Section 15(1)]</b> - do-
2. Neglecting or refusing to fill in and supply the particulars required in any information schedule or return given or sent to him	- do-
3. Neglecting or refusing to answer any question or inquiry addressed to him	Punishable with a further fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees, for each day after the first during which the failure continues. <b>[Section 15(2)]</b>
4. Failure to give the required particulars or continue to neglect or refuse to fill in and supply the particulars, to answer the question or inquiry, after the expiry of fourteen days from the date of conviction	Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees or, in the case of a company, with a fine which may extend to five thousand rupees or with both <b>[Section 16]</b>
5. Making any false or misleading statement or material omission in any information schedule or return filled in or supplied, or in answer to any question asked to him	Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees or with both <b>[Section 17]</b>
6. Destroying, defacing, removing, or mutilating any information schedule, form, or other document containing particulars collected or requesting any such particulars	Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both <b>[Section 18]</b>
7. Interfering with, hindering, or obstructing any employee in the exercise of any power or duty conferred	Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both <b>[Section 19]</b>
8. Acting in contravention of or failing to comply with any provision or any requirement imposed; or willfully deceiving or attempting to deceive any statistic officer or any agency or any employee thereof	Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both <b>[Section 20]</b>
9. Any other offence Offences listed at serial nos. 6 to 9 above are also applicable to persons other than informants.	with both <b>[Section 22]</b>

## 27. What are the offences for which any data collector could be punished and what are the penalties?

Offence	Penalty
<p>Omitting without lawful excuse to carry out his duty, or knowingly making any false declaration, statement or return; or</p> <p>pretending performance of his duties or obtaining or seeking to obtain information which he is not authorised to obtain; or</p> <p>failing to keep inviolate the secrecy of the information gathered or entered in the information schedules collected and divulging the contents of any schedule filled in or any information furnished by any informant in a manner not permissible</p>	<p>Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both <b>[Section 20]</b></p>

## 28. What are the offences for which any person (may not be data collector or an informant) could be punished and what are the penalties?

Offence	Penalty
<p>1. Destroying, defacing, removing, or mutilating any information schedule, form, or other document containing particulars collected or requesting any such particulars</p>	<p>Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both <b>[Section 17]</b></p>
<p>2. Interfering with, hindering, or obstructing any employee in the exercise of any power or duty conferred</p>	<p>Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both <b>[Section 18]</b></p>
<p>3. Acting in contravention of or failing to comply with any provision or any requirement imposed; or willfully deceiving or attempting to deceive any statistic officer or any agency or any employee thereof</p>	<p>Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both <b>[Section 19]</b></p>
<p>4. Whoever, not being authorised to collect statistics under the available provisions, by words, conduct or means or pretends that he is authorised to do so</p>	<p>Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company, with a fine which may extend to ten thousand rupees or with both <b>[Section 21]</b></p>
<p>5. Any other offence</p>	<p>Punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to two thousand rupees or, in the case of a company with a fine which may extend to ten thousand rupees or with both <b>[Section 22]</b></p>

## 29. Who will try offences and how?

Any court not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence only on a complaint made by the appropriate Government or an officer authorised in this behalf by such appropriate Government or, as the case may be, the statistics officer.

No prosecution for an offence committed by any informant shall be instituted except with the sanction of the statistics officer and in respect of persons other than informants with the consent of the appropriate Government.

No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter covered in the Act.

*[Sections 23, 24, 25, 26, 29 and 30 of the Act]*

## 30. What is the procedure to be followed before sanctioning prosecution?

In cases of alleged offences committed by any informant as per provisions of the Act, any statistics officer, after making such inquiries as deemed fit, may cause a notice issued to the informant in writing to show cause within a reasonable period to be specified in the notice as to why prosecution under the Act shall not be sanctioned for committing the alleged offence. A statistics officer shall consider the explanation, if any, furnished by the informant in pursuance of the notice issued to him, and after satisfying himself, for reasons to be recorded in writing, sanction for institution of prosecution of the informant.

In case of any alleged offences committed by any person other than an informant, the appropriate Government may, after making such inquiries as deemed fit, cause a notice issued to the person in writing to show cause within a reasonable period to be specified in the notice as to why prosecution under the Act shall not be sanctioned for committing the alleged offence. The appropriate Government may, if it considers necessary, send a copy of the show-cause notice issued and the explanation, if any, received from the alleged offender to the concerned statistics officer and obtain his recommendation on it, and after considering the explanation of the alleged offender and recommendation of statistics officer, if any, sanction the institution of prosecution.

*[Rule 15 of the Rules]*

## 31. What are the powers of the competent courts under the Act?

Any court not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class on a complaint made to it may take cognizance of offences committed.

All offences shall be tried in a summary way. However, if it appears to the court that the nature of a case is such that it is undesirable to try the case summarily, it may conduct the hearing of the case in the normal way.

*[Sections 24 and 26 of the Act]*



### **32. What are 'core statistics'? What provisions are made in the Act about 'core statistics'?**

The Central Government may, by notification in the Official Gazette, declare from time to time any subject for the collection of statistics of national importance as 'core statistics'. The Government may make any arrangement, as it may consider necessary, for regulating the collection and dissemination of statistics on the subjects so declared.

*[Section 27 of the Act]*

### **33. Some of the provisions in the Act may be found in other statutes? What will be the implication?**

The provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force except in relation to the conduct of human population census as per the directions, if any, issued under the Census Act, 1948.

*[Section 32 of the Act]*

### **34. Please clarify whether the Act overrides the Right to Information Act, in respect of furnishing information to citizens.**

Under the Right to Information Act, the Government is required to furnish information to citizens, where it will obtain information from the informants as per the Collection of Statistics Act, 2008. With regard to furnishing statistical information statutorily collected, it would be governed by the provisions of the Collection of Statistics Act, 2008, especially in cases of repugnancy between the Act and the Right to Information Act, in view of Section 32 of the Act. The reason for this is that the Collection of Statistics Act, 2008 being a special law overrides the general law, namely, the Right to Information Act. However, the provisions of the Collection of Statistics Act, 2008 are consistent with those under the Right to Information Act, except on disclosing the identity of the informant. This restriction is important to give confidence to the informants that the information collected from them would not be used for purposes other than statistical.

### **35. Please clarify whether in respect of offences under the Act will be punishable under the Indian Penal Code, in cases such offences are also found in the IPC.**

Some of the offences under the Collection of Statistics Act, 2008 are also found in the IPC. Examples are neglect or refusal to furnish information, furnishing false or misleading statement or material omission, mutilation or defacement of documents, obstruction of employees, failure to carry out duties and functions by employees, and impersonation of employee. Only one law would apply to any offence relating to collection of statistics, as double jeopardy is not permissible under the law. IPC is a general law on criminal offences and penalties. The Collection of Statistics Act, 2008 being a special law on collection of statistics would override the provisions of the IPC.

### **36. What is the nature of sub-ordinate legislation provided in the Act?**

The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of the Act. Rule making could be in respect of-

- (a) principles for coordinating as effectively as possible to achieve the objectives of Section 3 including nomination and registration of statistics officers by the Central Government and also to avoid unnecessary duplication in the collection of statistics;
- (b) the terms, conditions and safeguards under which any person or agency or company or organization or association may be engaged by the appropriate Government for the purpose of collection of statistics under sub-section (3) of section 4;
- (c) principles for prescribing the form and manner in which the information may be required to be furnished;
- (d) principles for prescribing the manner in which the right of access to documents and the right of entry conferred by section 8 may be exercised; and
- (e) any other matter which is to be or may be prescribed.

***[Section 33(1)&(2) of the Act]***

### **37. What are the principles for prescribing information schedules?**

The appropriate Government may prescribe an information schedule. It may also delegate that power to a statistic officer.

In respect of prescribing any information schedule for collection of statistics on any subject, the appropriate Government or a statistic officer, as the case may be, shall satisfy itself that—

- (i) it has authority to direct collection of statistics on the subject under the Act subject to the restrictions given in the proviso to section 3 of the Act;
- (ii) it has, for the purpose of finalising itemson which information is to be collected, consulted the nodal officer to include the requirements of other Government Departments;
- (iii) excessive demands would not be placed on the informants by making the direction and for the purpose field testing of information schedules has been carried out where necessary;
- (iv) the range and detail in the information schedules specified for collection of statistics on any subject shall be limited to what is absolutely necessary;
- (v) the reporting burdens shall be spread as widely as possible over informant population through appropriate sampling;
- (vi) the information sought from business shall, as far as possible, be readily available from their accounts and electronic means are used where possible to facilitate their collection;
- (vii) best estimates and approximations on any item of information sought shall be accepted when exact details are not readily available with any informant;
- (viii) each information schedule used for collecting statistics from any informant has, where necessary, a provision for particularson which information may be furnished at the discretion of the informant;
- (ix) provision is made in each information schedule for filling up the details and depending on the nature of the person concerned who would be engaged in the collection of statistics;

- (x) indicate in each information schedule, for general information of informants prior to collection of statistics from them under the Act, its plan, if any, to disclose any information collected from them which in the opinion of the appropriate Government is otherwise available to the public under any other Act or as a public document or which is in the form of an index or list of the names and addresses of informants together with the classification, if any, allotted to them and the number of persons engaged; and
- (xi) make a provision in each information schedule to obtain written consent from each informant whose information other than the information covered in clause (x), it proposes to disclose.

***[Section 4(5) and 4(6) of the Act and Rule 6 of the Rules]***

**38. What are the terms and conditions and other safeguards that are to be kept in view while outsourcing collection of statistics?**

Every contractor arrangement for collection of statistics under the Act by any person or agency or company or organisation or associations shall be subject to the following terms, conditions, and safeguards, namely:-

- (a) outsourcing arrangements shall be subject to a formal and comprehensive written contract;
- (b) functions which are to be decided and enforced by the appropriate government under the Act shall not be outsourced;
- (c) appropriate Government or a statistics officer authorised for the purpose by that Government shall have a right, of information and conduct or order on-site inspections in an outsourcing service provider's premises or place of work and right to cancel contract in case of unsatisfactory performance;
- (d) every agency, engaged in collection of statistics, shall render such help and assistance and furnish such information to the statistics officer or a person or an agency authorised by him in writing, as he may require for the discharge of his functions, and shall make available for inspection and examinations such records, plans and other documents, as may be necessary;
- (e) persons engaged by any agency for collection of statistics, are made aware of the agency's obligations, and they shall submit a written undertaking in Form-I to the concerned statistics officer not to access, use, disclose or retain personal information except in performing their duties of employment or contractual obligations; and are informed that failure to comply with the provisions of the Act and these rules may be an offence rendering themselves for punishment as per the provisions of the Act;
- (f) each person engaged in any activity relating to the collection of statistics shall be bound by the provisions of the Act and these rules, the violation of which shall render him punishable as per the provisions of the Act;
- (g) provisions relating to disclosure of information and restrictions of their use under sections 9, 10, 11, 12, 13 and 14 of the Act and these rules shall have effect during the period of collection of statistics provided in the contract and shall continue to have effect even after the termination or completion of the contract, as the case may be;
- (h) the appropriate Government or any statistics officer on receipt of any complaint shall

immediately communicate the agency engaged in collection of statistics of only those details of the complaint, as may be necessary to minimize any breach or prevent further breaches of the agreement or failure to comply with any of the provisions of the Act or these rules;

- (i) if any agency engaged in collection of statistics receives any complaint from any informant, it shall immediately communicate the complaint to the appropriate Government or the concerned statistic officer, as may be required;
- (j) the appropriate Government or the statistic officer may, on receipt of any communication under clauses (h) or (i), give directions, as may be necessary, to the agency; and
- (k) the statistic officer and every person engaged in the collection of statistics shall, on completion of their work, hand over all the records and documents and furnish a certificate to that effect to the appropriate Government or to an officer authorised for the purpose by that Government.

***[Rule 12 of the Rules]***

### **39. What steps are provided for documentation?**

The statistic officer or any person or agency authorised for collection of statistics shall, while copying or recording any statistical information collected pursuant to this Act from individual returns, information schedules, worksheets or any other confidential source by means of cards, tapes, discs, films, or any other method, whether using encoded or plain language symbols for processing, storage, or reproduction of particulars, take and cause to be taken such steps as are necessary to ensure that these security provisions of this Act are complied with.

Subject to the provisions of section 13 of the Act, the appropriate Government or an officer authorised by that Government shall, provide details by which any informant could access his own information for facilitating intimation of corrections or amendments on any inaccurate information, store the statistic collected under the provisions of the Act in such a manner as would facilitate easy retrieval of information collected from any informant so as to provide access to the informant, if necessary and keep all the undertakings and other material obtained from the statistic officers and other persons or agencies engaged in collection of statistics in safe custody.

***[Section 13 of the Act and Rule 16 of the Rules]***

### **40. How the Parliament would be kept informed about the rules made from time to time?**

Every rule made by the Central Government shall be laid 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. 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 they may decide. However, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

***[Section 33(3) of the Act]***

The Collection of Statistics Rules, 2011 were laid before the Lok Sabha on 4<sup>th</sup> August 2011 and before the Rajya Sabha on 5<sup>th</sup> August 2011.

#### **41. What will happen to the prosecutions, if any, initiated or likely to be initiated under the Collection of Statistics, 1953?**

The Act repealed the Collection of Statistics, 1953. However, the prosecutions, if any, initiated or likely to be initiated in respect of collection of statistics carried out under the Collection of Statistics, 1953 shall be carried out in accordance with the provisions of that Act.

#### **42. Many Government Departments have been conducting statistical surveys on a non-statutory basis. Is it necessary for them to conduct their surveys under the Act and if so, what are the advantages?**

It is true that many data collection programmes in the Government set up are conducted on a non-statutory basis, where the response from informants has been voluntary. The disadvantages with such exercises are:-

- (a) Some of the informants may refuse to furnish information or furnish wrong information or furnish partial/ lukewarm/delayed responses. In such situations, the data collection machinery would be helpless and the concerned Government Departments shall be satisfied with whatever data is collected, irrespective of its quality.
- (b) Even if informants would be willing to furnish true information, an apprehension that such information might be used by the concerned Government Department against them either for taxation or other purposes could be weighing in their mind against furnishing true information.
- (c) In the absence of any legal restriction on a data collection organisation that personal and sensitive information collected from informants shall not be disclosed in a manner that reveals their identity, some of the informants may tend to refuse furnishing information.

The Collection of Statistics Act, 2008 addresses all the aforesaid problems and hence, it would be advisable to all Government Departments to conduct their statistical surveys etc., under the provisions of the Act.

#### **43. What can be done to promote statistical potential of administrative statistics?**

Administrative statistics are statistics that could be generated as a by-product of administration in the Government. The nodal officer would be guiding Government Department etc., on this matter.

For example, if there are any statutory returns containing names and addresses of business enterprises along with some statistical data, then the nodal officer may request the concerned Department to keep a up-to-date list of business enterprises along with addresses as also

statistical information of the enterprises compiled at the desired level of aggregation. The information compiled may be used by other Departments for planning and policy formulation. The list of enterprises could be used by them to collect any other information from the enterprises.

#### **44. In what manner in which unnecessary duplication could be avoided?**

If Government Departments maintain administrative statistics and other statistical information obtained by them up-to-date and share them with other Departments, then there would be clarity in the system as to what information is available and what is not available. This knowledge is essential to avoid unnecessary duplication.

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