

The Collection of Statistics Act, 2009
(7 OF 2009)

383

[Dated 7th January, 2009]

LEGISLATIVE HISTORY ▼

□ Collection of Statistics (Amendment) Act, 2017, (Act No. 21 of 2017)

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-eighth Year of the Republic of India as follows:-

CHAPTER I

Preliminary

1. Short title, extent and commencement .-(1) This Act may be called the Collection of Statistics Act, 2009.

[(2) It extends to the whole of India:

Provided that it shall apply to the State of Jammu and Kashmir in so far as it relates to statistics pertaining to matters falling under any of the entries specified in List I (Union List) or List III (Concurrent List) in the Seventh Schedule to the Constitution as applicable to that State].

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

Object & Reasons ▼

Statement of Objects and Reasons.-The Collection of Statistics Act, 1953 (the Statistics Act) was enacted to facilitate the collection of statistics of certain kinds relating to industries, trade and commerce. Its provisions have been used in conducting the Annual Survey of Industries. The State Governments have also used the said Act to collect data in areas not covered by the Central Government. Briefly, the above said Act has so far been used for the purpose of collecting information from a limited segment of

the industrial sector.

2. During the years, it is felt that the provisions of the Statistics Act are not adequate to meet the new challenges arising out of liberalisation and globalisation regime manifested by the WTO Agreement. The need for statistical information for planning and policy formulation has been expanded over the years due to market driven economy in various sectors necessitating a re-look at the Statistics Act.

3. All those issues were studied by the National Statistical Commission appointed by the Central Government. The Commission recommended that the Statistics Act needs to be amended as it covers only a part of the whole industrial sector, leaving out many survey programmes in the Government set-up wherein information is being collected presently on purely voluntary basis from households, enterprises, companies, public and private institutions, etc. It recommended that necessary legal provisions should be made either by expanding the scope of the Statistics Act or by passing a new Act.

4. In view of above, it is proposed to introduce the Collection of Statistics Bill, 2007 which is basically intended to enhance the scope of collection of statistics and to repeal the Collection of Statistics Act, 1953.

5. Some of the salient features of the Bill are as follows:-

- (i) the scope has been enhanced to collect all kinds of statistics not only from industrial/ commercial concerns but also from individuals and households; and the local governments such as Panchayats and Municipalities are also empowered to collect statistics under the Bill;
- (ii) under this Bill, any Government Department/Organisation, either in the States or at the Centre or in the local government, may appoint a statistics officer for each subject of data collection and, or for each geographical unit;
- (iii) necessary provisions have also been made in the Bill for ensuring support to any statistics officer appointed by the appropriate Government, in terms of providing necessary inputs, manpower, etc.;
- (iv) 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 for the purpose of ensuring methodological standards,

timeliness, credibility and completeness;

(v) all methods of data collection including oral interviews and filing of returns in electronic form have also been covered;

(vi) elaborate provisions have been made to ensure that the information collected under the Bill, shall not be used for any purpose other than for statistical purposes; and

(vii) the penalties for offences, such as refusal to furnish information, have been rationalised and the offences have been proposed to be tried in a summary way to avoid prolonged litigation.

6. The Bill seeks to achieve the aforesaid objectives.

2. Definitions .-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

(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 (9 of 1932) or a co-operative society registered under any Co-operative Societies Act or a company registered under the Companies Act, 1956 (1 of 1956) or a society registered under the Societies Registration Act, 1860 (21 of 1860) or any association recognised or registered under any law for the time being in force;

(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;

[(da) "*nodal official*" means the officer designated as a nodal officer under sub-section (1) of section 3A];

(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

3. Collection of statistics .-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.

[3A. (1) The Central Government or a State Government or Union territory Administration Shall designate one of its officers as a nodal officer for the purposes of statistics under this Act.

(2) The nodal officer shall coordinate and supervise such statistical activities in the Central Government or the State Government or Union territory Administration, as the case may be, in which he is designated, and shall exercise such other powers and perform such other duties, as may be prescribed].

4. Powers of appropriate Government to appoint statistics officer, etc .-(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.

(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. Power of statistics officer to call for information .-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-

- (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. Duty of informants .-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.

7. All agencies to assist .-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.

8. Right of access to records or documents .-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

9. Security of information. - [(1) The Statistics officer or any person or agencies authorised under this Act shall, for statistical purpose, use any information furnished under section 6 in such manner as may be prescribed.].

(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.

10. Appropriate Government authorised to disclose certain information .-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.

11. Disclosure of information schedules for *bona fide* research or statistical purposes .-(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. Disclosure of historical documents .-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.

13. Security of recorded information .-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.

14. Restrictions on use of information .-Save as otherwise provided under this Act,-

- (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. Penalty for neglect or refusal to supply particulars .-(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.

(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.

16. Penalty for making false statement .-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.

17. Penalty for mutilation or defacement of information schedule .-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.

18. Penalty for obstruction of employees .-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.

19. Penalty for other offences .-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.

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

21. Penalty for impersonation of employee .-Whoever, not being authorised to collect statistics under the provisions of this Act, by words, conduct or demeanour 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.

22. General penalty .-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. Offences by companies .-(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:

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. Cognizance of offences .-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.

25. Sanction for prosecution for offence .-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.

26. Power of Court to try cases summarily .-Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), 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:

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. Power in respect of core statistics .-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.

CHAPTER VI

Miscellaneous

28. Power to give directions .-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.

29. Public servants .-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 (45 of 1860).

30. Bar of jurisdiction .-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.

31. Protection of action taken in good faith .-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.

32. Overriding effect .-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 (37 of 1948).

33. Power to make rules .-(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act [subject to the condition of previous publication].

(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 co-ordinating 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;

[(aa) the coordination and supervision of statistical activities by the nodal officer and the powers and duties of the nodal officer under sub-section (2) of section 3A;];

(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

[(da) the manner of use of information under sub-section (1) of section 9;];

(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.

34. Repeal and savings .-(1) The Collection of Statistics Act, 1953 (32 of 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.