

Census Rules, 1990 Amendment

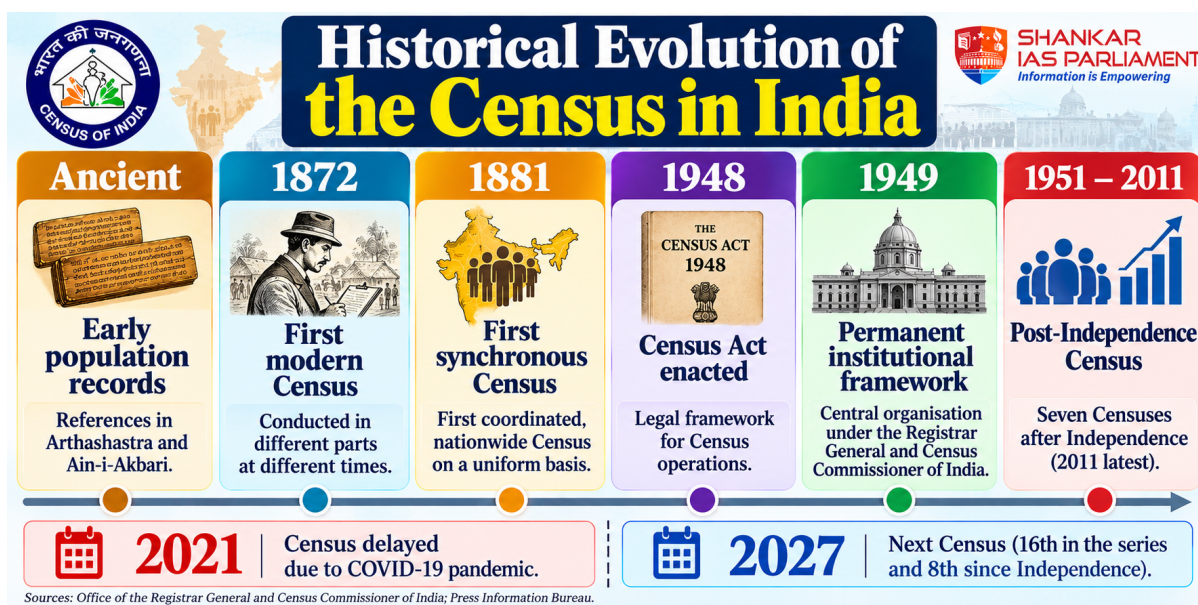
Mains: GSII – Governance

Why in News?

Recently the Centre amended the Census Rules, 1990, to explicitly include private-school teachers and private-sector employees as Census enumerators. The amendment follows legal challenges questioning the government's authority under the Census Act, 1948.

What Is the Significance of the Amendment to Census Rules?

- **Clarification of eligibility** – The earlier rules already allowed the appointment of “Teachers, Clerks or any official or any person”.
 - The amendment explicitly identifies private-school teachers and private-sector employees to remove ambiguity.
- **Legal controversy** – The Court have questioned the compulsory deployment of private-school teachers and employees, raising concerns about whether the rules exceed the powers granted by the parent Act.
- **Government's rationale** – The amendment aims to ensure the availability of sufficient enumerators and smooth conduct of Census 2027.



What Does the Census Act, 1948, Provide?

- **Section 4(2)** – Empowers state governments to appoint persons as Census officers and requires them to perform the assigned duties once appointed.

- **Section 4A** - Requires local authorities to provide necessary staff for Census operations when directed by the Centre.
- **Sections 6 and 7** - Provide for assistance from private establishments and their personnel in specified circumstances, particularly for counting people under their charge or present on their premises.
- **Legal ambiguity** - While Section 4(2) uses the broad term “persons”, Sections 6 and 7 impose more specific limits on requisitioning private employees.
 - It creating uncertainty over their compulsory deployment as general door-to-door enumerators.

What Have Courts Ruled on Compulsory Census Duty?

- **Punjab and Haryana High Court (2010)** - Quashed orders requiring LIC to provide employees for Census work, holding that Section 7(c) did not authorise their general deployment.
 - However, it left the government free to invoke Section 4(2).
- **Gujarat High Court (2019)** - Similarly held that Section 7 did not empower authorities to requisition LIC employees for general Census duties.
- **Bombay High Court (2026)** - Granted interim protection against compulsory deployment of private staff, observing that subordinate legislation cannot exceed the parent Act.
- **Punjab and Haryana High Court (October 2026)** - Stayed Haryana government communications seeking details of private unaided-school teachers for Census duty.
- **Census 2011 precedent** - The Bombay High Court permitted deployment of private-school teachers subject to safeguards, with exemption of Classes X and XII teachers, and protection against disruption of academic activities.

Does the Constitution Permit Compulsory Public Service?

- **Article 23(1)** - Prohibits begar and other forms of forced labour.
- **Article 23(2)** - Allows the State to impose compulsory service for public purposes, provided it does not discriminate on grounds of religion, race, caste or class, or any combination of them.
- **Judicial precedent** - In **Dulal Samanta v. District Magistrate, Howrah (1958)**, the Calcutta High Court treated compulsory appointment of special police officers under specified circumstances as public service permissible under Article 23(2).
- **National Service Act, 1972** - Enabled compulsory national service for specified doctors and engineers, with safeguards for notice, hardship, remuneration and job security.
- **Key distinction** - Constitutional permission for compulsory public service does not automatically empower Census authorities to compel private individuals; such action must be supported by the relevant statute.

Why Does Census 2027 Require a Large Workforce?

- **Scale of operations** - The government estimated a requirement of around 34 lakh enumerators and supervisors in June 2025, while more recent operational figures indicate around 31 lakh personnel being trained.

- **Uneven availability** - Although India has more than 50 lakh government teachers, their availability varies across regions, with remote and tribal areas often facing shortages.
- **Administrative challenges** - Exemptions and reluctance to undertake Census duty can reduce the available workforce, while digitalisation has not eliminated the need for extensive field-level enumeration.
- **Alternative approach** - Adequate honoraria and better working arrangements could encourage voluntary participation and reduce the need for compulsory deployment.

What Are the Major Issues Involved?

- **Statutory interpretation** - Whether the broad wording of Section 4(2) permits compulsory appointment of private individuals or must be read alongside the specific limitations in Sections 6 and 7.
- **Fundamental rights** - Balancing compulsory public service under Article 23(2) with protection against forced labour under Article 23(1).
- **Education and employment** - Ensuring that Census duties do not disrupt school functioning or impose unreasonable burdens on private employees.
- **Administrative efficiency** - Meeting Census staffing requirements without unnecessary litigation or coercive deployment.

What Could be done?

- **Provide Legal clarity** - Parliament or the government should ensure that the legal basis, scope and limits of compulsory Census appointments are clearly established.
- **Ensure Proportionate deployment** - Prioritise government and local-authority personnel, voluntary participation and suitable honoraria, while protecting essential services.
- **Ensure Safeguards** - Provide reasonable notice, exemptions for genuine hardship, appropriate remuneration and safeguards against disruption of regular employment.
- **Provide Judicial certainty** - The courts should clarify the relationship between Section 4(2) and the specific provisions governing assistance from private establishments.

What lies ahead?

- The Census Rules amendment explicitly includes private teachers and private-sector employees, but it does not by itself settle whether they can legally be compelled to serve as general enumerators.
- The constitutional validity of compulsory public service and the statutory authority to impose it are separate questions; the latter remains central to the ongoing legal debate.

Reference

[The Indian Express| Census 2027: Can private teachers or citizens be forced to do Census duty?](#)



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