

SIXTY-SIXTH REPORT
STANDING COMMITTEE ON FINANCE
(2007-2008)

(FOURTEENTH LOK SABHA)

MINISTRY OF STATISTICS AND
PROGRAMME IMPLEMENTATION

THE COLLECTION OF STATISTICS
BILL, 2007

Presented to Lok Sabha on 18.3.2008

Laid in Rajya Sabha on 18.3.2008



LOK SABHA SECRETARIAT
NEW DELHI

March, 2008/Phalguna, 1929 (Saka)

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COMPOSITION OF STANDING COMMITTEE ON
FINANCE (2007-2008)

Shri Ananth Kumar — *Chairman*

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| 5. Shri Ramesh Nebhnani | — | <i>Committee Officer</i> |

*Nominated to this Committee *w.e.f.* 6.9.2007 *vice* Shri Yaswant Sinha.

INTRODUCTION

I, Chairman of the Standing Committee on Finance having been authorized by the Committee to submit the Report on their behalf, present this Sixty-Sixth Report on the Collection of Statistics Bill, 2007.

2. The Collection of Statistics Bill, 2007, introduced in Rajya Sabha on 17 May, 2007, was referred to the Committee on 30 May, 2007 for examination and report thereon, by the Hon'ble Speaker, Lok Sabha in consultation with the Chairman, Rajya Sabha under Rule 331E of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee obtained written information on various provisions contained in the aforesaid Bill from the Ministry of Statistics and Programme Implementation. The representatives of the Ministry of Statistics and Programme Implementation also briefed the Committee at their sitting held on 25 July, 2007.

4. Written views/memoranda were received from the Ministries of Health and Family Welfare, Home Affairs, Steel, Textiles, Labour and Employment and Micro, Small and Medium Enterprises (MSME); Directorate of Economics and Statistics, Government of Maharashtra, Economic Reforms and North-Eastern Council Affairs Department, Government of Sikkim and Planning and Co-ordination Department, Government of Orissa; Confederation of Indian Industry (CII) and Educational Consultants India Ltd. (EDCIL); and Dr. K. Srinivasan, Emeritus Professor, International Institute of Population Sciences, Mumbai.

5. The Committee at their sitting held on 7 November, 2007 took evidence of the representatives of the Ministries of Health and Family Welfare, Home Affairs, Steel, Textiles, Labour and Employment and Micro, Small and Medium Enterprises (MSME).

6. The Committee took oral evidence of the representatives of the Ministry of Statistics and Programme Implementation on 13 December, 2007.

7. The Committee considered and adopted this report at their sitting held on 12 March, 2008.

8. The Committee wish to express their thanks to the representatives of the Ministries of Statistics and Programme Implementation,

Health and Family Welfare, Home Affairs, Steel, Textiles, Labour and Employment and Micro, Small and Medium Enterprises (MSME) for appearing before the Committee and furnishing the material and information which were desired in connection with the examination of the Bill.

9. The Committee also wish to express their thanks to Directorate of Economics and Statistics, Government of Maharashtra, Economic Reforms and North-Eastern Council Affairs Department, Government of Sikkim and Planning and Co-ordination Department, Government of Orissa; Confederation of Indian Industry (CII) and Educational Consultants India Ltd. (EDCIL); and Dr. K. Srinivasan, Emeritus Professor, International Institute of Population Sciences, Mumbai for furnishing Memoranda on the provisions of the Bill.

10. For facility of reference, the observations/recommendations of the Committee have been printed in thick type in the body of the Report.

NEW DELHI;
17 March, 2008

27 Phalguna, 1929 (Saka)

ANANTH KUMAR,
Chairman,
Standing Committee on Finance.

REPORT

The Collection of Statistics Bill, 2007 was introduced in the Rajya Sabha on 17 May, 2007 and was referred to the Standing Committee on Finance on 30 May, 2007 by the Hon'ble Speaker in consultation with Chairman, Rajya Sabha for examination and report thereon.

2. The Committee invited memoranda/suggestions regarding the Collection of Statistics Bill, 2007 from various Central Ministries, State Governments and other Organisations and experts. The Committee received memoranda/suggestions on the provisions of the Bill from the Ministries of Health & Family Welfare, Home Affairs, Steel, Textiles, Labour and Employment and Micro, Small and Medium Enterprises (MSME); Directorate of Economics and Statistics, Government of Maharashtra, Economic Reforms and North-Eastern Council Affairs Department, Government to Sikkim and Planning and Co-ordination Department, Government of Orissa; Confederation of Indian Industry (CII) and Educational Consultants India Ltd. (EDCIL); and Dr. K. Srinivasan, Emeritus Professor, International Institute of Population Sciences, Mumbai.

3. The Committee heard the views of the representatives of Ministries of Health & Family Welfare, Home Affairs, Steel, Textiles, Labour and Employment and Micro, Small and Medium Enterprises (MSME) on the Bill.

4. While the Central Ministries and State Governments have, in general, welcomed the Collection of Statistics Bill, 2007, the Confederation of Chambers of Commerce and Industry (CII), in particular, expressed reservations on certain provisions of the Bill.

5. The Committee also took evidence of the representatives of the Ministry of Statistics and Programme Implementation in connection with examination of the Bill.

A. EXISTING LAW

6. The existing Collection of Statistics Act of 1953 was enacted to facilitate collection of statistics relating to industry, trade and commerce. It was an enabling legislation by which the Central Government as well as the State Governments could make declarations through a notification published in the Official Gazette, of their intention to collect statistical data from various enterprises by appointing a Statistics Authority for conducting survey operations and exercising various powers and duties under the act. The statistics officer is expected to issue a notice in writing to the owners/occupiers of enterprises requiring them to furnish information within the time period specified in the notice. The Act also provides for certain penalties for willfully refusing to furnish, or, furnishing of false information. There are also penalties specified in the Act against persons engaged in data collection for violating the secrecy provisions in the Act.

7. On the extent of usage of the provisions of the existing Act for collecting statistics, and the limitations of the Act, the Ministry of Statistics and Programme Implementation have *inter-alia* stated as follows:—

“The provisions of the Act have been, so far, effectively used in conducting the Annual Survey of Industries (ASI) by the Ministry of Statistics & Programme Implementation for collecting information on input, output and employment from some of the units registered under the Factories Act, 1948 (63 of 1948) and Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966). The Central Government has made rules under the act, *viz.*, the Collection of Statistics (Central) Rules, 1959 to facilitate the conduct of ASI. In addition nine State Governments, *viz.*, Andhra Pradesh, Bihar, Haryana, Karnataka, Kerala, Maharashtra, Punjab, Rajasthan and Tamil Nadu have also made rules under the Act to collect data in areas not covered by the Central Government. Besides, the Office of the Coal Controller has been collecting information on coal mines under the provisions of the Collection of Statistics Act. Thus, the Act has so far been used for the restricted purpose of collecting information from a limited segment of the industrial sector.

There are many other survey programmes in the Government setup both at the Central and the State levels 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. In the wake of liberalization, privatization and globalization (LPG) resulting in delicensing/deregulation, the system of obtaining information as a byproduct of administering various statutes/regulations is 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.”

Need for new Law

8. The provisions under the existing Collection of Statistics Act, 1953 are not adequate to meet the new challenges arising out of the LPG regime manifested by the WTO agreement. The issue of adequacy of the existing Collection of Statistics Act of 1953 was studied at length by the National Statistical Commission under the Chairmanship of Dr. C. Rangarajan which presented its report to the Government in August, 2001. The limitations of the Collection of Statistics Act, 1953 as observed by the Rangarajan Commission are given below:—

- (i) The Collection of Statistics Act, 1953 has been serving at present, the limited purpose of 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 to 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.
- (ii) 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, which 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.

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

- (a) Cover any topic under Core Statistics, as defined by the propose NSC.
- (b) 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;
- (c) Provide right of access to records, including the record of Government agencies for statistical purposes;
- (d) 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;
- (e) Provide penalties on informants, for their refusal to supply, or for willfully supplying wrong information; and
- (f) 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.

10. The Ministry of Statistics and Programme Implementation have stated that the recommendations of the Rangarajan Commission were considered in the Cabinet meeting held on 27th February, 2002 and were noted for implementation. Initially, a Bill called "Amendment to Collection of Statistics Bill, 2002" was drafted by the Ministry and circulated on 11.11.2002 to all the Central Ministries/Departments and the State Governments. On the basis of the comments received from Central Ministries/Departments and the State Governments, the new Bill, *viz.*, the Collection of Statistics Bill, 2007 was proposed in consultation with the National Statistical Commission and the Legislative Department.

Salient features of the Collection of Statistics Bill, 2007

11. Some of the salient features of the Collection of Statistics Bill, 2007 *vis-a-vis* the provisions of the existing Act are as follows:—

- (1) *In the existing statute*, 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 proposed Bill, 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 proposed to be empowered to collect statistics in the proposed Bill.

- (2) In the existing statute, 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 proposed Bill, the scope would be enhanced to such an extent that any Government Department/Organisation either in the States or at the Center or local government could appoint a statistics officer for each subject of data collection and/or for each geographical unit. Thus, the proposed Bill while continuing with the enabling nature of the existing Act enhances the scope of the definition of 'appropriate Government' by the inclusion of local governments within its ambit.
- (3) *In the proposed Bill*, 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 existing statute.
- (4) In the existing statute, no mechanism has been prescribed for avoiding duplication of surveys and for ensuring standards for the collection of statistics. *In the proposed Bill*, the Central Government is proposed to be 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.
- (5) In the existing statute, the mode of data collection was in the form of a return, which would be obtained by the statistics officer after issuing a notice to each industrial/

commercial concern. *In the proposed Bill*, all methods of data collection including oral interviews and filing of returns electronically have been covered.

- (6) As per the existing statute, 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 IPC. In the proposed Bill, it is provided that the information would be used only for statistical purposes.
- (7) In the existing statute, the penalties were very meager and the procedures for prosecution were very cumbersome. In the proposed Bill, these have been rationalized. Penalties for not furnishing information are proposed to be 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.
- (8) Appropriate enabling provision have also been proposed in the Bill for notifying certain subjects of national importance as 'core statistics', for the purpose of ensuring methodological standards, timeliness, credibility and completeness.
- (9) Adequate provisions have also been made in the Bill to avoid unnecessary duplication of data collection programmes.

12. By way of giving the rationale for proposing enactment of the new law, and highlighting the differences between the existing Act and the proposed Bill, the Secretary, Ministry of Statistics and Programme Implementation stated as follows during the briefing session with the Committee on the proposals of the Bill:—

"The first major difference between the existing Act and the proposed Bill is that the existing Act is restricted to industrial and commercial concerns whereas the Bill expands the scope to include not only industrial, commercial concerns but administrative records individuals and households and it covers a range of statistics which is economic, demographic, social, scientific and environmental. Any kind of data that is required for public purpose can be collected under the proposed Bill but could not be collected under the existing Act.

We are expanding the scope also in terms of the institutions. Earlier it was only the Central and State Governments. Now we want to empower the local bodies as well."

13. The Committee, having examined all aspects of the Collection of Statistics Bill, 2007 recommend consideration of the Bill, subject to the observations made/modifications suggested in this Report. The Bill is intended to overcome the limitations of the existing Collection of Statistics Act of 1953, *inter-alia*, by expanding the scope to collect statistics not only from industrial/commercial concerns but also from individuals and households; granting any Ministry or Department in the Central or State Governments or Union Territory Administration, or any Panchayat or municipality the authority to collect statistics; enhancing the penalties for not furnishing information and rationalizing the procedures for prosecution; and empowering the Central Government to frame rules for avoiding duplication of data collection and for maintaining standards in data collection in respect of core statistics, which are of importance for the country.

14. During the examination of the Bill, the Committee observed certain key issues of concern. These are discussed in the subsequent sections of the report.

B. PRINCIPLES GOVERNING OUTSOURCING

15. Clause 4(3) of the Bill enables the appropriate Government to employ on contract basis, any agency or company or organization or association or person, as may be necessary, for the purpose of collecting the statistics directed by it.

16. Asked what kind of checks are provided to prevent possible tampering or interpolation of statistical data collected by an outsourced agency, the Ministry of Statistics, in a written reply stated:

“The manner of data collection including checks against tampering of data is survey specific and no general principle can be laid down in the Bill. The required controls have to be made in the respective survey specific contracts. The informants would be made known of the intentions of the Government for collection of any type of statistics. If any data collector goes beyond such intention, it would be a case of impersonation which could be punished under Clause 21 of the Bill.”

17. Clause 21 of the Bill provides that ‘whoever, not being authorized to collect the statistics under the provisions of the Bill, by words, conduct or demeanor pretends that he is authorized to do so, shall be punishable with a fine which may extend to two thousand rupees and in case of a company which may extend to ten thousand rupees’.

18. The CII, in their memorandum, submitted to the Committee contended that statistical information being of sensitive nature, its collection should not be outsourced by Government to any agency without prescribing adequate safeguards and governance process and liability/responsibilities of such agency in the event of misuse or breach of information/confidentiality. The CII also felt that the circumstances in which outsourcing can be done as well as qualification of persons to whom outsourcing can be done should be prescribed.

19. Commenting on the point, the Ministry of Statistics and Programme Implementation in a written reply stated:

“It is for the appropriate government as defined in Clause 2 (b) of the Bill to decide whether the collection of statistics directed by it has to be done through outsourcing or not. Hence, the Bill enables ‘outsourcing’. Private agencies engaged in the process would be bound by the security provisions given in Chapter III of the Bill and they would also be subject to penalties in case of any violations as per the penal provisions in the Bill.”

20. When pointed out that Chapter III of the Bill has not prescribed any guidelines of persons to whom outsourcing can be done, the Ministry of Statistics and Programme Implementation stated:

“Chapter III of the Bill relates to disclosure of information in certain cases and restrictions of its use, and these provisions are applicable to all the data collection agencies. Failure to comply with the provisions attracts penalties provided in Chapter IV of the Bill. It is expected that the concerned Government agency will build appropriate provisions in the outsourcing contracts.”

21. Admitting the need to provide safeguards in the matter of outsourcing, the Secretary, Ministry of Statistics and Programme Implementation submitted as follows while deposing before the Committee:

“All this would have to be provided for and we would have to build in the safeguards with the agencies with whom we outsource to not to misuse the data that they are collecting.”

22. The Committee note that though Clause 2(a) and Clause 4(3) of the Bill enable the appropriate Government to employ on contract basis, any agency or company or organization or association or person, as may be necessary for the purpose of collecting the statistics, there is no provision in the Bill to prescribe suitable safeguards for such outsourcing the collection of statistics which is sensitive in nature. The Committee do not agree with the Ministry of Statistics and Programme Implementation that required controls will have to be made in respective survey specific contracts. The Secretary, Ministry of Statistics and Programme Implementation, however, admitted during oral evidence the need to build safeguards governing outsourcing. The Committee desire that general principles governing outsourcing the collection of statistics be prescribed by the Central Government under Clause 32 of the Bill.

C. EXCLUSION OF 'INSTRUMENTALITY'

23. In terms of Clause 2(b), the term 'appropriate Government' means:

- (i) any Ministry or Department in the Central Government or its instrumentality; or
- (ii) any Ministry or Department in a State Government or Union Territory Administration or its instrumentality; 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.

24. The CII, in its memorandum contended that the definition of the term 'Appropriate Government' under clause 2(b) should be limited to Central Government or State Government or Union Territory Administration and should not extend to "....its instrumentality or Panchayats or Municipalities". According to CII, this is necessary to ensure control over confidential/sensitive information; to avoid duplication in information collection; and prevent misuse of the power to prescribe and collect information, by vested interests.

25. Asked to respond to the view expressed by CII in this regard, the Ministry, in a written response stated, *inter-alia*:

"The Rangarajan Commission has described the Indian statistical system as laterally decentralised among the Ministries of the Government of India, and in every one of them, vertically decentralised, between the Centre and the States. Similarly, the requirements of local Governments are different and data collection on such aspects should be left to them, since as per the 73rd and 74th Constitutional amendments, powers have to be given to PRIs and Municipalities, as the third tier of Government."

26. Similarly, on the issue of proposing to empower of the Municipalities and Panchayats to collect statistical data, the Secretary, Ministry of Statistics and Programme Implementation stated as under, while deposing before the Committee:

".....after the 73rd and 74th constitutional amendments, when we created a new tier of Government, that tier of Government today has no authority to collect statistics. We have gone and mandated constitutionally the District Plans will have to be made. A district Planning Committee is to be established and District Plans will have to be made. But the District Planning Committee has no teeth to collect data, which is relevant to their planning. Co, we

need to cover the PRIs and the urban local bodies also and empower them to collect data.”

27. As regards the possibility of duplication in information collection and susceptibility to misuse power to collect information by vested interests, the Ministry of Statistics and Programme Implementation stated *inter-alia*:

“The apprehension that the power to prescribe and collect information may be susceptible to misuse by vested interests is misplaced, as no such case has been reported so far with regard to data collection under the existing Act. With regard to the possibility of duplication in information collection, the Bill provides for delegation of rule making power to the Central Government under Clause 32(2) (a) to avoid unnecessary duplication.”

28. Clause 32 cited in the Ministry’s reply, enumerates matters with respect to which the Central Government shall have powers to make rules under the Bill, which includes avoiding ‘unnecessary duplication in the collection of statistics’.

29. The Ministry, however, expressed agreement with the suggestion to remove the term ‘Instrumentalities’ from the scope of the definition of ‘appropriate Government’.

30. By way of elaborating the reasons that led to the re-thinking to remove the term ‘instrumentalities’ from the definition of the term, ‘appropriate Government’, the Secretary, Ministry of Statistics and Programme Implementation, while tendering evidence stated:

“...As far as instrumentality of the State is concerned, I think, we are inclined to believe that the august Committee does have a very strong point because instrumentality of the State, as a nomenclature, covers a wide range of institutions, which were not intended to be covered for the purpose of collecting statistical data.

31. The Committee are not inclined to agree with the suggestion of CII for exclusion of Panchayats and Municipalities from the ambit of the definition, ‘appropriate Government’ for the reason that the local Governments need to collect statistical data for formulating district plans as mandated by the Constitution. The Committee, however, desire that, as agreed to by the Secretary, Ministry of Statistics and Programme Implementation, Clause 2(b) of the Bill be amended to exclude ‘instrumentality’ of the Government from the purview of the definition ‘appropriate government, as the nomenclature ‘instrumentality’ covers a wide range of institutions which are reportedly not intended to be covered for the purpose of collecting statistical data.

D. NODAL FUNCTIONS

32. According to the Ministry of Health and Family Welfare, although the provisions of clause 4(1) of the Bill provide for appointment of Statistics Officer by the 'appropriate Government', there was an apparent dilution or absence of the role of the Ministry of Statistics and Programme Implementation as the nodal Ministry for collection of Statistics. In response to this point, the Ministry of Statistics and programme Implementation stated:

"The allocation of business to the Ministry of Statistics and Programme Implementation specifies that the Ministry will act as the nodal agency for planning integrated development of the statistical system in the country and coordination of statistical work with a view to identifying data gaps or duplication of statistical work. Thus the actual collection of data will continue to be the responsibility of the concerned organisations, a task that is to be made more effective through the present Bill. Consequently the appointments of Statistical Officers have been left to the appropriate Government rather than to the Ministry of Statistics and Programme Implementation. The intent of the Bill is to provide umbrella legislation without giving authority to any one individual or body. The nodal functions necessary in effective implementation of the provisions of the Bill will be addressed while framing rules, which power would be with the Central Government as per Clause 32 of the Bill."

33. Clause 32 of the Bill enumerates matters with respect to which the Central Government shall have the power to make rules, which include *inter-alia*, the 'principles for prescribing the form and manner in which the information may be required to be furnished'.

34. It was also added as under by the Ministry, in reply:

"Strengthening the nodal role for bringing better coordination and standardization is also proposed to be addressed through a separate Bill and this issue is presently under the examination of the National Statistical Commission."

35. Questioned about the justification for proposing a separate Bill for bringing better co-ordination and strengthening the nodal role of the Ministry, instead of addressing the issues in the current Bill, the Ministry, in reply stated:

"Given the enormity and complexity of the statistical system, it is not possible to control and regulate the entire system. It is also

not desirable to set uniform standards for all official statistics, as the requirements for different Government Departments could be different. However, for certain statistics of national importance, standards could be set. The Rangarajan Commission recommended that statistics of national importance be designated as 'core statistics'. Therefore, for such statistics to be known as 'core statistics', a separate Bill for standardization and coordination is justified."

36. The Committee hope that the rules for enabling effective implementation of the provisions of the Bill will be made at the earliest under Clause 32.

37. A separate Bill for standardization of statistical activities and coordination, with specific reference to 'core statistics' of national importance is reportedly on the anvil. The Committee expect that the process of identification of 'core statistics' of national importance, and the related Bill pertaining to standardization of statistical activities and coordination is finalized and brought before Parliament expeditiously.

E. INSPECTION AND POWER OF ENTRY INTO PREMISES—
CLAUSE 7 AND CLAUSE 8

38. Clause 7, of the Bill reads as under:

“Every agency shall render such help and assistance and furnish such information to other agency or any statistics 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.”

39. Further, Clause 8 pertaining to ‘right to access to records or documents provides as under:

“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.”

40. As regards the provisions of Clause 7, the CII, in their Memorandum contended that Collection of information being intended for statistical purposes, inspection and examination of books should not be allowed as it has the potential of misuse of authority and breach of confidential information, and would also make the process onerous and burdensome for the informant. For meeting the objective of accuracy of information, the CII proposed that the Act may specify that such information shall be attested by a responsible person. Any limited inspection should be undertaken by senior Government official only (prescribed rank) and not by outsourced agencies.

41. Further, as regards conferring the right of ‘access to records or documents’ under Clause 8, CII contended that these provisions confer unbridled power to the statistics officer. If such officer enters any premises without notice and even without any failure on part of informant, this would violate ‘right of privacy’.

42. Asked to respond to these contentions on the provisions of Clause 7 and 8, and specifically as to how safe custody of information; confidentiality obligations of Statistics Officer and their liability for

breaches are to be addressed, the Ministry of Statistics and Programme Implementation, in a written response, *inter-alia* stated:

“The data collectors including the statistical officers must have the power to see relevant records and enter the premises of informants at any reasonable time for collecting and establishing the authenticity of the information. However, the concerns about the manner in which these rights would be exercised by data collectors would be addressed while framing rules. Adequate provisions are made in the Bill for security and confidentiality of information.”

43. Also asked to elaborate the meaning of the term ‘may enter at any reasonable time’ as occurring in Clause 8, to suit survey specific requirements *viz.*, for household surveys, as distinct from accessing company records etc. the Ministry of Statistics and Programme Implementation, in reply stated:

“With regard to the words “and may enter at any reasonable time...” used in Clause 8, it is submitted that data collection and verification would not be feasible unless this right is provided for. In case of enterprises, records such as certificate of registration and books of accounts may be relevant, whereas in case of households, ration cards and records of medical treatment/immunization etc., may be relevant. It is submitted that data collectors need to enter into premises of each house/structure even to identify how many households reside over there. Hence, right of entry in any premises at any reasonable time is important for data collection from households as well as enterprises.”

44. Questioned whether it would not be desirable to prescribe the minimum rank of the officer who can be authorized to enter premises of informants, as suggested by the CII, the Ministry of Statistics and Programme Implementation, in reply stated:

“It is not possible to prescribe the minimum rank of any person who can be authorized to enter the premises of informants for inspection of records or data collection, as this would vary from case to case and private agencies may also be engaged for data collection. Such a prescription makes the provisions of the Bill restrictive. The qualifications of persons/agencies to be engaged may be left to the wisdom of the appropriate Government.”

45. When pointed out that conferring power to enter premises ‘at any reasonable time’, as provided in Clause 8 appeared to be vague,

which would also amount to giving unbridled power on the statistics officer/authorized person, the Ministry of Statistics and Programme Implementation, in reply stated:

“The word “reasonable time’ varies from informant to informant. For companies and firms having an office environment, the reasonable time may be office hours. However, for households and household enterprises, the reasonable time cannot always be the day time or officer hours. For example, in nuclear families where both husband and wife go for work, they will not be available for data collection during the day time. Hence, these matters should be left to the field to decide on case to case basis. However, a provision has been made in the Bill in clause 32 to lay down principles for prescribing the manner in which the right of access to documents and the right of entry conferred by ‘Clause 8’ may be exercised.”

46. Clause 32(2) (d) provides for the ‘Central Government to make rules relating to the 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.

47. The Committee observe that Clause 7 of the Bill which enables inspection and examination of records, plans and other documents, does not prescribe safeguards against misuse of authority. The Committee feel that safeguards in exercise of power of inspection and examination should be built into the Bill. The Committee accordingly recommend that clause 7 of the Bill should clearly stipulate that the power of inspection and examination of records, plans and other documents should be exercised only by responsible government officials of minimum rank as may be prescribed by the Government

48. Similarly, the right of access to records or documents as envisaged under Clause 8 of the Bill provides for entry into any premises. As exercise of this power impinges on the rights and liberties of citizens, it cannot be left to be exercised by any person authorized by Statistics Officer or without any prior notice. Considering that these are matters of extreme nature and in order to prevent any arbitrary exercise or misuse of the power, the Committee recommend that Clause 8 of the Bill be suitably amended to provide that the power of entry into premises shall be exercised only by Government officials of minimum rank as may be prescribed, only with prior notice and only during hours of the day as may be prescribed.

F. DISCLOSURE OF INFORMATION—CLAUSES 10, 11 AND 12

Clauses 10, 11 and 12

49. Clauses 10 (Agencies authorized to disclose certain information); 11 (Disclosure of information schedules for *bona fide* research or statistical purposes) and 12 (Disclosure of historical documents) read as follows:

(i) Clause 10

Notwithstanding the provisions contained in section 9 of this Act, the agency authorised for collection of statistics 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.

(ii) Clause 11

- (1) Notwithstanding the provisions contained in section 9 of this Act, the agency authorised for collection of statistics 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 agency authorised for collection of statistics, making such disclosure is satisfied that the security 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.

(iii) Clause 12

Notwithstanding anything contained in section 9 of this Act, the agency authorized for collection of statistics may release such documents relating to information schedules, which in the opinion of such agency have attained historical importance.

50. With reference to Clause 11 relating to 'disclosure of information schedules for *bona fide* research etc., the CII, in their memorandum contended that such disclosure 'must not be made except with prior written consent of the informant, with consequential controls'. Further, it has also been emphasized by CII that disclosure by such institutions should not be allowed to any third party.

51. In response to a query posed in this regard, the Ministry of Statistics and Programme Implementation, in a written response stated:

"Clause 10(a) provides that the agency authorised for collection of statistics may disclose information supplied by informant in respect of such disclosure is consented to in writing by the informant or by any person authorised by the said informant. Clause 11 is an exception to Clause 9 and is intended to promote *bona fide* research on the data collected. It is not practical to take the consent of informants, normally large in number, prior to disclosure of information for *bona fide* research. Adequate safeguards are also provided on users of data for *bona fide* research in Clause 11 of the Bill.

The situation normally seen in the statistical system is that data collection is a specific action and dissemination/disclosure of information is a subsequent activity. This being the case, the agency authorised to collect statistics may be different from the one disseminating information. This is particularly true in cases where data collection work is outsourced. In most of the cases,

dissemination function is discharged by the concerned Government Department. Hence, it would be desirable if the relevant functions under clauses 9 to 14 are entrusted to the appropriate Government.”

52. Further, with reference to Clause 12, the Ministry of Health & Family Welfare, expressed the view that it will be necessary to vest the responsibility of releasing information, which may have attained historical importance, with the appropriate Government, who may also decide on whether the information is to be released with or without disclosing the identity of the informant.

53. In this regard, the Ministry of Statistics and Programme Implementation, in a written reply stated:

“With reference to Clause 12, the suggestion, to vest the responsibility of releasing documents relating to information schedules which have attained historical importance with the appropriate government, is acceptable.”

54. Asked further to point out the provisions of the Bill that may be available or may be necessary for ensuring that the function of dissemination of information, provided for under Clauses 11 and 12 will be discharged by the Governments concerned and not by any non-governmental agency, the Ministry, in response, stated *inter-alia*:

“In many cases, the appropriate Government may directly undertake dissemination after completion of data collection. The provisions in Clauses 9 and 13 of the Bill shall apply to the data collectors as also to the data disseminators. However, in respect of clauses 10 to 12, which are exceptions to the provisions in clause 9, it involves higher responsibility and in this context, it was suggested that this function should be available only with the appropriate Government, as in many cases data collection agency may cease to exist.”

55. Clauses 10, 11 and 12 of the Bill provide for disclosure of certain information/document by the agency authorized for collection of statistics. It has been suggested to the Committee that the responsibility of releasing information should vest with the appropriate government and not with the agency authorized for collection of statistics. The Ministry of Statistics and Programme Implementation have agreed that as releasing of information involves higher responsibility, it would be desirable if the relevant functions under Clause 9 to 14 are entrusted to appropriate government. The Committee hope that suitable amendments will be made in the Bill accordingly.

G. PROVISION FOR IMPRISONMENT—CLAUSES 16 AND 20

56. Clause 16 pertains to penalty for making false statement; and Clause 20 pertains to 'penalty for failure to carry out duties and functions by employees'.

57. Clause 16 reads as under:—

“Whoever, 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 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”.

58. Further, clause 20 provides as follows:—

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 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.

59. Proposing that there should be a provision for simple imprisonment for furnishing false information, the Ministry of Steel, stated, *inter-alia*:

“.....the provisions made in the Bill are in order excepting for that relating to Clause 16 on Penalty for making false statement. The proposed penalties *i.e.* Rs. 1000/- for individual and Rs. 5000/- for company seen grossly inadequate as a deterrent. Presently, a major share of the domestic steel production is accounted for by the secondary steel producers including the Induction Furnace units. There is a serious apprehension of underreporting or only providing incorrect data from many of such

units for reasons including tax evasion. As a reliable data base on this segment of the industry is crucial for any effective policy making for the steel sector, the disincentive/penalty provision for furnishing false information should be stringent enough. Therefore, in addition to the prescribed penalties clause 16 may also make a provision for "simple imprisonment *i.e.* for a period upto 1 to 3 months" to ensure that the information furnished under the Act is not only timely but is also correct".

60. By way of elaborating on the inadequacy of the penal provisions proposed under Clause 16 on account of furnishing false information, the Secretary, Ministry of Steel, while tendering evidence stated:

"The penalty imposed is Rs. 1000 or Rs. 5000 per day in the case of a company. Supposing the delay is by 30 days, he has to pay a fine of Rs. 1000 multiplied by 30 days. About the incorrectness of data we find the punishment prescribed in the provisions of the Bill is only Rs. 1000 or Rs. 5000. In steel sector even the smallest of producer which has those kinds of incentives in not parting with the data will easily wait for paying Rs. 5000 rather than giving data.

We looked at the Indian Penal Code and found that anybody who furnishes false information to a public authority recognized under the Indian Penal Code is punishable with imprisonment. Not that everybody will be imprisoned or prosecuted but whenever we find that the data is incorrect we will try to collect evidence so that he parts with the data. Provisions are not made every day. After a long time, we have embarked on this exercise. We have taken a cue from the Indian Penal Code. That is our submission in brief".

61. In response to a related question, the Ministry of Statistics and Programme Implementation, stated as below:

"The penalties provided in Clauses 15 and 16 of the Bill are considered adequate to act as deterrent measures to check cases of refusal, providing false information, etc."

62. Responding to a query on the adequacy of the penal provisions proposed for not furnishing data, the Secretary, Ministry of Statistics and Programme Implementation, while tendering evidence stated:

".....As far as not furnishing data is concerned, I think that the penalty that we are proposing is good enough because it is cumulative, that is, he will be charged Rs. 1,000 every day for each day that the data is not provided. It actually adds up to a fairly tidy amount quite quickly".

63. The CII, in their Memorandum emphasized on reviewing and making more stringent, the penalties prescribed under Clause 20 for failure to 'carry out duties and functions by employees'. In response to this point, the Secretary, Ministry of Statistics and Programme Implementation stated during evidence:

"...I personally feel that penalties on the employees should be much more stringent than penalties on the people who give us data. I think, the experience that we have had in recent years with the BPO, where employees in BPO companies have been leaking confidential information to competitors and so on, I suggest that the kind of money that is involved in selling data is so high that unless you have something fairly stringent, it may encourage people to do so".

64. Asked specifically whether the penal provisions under Clause 20 should include imprisonment also, the Secretary, stated as follows:

"My personal feeling is 'Yes'. But as I said, this was a collective document. By and large, the majority opinion was that it was better to get rid of imprisonment thing."

65. It was also added as under by the Secretary:

"I will tell you what the problem was. The problem was that when we were thinking about the Bill and when we were drafting the bill, everybody at the back of their mind had a view that people who would be responsible for the collection of data and maintenance of data would be Government servants and within the Government rules, there are fairly stringent disciplinary procedures".

66. In this regard, the Ministry, in a written reply stated:

"With regard to the view that the penalties prescribed for data collectors are minimal, the existing Act provided for imprisonment also under Section 10, but so far there was no case of improper disclosure under the existing Act. However, this aspect could be considered again and appropriate provision for imprisonment made in the Bill."

67. The Committee observe that Clauses 16 and 20 of the Bill provide for mere monetary penalty in the event of making false statement or failure to keep inviolate the secrecy of the information by employees in execution of any duty under this Act. The

Committee are of the view that there should be provision for simple imprisonment in the event of any one willfully furnishing false information as provided for in the Indian Penal Code and as rightly pointed out by the Secretary, Ministry of Steel. Attributing the absence of imprisonment provision to the drafting changes in the Bill, the Secretary, Ministry of Statistics and Programme Implementation has admitted the need to have this provision in the Bill in the event of anyone furnishing false information. The Committee desire that provision for imprisonment in such cases be suitably incorporated in the Bill.

NEW DELHI;
17 March, 2008
27 Phalgun, 1929 (Saka)

ANANTH KUMAR,
Chairman,
Standing Committee on Finance.

MINUTES OF THE THIRTY-FIRST SITTING OF THE STANDING
COMMITTEE ON FINANCE

The Committee sat on Wednesday, the 25th July, 2007 from 1100 to 1240 hrs.

PRESENT

Shri Ananth Kumar—*Chairman*

MEMBERS

Lok Sabha

2. Shri Jaswant Singh Bishnoi
3. Shri Vijoy Krishna
4. Dr. Rajesh Kumar Mishra
5. Shri Bhartruhari Mahtab
6. Shri Madhusudan Mistry
7. Shri P.S. Gadhavi
8. Shri K.S. Rao
9. Shri Jyotiraditya Madhavrao Scindia
10. Shri A.R. Shaheen
11. Shri M.A. Kharabela Swain
12. Shri Bhal Chand Yadav

Rajya Sabha

13. Shri Mangani Lal Mandal
14. Shri C. Ramachandraiah
15. Shri Vijay J. Darda
16. Shri Moinul Hassan

SECRETARIAT

1. Shri P.K. Grover — *Joint Secretary*
2. Shri S.B. Arora — *Deputy Secretary*
3. Shri T.G. Chandrasekhar — *Deputy Secretary*

WITNESSES

MINISTRY OF STATISTICS AND PROGRAMME
IMPLEMENTATION

1. Dr. Pronab Sen, Secretary
2. Shri P.K. Ray, Director General, NSSO
3. Shrimati Lalitha Kumar, Additional Secretary, NSSO
4. Shri J. Dash, Additional Director General, NSSO
5. Shri A.K. Saxena, Joint Secretary
6. Shri T.K. Dutta, Deputy Director General, NSSO
7. Shri M.V.S. Ranganadham, Director
8. Shri M.M. Hasija, Director, NSSO

2. At the outset, the Chairman welcomed the representatives of the Ministry of Statistics and Programme Implementation to the sitting of the Committee and invited their attention to the provisions contained in Direction 55 of the Directions by the Speaker.

3. Then, the representatives of the Ministry of Statistics and Programme Implementation briefed the Committee on the purpose and need for introducing the Collection of Statistics Bill, 2007 through power point presentation. They also briefed the Committee on certain provisions contained in the Bill. The Members asked clarificatory questions which were replied by the representatives. The main issues discussed were the adequacy of the penalty provisions and the desirability to make them more stringent, the need for ensuring the authenticity of the data and its timely publication. The Chairman, then, directed the representatives that the information with regard to queries of the Members which was not readily available with them might be furnished to the Committee later on.

4. The briefing was concluded.

5. A verbatim record of proceedings has been kept.

The witnesses then withdrew.

The Committee then adjourned.

MINUTES OF THE SEVENTH SITTING OF THE
STANDING COMMITTEE ON FINANCE

The Committee sat on Wednesday, the 7th November, 2007 from
1500 hrs. to 1615 hrs.

PRESENT

Shri Ananth Kumar—*Chairman*

MEMBERS

Lok Sabha

2. Shri Jaswant Singh Bishnoi
3. Shri Shyama Charan Gupta
4. Shri Vijoy Krishna
5. Shri Bhartruhari Mahtab
6. Shri K.S. Rao
7. Shri G.M. Siddeshwara
8. Shri M.A. Kharabela Swain
9. Shri Bhal Chand Yadav

Rajya Sabha

10. Shri Santosh Bagrodia
11. Shri Raashid Alvi
12. Shri M. Venkaiah Naidu
13. Shri Mangani Lal Mandal
14. Shri C. Ramachandraiah
15. Shri Moinul Hassan

SECRETARIAT

1. Shri A. Louis Martin — *Joint Secretary*
2. Shri S.B. Arora — *Director*
3. Shri T.G. Chandrasekhar — *Deputy Secretary*

WITNESSES

MINISTRY OF TEXTILES

1. Shri A.K. Singh, Secretary (T)
2. Shri Jamini Kumar Sharma, Joint Secretary
3. Shri J.N. Singh, Textiles Commissioner

MINISTRY OF HEALTH & FAMILY WELFARE

1. Shrimati Anita Das, Secretary
2. Shri S.K. Das, Additional Director General
3. Shri P. Chattopadhyay, Chief Director
4. Shri Praveen Srivastava, Director

MINISTRY OF HOME AFFAIRS, OFFICE OF THE
REGISTRAR GENERAL, INDIA

1. Shri D.K. Sikri, Additional Secretary (Registrar General of India)
2. Shri S.K. Chakravorty, Dy. Director General

MINISTRY OF STEEL

1. Shri R.S. Pandey, Secretary
2. Shri A.K. Rath, Special Secretary & FA
3. Shrimati Chandralekha Malviya, Eco Adviser
4. Shri G.K. Basak, Executive Secretary, Joint Planning Committee

MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES

1. Dr. Chandrapal, Secretary
2. Shri P.K. Padhy, Addl. Development Commissioner & Economic Advisor.
3. Shri Deepak Goyal, Director (S&D), Office of the DC (MSME)

2. At the outset, the Chairman welcomed the witnesses to the sitting of the Committee and invited their attention to the provisions contained in Direction 55 of the Directions by the Speaker.

3. The Committee then took oral evidence of the representatives of the aforesaid Ministries/Departments and discussed various issues on the Collection of Statistics Bill, 2007, such as, designating the Textile Commissioner as Statistics Collection Authority for textile sector under

the proposed Act; inclusion of Micro, Small and Medium Enterprises Development (MSMED) Act, 2006 in the definition of the term 'informant'; facilitating action by the Central Government for collection of statistics at a regional level for activities of national importance, adequacy of penal measures proposed in the Bill, etc. As regards the points on which the representatives of the Ministries could not readily respond, the Chairman requested the representatives of the Ministries to furnish written information within seven days.

4. A verbatim record of proceeding has been kept.

*The Committee then adjourned to meet again
on 15th November, 2007.*

MINUTES OF THE ELEVENTH SITTING OF THE
STANDING COMMITTEE ON FINANCE

The Committee sat on Thursday, the 13 Dcember, 2007 from
1500 hrs. to 1645 hrs.

PRESENT

Shri Ananth Kumar—*Chairman*

MEMBERS

Lok Sabha

2. Shri Jaswant Singh Bishnoi
3. Shri Gurudas Dasgupta
4. Shri Vijoy Krishna
5. Shri Bhartruhari Mahtab
6. Shri K.S. Rao
7. Shri Bhal Chand Yadav

Rajya Sabha

8. Shri Raashid Alvi
9. Shri Mangani Lal Mandal
10. Shri C. Ramachandraiah
11. Shri Vijay. J. Dadra
12. Shri S. Anbalagan

SECRETARIAT

1. Shri A. Louis Martin — *Joint Secretary*
2. Shri S.B. Arora — *Director*
3. Shri T.G. Chandrasekhar — *Deputy Secretary*

WITNESSES

MINISTRY OF STATISTICS AND PROGRAMME
IMPLEMENTATION

1. Dr. Pronab Sen, Secretary
2. Shri S.K. Sinha, DG, NSSO
3. Shri P.K. Ray, Additional Director General
4. Dr. A.K. Yogi, Additional Director General
5. Shri A.K. Saxena, Joint Secretary
6. Shri A.K. Bhatia, Deputy Director General
7. Shri M.V.S. Ranganadham, Director

2. At the outset, the Chairman welcomed the witnesses to the sitting of the Committee and invited their attention to the provisions contained in Direction 55 of the Directions by the Speaker.

3. The Committee then took oral evidence of the representatives of the Ministry of Statistics and Programme Implementation and discussed various issues on the Collection of Statistics Bill, 2007 such as, incorporating appropriate provisions in the present Bill for bringing better co-ordination and standardisation; appropriateness of the provision authorizing any person to enter premises for inspection of relevant record or document; provision of right to appeal against instances where information may be wrongfully called for; adequacy of the penal measures proposed in the Bill etc. The Chairman requested the representatives of the Ministry to furnish written information on various points raised within fifteen days.

4. A verbatim record of proceedings has been kept.

5. The Committee also decided to take up for examination the subject, 'Foreign Institutional Investment Inflows—An Appraisal'.

6. The Committee also proposed to undertake a Study Tour in connection with the subjects selected for examination in the second-third week of January, 2008.

The Committee then adjourned.

MINUTES OF THE TWENTIETH SITTING OF THE
STANDING COMMITTEE ON FINANCE

The Committee sat on Wednesday, the 12th March, 2008 from
1700 hrs. to 1740 hrs.

PRESENT

Shri Ananth Kumar—*Chairman*

MEMBERS

Lok Sabha

2. Shri Shyama Charan Gupta
3. Shri A. Krishnaswamy
4. Shri Bhartruhari Mahtab
5. Shri Rupchand Pal
6. Shri P.S. Gadhavi
7. Shri Magunta Sreenivasulu Reddy
8. Shri Lakshman Seth
9. Shri A.R. Shaheen

Rajya Sabha

10. Shri S.S. Ahluwalia
11. Shri Mahendra Mohan

SECRETARIAT

1. Shri A. Louis Martin — *Joint Secretary*
2. Shri A.K. Singh — *Director*
3. Shri T.G. Chandrasekhar — *Deputy Secretary*
4. Shri G. Srinivasulu — *Deputy Secretary Gr.-II*

2. At the outset, the Chairman welcomed the Members to the
sitting of the Committee.

3. ***

4. The Committee then took up for consideration the draft report on the Collection of Statistics Bill, 2007. The Chairman requested the Members to give their suggestions on the recommendations contained in the draft report. The Committee, after deliberation, adopted the draft report with the modifications/amendments shown in the Annexure.

5. The Committee authorized the Chairman to finalise the report in the light of the modifications suggested and also to make consequential changes and present the report to Parliament.

The Committee then adjourned.

ANNEXURE

[MODIFICATIONS/AMENDMENTS MADE BY STANDING
COMMITTEE ON FINANCE IN THEIR DRAFT REPORT
ON THE COLLECTION OF STATISTICS BILL, 2007
AT THEIR SITTING HELD ON 12 MARCH, 2008]

Section	Page Nos.	Para Nos.	Line	Amendments/Modifications
D	15-16	32-36	—	<i>Delete</i> Section D, Para Nos. 32-36 and renumber subsequent Section/paras accordingly.
E	18	40	—	<i>For</i> “The Committee have been informed that the intent of the Bill is to provide an umbrella legislation without giving authority to any one individual or body and that the nodal functions required to be discharged by the Ministry of Statistics and Programme Implementation, for effective implementation of the provisions of the Bill will be addressed while framing rules as per Clause 32 of the Bill. The Committee hope that rules in this regard will be made at the earliest.” <i>Read</i> “The Committee hope that the rules for enabling effective implementation of the provisions of the Bill will be made at the earliest under Clause 32.”
H	33	71	4	<i>Delete</i> “.....or failure by employees to keep inviolate the secrecy of the information.”

AS INTRODUCED IN RAJYA SABHA

Bill No. XXXIX of 2007

THE COLLECTION OF STATISTICS BILL, 2007

ARRANGEMENT OF CLAUSES

CHAPTER I

PRELIMINARY

CLAUSES

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

COLLECTION OF STATISTICS

3. Collection of statistics.
4. Powers of appropriate Government to appoint statistics officer, etc.
5. Power of statistics officer to call for information.
6. Duty of Informants.
7. All agencies to assist.
8. Right of access to records or documents.

CHAPTER III

DISCLOSURE OF INFORMATION IN CERTAIN CASES
AND RESTRICTIONS OF THEIR USE

9. Security of information.
10. Agencies authorised to disclose certain information.
11. Disclosure of information schedules for *bona fide* research or statistical purposes.
12. Disclosure of historical documents.
13. Security of recorded information.
14. Restrictions on use of information.

CHAPTER IV

OFFENCES AND PENALTIES

15. Penalty for neglect or refusal to supply particulars.
16. Penalty for making false statement.
17. penalty for mutilation or defacement of information schedule.
18. Penalty for obstruction of employees.
19. Penalty for other offences.
20. Penalty for failure to carry out duties and functions by employees.
21. Penalty for impersonation of employee.
22. General penalty.
23. Cognizance of offences.
24. Sanction for prosecution for offence.
25. Power of court to try cases summarily.

CHAPTER V

POWER IN RESPECT OF CORE STATISTICS

26. Power in respect of core statistics.

CHAPTER VI

MISCELLANEOUS

27. Power to give directions.
28. Public servants.
29. Bar of jurisdiction.
30. Protection of action taken in good faith.
31. Overriding effect.
32. Power to make rules.
33. Repeal and savings.

Bill No. XXXIX of 2007

THE COLLECTION OF STATISTICS BILL, 2007

A

BILL

*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

Short title,
extent and
commen-
cement.

1. (1) This Act may be called the Collection
of Statistics Act, 2007.

(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.

Definitions.

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 its
instrumentality; or

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

(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 III

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, as may be necessary, 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.

Power of statistics officer to call for information.

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—

(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 an 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.

Duty of informants.

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.

7. Every agency shall render such help and assistance and furnish such information to other agency or any statistics 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.

All agencies to assist.

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.

Right of access to records or documents.

CHAPTER III

DISCLOSURE OF INFORMATION IN CERTAIN CASES AND RESTRICTIONS OF THEIR USE

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.

Security of information.

(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.

Agencies
authorised
to disclose
certain
information.

10. Notwithstanding the provisions contained in section 9 of this Act, the agency authorised for collection of statistics 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. (1) Notwithstanding the provisions contained in section 9 of this Act, the agency authorised for collection of statistics 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.

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

(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 agency authorised for collection of statistics, 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.

Disclosure
of historical
documents.

12. Notwithstanding anything contained in section 9 of this Act, the agency authorized for collection of statistics may release such documents relating to information schedules, which in the opinion of such agency have attained historical importance.

Security of
recorded
information.

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.

Restrictions
on use of
information.

14. 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. (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.

16. Whoever, 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 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 making false statement.

17. Whoever, destroys, defaces, removes, or mutilates any information schedule, form, or other document containing particulars collected under this Act or requesting any such

Penalty for mutilation or defacement of information schedule.

particulars, shall be punishable 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.

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 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.

Penalty for other offences.

19. Whoever—

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

(b) willfully deceives or attempts to deceive any statistics officer or any agency or any employee thereof, shall be punishable 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.

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 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.

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 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.

Penalty for impersonation of employee.

22. Whoever, commits an offence under this Act for which no penalty is prescribed elsewhere than in this section, shall be punishable 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.

General penalty.

23. 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.

24. 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.

Section for prosecution for offence.

2 of 1974. 25. 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

Power of court to try cases summarily.

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

Power in
respect of
core
statistics.

26. 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

Power to
give
directions.

27. 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.

Public
servants.

28. declares the statistics officer and any person authorised for collection of statistics or preparation of official statistics under the Bill to be a public servant within the meaning of section 21 of the Indian Penal Code.

29. 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.

Bar of jurisdiction.

30. 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.

Protection of action taken in good faith.

31. 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.

Overriding effect.

37 of 1948.

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

Powers to make rules.

(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 and also to avoid unnecessary duplication in the collection of statistics;

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

(c) 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

(d) 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.

33. (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.

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 and 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 liberalization and globalization 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 rationalized 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.

New Delhi;
The 8th May, 2007.

G.K. VASAN

NOTES ON CLAUSES

Clause 2 seeks to define various expression used in Bill

Clause 3 empowers the appropriate Government, namely, the Central Government or a State Government or Union territory Administration or any local government such as Panchayats and Municipalities to issue any direction by issuing a notification in the Official Gazette, for collection of the statistics on economic, demographic, social, scientific and environmental aspects, subject to the restriction contained in the proviso to clause 3.

Clause 4 empowers the appropriate Government to appoint statistics officer for any geographical unit for collection of statistics. The appropriate Government may employ, on contract basis any agency, etc., or delegate this power to any statistics officer, as may be necessary for the purpose of collection of statistics. It also makes provision for specifying the form and the manner in which the information may be furnished, or delegate such power to any statistics officer.

Clause 5 provides for the powers of the statistics officer to call for information in the form of returns or through interviews or such other methods including electronic modes.

Clause 6 provides for duty of informant to furnish any information, so asked in the prescribed manner, to the best of his knowledge or brief to the statistics officer.

Clause 7 provides that every agency shall render such help and assistance and furnish such information to other agency or statistics officer as it may require and shall make available for inspection and examination of such records, plans and other documents, as may be necessary.

Clause 8 provides that the statistics officer or any person authorised by him in writing in this behalf shall have access to any relevant record or document in the possession of any information required to be furnished any information under the provisions of the Bill for the purposes of collection of statistics and may enter at any reasonable time any premises where he believes that such record or document is kept; and may inspect and take copies of it and ask any question necessary for obtaining information required to be furnished under the Bill.

Clause 9 provides that any information furnished to statistics officer or any person or agency authorised under this Act shall be used for the statistical purpose only and no person other than engaged in the work of collection of statistics shall be permitted to see any information schedule or any answer to a question asked, except for the purposes of a prosecution under this Bill. It provides that no such information or answer shall be separately published or disclosed without suppressing the identification of informants. It also provides that all the 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.

Clause 10 empowers the authorised agency to disclose any information supplied by informants in respect of which disclosure is consented to by the informant in writing; or any information otherwise available to public under any Act as a public document; or the information in the form of an index or list of the names and addresses of the informants together with the classification, if any, allotted to them and the number of persons engaged.

Clause 11 empowers the authorised agency to disclose individual returns or forms, or information schedules to other agency or person or institute or university solely for *bona fide* research or statistical purposes. It provides that no such information shall be disclosed unless the name and address of informants is deleted; or every agency or person or institution or university involved in the research makes a declaration to use the information only for *bona fide* research purposes; and the authorised agency is satisfied with the declaration so made. It also provides that the published results of any research or statistical project shall not divulge more information than what the authorised agency could publish in accordance with the provisions of the Bill and every agency or person or institution or university to whom the information is disclosed under this clause shall comply with the directions given by the authorised agency.

Clause 12 empowers the authorised agency to release such information which in the opinion of the agency have attained historical importance.

Clause 13 provides that the statistics officer or any person or any agency authorised for collection of statistical information shall take such steps as are necessary to ensure that security provisions of the Bill have been complied with while copying or recording any information collected pursuant to the Bill.

Clause 14 restricts that any information obtained pursuant to the provisions of the Bill shall not be disclosed and no person who has access to such information shall be compelled to disclose such information in any proceedings, whatsoever, except in the manner provided in the Bill.

Clause 15 provides that whoever fails to produce any books of account, documents, etc., or neglects or refuses to fill in and supply the particulars required in any information schedule or return or whoever neglects or refuses to answer any question or enquiry addressed to him shall be punishable with a fine which may extend to one thousand rupees or in case of a company which may extend to five thousand rupees. It also provides that conviction under this clause shall not relieve any person from the obligation of providing such information and if after expiry of period of 14 days from the date of such conviction, he, still fail to give the required particulars or refuses to fill in or supply the particulars, he shall be punishable with a fine which may extend to one thousand rupees and in 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.

Clause 16 provides that whoever makes any false or misleading statement or material omission in the information schedule or return, etc., shall be punishable with a fine which may extend to one thousand rupees or in the case of a company which may extend to five thousand rupees.

Clause 17 provides that whoever destroys, defaces, removes or mutilates any information schedule, etc., shall be punishable with a fine which may extend to two thousand rupees and in case of a company with a fine which may extend to ten thousand rupees.

Clause 18 provides that whoever interferes with, hinders or obstructs any employee in exercise of any power or duty conferred under the Bill, shall be punishable with a fine which may extend to two thousand rupees and in case of a company which may extend to ten thousand rupees.

Clause 19 provides that whoever acts in contravention or fails to comply with any provisions of the Bill or any requirement imposed under the Bill or wilfully deceives or attempts to deceive any statistics officer or an agency or employee, shall be punishable with a fine which may extend to two thousand rupees and in case of a company with a fine which may extend to ten thousand rupees.

Clause 20 provides the penalty for failure to carry out duties and functions by the employees. It provides that if any person employed in the execution of any duty or functions under the Bill or omits without lawful excuse to carry out his duty, or knowingly makes any false declaration, etc.; or pretends in the performance of his duties or obtains or seeks to obtain information which he is not authorised to obtain; or fails to keep or inviolate the secrecy of the information gathered or entered in the information schedule, collected pursuant to this Bill and, except as permitted under this Bill, divulge the contents of any schedule or information, shall be punishable with a fine which may extend to two thousand rupees and in case of a company with a fine which may extend to ten thousand rupees.

Clause 21 provides for the penalty for impersonation of an employee. It provides that whoever, not being authorised to collect the statistics under the provisions of the Bill, by words, conduct or demeanor pretends that he is authorised to do so, shall be punishable with a fine which may extend to two thousand rupees and in case of a company which may extend to ten thousand rupees.

Clause 22 provides that whoever commits an offence under this Bill and for which no penalty has been provided elsewhere shall be punishable with a fine which may extend to two thousand rupees and in case of a company with a fine which may extend to ten thousand rupees.

Clause 23 provides that no court shall take cognizance of an offence except on a complaint made by the appropriate Government or an officer authorised in this behalf by that Government or by the statistics officer and it also provides that no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under the Bill.

Clause 24 provides for the sanction of the statistics officer for prosecution for an offence committed by any informant and for the sanction of the appropriate Government for prosecution for any offence committed by persons other than informants.

Clause 25 provides that notwithstanding anything contained in the Code of Criminal Procedure, 1973 all offences under the Bill shall be tried in a summary way, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such a trial. It also provides that if it appears to a Magistrate that the nature of the case is such that it is, for any reason, not desirable to try the case summarily, the Magistrate shall after hearing the parties, record an order to that effect and thereafter proceed to hear or rehear the case in the manner provided in the said Code.

Clause 26 empowers the Central Government, without prejudice to the provisions contained in the Bill, to declare from time to time any subject for collection of statistics of national importance as 'core statistics' and make such arrangement as it may consider necessary for collection and dissemination of statistics on the subject so declared.

Clause 27 empowers the Central Government to 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 the execution of this Bill in the State or Union territory or Panchayats or municipalities.

Clause 28 declares the statistics officer and any person authorised for collection of statistics or preparation of official statistics under the Bill to be a public servant within the meaning of section 21 of the Indian Penal Code.

Clause 29 provides bar of jurisdiction of a civil court. It provides that the civil courts shall have no jurisdiction to entertain any suit or proceeding in respect of any matter for which the appropriate Government or statistics officer or agency is empowered under the Bill and any court or authority shall not grant any injunction in respect of any action taken or to be taken in pursuance of any power conferred under the Bill.

Clause 30 makes provisions so as to provide for protection of action taken in good faith by the appropriate Government or agency or any statistics officer or other officer or employees in pursuance of the directions given by the said authorities.

Clause 31 gives overriding effect to the provisions of this Bill on any other laws for the time being in force except in relation to the conduct of human population census as per the direction, if any, issued under the Census Act, 1948.

Clause 32 empowers the Central Government to make rules to carry out the provisions of the Bill. It enumerates matters with respect to which the Central Government shall have the power to make rules under the Bill. It also provides for laying of rules before each House of Parliament.

Clause 33 provides for the repeal of the Collection of Statistics Act, 1953. It provides that anything done or any action taken under the said Act shall be deemed to have been done or taken under the corresponding provisions of the Bill. It also provides for continuance of all rules made under the said Act till new rules are made under this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 32 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. Such rules may, *inter alia*, provide for principles for—

- (i) coordinating among different agencies or instrumentalities of the Central Government and State Governments to achieve the objectives of clause 3 and to avoid duplication in collection of statistics;
- (ii) prescribing the form and manner in which information may be obtained or furnished under the relevant provisions of the Bill; and
- (iii) prescribing the manner in which the right of access to records, documents and the right of entry conferred by clause 8 may be exercised.

2. The matters in respect of which rules may be made under the aforesaid provision are matters of procedure and administrative detail and it is not practical to provide for them in the Bill. The rules made under the Bill are also required to be laid before Parliament. The delegation of legislative powers is, therefore, of a normal character.

RAJYA SABHA

A

BILL

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

*(Shri G.K. Vasan, Minister of State of the Ministry of Statistics and
Programme Implementation)*