

Subject: Placing the draft Collection of Statistics (Amendment) Bill, 2015 in public domain.

The Ministry of Statistics and Programme Implementation proposes to introduce the Collection of Statistics (Amendment) Bill, 2015 in the Parliament. The draft Bill (enclosed at pages 2 and 3) and a note giving justification to the provisions in the Bill (enclosed at page 4), indicating the current thinking in the Ministry, are placed in public domain with a view to elicit the comments/ views of the stakeholders including the general public. These will be further refined after the process of consultation with the stakeholders and the general public as well as with the concerned Ministries is over and thereafter the Cabinet will consider the final contours of the proposed legislation.

2. The comments/ views may be forwarded to **Shri Manoj Kumar Gupta, Joint Director**, Ministry of Statistics and Programme Implementation, Central Statistics Office (CAP Division), 9th Floor, Jeevan Praksh Building, K.G. Marg, New Delhi - 110001 or emailed at manojk.gupta@nic.in latest by 31st August 2015.

THE COLLECTION OF STATISTICS (AMENDMENT) BILL, 2015

A

Bill

further to amend the Collection of Statistics Act, 2008

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Collection of Statistics (Amendment) Act, 2015. Short title and commencement

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

7 of 2009 2. In sub-section (2) of section 1 of the Collection of Statistics Act, 2008 (herein after referred to as the principal Act), the following proviso shall be added at the end, namely, – Amendment of section 1

“Provided that nothing in this sub-section shall prevent any directions being given under this Act with respect to any statistical survey or otherwise relating to any matter falling under any of the entries specified in List-I (Union List) or List-III (Concurrent List) of the Seventh Schedule to the Constitution as for the time being applicable to the State of Jammu and Kashmir.”

3. In the principal Act, after section 3, the following section shall be inserted, namely:- Insertion of new section 3A

Nodal officer “3A. (1) The Central Government and each State Government shall designate one of its officers in the Ministry or Department dealing with statistical matters as a nodal officer.

(2) Every nodal officer appointed under sub-section (1) shall coordinate and supervise all statistical activities in the Central Government or the State Government, as the case may be, and also exercise such other powers and perform such other duties, as may be prescribed.”

4. In the principal Act, in section 33, -

Amendment of
section 33

(1) in sub-section (1), after the words 'The Central Government may', the following words shall be inserted, namely, -

“subject to the condition of previous publication and”;
and

(2) in sub-section (2), after clause (d), the following clauses shall be inserted, namely –

“(dd) the manner in which personal information collected shall be used by any agency engaged in the collection of statistics; and

(ddd) the procedure to be followed in dealing with offences under this Act.”

**Note (on clauses) giving justification to the provisions
in the draft Collection of Statistics (Amendment) Bill**

Clause 1 seeks to give a short title to the legislation as 'Collection of Statistics (Amendment) Act, 2015 and indicate its commencement from the day it is notified in the Official Gazette.

Clause 2 seeks to amend the sub-section (2) of section 1 of the Collection of Statistics Act, 2008 (herein after referred to as the principal Act), available at: http://mospi.nic.in/Mospi_New/upload/COS_Act_2008_English_26may11.pdf?status=1&menu_id=159.

The principal Act is not applicable to the State of Jammu and Kashmir. The Jammu and Kashmir Collection of Statistics Act, 2010 enacted by the Jammu and Kashmir State Legislature extends to the whole of the State of Jammu and Kashmir.

The Jammu and Kashmir State Legislature has legislative powers to enact laws on 'statistics' which fall under the concurrent and residuary powers reserved for the State under the Constitution (Application to Jammu and Kashmir) Order 1954 (available at: http://jklaw.nic.in/constitution_jk.pdf).

The principal Act and the Jammu and Kashmir Collection of Statistics Act, 2010 are not applicable to the statistical subjects falling in the Union List, as applicable to Jammu & Kashmir under the aforementioned 1954 Order. This has created a legislative vacuum. Moreover, the concurrent jurisdiction to be exercised by the Centre has also not been provided for, in the principal Act. The addition of the proviso at the end of the sub-section (2) of section 1 of the principal Act by way of the proposed amendment is intended to address this vacuum.

Clause 3 seeks to insert a new section 3A to provide for appointment of a nodal officer by the Central Government and each State Government to coordinate and supervise all statistical activities and also to exercise such other powers and perform such other duties, as may be prescribed. The main function of a nodal officer is to take steps to avoid unnecessary duplication of programmes of collection of statistics, as provided under clause (a) of sub-section (2) of section 33 of the principal Act.

Clause 4 seeks to amend section 33 to provide for previous publication of Rules made under the Act (consistent with the pre-legislative consultation policy of the Government available at: <http://lawmin.nic.in/ld/plcp.pdf>), the manner in which personal information collected shall be used (consistent with the provisions under Chapter III of the principal Act) and the procedure to be followed in dealing with offences under the Act (consistent with principles of natural justice to implement the provisions under Chapter IV of the principal Act).