

**REPORT
OF THE COMMITTEE
ON
LEGISLATIVE MEASURES
IN STATISTICAL MATTERS
AS ADOPTED BY THE
NATIONAL STATISTICAL COMMISSION**

October, 2011

**NATIONAL STATISTICAL COMMISSION SECRETARIAT
NEW DELHI**

*Prof. N.R. Madhava Menon,
Dr. S. Radhakrishnan Chair on
Parliamentary Studies (Rajya Sabha)*

27th October, 2011.

Dear Prof. Radhakrishna,

I have pleasure in forwarding herewith a Draft Bill for establishing the National Statistical Commission as an independent statutory body along with amendments recommended to certain existing statistical laws together with a brief report on the deliberations of the Committee constituted to look into legislative measures needed to put the Indian statistical system on par with leading world models. The Committee appointed under my chairmanship vide order No. 8 (64)/2010-NSC dated 8th November, 2010 was given a tenure of one year and we are happy that the work could be completed well before the time allotted. This is because of the expert guidance we received from you from time to time and the excellent back-up support given by Mr. M.V.S. Ranganadham, Dy. Director General and his secretariat.

2. Given the importance of the subject for economic and social planning as well as for good governance, I am sure these recommendations will receive the attention it deserves from the authorities concerned and we will soon see the law passed establishing the Commission. Hopefully, it will then persuade the State Governments to set up similar Commissions at the State level or at least put their statistical organizations on sound lines to improve the credibility of the system and to integrate it at the national level.

3. The Committee would like to thank the NSC for having reposed confidence on us for framing the draft legislative policy on statistical matters.

Sd/-
(N.R. Madhava Menon)

Prof. R. Radhakrishna
Chairman
National Statistical Commission
New Delhi

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LIST OF ABBREVIATIONS USED

CSI – Chief Statistician of India
CSO – Central Statistics Office
DES - Directorate of Economics and Statistics
EUROSTAT – Statistical office of the European Union
GOI – Government of India
IRDA – Insurance Regulatory and Development Authority
ISS – Indian Statistical Service
J & K – Jammu and Kashmir
LPG – Liberalisation, Privatisation and Globalisation
MOSPI - Ministry of Statistics and Programme Implementation
NIRD - National Institute of Rural Development
NSC - National Statistical Commission
NSDC - National Statistical Development Council
NSO - National Statistical Organisation
NSSO – National Sample Survey Office
ORGI – Office of the Registrar General & Census Commissioner
PMO – Prime Minister’s Office
RBD - Registration of Births and Deaths
RBI – Reserve Bank of India
SEBI – Securities and Exchange Board of India
TOR – Terms of reference
TRAI – Telecom Regulatory Authority of India
UN – United Nations
UT – Union territory
WTO – World Trade Organisation

REPORT OF THE COMMITTEE ON LEGISLATIVE MEASURE IN STATISTICAL MATTERS

1. Background

1.1 The Committee and its Mandate: The National Statistical Commission (NSC) constituted a committee under the chairmanship of Prof. N. R. Madhava Menon to look into legislative measures on statistical matters, including a Bill to provide statutory status to the NSC. A copy of the order constituting the Committee is given at Annex-X. The terms of reference of the Committee are as under.

- (1) Statutory provisions to be made to make the NSC more effective in exercising its mandate.
- (2) Statutory provisions to be made to have State level Statistical Commissions and their relationship with the NSC.
- (3) Whether any umbrella legislation is needed to make the administrative statistical system more effective, and if so, the details thereof.
- (4) Whether the Census Act and the Registration of Births and Deaths Act are needed to be amended to make them more effective in terms of ensuring public trust etc.
- (5) How the Collection of Statistics Act, 2008 should be made applicable to the State of Jammu & Kashmir in the light of Article 370 and the division of powers as applicable to the State.
- (6) Reviewing the implementation of statistical laws at the Centre and in the States to suggest further improvements.
- (7) Any other matter relevant to legislative measures on statistical matters, including evolving a system for judicial statistics.

1.2 Meetings, Deliberations and the Consultative Workshop

1.2.1 The Committee met five times in all. Prof. G. Mohan Gopal, Former Director of the National Judicial Academy & presently the Director of the Rajiv Gandhi Institute for Contemporary Studies, who is a Member of the Committee, did not attend any of the meetings of the Committee. In the five meetings, the Committee prepared a Draft Bill for discussion on the basis of broad principles agreed to, in the initial meetings.

1.2.2 The Committee felt that a draft National Statistical Code Bill which would be comprehensive and inclusive of all statistical matters will be appropriate. The Code included the existing law and the proposed legal framework as also major procedural aspects to make it a self-contained legislation enabling the Commission to work effectively in relation to the

Ministries and departments of Central, State and local governments. The Code was placed before a Consultancy Workshop held under the Chairmanship of Prof. Menon on 23rd July 2011 at the National Institute of Rural Development (NIRD), Hyderabad. Over 40 participants including retired senior bureaucrats, academicians/ experts, and representatives of States/ UTs and the DGs of the CSO and the NSSO participated in the Workshop.

1.3 Suggestions Received at the Workshop

1.3.1 Some of the important suggestions received at the NIRD Workshop are given below.

- The commission should confine itself to laying down standards, drawing up regulations & protocols for different surveys, monitoring, assessment and evaluation. It is advisable to separate the regulating and implementing functions fully, if the NSC is to be an independent body. Commission should not involve itself in executive functions, except monitoring and reviewing functions, where absolutely necessary.
- For the present, the Commission should assume powers only in respect of Core Statistics. The Commission can provide advice to the State Governments or State agencies, if they seek such an advice. The Centre-State relations are a difficult area in our system and we have to be sensitive to this fact.
- NSO should not be under the NSC. The present location of the NSO is not satisfactory in ensuring effective day-to-day coordination in the decentralized Indian Statistical system. In the present environment of the Federal Government, the most appropriate location of the NSO is the Prime Minister's Office (PMO).
- Apart from the Bill, the report of the Committee should clearly explain the elements which may not get reflected in the Bill but which are necessary to make the Commission and the statistical system effective.
- In case CSI is to be the Secretary in the Dept. of Statistics, it may be appropriate to have an Additional Secretary level officer in the Department to help the Secretary in routine administrative and cadre management problems.
- CSI should be responsible for implementing the policies, guidelines, standards, etc., laid down by the Commission. The issue of making the CSI accountable to the Commission needs to be seriously considered. There is a need to provide for the removal of CSI from office.
- The National Statistics Organisation should not be under the NSC. Its chief etc., may be members of the advisory council.
- It may be desirable to list out the core statistics (as currently perceived by the Commission) in the Code instead of leaving this decision to a future point of time.

- The amendments to the Census Act and the Registration of Births and Deaths Act may not be included in the Code and may be separately given in the Report of the Committee. In such a case, whether the entire proposal should be called as an Act or Code should be decided by legal experts.
- There is a reference to the establishment of offices in other parts of the country. It may be useful to clarify the relationship between the State level statistical apparatus and the one at the National level.
- As regards the composition, a chairman and four members should be more than adequate. There is no need for ex-officio members.
- There is no need for the Commission to establish offices at other places in India. There is no way the Commission or any other central agency can take over all the statistical functions of State Governments. The proposed National Statistical Appraisal and Assessment Organization can have offices in different places, if it is considered desirable in the interest of making the Audit and Assessment functions more effective.
- The bar on future employment for Chairman/ Members of the Commission should relate only to commercial appointments and such a bar should be only for two years. Probably, the relevant rule applicable to All India Services Officers can be used as a model which enables a retired officer to take up employment within two years with the permission of the Government. On ceasing to hold office, Chairman and Members of the Commission should have no difficulty in accepting academic or research assignments/ positions.
- If the Commission does not have any overseeing role, it may become a non-entity. The Commission shall have an oversight role in respect of the NSO headed by the CSI.
- Secretary to the Commission who will be in the rank not below that of an Additional Secretary, can be called as such, Secretary to the Commission.
- It is not very desirable to have the same Search committee for locating persons for appointment as Chairman and Members of the Commission as well as Chief Statistician of India. In the case of CSI, the Commission may be the recommendatory body.
- There is no escape from getting budgetary support for the Commission. Even if a statistical cess is collected, it may perhaps be routed through the budget. It may be better to follow a model of some Fund already existing in respect of independent regulators, say SEBI or IRDA or TRAI.
- The Commission is essentially a Central Government created entity and should not be obliged to submit reports to any State Legislatures.

1.3.2 Based on the views and suggestions received in the NIRD Workshop and the discussions that followed, the Committee finalised the Bill and its report in its last meeting held at New Delhi on 27th October 2011.

2. Constitutional provisions relating to statistics

2.1 Division of Powers on statistical matters between Centre and the States

2.1.1 The division of powers between the Centre and the States is given in the Union List, the State List and the Concurrent List in the Seventh Schedule of the Constitution of India. Residuary powers on matters not covered in the three Lists as also the powers on matters arising out of international agreements are with the Centre. The subject 'Statistics' is covered under the following entries in the Seventh Schedule of the Constitution of India.

Entry 94 of the Union List (List-I): Inquiries, Surveys and Statistics for the purpose of any of the matters in this List

Entry 45 of Concurrent List (List-III): Inquiries and Statistics for the purpose of any of the matters in List-II or List-III

2.1.2 The subject 'statistics' is not covered under the State List (List-II), which means that 'statistics' on all matters in the State List fall under the Concurrent jurisdiction of the Centre and the States. There are many matters in the three Lists of the Seventh Schedule of the Constitution on which statistics are collected. Popular among them in the statistical fraternity are Entry-69 (Census) in the Union List, Entry-20 (Economic and social planning) and Entry-30 (Vital statistics including registration of births and deaths) in the Concurrent List.

2.2 Special Provisions in respect of J & K

2.2.1 There are special provisions in respect of the State of Jammu & Kashmir in view of Article 370 of the Constitution. The Seventh Schedule of the Constitution of India which enumerates elaborately the legislative powers delimiting subjects for the competence of the Union and the States is applicable to the State of Jammu and Kashmir in respect of the Union List and the Concurrent List with certain exceptions as laid down in the Constitution (Application to Jammu and Kashmir) Order 1954. The powers which are reserved for the J & K State include the subjects in the Union List and the Concurrent List, which are saved application in relation to the State along with

all other residuary powers, including the subjects in the State List. The provisions of the State List of the Seventh schedule are not applicable to the State. Entry 97 of the Union List, which vests the residuary powers of legislation in the Parliament, is not applicable to the State. The powers reserved for the State, therefore, include:

- (1) The powers enumerated in the Union List but saved application in respect of Jammu and Kashmir;
- (2) Powers enumerated in the Concurrent List but saved application in respect of Jammu and Kashmir;
- (3) Subjects enumerated in the State List; and
- (4) Residuary powers.

2.2.2 As per the aforesaid 1954 order as applicable to J & K, Entry-69 (Census) continues in the Union List, Entry-20 (Economic and social planning) in the Concurrent List stands omitted and Entry-30 (Vital statistics including registration of births and deaths) in the Concurrent List gets substituted by the entry "30. Vital statistics in so far as they relate to births and deaths including registration of births and deaths". There is no change in Entry 94 of the Union List. In entry 45, for the words and figures "List II or List III", the words "this List" stand substituted.

3. Organisational setup in the statistical system in the country

3.1 Scheme under the federal setup and Governmental Organization: The Statistical System presently functions within the overall administrative framework of the country. The federal structure within the constitutional scheme of division of powers under the Union, State and Concurrent Lists has influenced the organisation of the statistical system as well. At the Centre, the responsibilities are further divided amongst the various Ministries and Departments, according to the Government of India (Allocation of Business) Rules, 1961 that are amended from time to time. The collection of statistics on any subject generally vests in the authority (Central Ministry or Department or State Government Department) that is responsible for that subject according to its status in the Union, State or Concurrent Lists. By and large, the flow of statistical information emanates from the States to the Centre except in cases where the State-level operations are an integral part of Centrally-sponsored schemes or data are collected through national sample surveys.

3.2 Statistical System at the Centre: The collection of statistics for different subject-specific areas, like agriculture, labour, commerce, industry, etc., vests with the corresponding administrative ministries. More often than not, the statistical information is collected as a by-product of administration or for monitoring the progress of specific programmes. Some of the ministries,

like Agriculture, Water Resources, Health, etc. have full-fledged statistical divisions, while most others have only a nucleus cell. Large-scale statistical operations like the Population Census, Annual Survey of Industries, Economic Census, etc., are generally centralised, and these cater to the needs of other ministries and departments, as well as State Governments. In a few Central Ministries, officers of the Indian Statistical Service (ISS) and the Sub-ordinate Statistical Service (SSS) perform the statistical functions. The Ministry of Statistics and Programme Implementation (MOSPI) is the nodal agency for a planned development of the statistical system in the country and for bringing about coordination in statistical activities among statistical agencies in the Government of India and the State/ UT Directorates of Economics and Statistics.

3.3 Statistical System in the States: The Statistical System in the States is similar to that at the Centre. It is generally decentralised laterally over the Departments of the State Government, with major Departments, such as, agriculture or health, having large statistical divisions for the work of departmental statistics. At the apex level is the Directorate of Economics and Statistics (DES), which is formally responsible for the coordination of statistical activities in the State. The DESs declared as nodal agencies on statistical matters at State level have large organisations at the headquarters, with statistical offices in the districts and, in some cases, in the regions of the State. The statistical activity of the DESs is more or less uniform. They publish statistical abstracts and handbooks of the States, annual economic reviews or surveys, district statistical abstracts, and State budget analysis; work out the estimates of the State Domestic Product and Retail Price Index Numbers and engage in such other statistical activities as is relevant to the State. With regard to the large scale statistical operations such as national level censuses and surveys conducted by the Central Government, the actual field operations are carried out by the States. The DESs are sub-ordinate offices under the Planning Ministry in most of the States. Some of the States have a common statistical cadre.

3.4 Functional Arrangements

3.4.1 The National statistical system is laterally decentralised among the Ministries of the Government of India (GOI), and in every one of them, vertically decentralised, between the Centre and the States. The main features of the Indian Statistical System can thus be summarised as:

- The Administrative Statistics System is its major component;
- It is laterally and vertically decentralised;
- In it, not only data collection but also compilation, processing and preparation of results are carried out by the States for most of the sectors;

- It is the State-wise results, which flow to the Centre, and statistics at the all-India level are obtained as the aggregates of State-level statistics; and
- The professional statistical work at the Centre and in the States is carried out in a few cases by professional statistical cadres and mostly by non-professionals. This arrangement had its implications on quality of data, standardisation (due to lack of uniform training), credibility and timeliness of statistical products.

3.4.2 Statistics is mostly collected as a by-product of administration, either at the time of registration/ licensing of units under various laws or in exercise of power to obtain information under various statutes/ rules/ regulations. However, there are also exclusive statistical laws. The statistical laws and a few other related laws that have been in force in the country are given below.

- (1) The Census Act, 1948
- (2) The Census Rules, 1990
- (3) The Registration of Births and Deaths Act, 1969 (RBD Act)
- (4) Rules made by States under the RBD Act
- (5) The Collection of Statistics Act, 1953
- (6) Collection of Statistics (Central) Rules, 1959 (Rules were also made by 9 States)
- (7) The Jammu and Kashmir Collection of Statistics Act, 1961
- (8) The Jammu and Kashmir Collection of Statistics Act, 2010 which repeals the Jammu and Kashmir Collection of Statistics Act, 1961
- (9) The Collection of Statistics Act, 2008 (came into force on 11th June 2010) which repeals the Collection of Statistics Act, 1953
- (10) The Collection of Statistics Rules, 2011
- (11) Government Resolution on Governing Council for NSSO (Its powers and functions have been given to the NSC now.)

4. Rangarajan Commission recommendations and Action Taken by the Government

4.1 Recommendation for a Statutory National Statistical Commission: The Government of India appointed a National Statistical Commission under the Chairmanship of Dr. C. Rangarajan, the then Governor of Andhra Pradesh. The Commission submitted its report to the Government in 2001. The key recommendation of the Rangarajan Commission is creation of a permanent and statutory National Commission on Statistics responsible to the Parliament and constituting a Commission with a modicum of authority, through a Government Order for the purpose of evolving such a Commission taking into account the ground realities, the emerging requirements, etc. Relevant excerpts of the report are given at Annex-V.

4.2 Action Taken by Government

4.2.1 The Central Government introduced the National Statistical Commission Bill, 2003 in the Lok Sabha (13th) on 31st July, 2003. The Bill was referred to the Standing Committee on Finance. Thereafter, the 13th Lok Sabha was dissolved and so the Bill got lapsed.

4.2.2 When the 14th Lok Sabha was formed, there was a change in the Government at the Centre. The issue of NSC was considered afresh and it was decided to initially constitute it through an executive order with a modicum of authority with the mandate to evolve suitable statute for the purpose. Thus, the present NSC was constituted on the basis of the Government Resolution dated 1st June 2005. The Commission consists of a part-time Chairman, four part-time Members and an ex-officio Member (Secretary, Planning Commission). The Chief Statistician of India (CSI) is the head of the National Statistical Organisation (NSO) comprising the Central Statistics Office (CSO) and the National Sample Survey Office (NSSO). He is also the Secretary to the Government of India in the Ministry of Statistics and Programme Implementation (MOSPI) and Secretary to the Commission. The terms and service conditions of the Chairman/ Members of the Commission and of the CSI were notified on 10th May 2006.

4.3 NSC set up by Government Resolution: On the basis of the aforesaid Resolution and the Notification, the NSC was first constituted on 12th July 2006 and it has been functioning since then. The constitution of the present NSC, although in the form of a permanent Commission, was done as an interim measure with the mandate to evolve, within one year, the statute in the light of its own operational experience and to identify core statistics (statistics of national importance). In the words of the Rangarajan Commission, the main purpose of having a statutory Commission is to ensure that the production of core statistics and their release are free from Government influence, to meet the problem of coordination and to ensure public trust in statistics.

4.4 NSC Bill Reviewed and Committee constituted

4.4.1 The present NSC had formulated a draft NSC Bill in July 2009. It was also noted by the NSC that the Bill has been under further examination to ensure more clarity in the relationship between the NSC and the MOSPI. No final view could be taken by the NSC.

4.4.2 Many deficiencies have been reported in the aforesaid two draft NSC Bills, such as lack of clarity in respect of some provisions. The position has been reviewed again by the present NSC and they decided to constitute this Committee to look into all the relevant issues.

5. Statistical Cadres

5.1 Indian Statistical Service posts and placements: With regard to statistical cadres, the Central Government has sanctioned senior level ISS posts in about 20 major Central Ministries/ Departments. A proposal to assign them certain functions to assist the CSI and the NSC in their nodal role is under examination. Besides, the Central Government has also sanctioned senior level ISS posts in the field offices of the NSSO located at 20 State Capitals.

5.2 States yet to take steps for common cadre: The MOSPI and the NSC has been suggesting to the States at various forums to constitute common statistical cadres. Most of the States have initiated steps in this direction and some of them have already established common cadres. But, there is a long way to go, to achieve the goal of constituting an all-India India Statistical Service recommended by the Rangarajan Commission.

6. International scenario on Statistics Production and Management

6.1 Fundamental Principles on Official Statistics: Internationally, it has been recognized that official statistics must comply with certain principles, such as confidentiality, professional independence, impartiality, external accountability and transparency about methods. It is furthermore important that official statistics is collected in the most efficient way and that respondents are not unduly burdened. These principles are reflected in the UN Fundamental Principles of Official Statistics (given at Annex–IV) and must also be replicated in the Statistical Law. Many countries have statistical legislations covering the aforesaid provisions.

6.2 Guidelines on Model Statistics Law:

6.2.1 EUROSTAT naturally adhere to the UN Fundamental principles of statistics adopted by the Statistical Commission of the United Nations in 1994, and through its long experience in statistical co-operation it has commissioned the drafting of a model statistical law. This model statistical law has served as a point of reference for the candidate countries when adopting or revising their statistical laws. The model statistical law of *EUROSTAT* inter alia explains key principles and various elements linked to the collection of statistical data (sources and access to data etc.). Provisions are also included regarding dissemination and access to statistical results, whilst regulating issues on statistical confidentiality.

6.2.2 The UN has also produced guidelines (or model statistical act) for countries that need adopting a new or revising an existing statistical law.

These guidelines include some general principles describing the main actors of the statistical system, their roles, responsibilities and interactions. They also comprise elements on statistical operations and data collection, providing practical arrangements for data collection and including access to government data sources that may be relevant for statistical purposes. Besides, they also contain requirements concerning data confidentiality.

6.2.3 The UN model act can be seen in their publication titled 'Handbook of Statistical Organization, Third Edition: The Operation and Organization of a Statistical Agency' available in their website 'unstats.un.org'. The publication also includes an annotated model of a National Statistics Act for a fictitious country 'Numberland' presenting specific texts that might be useful for countries that want to introduce a general statistics law or modify an existing one. An extract of this publication is given below.

"The subject of statistical legislation can be reduced to two major issues: the compulsory aspect, that is, the power the Government asserts, through the statistical agency, to collect data; and the guarantee it provides for safeguarding the confidentiality of the information collected from individual respondents.

Laws regarding statistical agencies are largely similar, although the wording may differ: the State (or the Government, people's assembly, etc.) grants certain rights to a body, hereinafter designated as a statistical agency. In the law, this body's organic structure is explicitly laid out, including the requirements for the person at its head; the constraints under which it is supposed to operate; and the accountability that prevents it from abusing its rights or acting arbitrarily. The law dictates what the statistical agency is expected to do with the information respondents submit to it, and for which it is accountable. The community of respondents is asked to comply with the statistical agency's demands for information so long as they can be justified in the name of the objectives set by the law. In exchange for intrusion upon privacy rights, the statistical agency is required to safeguard respondents' information. If the agency breaks this commitment, its officers are subject to certain sanctions. If respondents do not comply, they too are subject to certain sanctions. While laws differ from each other in length, style, detail, and scope, if they do not cover the fundamental points outlined above, they are incomplete."

6.3 Common features followed by leading countries

6.3.1 The following provisions in respect of statistics are generally found in the statistical statutes of various countries.

- Right to access records and administrative data
- Obligation on respondents to furnish information
- Sanctions for failure to furnish information
- Confidentiality/ secrecy of information collected
- Sanctions for failure to maintain Confidentiality/ secrecy
- Impersonation of employees
- Avoiding duplication
- Sharing of information to reduce burden on informants

6.3.2 The aforementioned model laws and the statistical laws of some of the countries have been referred by the Committee.

6.3.3 There are many institutions in India having functional autonomy and exercising executive/ regulatory functions in some form or the other. The Committee has kept in view the relevant laws under which such institutions have been functioning.

7. Objects to be achieved in the official statistical system

7.1 Production and Management of Statistics: The official statistical system plays a key role in any society, especially, in a large and diverse democracy. Production and management of statistics must be independent of and distinct from the Government in order to be credible and acceptable to all sections in the society. In fact, the system must act as one of the bedrocks of society, and seek to continuously enlarge its application in the public sphere. It must play host to informed debate and give substance to open democracy and participatory governance. A key principle of the system is that it must be completely independent and transparent. At the same time, the system must be accountable to the people and the Parliament. India does have a sophisticated system of statistical operations though it is not as independent and transparent as it ought to be. The present attempt of the Committee is to make it world class in terms of trust, professionalism and efficiency.

7.2 Need for Universal Standards and Strict Regulations: There is a need for regulation of the official statistical system, if not in its entirety, but at least in respect of statistics of national importance (core statistics) to achieve the aforesaid objects. Hence, the Committee recommends for mandatory regulation of core statistics and for taking other steps for facilitating the development of the system as a whole. The Committee also recommends for constituting a statutory National Statistical Commission to achieve these objects through an Act of Parliament.

8. Review of Constitutional Provisions and Recommendations of the Committee

8.1 Issue of Census and the Statistical System

8.1.1 In the given framework of division of powers between the Centre and the States provided in the Seventh Schedule of the Constitution, there are a few issues which cannot be ignored in the context of the decentralized statistical system and the requirement of regulating core statistics.

8.1.2 Human population census is being conducted once in ten years under the provisions of the Census Act, 1948, the law enacted by the Parliament on the basis of Entry 69 (census) in the Union List. The word 'census' has not been defined in the Constitution, or in the General Clauses Act, 1897, which is used for interpreting various provisions of the Constitution. It is pertinent to mention here that the Census Act, 1948 has also not provided for the definition of census. That being the case, the rules of interpretation enjoin to take the literal meaning of the word. The dictionary meaning of 'Census' is as follows.

“an official count of a population or of a class of things, often with various statistics noted – The Concise Oxford Dictionary 1992 Edition”

8.1.3 This indicates that the word 'census' refers to census of human population as also to any other class of things. It is perhaps with this interpretation in mind that the Centre has been conducting over these years, a number of other censuses, such as the Economic Census, the Agriculture Census, the Livestock Census, the Small-scale Industries Census, the Handlooms Census and the Handicrafts Census. There was no precedent for any State conducting a Census.

8.1.4 There is also a view that Entry-69 in the Union List relates to only human population census, as the Hindi version of the Constitution indicates 'Janganana' against Entry-69. It appears that only human population census has been popular when the Constitution was drafted and censuses on other subjects got introduced much later - in the seventies or thereafter (although the first livestock census was conducted during 1919-20). The manner in which the word 'census' is used in the Article 82 (on the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies, introduced through 42nd amendment) of the Constitution also substantiates the view that it relates to human population census. If this view is accepted, a question arises about the competence of the Union Government in conducting other censuses in the whole of India, as such censuses on any subject other than human population census fall outside the purview of Entry-69. There is no other entry on 'census' in the

Concurrent list or in the State List. In case, it falls under residuary powers, the Centre has the mandate. However, when this is further examined in the context of the 1954 order applicable to the State of Jammu & Kashmir under which residuary powers are with the State, the Centre will not be in a position to conduct any census other than human population census in the State of Jammu and Kashmir.

8.2 Statistics in relation to Planning and Core Statistics

8.2.1 Besides, there is another issue which may have to be addressed in the Constitution. It needs no emphasis that official statistics are required for planning and policy formulation and that any weakness in statistics would result in erroneous planning and policy making. Another important feature in the decentralized statistical system is that statistics produced at the Centre is required for the States and those produced by the States are required for the Centre. The subject of official statistics is such that none of its products is solely made for internal consumption by any Department at the Centre or in the States. For example, the human population census data is used extensively at the Centre and in the States. It is also used as a frame for all surveys in the social sector to know more about the population, particularly on matters which the census data does not throw any light. Similarly, agricultural statistics generated by the States is important for the Centre for policy making, especially in matters of procurement. The statistical products also induce informed debate.

8.2.2 In the context of core statistics, which are statistics of national importance and which are proposed to be regulated, the interdependence of official producers of these statistics at the Centre and in the States is inevitable, although the accountability of such producers at present is to their respective Departments. This may pose problems in future for ensuring production of desired quality for core statistics, particularly in the absence of a clear provision on core statistics in the Union List. Hence, it is necessary to ensure that the Union List provides for regulating statistics of national importance, which aspect cannot be left to be decided by States.

8.3 Amendments proposed: In view of the aforesaid considerations, the Committee recommends that Entry – 69 in the Union List be amended as “Census on any subject and statistics declared by Parliament by law to be of national importance”.

9. Structure of the Proposed National Statistical Commission

9.1 Need for independent structure

9.1.1 The Commission regulating official statistics of national importance and facilitating development of the overall official statistical system plays a key role in any society, especially, in a large and thriving democracy. Production of official statistics within the Government setup is going to be inescapable at least for some time to come, as there are no producers in the private sector who would invest their money and produce such a vast gamut of official statistics available now. Secondly, the administrative statistics, by their very nature, have to be produced within the Government. In order to ensure public trust in official statistics, no purpose would be served by adding another arm of the Government to regulate the production. In fact, such an arm already exists in the Government at present in the form of MOSPI, which arrangement has been found to be ineffective by the Rangarajan Commission. The Commission also reviewed the non-statutory arrangements made in the post-independent era through advisory committees including the National Advisory Board on Statistics and came to the conclusion that the arrangements were inadequate. Hence, the regulator shall be a statutory body, as recommended by the Rangarajan Commission.

9.1.2 The statutory body must be a part of "civil society", independent of and distinct from the Government. It must play host to informed debate, provide space for alternative and dissenting viewpoints, be a voice for the voiceless, and give substance to the phrase "participatory democracy". Since, it must be completely independent, its structure, financing and personnel policies should be such that it must not be at the mercy of, or amenable to pressures from the government of the day. A clear understanding of its own accountability and a good organisation structure can help to facilitate this objective.

9.1.3 The Commission must be accountable directly to its "owners", the citizens of India. This means, in practice, the Commission must be accountable to the body which represents the citizens of the country, the Parliament. It is within these broad parameters that the committee examined the structure of the Commission.

9.2 A Corporate model preferred: The issues that the Commission shall address do not have definite answers for all time to come and such answers/solutions have to be evolved from time to time in a dynamic way with changing environment. Hence, the manner in which the Commission should work should not be similar to that of the Government. The statutory Commission should be clothed with the power of the government, and possessed of the flexibility and initiative of private enterprise, as most of the

activities that it would handle are not well defined. In view of these reasons, the issue of genuine corporatisation of the Commission was looked at. This would entail adopting a normal corporate model, having equity and shareholders. The Committee felt that the role of the Commission is unique, and while the efficiency, flexibility, transparency and responsiveness of a good corporate structure are essential, the organisation of the Commission has to be somewhat different. A combination of public ownership, public accountability and management for public end, as in the case of corporations such as the Reserve Bank of India, the Prasar Bharathi Board, and the Press Council of India would be suitable for structuring the Commission. In the case of UK, which also has a decentralized statistical system, the 'Statistics Board' having regulatory powers under the Statistics and Registration Service Act, 2007 is a body corporate. The Committee therefore, recommends the concept of the National Statistical Commission in India being a "body corporate" created by an Act of Parliament.

9.3 Union has the competence to legislate on the NSC

9.3.1 Entry-44 (Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including Universities) of the Union List (applicable to Jammu and Kashmir also as per the aforesaid 1954 order) can be applied for statistical law in case the objects relate to statistics not confined to one State. The Parliament has the legislative competence to enact laws for the whole of India under Entry-44 of the Union List.

9.3.2 Hence, the Committee recommends for enacting a law for constituting the National Statistical Commission as statutory corporation under Entry-44 of the Union List.

9.4 Composition of the Commission

9.4.1 In order to ensure public trust in official statistics, it is necessary that the NSC must be kept completely independent of the executive. The NSC responsible to the Parliament and assisted by a network of statistical professionals at the Centre and in the States led by the Chief Statistician of India appears to be the only means to integrate the statistical system, protect its independence, and eventually evolve core official statistics as a public good with quality, credibility and timeliness. Appropriate composition of the Commission needs to be evolved to achieve these goals.

9.4.2 The composition of the Commission, which must deal only with overall matters of statistical policy and regulation of core statistics, needs to be modified. The Committee strongly recommends that the National Statistical Commission shall not retain the concept of a part-time Chairperson and part-

time Members. The Commission should consist of a Chairperson and not less than four Members, all full-time. The actual number of Members may be determined by the Government, from time to time, as per work requirements.

9.4.3 The mandate of the Commission is such that it has to consult, from time to time, the Chief Statistician of India and other officials working in the official statistical system. A question arises whether any officer of the Government should be an ex-officio Member in the NSC, so that the Commission, which has to regulate Government offices on statistical matters, will have the benefit of their experience in handling Government business. The argument against this view is that officials of the Government cannot be included as Members in the Commission, as it could undermine the authority and independent functioning of the Commission. The Commission may come across situations where it has to convey its displeasure to the Government on the performance of any Government office or official. In such situations, if an officer closely linked with such office/ official is an ex-officio Member in the Commission, either the Commission may shy away from conveying its displeasure or there may be unhealthy and inconclusive debate on the issue in the meetings of the Commission. The argument in favour of having ex-officio Members in the Commission is that, in the absence of any representation of the Govt. in the NSC, there is a danger that the NSC may attribute its every failure to failure in implementation process, by somebody in the Government. Ignoring this aspect may be viewed as over reaching independence. The Rangarajan Commission has not explicitly given its view on this issue in their report. However, on a closer examination of the report, it appears that the Commission did not favour the idea of including any Government officer in the NSC. The present NSC constituted on the basis of the recommendation at para-14.5.9 of the Rangarajan Commission report has one part-time Chairperson, four part-time Members and an ex-officio Member (Secretary, Planning Commission), although the recommendation is to have a Chairman and four Expert Members. The Rangarajan Commission recommended (please see para-14.5.11 of its report) that the National Statistician, presently called the Chief Statistician of India (CSI), would be the Secretary to the Commission. This means that CSI will be a non-Member Secretary to the Commission, which has been implemented by the Government. All this goes to show that the Rangarajan Commission was not in favour of having ex-officio Members in the Commission. The Committee, after careful consideration of the issue, is of the opinion that the embarrassment that the Commission may face with the inclusion of ex-officio Members in it would be more than the benefit which accrues due to their inclusion. Non-inclusion of ex-officio Members could be overcome by the Commission by associating them in any specific Meeting. The constitution of National Statistical Development Council recommended in this report will also address this problem to a great extent. In view of these reasons, the

Committee recommends that no officer in the Government should be a Member in the Commission.

9.4.4 The Chairperson and Members of the NSC shall be persons of high integrity, so that they could provide proper regulatory leadership to the statistical system. Their status should be commensurate with the goals sought to be achieved. Their salary, allowances and other terms and conditions may be evolved accordingly by the Central Government.

9.4.5 The Commission has to function independent of the Government and regulate Government business in respect of core statistics. For the purpose, the political leadership both in the ruling party and in the opposition shall play a part in the constitution of the Commission. Hence, the Committee recommends appointment of the Chairperson and Members in the Commission on the basis of recommendations of a Committee under the Chairmanship of the Prime Minister with representation from the opposition. The Committee shall be assisted by a Search Committee headed by the Deputy Chairman of the Planning Commission, in which a few technical experts could be included as Members. The choice shall be from amongst persons of ability, integrity and standing who have special knowledge or practical experience in respect of matters relating to official statistics or experience in administering institutions dealing with the matters aforesaid or who have made outstanding contribution in the field of statistics or in any other related discipline which would be useful to the Commission. The Committee recommends accordingly.

9.5 Tenure and service conditions of Chairperson and Members

9.5.1 The Membership in the Commission would mostly be from amongst persons with technical knowledge in official statistics. The Committee recommends that they should have tenure of five years. There is no need to prescribe age limits for these positions, so as not to eliminate well deserving cases solely on these grounds.

9.5.2 The prospect and peril of the executive or the politician trying to influence overtly or covertly the Chairperson and Members of the Commission by dangling the carrot or holding out the possibility of employment under the Government after the expiry of their term of office may corrupt the integrity of the institution of the Commission. They should not be prone to abuse their powers when exposed to executive or political pressures. It is true that, by and large, the Chairperson and Members of the Commission would be persons of proven merit and integrity and no allurements, howsoever attractive, would deflect them from doing their duty without fear or favour, but even so, the possibility of obtaining employment under the Government in future may consciously or unconsciously induce them to fall in line with the wishes of the

executive or the politician. The office of the Chairperson and Member of the Commission must, therefore, be zealously kept beyond reproach and above suspicion. Hence, the Chairperson and Members of the Commission shall not be eligible for future employment in the Government at least for two years on completion of their tenure. However, there should not be any embargo on their academic and research pursuits, as may be determined by the Government. The Committee recommends accordingly.

9.5.3 Similarly, appropriate provisions have to be made to make the Chairperson/ Members of NSC ineligible for reappointment to the same posts. If the incumbent in any of these positions is under the impression that by serving and kowtowing to those in power, he could get an extension in office through reappointment, then he would not be able to discharge his functions impartially or with integrity. Hence, barring reappointment is also a very salutary provision, because any hope that might be held out for reappointment, or continuation in the same appointment, may act as a sort of temptation which may induce the incumbent not to act with the same impartiality that he is expected to act in discharging his duties. Hence, the Committee recommends for ineligibility for reappointment for the Chairperson/ Members of the Commission in the same position subject to the condition that a Member may be considered for the position of Chairperson, as his experience as Member would be useful to the Commission. On the same analogy, the Committee feels that a person who had held the office of Chairperson or Member may be considered for the same position only after a gap of two years, if he is otherwise eligible.

9.5.4 The Committee is of the view that the aforesaid provisions are necessary to insulate the NSC from executive or political pressures or influences, to place them beyond the reach of any allurements or temptations which may cloud their judgment and deflect them from doing their duty, and to ensure that they would be above reproach, free from coercion and political influence and they could, if necessary, stand up against the executive and defy any political pressure.

9.5.5 The present NSC, being created through an executive order, shall be deemed to have been wound up on the establishment of the statutory Commission recommended in this report. As past experience is always useful, the membership in such an NSC prior to establishment of the statutory Commission shall not be disqualification for any person from being considered for the position of a Chairperson or a Member in the statutory Commission.

9.6 Financial independence of the Commission: A crucial manner by which the Commission can reinforce its independence would be through financial independence. The Commission should not be subject to the budgetary, accounting and audit regulations applicable to Government

Departments. It should generally be exempted from the rigid rules applicable to the expenditure of public funds. It should enjoy financial autonomy. Its initial capital and recurring expenditure shall be provided by the government in a manner that it would be self-supporting. In the Committee's view, this can be achieved by making an arrangement through which an initial endowment fund of Rs.500 crores is provided and certain percentage of the budget on official statistics (at least of the National Statistical Organisation) is made to devolve to the Commission in every financial year for the services that the Commission is expected to render. The Committee recommends this share to be five percent of the budgetary grant of the National Statistical Organisation. The Commission should organize these amounts received from time to time in the form of a non-lapsable Fund for meeting its expenditure. The Committee recommends accordingly.

9.7 Accountability of the Commission

9.7.1 The Committee considers accountability to the public as being a key area for the Commission. In a cabinet form of Government, within a parliamentary democracy, it is perfectly in order for the Commission to discharge its accountability to the Parliament through the Minister of Statistics. This can be achieved by making the Commission submit its reports every year to the Parliament. It is also necessary that the Parliament should be kept informed about the action taken/ proposed to be taken by the Government on the advice/ directions of the Commission. Since core statistics will have implications for States, it would also be in order that the reports of the Commission are placed before State legislatures along with the action taken/ proposed to be taken by the State Governments. The Committee recommends accordingly.

9.7.2 In addition to the above arrangement, the Committee recommends that the Commission, in order to be transparent in its working, may place its activities and programmes in the public domain through its own dedicated website.

9.7.3 As mentioned earlier, the role and functions of a National Statistical Commission require that it must be autonomous. While the Commission should be accountable to Parliament for policy and strategic decisions, the organisation would be responsible for its own operational and tactical decisions. Hence, it must have the powers to sue and be sued on its actions, as is the case with any corporate body.

9.8 Offices and Officers under the Commission

9.8.1 Another key element of the separation of the Commission from Government is in the area of personnel. The Committee recommends that the

Commission be allowed to select those whom they require in its secretariat. This can be through deputation of government employees, or through direct recruitment including contractual employment. Deputations of government employees may be encouraged only in the formative years of the functioning of the Commission and this form of recruitment should be given up gradually, as it may be counterproductive and go against the principle of autonomy. Similarly, deputation from the private sector should also not be considered. This important recommendation should be put into effect as soon as it becomes feasible.

9.8.2 The Commission must have a Secretariat headed by an officer not below the rank of an Additional Secretary to the Government of India. He should be designated as Secretary to the Commission. There should be a team of other officers and support staff to assist the Secretary. The NSC Secretariat will mainly assist the Commission in its regulatory and oversight functions. It will also provide secretariat service to the National Statistical Development Council.

9.8.3 With regard to the functions of the Commission in respect of statistical audit, the Committee recommends for a separate Division under the Commission, to be named as National Statistical Appraisal and Assessment Organisation headed by an officer not below the rank of a Secretary to the Government of India to be designated as Chief Statistical Auditor. This organisation would be conducting statistical audit on mandatory basis in respect of core statistics and selectively on other products, as per the directions of the Commission.

9.8.4 The Commission shall have freedom to select appropriate persons to work in its Secretariat and the National Statistical Appraisal and Assessment Organisation, and also determine their service conditions. The Committee recommends accordingly.

10. Functions of the Commission

10.1 Regulatory, Recommendatory and Oversight functions

10.1.1 There were suggestions that the Commission shall involve itself in the process of producing some important statistics. There are also views that this would dilute the focus of the Commission in exercising its main mandate. This committee felt that, on balance, the advantage lay in separating the functions of producing statistics and regulating or advising or overseeing the production of statistics. The Committee is of the opinion that production of statistics should continue with the Government (at different levels). With regard to the other function, it should be completely in the domain of the Commission in respect of core statistics. However for the rest

of the official statistical system, the Commission may advise the Government from time to time on good practices to be followed. The Committee recommends accordingly.

10.1.2 The Committee, on a careful consideration of the recommendations of the Rangarajan Commission and international practices, recommends regulatory role for the Commission on core statistics and advisory role on other aspects relating to official statistics. The Rangarajan Commission appointed by the Central Government in its report (2001) identified many deficiencies of the statistical system, such as existence of gaps in availability of needed information, delays in publication of results, large and frequent revisions of published results, discrepancies between official statistics from different sources and lack of transparency in statistical operations. All these factors need to be controlled at least in respect of core statistics.

10.1.3 The Governing Council of the National Sample Survey Office (NSSO) enjoyed functional autonomy in respect of national sample surveys conducted by the NSSO. The Union Cabinet decided to wind up the Council and transfer its functions to the present NSC. This decision was made effective from 30th August 2006. The Committee recommends that the proposed statutory Commission shall continue to perform the following functions of the erstwhile Governing Council of the NSSO, namely, to -

- (i) formulate short period and long term statistical survey programmes;
- (ii) exercise full authority on the choice of subjects or items on which data has to be collected in a given field of investigation or in a given period, to fill gaps in statistics necessary for policy formulation and its implementation, in consultation with Government Departments at the Centre and in the States;
- (iii) decide the frequency with which data on any item is to be collected;
- (iv) formulate preparatory or pilot work to be undertaken on different subjects;
- (v) evolve sampling design to be adopted, the tabulation to be prepared, the form in which the data are to be collected and processed;
- (vi) finalise analysis and publication of results; and
- (vii) indicate, while drawing up programme of survey to be undertaken during a period, the form in which and the dates by which the results and unit level data shall be disseminated.

10.2 Standard-setting for administrative statistics: With regard to administrative statistics, the Committee is of the opinion that it is neither

possible nor advisable to amend various laws to strengthen the system of collecting statistics as a by-product of administration. However, it is possible to empower the Commission to lay down standards on a case to case basis. The Committee recommends accordingly.

11. Judicial statistics

11.1 Studies to be organized for judicial statistics: The subject of judicial statistics is a new area, at least in this country. The Committee recommends for a study to be conducted on the statistics that the judiciary and the Department of Justice think necessary for effective management of the judicial system of the country. The study may reflect on the existing system of judicial statistics and the recommendations of the Task Force on 'Judicial Impact Assessment'. The Commission may take a final view on the findings of the study.

11.2 Commission to lay down standards for judicial statistics: Be that as it may, the Committee recommends for empowering the Commission to lay down standards for compiling and disseminating statistical details of the cases, petitions and applications filed or disposed off or remaining pending for disposal in various courts. The Department of Justice has proposed for an enabling provision on judicial statistics to be made in the draft Bill. The letters, of the Department of Justice and of the Secretary General, Supreme Court of India, on this issue are placed at Annex-VII and Annex-VIII respectively. The Committee made some drafting improvements on the provision suggested by the Department and included it at clause 24 of the draft Bill (Annex-I). The Committee also recommends for a statistics wing to be established in the Department of Justice to compile and disseminate judicial statistics regularly and also handle the related coordination matters.

12. National Statistical Development Council

12.1 Centre-State co-ordination on statistical matters: Although the Commission would be empowered to regulate core statistics, implementation of its directions may have implications on policy matters effecting Centre-State relations. Political will both at the Centre and in the States may have to provide support including primacy in public administration to official statistics from time to time. Since the pith and substance relating to core statistics has implications in the Centre-State relations in the areas of official statistics, the Committee recommends constitution of a National Statistical Development Council (NSDC) under the Chairmanship of the Prime Minister to provide guidance to the Commission on related policy matters. This arrangement, the Committee believes, would foster and facilitate smooth working of the Commission.

12.2 Structure and composition of the NSDC: The Council will be presided by the Prime Minister and in his absence, by the Minister in-charge of statistics as Vice-president. Since the Council would handle Centre-State relations in the areas of official statistics, the Council should be represented by Chief Ministers of six States to be nominated by the Centre. Besides, the Dy. Chairman of the Planning Commission, the Cabinet Secretary, the Governor of the Reserve Bank of India and the Chairperson and Members of the Commission shall be members in the Council. The Council requires continuous technical support from some of the important bureaucrats and technical experts in the Government, to strengthen the implementation process in respect of statistical policies and priorities. For this purpose, the Committee recommends that the Secretary (Home Affairs), the Secretary (Economic Affairs), the Chief Statistician of India, the Chief Statistical Auditor, the Chairman (University Grants Commission), the Director General (Central Statistics Office), the Director General (National Sample Survey Office) and the Director (Indian Statistical Institute) shall be permanent invitees in the Council.

12.3 Functions and Powers of NSDC: The Council shall meet at least once in a year to deliberate on policy matters, such as reforms in the system, Centre-State relations in the areas of official statistics, international obligations, and resource requirements and provide directions to the Commission. The Commission's reports would be an important input for the Council. The Commission shall take steps to implement the directions of the Council.

13. Power to censure and express displeasure: Although the establishment of the Commission is for facilitating overall development of the official statistical system, its main function of regulating core statistics cannot be exercised, as long as it is not provided adequate powers to question the erring officials and pointing out its displeasure about the non-performance of the concerned Government offices. The Committee considered this issue very carefully and recommends the power of censuring to the Commission to combat cases of this nature.

14. Relationship of the Commission with Government

14.1 Need for healthy conventions

14.1.1 It is important to define the relationship of the Commission with the Government. The Government of the day must have no hand in the Commission's functioning or decision-making, and must remain at arms-length from the Commission. While the structure and systems can help to promote this, ultimately it is the commitment and professional integrity of the key individuals in the Commission and in the Government which will ensure

that suitable conventions are developed so that this objective is met. At the same time, the Commission must function in cooperation and in collaboration with the Government in the crucial areas of official statistics, particularly in respect of core statistics.

14.1.2 The relationship between the government and the Commission will always continue to be difficult to define. It will require self-discipline on both sides, and a non-adversarial approach. Once healthy precedents are set, it will be much easier for those who follow.

14.2 Implementation of policies and programmes by Government through NSO & CSI

14.2.1 The Commission being proposed to be a public corporation will be wholly outside the Government, but it would be regulating core statistics being produced within the Government setup and advising on other official statistical matters. Implementation of the directions and advice of the Commission is an important area, which needs specific attention.

14.2.2 It was pointed out by the Rangarajan Commission that the recommendations of two Committees (appointed by the Department of Statistics) on improvements to the statistical system, namely, the Kripa Narain committee (1979) and the Khusro committee (1983) have not been implemented. The position did not change even in respect of the 623 recommendations of the Rangarajan Commission (2001). The Data Dissemination Policy approved by the Cabinet has also not been fully implemented in the Government Departments. These facts corroborate the concern of this Committee that implementation process is a gray area which needs to be tackled.

14.2.3 The National Statistical Organisation (NSO) under the leadership of the Chief Statistician of India ably supported by designated officers in different Government Departments at the Centre and in the States shall be the main machinery to coordinate implementation of the directions of the Commission on core statistics and its advice on other matters. Besides, all persons engaged in any activity on core statistics shall comply with the directions of the Commission on core statistics. The Committee recommends accordingly.

14.3 Complying with Commission's directions not to be actionable against the person: The Committee is aware that persons involved in activities relating to core statistics belong to different cadres and work in different offices, which may compel them at times to demonstrate inadequate or luke-worm loyalty to the Commission. One reason could be the fear of being victimized by the administration under which they are working. The

Committee recommends that any statement made or any information furnished by a person to the Commission in the course of performing any duty of implementing or complying with any direction of the Commission shall not subject him to, or be used against him in, any proceedings, except in respect of giving false statement or false information.

14.4 Locating NSO under PMO for effective co-ordination: The location of the National Statistical Organisation (NSO) within the Government is also an important aspect, as the NSO has to handle a decentralized statistical system. Its main role would be of a coordinator and an implementer in respect of core statistics, which can be exercised effectively if it is located in the Prime Minister's office. The Committee recommends accordingly.

14.5 Need for unification of statistical cadres at all levels

14.5.1 Despite making very strong statutory provisions for ensuring compliance of the directions of the Commission on core statistics, the decentralized statistical system poses a variety of problems. In a country like India with its unity in diversity, it is necessary to have a unified statistical system which caters to the needs of administration of economic and social justice both at the Centre as well as in the States. Official statistics need to be generated in an unbiased and independent way, irrespective of the stakes of the immediate administration.

14.5.2 The Indian Statistical System requires professional freedom to be provided for the official statisticians working in the Central Government as well as in the State Governments, to implement the directions of the regulatory mechanism, i.e., the Commission, created through a comprehensive legislation and responsible to Parliament to control the statistical system if not in all its entirety but at least in respect of core statistics. The statisticians whether working in the Central Government or in State Governments must have a sense of belonging to one system, in achieving the goals set by the regulatory mechanism from time to time. This can only be achieved by unification of the statistical cadres all over the country.

14.6 The case for All India Statistical Service to achieve integration

14.6.1 For achieving the unification of the statistical cadres all over the country, it is necessary to constitute an All India Service by combining the Indian Statistical Service, State Statistical Services and other Group 'A' Statistical posts/ cadres in the Central and State Governments. In this context, the following observations of the Fifth Central Pay Commission are worth mentioning.

“47.4 The main objectives of the founding fathers in providing for the All India Services were:

- i) to facilitate liaison between the Centre and the States;
- ii) to maintain a certain level of uniformity in standards of administration;
- iii) to enable the administrative machinery at the Union level to keep in touch with the ground realities in the States;
- iv) to help the State administrative machinery to acquire a broader outlook and exposure, and provide them with the best possible talent for manning senior positions; and
- v) to ensure that political considerations, either in recruitment or in discipline and control were reduced to the minimum, if not eliminated altogether.”

14.6.2 The aforesaid observations go to show that the constitution of an All India Service to man the statistical posts at the centre and the States is a minimum requirement for unifying the Indian Statistical system and regulating core statistics. The Rangarajan Commission also recommended, at paras-14.6.27 and 14.6.28 of their report, for constituting an all-India Indian Statistical Service which would benefit the statistical system at the Centre and in the States.

14.6.3 In view of the aforesaid considerations, the Committee recommends for constituting an all-India Indian Statistical Service. The posts available at State level are mostly of lower cadres. In most of the States, the senior most statistical officer is of the rank of Deputy Secretary. Hence, it would be necessary to create three senior level posts, equivalent to Additional Secretary, Joint Secretary and Director in the Government of India, in each of the major States and one or two senior level posts of appropriate rank in other States/ UTs. Initially, these newly created posts and the posts in the present Indian Statistical Service (which is a Group 'A' Central Service) may be integrated and constituted as an all-India Indian Statistical Service. The other statistical cadres/ posts at the Centre and in the States may be integrated in a phased manner into the all-India Indian Statistical Service so constituted, for which a detailed framework may be worked out by the Central Government. There is a need to create senior level statistical positions in some of the Departments at the Centre having substantial statistical functions. The Central Government may identify the Departments in consultation with the NSC and create new posts for that purpose also in the all-India Service. The Committee recommends constitution of an all-India Service on these lines by the Central Government, which may provide necessary funds for the purpose. This would effectively integrate the official statistical system.

15. Functions of the NSO and the CSI vis-à-vis the Commission

15.1 Regulatory and Advisory functions of the NSO under the Allocation of Business Rules, 1961 to be vested in the Commission

15.1.1 The National Statistical Organisation (Statistics wing in the MOSPI) is assigned with the following regulatory/ advisory functions under the Government of India (Allocation of Business) Rules, 1961.

- Act as the nodal agency for planning integrated development of the statistical system in the country.
- Coordination of statistical work with a view to identifying gaps in data availability or duplication of statistical work in respect of Departments of the Government of India and the State Statistical Bureaux (SSBs) and to suggest necessary remedial measures.
- Laying down and maintenance of norms and standards in the field of statistics, evolving concepts, definitions and methodology of data collection, processing of data and dissemination of results.
- Advising the Departments of the Government of India on statistical methodology and on statistical analysis of data.

15.1.2 The Committee recommends that the aforesaid functions shall be performed by the National Statistical Commission. The National Statistical Organisation (NSO) in the MOSPI shall be the official agency to implement policy decisions of the Commission. The Government of India (Allocation of Business) Rules, 1961 requires amendment on these lines. Keeping this in view, the Committee elsewhere in this report recommended for five percent of budgetary grants of the NSO to devolve to the Commission in lieu of the services it would render in respect of the aforesaid functions.

15.2 Functions and obligations of CSI vis-à-vis the Commission: The present practice of designating the Secretary to the Government of India in the Department of Statistics as the Chief Statistician of India (CSI) is consistent with international practices. He should not be the Secretary to the Commission. However, he will be responsible to coordinate the implementation of the recommendations of the Commission, particularly on core statistics among different offices of the Government at various levels. His functions will include, -

- promoting coordination with components of the National Statistical System, particularly with the State Directorates of Economics and Statistics;
- assisting NSC in evolving and implementing the National Statistical Strategy;

- assisting the NSC to decide and reallocate statistical priorities; and
- promoting reliability and integrity of statistics.

15.3 Selection and appointment of CSI

15.3.1 The Rangarajan Commission recommended that the post of CSI shall not be reserved for any organised service of the Government of India and that recruitment shall be made by open selection from among professional statisticians with long technical and managerial experience in large statistical organisation. The Fifth Central Pay Commission recommended that eligible officers of the Indian Statistical Service shall be considered for the post of Secretary in the Department of Statistics. The Committee leaves this matter to be determined by the Central Government.

15.3.2 The existing arrangement is to select the CSI from a panel of names recommended by a Search Committee headed by the Deputy Chairman of the Planning Commission. After reviewing the existing process of selection of the CSI, the Committee is of the view that the practice may continue. The Committee also feels that there should be some provision for making temporary arrangement to fill the post when a sudden vacancy arises. The CSI is the most important functionary in the Government setup to implement the directions of the Commission on core statistics. As such, the Commission may, if needed, convey its displeasure to the Government on the performance of the CSI.

16. National Statistical Commission Bill: The Committee prepared a draft National Statistical Commission Bill on the lines recommended in this report, which also includes other consequential and incidental provisions. The draft Bill is given at Annex-I. The Committee was informed that the present NSC is in the process of identifying core statistics that are of national importance and critical to the economy. As the Committee has to make provisions in the draft Bill in respect of core statistics including its scope and definition, it has been done on the basis of consultations with a few experts. The scope and definition of core statistics may be seen under clause 14 of the draft Bill (Annex-I). The First Schedule appended to the Bill gives a suggestive list of indicators/ statistical products that will inter-alia be core statistics. The products of the NSO, ORGI and RBI may also be considered for inclusion in it. A provision has also been made to amend the Schedule by the Government in consultation with the Commission. The NSC may take a final view on adequacy or otherwise of these provisions. The recommendations of this Committee given in this report but not addressed in the draft Bill may be processed separately.

17. Review of existing statistical laws

17.1 Amendments to the Census Act, 1948

17.1.1 The Census Act, 1948 2008 is being administered by the Ministry of Home Affairs. Census information is the basis for planning for socio-economic development by the Government at all levels. The latest constitutional amendments gave certain powers to local governments, namely, Panchayats and Municipalities and to exercise the powers, lot of information is needed by them. As the economy opened up due to reforms in the wake of LPG regime manifested by the WTO agreement, the information needs of the Government at different levels has increased manifold over the years and the Census Act enacted by the Parliament in 1948 has become outdated.

17.1.2 Considering the largeness of the Country, it may not be feasible for the Central Government to cater to the information needs of the State/ UT Governments and the local governments through the decennial population censuses and other censuses being conducted at present. There is a need to provide for updation of census data by these Governments, as and when required. The Census Act needs to be amended to address this problem.

17.1.3 So far, the Centre has been conducting all kinds of Censuses using the human, infrastructure and logistic resources of the States. Although the subject is in the Union List, it appears that the Centre does not have human resources to conduct any Census on its own. It may not always be feasible to deploy the Government employees/ teachers for census work. There should be a provision in the Census Act for outsourcing, so that the services of educated unemployed youth in the country could be utilised in the national duty of conducting any census.

17.1.4 The Census Act, 1948 being pretty old, and in its present shape it is not consistent with the Right to Information Act, 2005 and the Information Technology Act, 2000. The Census Act does not provide for collecting information electronically, whereas the Information Technology Act which has an overriding effect on other laws states in Section 6 thereof that where any law provides for the filing of any form, application or any other document with any office, authority, body or agency owned or controlled by Government in a particular manner, then, notwithstanding anything contained in any other law for the time being in force, such requirement shall be deemed to have been satisfied if such filing is effected by such electronic form as may be prescribed by the Government.

17.1.5 The Right to Information Act which has also an overriding effect on other laws requires furnishing of information on demand either in paper

form or in electronic mode to any citizen, except information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, information available to a person in his fiduciary relationship, information, the disclosure of which would identify the source of information or assistance given in confidence for law enforcement, information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual. The Census Act states that the information is confidential and it does not recognise the right of even the informants of being covered in a census and of having a copy of the information collected from them.

17.1.6 The National Policy on dissemination of statistical data of the Government of India (approved by the Cabinet on 9th September 1998) and released in 1999 also *inter alia* laid down that validated data including unit/ household/ establishment level data after deleting their identification particulars to maintain confidentiality should be made available to national and international data users in the form of hard copies and on magnetic media on payment basis and that no data considered to be of sensitive nature should be supplied. This is consistent with the United Nations Fundamental Principles of Official Statistics. Many countries made laws on these lines. The Census Act, 1948 does not cover the aforesaid principles on furnishing information. The Act (as per Section 15 thereof) in fact provides for not furnishing information.

17.1.7 In most of the large-scale sample surveys, conducted by Government organisations such as the National Sample Survey Organisation and the State Directorates of Economics and Statistics, listing of persons in selected villages and urban areas is done as that information already available through census is not made available to the concerned organisations. This means spending money by the Government for a census, not making the information available even for its own use and again spending money for collecting the data.

17.1.8 The Census Act, 1948 has lesser number of provisions about data collection and dissemination of information. It talks more about administrative aspects. It is also not a complete code on the taking of a census.

17.1.9 With regard to Census issues, the Rangarajan Commission appointed by the Government in 2000 *inter alia* recommended as follows:

- Modification of the Census Act, 1948 and Census (Amendment) Act, 1993, if necessary, to carry out Economic Census as part of the house-listing operation of Population Census.

- Census must respond with urgency to the data needs at the district, block, *panchayat* and village levels starting with the recently collected Census 2001 data in the context of the 73rd and 74th constitutional amendments passed by the Parliament in 1992.

17.1.10 In view of the aforesaid reasons, there is a need to comprehensively amend the Census Act, 1948. The Committee considered this aspect and prepared a few amendments to be made to the Census Act, that are incidental to the constitution of a statutory National Statistical Commission. The amendments recommended by the Committee are given at Annex-II. The proposed amendments address some of the aforementioned problems, such as, -

- (a) providing for conducting not only the population census but also other censuses on a statutory basis,
- (b) providing for the requirements of the Governments at different levels including appropriate updation as they are not otherwise empowered to conduct a census;
- (c) providing for outsourcing, so that the services of educated unemployed youth in the country could be utilised in the national duty of conducting any census;
- (d) providing for collecting information electronically;
- (e) recognizing the right of informants of being covered in a census and of having a copy of the information collected from them to ensure transparency; and
- (f) providing for using individual data for statistical purposes and disseminating the data after deleting personal identification particulars.

17.2 Amendments to the Registration of Births and Deaths Act, 1969

17.2.1 The Registration of Births and Deaths Act, 1969 is being administered by the Ministry of Home Affairs. The Act provides a uniform law for compulsory registration of births and deaths across the country. However, keeping in view the diversity of the country, it allows State Governments to formulate rules for its implementation and appointment of various functionaries. The implementation of the law is the responsibility of the State Governments.

17.2.2 One of the important aspects of the law is that births and deaths are to be registered at the place of their occurrence which may not always be the place of residence of the parents/ deceased. This provision has implications with regard to formulation of strategies for complete registration,

as in many cases the household to whom the person (newly born or deceased) belongs may not be responsible for reporting.

17.2.3 The system has not been found to be successful in the country, as reports indicate that substantial number of births and deaths go unregistered and that registration level in the rural areas is lower when compared to the urban areas.

17.2.4 Government of India is contemplating the preparation of a National Population Register and issue identity cards to the individuals. The updating of the population register for each of the birth and death that takes place in the country everyday requires an efficient civil registration system that registers every birth and death. Otherwise the Population Register would become outdated soon after it is prepared.

17.2.5 In view of the aforesaid reasons, there is a definite need for reviewing the working of the Act so as to find out the deficiencies in the system and the manner in which those could be overcome. The Committee is of the opinion that simplification of some of the legal provisions would enhance the level of registration. The proposed amendments are given at Annex-III, which intend to, -

- (a) provide for reporting births and deaths electronically or by post;
- (b) provide for dissemination of information;
- (c) provide for reporting of births and deaths by heads of households as a default obligation;
- (d) provide for recording addresses in the prescribed registers, which could be maintained in e-mode;
- (e) enhance penalties; and
- (f) provide for inquiring into cases of ineffective system of registrations in any area.

17.2.6 The Committee initially prepared a Draft National Statistical Code wherein certain consequential and incidental provisions by way of amendments to enhance the scope, utility and better implementation of the Census Act, 1948, the Registration of Births and Deaths Act, 1969 and the Collection of Statistics Act, 2008 on the aforesaid lines have been included in the Schedule to the Code. The Registrar General and Census Commissioner informed this Committee *vide* his letter (Annex-VI) that his office is opposed to the proposed amendments on the Census Act, 1948, and the Registration of Births and Deaths Act, 1969, and that a detailed note will be sent in due course. Subsequently, a note has been received from the Registrar General (Annex-IX) opposing the proposed amendments. The RG who was personally present in the last meeting held on 27th October 2011 explained the reasons for opposing the amendments as also on the issue of subjecting census to the

jurisdiction of the NSC. He also stated that they are opposed to including census in core statistics.

17.2.7 In view of the aforesaid reasons, the Committee recommends that the NSC may take a view on the amendments proposed by this Committee (given at Annex-II and Annex-III) as also on the issue of including census in core statistics, on the basis of the views of the Office of the Registrar General and Census Commissioner and decide on further course of action.

17.3 Amendments to the Collection of Statistics Act, 2008: The Collection of Statistics Act, 2008 is being administered by the MOSPI. The Act is of a very recent origin as it was brought into force on 11th June 2010 and rules under the Act were notified on 16th May 2011. The amendments proposed by this Committee, given in the Second Schedule to the draft National Statistical Commission Bill (given at Annex-I), are intended to, -

- (a) provide for extending the jurisdiction of the Act to J & K State in respect of matters not reserved for the State as per the Constitution (Application to Jammu and Kashmir) Order 1954; and
- (b) provide for appointing a nodal officer at the Centre and in each State to effectively coordinate data collection activities and provide consultation to Government Departments for avoiding unnecessary duplication, to support the rules notified under the Act.

18. Specific Responses of the Committee to the Terms of Reference (TOR)

18.1 Short specific answers to the TOR: The terms of reference have been answered by the Committee in this report. Specific reply of the Committee to each of them is given below.

- (1) Statutory provisions to be made to make the NSC more effective in exercising its mandate:

The draft National Statistical Commission Bill given at Annex-I addresses this issue.

- (2) Statutory provisions to be made to have State level Statistical Commissions and their relationship with the NSC:

The Code provides for establishing offices of the NSC in other parts of the country. Hence, it was not considered necessary to provide for appointing State level Statistical Commissions at least for the present.

(3) Whether any umbrella legislation is needed to make the administrative statistical system more effective, and if so, the details thereof:

A provision has been made under clause 19 in the Draft Bill empowering the NSC to prescribe formats and methods of compilation and dissemination of administrative statistics.

(4) Whether the Census Act and the Registration of Births and Deaths Act are needed to be amended to make them more effective in terms of ensuring public trust etc.:

The amendments proposed in the two enactments are given at Annex-II and Annex-III. They are expected to meet the requirements and strengthen the official statistical system.

(5) How the Collection of Statistics Act, 2008 should be made applicable to the State of Jammu & Kashmir in the light of Article 370 and the division of powers as applicable to the State:

In the proposed amendments to the Collection of Statistics Act, 2008 given in the Second Schedule appended to the draft National Statistical Commission Bill, a proviso has been inserted so as to enable collection of statistics in respect of matters falling in the Union List and the Concurrent List as applicable to the State.

(6) Reviewing the implementation of statistical laws at the Centre and in the States to suggest further improvements:

The Committee reviewed the Collection of Statistics Act, 2008, the Census Act, 1948 and the Registration of Births and Deaths Act, 1969 and gave its recommendations in this report on amending the laws. In addition, the advisory function of the NSC given under sub-clause (a) of clause 18 in the draft National Statistical Commission Bill meets the future requirements.

(7) Any other matter relevant to legislative measures on statistical matters, including evolving a system for judicial statistics:

A provision has been made under clause 24 of the draft National Statistical Commission Bill in consultation with the Department of Justice, for collection and dissemination of judicial statistics.

18.2 Additional recommendations incidental to the TOR:

Besides, the Committee has also recommended for amending Entry-69 in the Union List of the Seventh Schedule to the Constitution, and for constituting an all-India Statistical Service.

19. Summary of Recommendations

(1) There is a need for regulation of the official statistical system, if not in its entirety, but at least in respect of statistics of national importance (core statistics). Hence, the Committee recommends for mandatory regulation of core statistics and for taking other steps for facilitating the development of the system as a whole. The Committee also recommends for constituting a statutory National Statistical Commission to achieve these objects through an Act of Parliament.

[Para-7.2]

(2) Entry-69 in the Union List of the Seventh Schedule to the Constitution may be amended as "Census on any subject and statistics declared by Parliament by law to be of national importance".

[Para-8.3]

(3) Production of official statistics within the Government setup is going to be inescapable at least for some time to come. In order to ensure public trust in official statistics, no purpose would be served by adding another arm of the Government to regulate the production. Hence, the regulator shall be a statutory body, as recommended by the Rangarajan Commission.

[Para-9.1.1]

(4) The Committee felt that the role of the Commission is unique, and while the efficiency, flexibility, transparency and responsiveness of a good corporate structure are essential, the organisation of the Commission has to be somewhat different. The Committee therefore, recommends the concept of the Commission being a "body corporate" created by an Act of Parliament.

[Para-9.2]

(5) The Committee recommends for enacting a law for constituting the National Statistical Commission as statutory corporation under Entry-44 of the Union List.

[Para-9.3.2]

(6) The National Statistical Commission shall not retain the concept of a part-time Chairperson and part-time Members. The Commission should consist of a Chairperson and not less than four Members, all full-time. The actual number of Members may be determined by the Government, from time to time, as per work requirements.

[Para-9.4.2]

(7) No officer in the Government should be a Member in the Commission.

[Para-9.4.3]

(8) The status of Chairperson and Members should be commensurate with the goals sought to be achieved. Their salary, allowances and other terms and conditions may be evolved accordingly by the Central Government.

[Para-9.4.4]

(9) The Committee recommends appointment of the Chairperson and Members in the Commission on the basis of recommendations of a Committee under the Chairmanship of the Prime Minister with representation from the opposition. The Committee shall be assisted by a Search Committee headed by the Deputy Chairman of the Planning Commission, in which a few technical experts could be included as Members. The choice shall be from amongst persons of ability, integrity and standing who have special knowledge or practical experience in respect of matters relating to official statistics or experience in administering institutions dealing with the matters aforesaid or who have made outstanding contribution in the field of statistics or in any other related discipline which would be useful to the Commission.

[Para-9.4.5]

(10) The Committee recommends tenure of five years for the Chairperson/ Members of the Commission. There is no need to prescribe age limits for these positions, so as not to eliminate well deserving cases solely on these grounds.

[Para-9.5.1]

(11) The Chairperson and Members of the Commission shall not be eligible for future employment in the Government at least for two years on completion of their tenure. However, there should not be any embargo on their academic and research pursuits, as may be determined by the Government.

[Para-9.5.2]

(12) The Committee recommends for ineligibility for reappointment for the Chairperson/ Members of the Commission in the same position subject to the condition that a Member may be considered for the position of Chairperson, as his experience as Member would be useful to the Commission. On the same analogy, the Committee feels that a person who had held the office of Chairperson or Member may be considered for the same position only after a gap of two years, if he is otherwise eligible.

[Para-9.5.3]

(13) Financial independence can be achieved by making an arrangement through which an initial endowment fund of Rs.500 crores is provided and certain percentage of the budget on official statistics (at least of the National Statistical Organisation) is made to devolve to the Commission in every financial year for the services that the Commission is expected to render. The

Committee recommends this share to be five percent of the budgetary grant of the National Statistical Organisation. The Commission should organize these amounts received from time to time in the form of a non-lapsable Fund for meeting its expenditure. The Committee recommends accordingly.

[Para-9.6]

(14) The Commission shall submit its reports every year to the Parliament through the Minister of Statistics. The Parliament should be kept informed about the action taken/ proposed to be taken by the Government on the advice/ directions of the Commission. Since core statistics will have implications for States, the reports of the Commission shall be placed before State legislatures along with the action taken/ proposed to be taken by the State Governments.

[Para-9.7.1]

(15) The Committee recommends that the Commission, in order to be transparent in its working, may place its activities and programmes in the public domain through its own dedicated website.

[Para-9.7.2]

(16) The Commission must have the powers to sue and be sued on its actions, as is the case with any corporate body.

[Para-9.7.3]

(17) The Commission may be allowed to select those whom they require in its secretariat. This can be through deputation of government employees, or through direct recruitment including contractual employment. Deputations of government employees may be encouraged only in the formative years of the functioning of the Commission and this form of recruitment should be given up gradually, as it may be counterproductive and go against the principle of autonomy. Similarly, deputation from the private sector should also not be considered.

[Para-9.8.1]

(18) The Commission must have a Secretariat headed by an officer not below the rank of an Additional Secretary to the Government of India. He should be designated as Secretary to the Commission. There should be a team of other officers and support staff to assist the Secretary. The NSC Secretariat will mainly assist the Commission in its regulatory and oversight functions. It will also provide secretariat service to the National Statistical Development Council.

[Para-9.8.2]

(19) The Committee recommends for a separate Division under the Commission, to be named as National Statistical Appraisal and Assessment

Organisation headed by an officer not below the rank of a Secretary to the Government of India to be designated as Chief Statistical Auditor. This organisation would be conducting statistical audit on mandatory basis in respect of core statistics and selectively on other products, as per the directions of the Commission.

[Para-9.8.3]

(20) The Commission shall have freedom to select appropriate persons to work in its Secretariat and the National Statistical Appraisal and Assessment Organisation, and also determine their service conditions.

[Para-9.8.4]

(21) Production of statistics should continue with the Government (at different levels). With regard to the other function, i.e., regulating or advising or overseeing the production of statistics, it should be completely in the domain of the Commission in respect of core statistics. However for the rest of the official statistical system, the Commission may advise the Government from time to time on good practices to be followed.

[Para-10.1.1]

(22) The Committee recommends for the Commission regulatory role on core statistics and advisory role on other aspects relating to official statistics.

[Para-10.1.2]

(23) The Commission shall continue to perform the functions of the erstwhile Governing Council of the NSSO.

[Para-10.1.3]

(24) With regard to administrative statistics, it is neither possible nor advisable to amend various laws to strengthen the system of collecting statistics as a by-product of administration. However, it is possible to empower the Commission to lay down standards on a case to case basis.

[Para-10.2]

(25) The Committee recommends for a study to be conducted on the statistics that the judiciary and the Department of Justice think necessary for effective management of the judicial system of the country. The study may reflect on the existing system of judicial statistics and the recommendations of the Task Force on 'Judicial Impact Assessment'. The Commission may take a final view on the findings of the study.

[Para-11.1]

(26) The Committee recommends for empowering the Commission to lay down standards for compiling and disseminating statistical details of the cases, petitions and applications filed or disposed off or remaining pending for

disposal in various courts. The Committee also recommends for a statistics wing to be established in the Department of Justice to compile and disseminate judicial statistics regularly and also handle the related coordination matters.

[Para-11.2]

(27) Since the pith and substance relating to core statistics has implications in the Centre-State relations in the areas of official statistics, the Committee recommends constitution of a National Statistical Development Council (NSDC) under the Chairmanship of the Prime Minister to give directions to the Commission on related policy matters. This arrangement, the Committee believes, would foster and facilitate smooth working of the Commission.

[Para-12.1]

(28) The Council will be presided by the Prime Minister and in his absence, by the Minister in-charge of statistics as Vice-president.

[Para-12.2]

(29) The Council shall meet at least once in a year to deliberate on policy matters, such as reforms in the system, Centre-State relations in the areas of official statistics, international obligations, and resource requirements and give directions to the Commission.

[Para-12.3]

(30) The Committee recommends the power, of censuring any erring Government agency, to the Commission.

[Para-13]

(31) The National Statistical Organisation (NSO) under the leadership of the Chief Statistician of India ably supported by designated officers in different Government Departments at the Centre and in the States shall be the main machinery to coordinate implementation of the directions of the Commission on core statistics and its advice on other matters. Besides, all persons engaged in any activity on core statistics shall comply with the directions of the Commission on core statistics.

[Para-14.2.3]

(32) Any statement made or any information furnished by a person to the Commission in the course of performing any duty of implementing or complying with any direction of the Commission shall not subject him to, or be used against him in, any proceedings, except in respect of giving false statement or false information.

[Para-14.3]

(33) The main role of the National Statistical Organisation would be of a coordinator and an implementer in respect of core statistics, which can be exercised effectively if it is located in the Prime Minister's office.

[Para-14.4]

(34) The Committee recommends for constituting an all-India Indian Statistical Service. A detailed framework may be worked out by the Central Government, which may provide necessary funds for the purpose. This would effectively integrate the official statistical system.

[Para-14.6.3]

(35) The Committee recommends that regulatory/ advisory functions under the Government of India (Allocation of Business) Rules, 1961 of the National Statistical Organisation (NSO) shall be performed by the Commission and the NSO in the MOSPI shall be the official agency to implement policy decisions of the Commission. The Government of India (Allocation of Business) Rules, 1961 requires amendment on these lines.

[Para-15.1.2]

(36) The present practice of designating the Secretary to the Government of India in the Department of Statistics as the Chief Statistician of India (CSI) is consistent with international practices. He should not be the Secretary to the Commission. However, he will be responsible to coordinate the implementation of the recommendations of the Commission, particularly on core statistics among different offices of the Government at various levels.

[Para-15.2]

(37) Eligibility for the post of CSI may be determined by the Central Government.

[Para-15.3.1]

(38) The CSI is the most important functionary in the Government setup to implement the directions of the Commission on core statistics. As such, the Commission may, if needed, convey its displeasure to the Government on the performance of the CSI.

[Para-15.3.2]

(39) The Committee prepared a draft National Statistical Commission Bill on the lines recommended in this report, which also includes other consequential and incidental provisions. The draft Bill is given at Annex-I. The scope and definition of core statistics may be seen under clause 14 of the draft Bill (Annex-I). The First Schedule appended to the Bill gives a list of indicators/ statistical products that will inter-alia be core statistics. A provision has also been made to amend the Schedule by the Government in consultation with the Commission. The NSC may take a final view on adequacy or otherwise of

these provisions. The recommendations of this Committee given in this report but not addressed in the draft Bill may be processed separately.

[Para-16]

(40) There is a need to comprehensively amend the Census Act, 1948. The Committee considered this aspect and prepared a few amendments to be made to the Census Act, that are incidental to the constitution of a statutory National Statistical Commission. The amendments recommended by the Committee are given at Annex-II.

[Para-17.1.10]

(41) The Committee is of the opinion that simplification of some of the legal provisions in the Registration of Births and Deaths Act, 1969 would enhance the level of registration. The proposed amendments are given at Annex-III.

[Para-17.2.5]

(42) The NSC may take a view on the amendments proposed by this Committee (given at Annex-II and Annex-III) and on the issue of inclusion of census in core statistics, on the basis of the views of the Office of the Registrar General and Census Commissioner and decide on further course of action.

[Para-17.2.7]

(43) The amendments proposed by this Committee to the Collection of Statistics Act, 2008 are given in the Second Schedule to the draft National Statistical Commission Bill.

[Para-17.3]

20. Acknowledgements

20.1 The Committee is deeply indebted to Prof. R. Radhakrishna, Chairman, NSC, Prof. Sudipto Mundle, Member, NSC and Prof. T.C.A. Anant, Chief Statistician of India for their valuable inputs clarifying difficult issues in historical context and enabling the drafting of the Bill. The prompt and efficient way, in which technical, research and secretarial services were delivered by Mr. M.V.S. Ranganadham, Deputy Director General, NSC Secretariat, made it possible for the Committee to complete its work before the allotted time and the Committee records its appreciation for the same. The Committee also records its appreciation for the logistic and other support provided by the other officers and staff in the MOSPI and the NSC Secretariat.

20.2 The Committee received written or oral suggestions on the Draft Bill from a variety of experts from all over the country including Dr. V. Ramachandran, former Chief Secretary of Kerala, Dr. Y.V. Reddy, former Governor of Reserve Bank, Shri S. Narayanan, former Ambassador to WTO, Shri T.L. Sankar, Former DG of the Administrative Staff College, Shri C.S. Rao, former Secretary, Govt. of India, Dr. Padam Singh, former Member, NSC, Dr. K. Srinivasan, Member, Rangarajan Commission, Prof. Sheila Bhalla of Institute of Human Development, Dr. D.L. Shetty of EPW Research Foundation, Prof. D. Narasimha Reddy, Dr. N.S. Sastry, former Director General of NSSO, Shri S.K. Das and Shri J. Dash, Director Generals in the Ministry of Statistics, Dr. Varun Maira, Additional Chief Secretary, Government of Gujarat, Shri Sitaram Kunte, Principal Secretary (Planning), Government of Maharashtra, Dr. R. Vijayakumar, Principal Secretary (Planning), Government of Tamil Nadu, Shri Kumar Sanjay Krishna, Principal Secretary (Planning & Development), Government of Assam, and officials in charge of Statistics and Planning of the Governments of Haryana and Karnataka.

20.3 The National Institute of Rural Development, Hyderabad deserves our thanks for organizing the National Consultation Workshop on the Draft Bill at their premises.

20.4 The Department of Justice and the Legislative Department extended their valuable inputs in finalizing the Report and the Draft Bill.

20.5 Of course, the report of the Rangarajan Commission provided the backdrop and the directions to be followed in addressing the tasks assigned to the Committee and we acknowledge our debt in this regard.

A N N E X U R E S

T O T H E

R E P O R T O F T H E C O M M I T T E E

O N L E G I S L A T I V E M E A S U R E S

I N S T A T I S T I C A L M A T T E R S

DRAFT

THE NATIONAL STATISTICAL COMMISSION BILL, 2011

A

Bill

to provide for the establishment of a National Statistical Commission to regulate, develop, and strengthen the official statistical system of the country to promote public confidence, ensuring timeliness and reliability, achieving independence and integrity of official statistics and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-second year of the Republic of India as follows:-

Chapter-I

PRELIMINARY

1. Short title, extent and commencement:

- (1) This Act may be called the National Statistical Commission Act, 2011.
- (2) It extends to the whole of India.
- (3) It shall come in to force on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act and any reference to commencement in any such provision shall be construed as a reference to the date of commencement of that provision.

2. Definitions: (1) In this Act, unless the context otherwise requires:-

(a) "administrative statistics" means statistics collected or derived or capable of being collected or derived either –

(i) for the purpose of any Government agency, or

(ii) in the course of administering or implementing the provisions of any law for the time being in force;

(b) "Chairperson" means the Chairperson of the Commission;

(c) "Chief Statistician of India" means the officer appointed from time to time as Chief Statistician of India by the Central Government;

(d) "Commission" means the National Statistical Commission established under section 3;

(e) "core statistics" means any official statistical product as specified under section 14 and for the time being included in the First Schedule.

(f) "Council" means the National Statistical Development Council constituted under section 13;

(g) "Fund" means the National Statistical Fund constituted under section 31;

(h) "Government agency" means –

(i) any Ministry or Department of the Central Government or its instrumentality;

(ii) any Department of any State Government or its instrumentality;

(iii) the Reserve Bank of India, constituted under the Reserve Bank of India Act, 1934;

(iv) any local Government,

and includes any agency thereof;

(i) "Member" means a Member of the Commission and includes Chairperson;

(j) "National Statistical Organisation" means the organisation in the Central Government known by that name, prior to the commencement of this Act;

(k) "non-Government agency" means any agency which is not a Government agency;

(l) "non-sampling error" means any error, other than a sampling error, the commission of which may result in erroneous inferences on the features of a population in any statistical survey;

(m) "notification" means a notification published in the Official Gazette;

(n) "official statistics" means statistics obtained by Government agencies from statistical surveys, administrative and registration records and other forms and papers, the statistical analyses of which are published regularly, or planned to be published regularly, or required to be published regularly, or could reasonably be expected to be published regularly;

(o) "personal information" means any information about an informant whose identity can reasonably be ascertained from such information;

(p) "population" means a class of people or any other class of things about whom statistics on economic or demographic or social or scientific or environmental aspects is collected;

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

(r) "regulations" means regulations made under this Act;

(s) "sampling error" means any error that may occur as a result of limiting a statistical inquiry only to a sample, instead of to a complete coverage of a population, or because of any erroneous strategy followed in drawing a sample from a population;

(t) "Schedule" means a Schedule appended to this Act;

(u) "State Government", in relation to a Union territory, means the administration thereof; and

(v) "statistical purpose" means the employment of any statistical data for compiling or collecting information at various levels of aggregation or for updating the information already compiled or collected or for updating and collecting further data or for analysing the data or its analysis.

(2) Words and expressions used but not defined in this Act shall have the respective meanings as assigned to them in the Collection of Statistics Act, 2008.

(3) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall in relation to that State be construed as a reference to the corresponding law, if any, in that State.

Chapter-II

NATIONAL STATISTICAL COMMISSION AND NATIONAL STATISTICAL DEVELOPMENT COUNCIL

3. Establishment and incorporation of Commission.- (1) With effect from such date as the Central Government may, by notification, appoint, there shall be established, for the purposes of this Act, a body to be called "the National Statistical Commission".

(2) The Commission shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The headquarters of the Commission shall be at New Delhi and the Commission may establish offices at other places in India and, with the previous approval of the Central Government, outside India.

(4) The general superintendence, direction and management of the affairs of the Commission shall vest in the Commission which may exercise all such powers and do all such acts and things as may be exercised or done by the Commission under this Act.

4. Composition of Commission.- The Commission shall consist of a Chairperson and, not less than four other Members as may be prescribed by the Central Government from time to time, to be nominated on the recommendation of the Selection Committee constituted under sub-section (1) of section 5, from amongst persons of ability, integrity and standing who have special knowledge or practical experience in respect of matters relating to official statistics or experience in administering institutions dealing with the matters aforesaid or who have made outstanding contribution in the field of statistics or in any other related discipline such as economics, operations research, and computer science which would be useful to the Commission.

5. Appointment of Chairperson and other Members.- (1) The Chairperson and other Members shall be appointed by the President of India by warrant under his hand and seal after obtaining the recommendations of a Selection Committee consisting of—

- (a) The Prime Minister
- (b) Minister of Finance in the Government of India
- (c) Minister in-charge of the Department of Statistics in the Government of India
- (d) Leader of the Opposition in the Council of States
- (e) Leader of the Opposition in the House of the People

(2) The Committee, referred to in the proviso to sub-section (1) shall be assisted by a Search Committee consisting of, —

- (a) Deputy Chairperson, Planning Commission;
- (b) Governor, Reserve Bank of India;
- (c) two persons nominated by the Central Government from amongst distinguished statisticians, economists or other social scientists; and

(d) a person who has held the office of a Chairperson of a National Statistical Commission nominated by the Central Government.

(3) No appointment of a Chairperson or any Member of the Commission shall be invalid merely by reason of absence of any member in the meetings of the Selection Committee referred to in sub-section (1) or the Search Committee referred to in sub-section (2).

6. Term of office of Chairperson and other Members.- (1) A person appointed as Chairperson or a Member shall hold office for a term of five years from the date on which he enters upon his office.

(2) A Chairperson or other Member shall be appointed as such only for one term and shall not be eligible for reappointment, but a Member (other than Chairperson) shall be eligible for appointment as a Chairperson and such appointment shall not be deemed to be one for a second term:

Provided nothing in this sub-section shall prevent a person who has been a Chairperson or a Member of the Commission from being considered for a second term after a gap of two years after cessation of his holding such office if he is otherwise eligible.

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment for a period of two years under the Government of India or under the Government of any State except in respect of such academic and research assignments, as may be prescribed.

(4) The status to be accorded to, the salary and allowances payable to, and other terms and conditions of service of, the Chairperson and other Members, shall be such, as may be prescribed.

Provided that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or any other Member shall be varied to his disadvantage after his appointment.

7. Resignation and removal of Chairperson and other Members.- (1) The Chairperson or any other Member may, by notice in writing under his hand addressed to the President of India, resign his office.

(2) Subject to the provisions of sub-section (3), the Chairperson or any other Member shall only be removed from his office by an order of the President of India on the ground of proved misbehaviour or incapacity after finding to that effect is made by an empowered Committee constituted by the President of India.

(3) If the Chairperson or any other Member is, or becomes in any way associated, directly or indirectly in any contract or agreement made in respect of official statistics, involving conflict of interest shall, for the purpose of sub-section (2), be deemed to be proved misbehaviour.

(4) The President of India may suspend from office the Chairperson or any other Member, in respect of whom a reference has been made to the appropriate authority for inquiry in to misconduct under sub-section (2) until the President of India has passed orders on receipt of the report of the said Committee on such reference.

(5) Notwithstanding anything contained in sub-section (2), the President of India may, by order, remove from office the Chairperson or any Member if the Chairperson or such Member, as the case may be—

- (a) is adjudged insolvent; or
- (b) engages during his term of office in any paid employment outside the duties of his office; or
- (c) is unfit to continue in office by reason of infirmity of mind or body; which makes him unsuitable for the job as found by a competent medical board constituted by the President of India;
- (d) is of unsound mind and stands so declared by a competent court; or
- (e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President of India involves moral turpitude.

8. Member to act as Chairperson or to discharge his functions in certain circumstances.- (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the President of India may, by notification, authorise one of the other Members to act as the Chairperson until the appointment of a Chairperson is made in accordance with the provisions of this Act.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the other Members as the President of India may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

9. Constitution of committees.- (1) The Commission may constitute committees consisting wholly of Members or wholly of other persons or partly of Members and partly of other persons for examining the system of official statistics in respect of any subject matter or for assisting the Commission in any of its functions, as and when deemed necessary.

(2) A committee constituted under this section shall meet at such time and at such place, and shall observe such procedure in regard to the transaction of business at its meetings, as may be determined by regulations or otherwise, by the Commission.

(3) The members of a committee (other than Members of the Commission) shall be paid such fees and allowances, for attending its meetings and for attending other work of the Commission, as may be determined by regulations or otherwise by the Commission.

10. Temporary association of persons with Commission for particular purposes.- (1) The Commission may associate with itself, in such manner and for such purposes, as may be required by it, any person whose assistance or advice or service it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Commission under sub-section (1) for any purpose may, if required by the Commission, take part in the discussions of the Commission relevant to that purpose, but shall not have a right to vote at a meeting of the Commission, and shall not be a Member for any other purpose.

(3) A person associated with the Commission under sub-section (1) for any purpose shall be paid such fees and allowances for attending its meetings or for attending other work entrusted by the Commission, as may be determined by regulations or otherwise, by the Commission.

11. Vacancy in the Commission not to invalidate acts or proceedings.- No act or proceedings of a Commission or any Committee thereof shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution, of the Commission or such Committee, as the case may be.

12. Administrative powers of Chairperson etc.- (1) The Chairperson shall have the powers of general superintendence and direction in respect of all administrative and financial matters of the Commission.

(2) All orders and decisions of the Commission shall be authenticated by the Secretary or any other officer of the Commission duly authorised by the Chairperson in this behalf.

(3) In particular, and without prejudice to the generality of the foregoing provision, the Chairperson or any other Member of the Commission shall exercise such powers and perform such duties as may be specified by

regulations, or as may, from time to time, be delegated to him by the Commission.

13. Constitution of National Statistical Development Council.- (1) For the purpose of determination of policy issues, relating to official statistics at the national level such as reforms in the statistical system, the Centre-State relations in the area of official statistics, international obligations and resource requirements in respect of official statistics and on the working of the statistical organisations in the country, and giving directions to the Commission on such issues, there shall be a National Statistical Development Council consisting of the following members namely:-

- (a) Prime Minister – President
- (b) Minister in-charge of Statistics in the Government of India – Vice-President
- (c) Chief Ministers of six States to be nominated by the Central Government – members
- (d) Deputy Chairman, Planning Commission - member
- (e) Chairperson and Members of the Commission – members
- (f) Cabinet Secretary - member
- (g) Governor, Reserve Bank of India – member

(2) The following officers shall be permanent invitees in the meetings of the Council.

- (a) Secretary, Ministry of Home Affairs
- (b) Secretary, Department of Economic Affairs
- (c) Chief Statistician of India
- (d) Chief Statistical Auditor
- (e) Chairman, University Grants Commission
- (f) Director General of the Central Statistics Office
- (g) Director General of the National Sample Survey Office
- (h) Director, Indian Statistical Institute, Kolkata

(3) The Secretary to the Commission shall be the Secretary to the Council.

(4) The Commission shall, on receipt of directions under sub-section (1), take or cause to take such steps, as may be necessary, for implementation of the recommendations of the Council.

Chapter-III

Powers and Functions of the Commission

14. Functions of the Commission in respect of core statistics.- (1) On and from the commencement of this Act, the official statistical products specified in the First Schedule shall be treated as core statistics.

(2) The Commission may, if it is of the opinion that-

(a) any official statistical product is of national importance or critical to the economy of the country, recommend to the Central Government, the inclusion of such a product as a core statistics; or

(b) any official statistical product included in the First Schedule is no longer necessary to be included as core statistics, recommend to the Central Government its discontinuance as a core statistics,

and on receiving any such recommendation from the Commission, the Central Government may either add or delete such product, as the case may be, from the First Schedule, by means of a notification and thereafter the First Schedule shall be deemed to have been amended accordingly.

(3) Every notification made under sub-section (2) 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 or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification 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 notification.

15. Powers of the Commission in respect of core statistics.- (1) The Commission shall, in respect of each product of core statistics, by regulations or otherwise, specify - ,

(a) the form, the manner and the time by which collection, compilation and dissemination of statistics, in respect of such product or any other product incidental to it, shall be carried out;

(b) statistical standards including statistical concepts, definitions, classifications and methodologies that are required to be met in producing such product;

- (c) the name or names, as the case may be, of Government agencies that are required to comply with the directions given under this section;
- (d) the qualifications and experience that may be required for the employing any person and professional ethos to be complied with by any person on being employed, for the purposes of sub-clause (a);
- (e) the terms, conditions and other safeguards that are required to be complied with while employing any agency or person to take, or aid in, or supervise any activity under sub-clause (a); and
- (f) any other requirement that is incidental.

(2) For the removal of doubts, it is hereby declared that it shall be the duty of all the Government agencies, persons and agencies engaged in matters relating to core statistics to implement the directions of the Commission as contained in sub-section (1) and submit periodical reports in such manner and form and to such officers, as may be specified by the Commission from time to time.

(3) The Commission shall have power to conduct statistical audit in the manner provided under section 22, during the course of or after the execution of any activity with regard to any product notified as core statistics.

(4) The Commission may, for the purpose of carrying out any activity in respect of any core statistics, direct any Government agency specified under sub-clause (c) of sub-section (1) on -

- (a) deployment of human resources and other resources including information technology and communication resources available with any other Government agency;
- (b) additional resources needed to be provided;
- (c) measures to promote effective statistical coordination among Government agencies involved; and
- (d) evolve and arrange to monitor any other strategy on core statistics that is incidental.

16. Powers of Commission in respect of National Sample Survey Office.- In particular, and without prejudice to the generality of the provisions under section 15, the Commission shall, in respect of the National Sample Survey Office under the National Statistical Organisation, have powers to-

- (i) formulate short period and long term statistical survey programmes;
- (ii) exercise full authority on the choice of subjects or items on which data has to be collected in a given field of investigation or in a given period, to fill gaps in statistics necessary for policy formulation and its implementation, in consultation with Government Departments at the Centre and in the States;
- (iii) decide the frequency with which data on any item is to be collected;
- (iv) formulate preparatory or pilot work to be undertaken on different subjects;
- (v) evolve sampling design to be adopted, the tabulation to be prepared, the form in which the data are to be collected and processed;
- (vi) finalise analysis and publication of results; and
- (vii) indicate, while drawing up programme of survey to be undertaken during a period, the form in which and the dates by which the results and unit level data shall be disseminated.

17. General powers of the Commission. – (1) Subject to the provisions of this Act and the rules made thereunder, the Commission shall have power to –

- (a) convene meetings with users of official statistics from time to time to review user needs for such statistics;
- (b) monitor and review the statistical system of any Government agency in the light of established policies, standards and methodologies and recommend measures for enhanced performance;
- (c) promote research and institute awards for outstanding work in official statistics;
- (d) participate in, and in consultation with the Central Government coordinate with, international statistical organisations on matters of statistical standards, methodologies and classifications;
- (e) lay down good practices, from time to time, for guiding Government agencies and persons engaged in any activity relating to official statistics;
- (f) lay down standards for integration of data collected by different Government agencies, and for ensuring comparability at national and international levels;

- (g) lay down standards to maintain lists of informants along with other statistical information on each informant as may be required in statistical surveys;
- (h) specify the manner in which any data gap is to be filled up or any unnecessary duplication in collection of statistics has to be avoided;
- (i) advice any Government agency on methodological aspects of any statistical survey proposed to be undertaken by it;
- (j) levy fees and other charges at such rates and in respect of such services as may be determined by regulations;
- (k) record its assessment on the performance for such period and of such officials of the National Statistical Organisation, as may be prescribed; and
- (l) perform such other functions including such administrative and financial functions as may be entrusted to it by the Central Government or as may be necessary to carry out the provisions of this Act.

(2) The Commission, for the purpose of exercising its mandate under this Act or the rules or regulations made thereunder, shall have powers to:

- (a) require production of any document; or
- (b) require any Government agency to provide details of statistical activities, including concepts and definitions used, methodologies followed, quality standards adopted, sampling and non-sampling errors, etc., in respect of a statistical activity or a product; or
- (c) require attendance of any person including any public servant; or
- (d) issue notice for the examination of any witness or document.

18. Advisory functions of the Commission.- The Commission may, from time to time, advise the Central Government or any State Government, on any matter relating to official statistics, including –

- (a) legislative measures to be undertaken in statistical matters;
- (b) policies and priorities relating to official statistics and standard statistical concepts, definitions, classifications and methodologies in different areas in official statistics;
- (c) strategies for human resource development including information technology and communication needs for the official statistical system;

- (d) measures for improving public trust and promoting public awareness in official statistics;
- (e) creation of new posts or reallocation of existing posts and on reallocation of budgetary and other resources in respect of official statistics;
- (f) changes in service conditions of the Indian Statistical Service, the Sub-ordinate Statistical Service and other statistical cadres;
- (g) establishing high professional standards and devising code of conduct or practice so as to build up an ethos for the profession of statistics so as to achieve highest standard and professional excellence in activities relating to official statistics;
- (h) teaching and research;
- (i) safeguards and other precautions to be observed while outsourcing any statistical activity;
- (j) measures for ensuring confidentiality and security of official statistics, including protection of personal information from any unauthorised or illegal access, without compromising on meeting any statistical purpose;
- (k) the manner of controlling sampling and non-sampling errors; and
- (l) the manner of reducing burden on informants in furnishing information in any collection of statistics.

19. Power of Commission on administrative statistics.- Notwithstanding anything contained in any law for the time being in force, the Commission may require collection, compilation and dissemination of administrative statistics with such periodicity and in such format, as may be determined by the Commission by regulations.

20. Power of Commission in respect of statistics produced by non-Government agencies.- (1) If the Commission is of the opinion that any statistics produced by any non-Government agency is of public interest, it may order for statistical audit in a manner provided under section 22, and where necessary, recommend appropriate action to the Central Government.

(2) Every non-Government agency shall render such help and assistance and furnish such information to an officer of the National Statistical Appraisal and

Assessment Organisation authorised for the purpose, as he may require for the statistical audit directed under sub-section (1) and shall make available for inspection and examination, such records, plans, other documents and data, as may be necessary.

21. Power of Commission in respect of quality of statistics.- (1) The Commission shall, on receipt of a request from any Government agency or any private producer of statistics and on receipt of such fee, as may be determined by the Commission, have power to furnish its opinion on quality of statistics produced by the Government agency or the private producer, as the case may be, after such inquiry into concepts, definitions, classifications, and methodology used in producing such statistics, and such other details, as may be necessary.

(2) Where the Commission has furnished its opinion on quality of statistics referred to in sub-section (1), -

- (a) the Commission shall publish its opinion in such manner and in such form, as may be determined by the Commission in case the opinion is in respect of statistics produced by any Government agency; and
- (b) a private producer shall have the right to publish the opinion furnished by the Commission, in respect of statistics produced by him:

Provided that in case any Government agency, which in the opinion of the Commission, has been using statistics produced by such private producer, the Commission shall also forward its opinion on the quality of such statistics to that Government agency.

22. Powers of the Commission on statistical audit.- (1) The Commission shall have power to obtain a report on any statistical audit from the National Statistical Appraisal and Assessment Organisation referred in section 26, in such format and within such period, as may be specified by the Commission in this behalf.

(2) The Commission shall satisfy itself about the correctness of the facts stated and the conclusions, if any, arrived at in the report submitted to it under sub-section (1) and for this purpose the Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the statistical audit) as it thinks fit.

(3) The Commission may, on the basis of a report on statistical audit referred to in sub-sections (1) and (2), direct any Government agency, the adoption of such measures for improvement, as may be deemed necessary.

23. Sharing of official statistics.- For the purpose of avoiding unnecessary duplication, the Commission shall have power to,-

(a) direct the National Statistical Organisation or any other Government agency to integrate official statistics collected from time to time by different Government agencies on the basis of such criteria, as may be determined by the Commission and thereafter direct any Government agency on steps to fill up any data gap, in such manner and form and at such intervals, as may be specified by the Commission in this behalf;

(b) direct any Government agency, which in the opinion of the Commission is appropriate for the purpose, to prepare and update from time to time, statistical registers containing list of persons or business enterprises or any other lists which in the opinion of the Commission may be used by any Government agency for any statistical purpose; and

(c) direct any Government agency to furnish official statistics integrated under clause (a) or statistical registers prepared under clause (b),-

(i) to any other Government agency for any statistical purpose in such manner and form and at such intervals, as may be specified by the Commission in this behalf; or

(ii) to any person in a manner not inconsistent with the provisions of this Act on payment of such fee, as may be determined by the Commission.

24. Courts to furnish judicial statistics.- Notwithstanding anything contained in any other law for the time being in force, the registry or the administrative office of every court, Tribunal or other authority performing any judicial or quasi-judicial functions, including any regulatory authority, whether established under any law or otherwise, shall compile and disseminate statistical details of the cases, petitions and applications filed or disposed off by such authority or remaining pending for disposal by such authority in such manner, in such form and manner and at such intervals, as may be specified by the Commission.

Chapter-IV **Offices and officers under the Commission**

25. Secretariat of the Commission.- (1) Subject to such rules as may be made in this behalf, the Commission shall appoint a person in the rank not below that of an Additional Secretary to the Government of India as Secretary of the Commission, with such salary and allowances and other terms and

conditions of service, as may be determined by the Commission by regulations in this behalf.

(2) The Secretary of the Commission shall be the Chief Executive Officer of the Commission and shall exercise such powers and discharge such functions of the Commission as may be delegated to him by the Commission or the Chairperson, as the case may be.

(3) Subject to such rules as may be made in this behalf, the Commission may appoint such other persons including any official of a Government agency on deputation basis, subject to such terms and conditions and with such qualifications and experience, as the Commission may determine by regulations in this behalf.

26. National Statistical Appraisal and Assessment Organisation.- (1) The Commission shall set up a Division called 'the National Statistical Appraisal and Assessment Organisation' with its offices at such places in India, as deemed necessary.

(2) The National Statistical Appraisal and Assessment Organisation referred to in sub section (1) shall be in charge of statistical audit, including the evaluation of statistical tools, processes and products employed in official statistics and shall be devoted to ascertain whether any process applied in a statistical activity or a statistical product relating to official statistics is in accordance with the standards, if any, specified by the Commission or whether there is any violation of professional ethics or bias by any person engaged in any such process and to ascertain such other details or deficiencies in the system that require to be addressed, as may be specified by regulations or otherwise by the Commission in this behalf.

(3) The National Statistical Appraisal and Assessment Organisation may undertake concurrent statistical audit of any statistical survey being conducted by a Government agency, including National Statistical Organisation, as may be directed by the Commission

27. Appointment of Chief Statistical Auditor.- (1) The Commission shall appoint a person as Chief Statistical Auditor in the rank of a Secretary to the Government of India with such qualifications and experience and on such terms and conditions as may be specified by regulations by the Commission in this behalf, to head the National Statistical Appraisal and Assessment Organisation referred to in sub-section (1) of section 26 and to exercise the powers conferred upon, and perform the functions assigned to him, under this Act and the rules and regulations made thereunder.

(2) The Commission may appoint other persons, as may be required to assist the Chief Statistical Auditor, on such terms and conditions, as the Commission may specify by regulations or otherwise.

(3) The Chief Statistical Auditor or any person appointed under sub-sections (1) and (2) shall perform the functions assigned to them under this Act and the rules and regulations and subject to the direction and control of the Commission, may, for the purpose of statistical audit, exercise the powers referred in clauses (a) to (d) of sub-section (2) of section 17.

Chapter-V

Arrangements for implementation of statistical policies and priorities

28. Implementation mechanism.- (1) The National Statistical Organisation shall be responsible for implementing the policies and priorities as laid down from time to time by the Commission and its responsibilities shall include, -

- (a) implementation and maintenance of statistical standards and coordination of statistical activities among Government agencies as laid down by the Commission from time to time;
- (b) collecting or arranging to collect core Statistics, as per the directions of the Commission;
- (c) publishing core statistics at regular intervals together with critical analysis regarding the quality of data and implication of the use of data in policy making and administration;
- (d) arranging training for statistical personnel and for the purpose utilising the services of universities, research institutions and experts in relevant fields on such terms and conditions and on payment of such fee, as may be determined by the Commission;
- (e) maintaining a warehouse for core statistics, for dissemination amongst all users in the public and private sectors inside and outside the country and serve as the sole provider of information to foreign Governments, international bodies and United Nations agencies;
- (f) undertaking statistical surveys as may be directed by the Commission from time to time; and
- (g) outsourcing of statistical activities as may be necessary, subject to such safeguards, and such terms and conditions including compensation or fee, as may be specified by the Commission from time to time.

(2) It shall be the duty of the Chief Statistician of India, in addition to his other responsibilities, to act in support of the efficient discharge of the

functions of the Commission, and he shall, as per the directions of the Commission,-

- (a) provide leadership to statistical activities by promoting coordination among Government agencies;
- (b) assist the Commission in evolving and implementing statistical strategies;
- (c) assist the Commission to decide and reallocate statistical priorities;
- (d) promote reliability and integrity of official statistics; and
- (e) obtain reports from such officers or Government agencies and submit reports to the Commission, in such form, in such manner and at such intervals, as may be specified by the Commission from time to time, on the progress of implementation of directions and recommendations of the Commission.

29. Responsibilities of Government agencies in respect of core statistics. – Every Government agency engaged in any activity in respect of core statistics shall implement the directions of the Commission on core statistics and for the purpose, assign the related coordination work to such officers as may be prescribed, who shall, -

- (a) be responsible to and associated closely with, the Chief Statistician of India in implementing the directions of the Commission;
- (b) coordinate flow of statistical information to and from the National Statistical Organisation; and
- (c) perform such other functions, as may be prescribed.

30. Duties of statistical personnel. - Any person engaged in official statistics in any Government agency shall implement the directions of the Commission in respect of core statistics relevant to his work and submit periodical reports as may be specified by the Commission from time to time.

Chapter-VI

FINANCE, ACCOUNTS AND AUDIT

31. Constitution of Funds.- (1) There shall be constituted a Fund to be called 'the National Statistical Fund' and there shall be credited thereto-

- (a) all Government grants, fees and charges received by the Commission;
- (b) all sums received by the Commission from such other source as may be decided by the Central Government.

(2) All moneys belonging to the Fund referred in sub-section (1) shall be deposited in any Nationalised Bank.

(3) The Fund shall be applied for meeting –

- (a) the salaries, allowances and other remuneration of the Members, and officers, other employees, persons and agencies employed by the Commission;
- (b) the other expenses of the Commission in connection with the discharge of its functions and for the purposes of this Act;
- (c) the expenses on objects and for purposes authorised by this Act.

32. Grants by Central Government.- (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, make to the Commission an initial endowment grant of such sum as may be adequate to establish the Commission, as deemed appropriate by the Parliament.

(2) Not less than five percent of the budgetary grant allocated by the Central Government to the National Statistical Organisation in each financial year, as may be determined by the Central Government, shall devolve automatically as a Grant to the Commission.

(3) In addition to the grant referred to in sub-sections (1) and (2), the Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Commission grants of such sums of money as the Government may think fit for being utilised for the purposes of this Act.

33. Accounts and Audit.- (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The Accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General or any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission and the Central Government shall cause the audit report to be laid as soon as may be after it is received before each House of Parliament.

34. Exemption from tax on wealth and income.- Notwithstanding anything contained in the Wealth-tax Act, 1957, the Income Tax Act, 1961, or any other enactment for the time being in force relating to tax on wealth, income, profits or gains, the Commission shall not be liable to pay wealth-tax, income tax or any other tax in respect of its wealth, income, profits or gains derived.

Chapter-VII

Reports of the Commission

35. Annual and special reports of the Commission.- (1) The Commission shall submit an annual report to the Central Government and to the State Government concerned and may at any time submit special report on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The Central Government and the State Government, as the case may be, shall cause the annual and special reports of the Commission to be laid before each House of Parliament or the State Legislature respectively, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any.

Chapter-VIII

Inquiries, offences and penalties

36. Powers relating to inquiries etc.- The Commission shall, while inquiring into any complaint under this Act, have all the powers of a civil court trying a suit under the Act of Civil Procedure, 1908, and in particular in respect of the matters, referred in clauses (a) to (d) of sub-section (2) of section 17 or any other matter, as may be prescribed.

37. Statement made by persons to the Commission.- No statement made or no information furnished by a person to the Commission in the course of performing any duty under the provisions of this Act or the rules or the regulations or directions made thereunder shall subject him to, or be used

against him in, any civil or criminal or departmental proceeding except in a prosecution under this Act for giving false statement or false information.

38. Professional ethics.- Every person who has to perform any duty or function under this Act or the rules or regulations or directions made thereunder shall-

- (1) be bound to perform such duty or function;
- (2) be bound to maintain confidentiality of data and shall not divulge any information except in the manner provided in this Act or the rules or the regulations or directions made thereunder.

39. Power to Censure.- (1) Where, on receipt of a complaint made to it or otherwise, the Commission has reason to believe that a Government agency has not complied with the standards of statistical ethics or that any person engaged in official statistics has committed any professional misconduct or without lawful excuse failed to perform any duty assigned under sub-section (2) of section 15, the Commission may, after giving the Government agency, an opportunity of being heard and holding an inquiry in such manner as may be provided by regulations, for reasons to be recorded in writing, warn, admonish or censure the Government agency or disapprove the conduct of the agency, as may be necessary.

(2) Any order made under sub-section (1) shall be subject to appeal to the Com, within such time as may be specified in that order, mission and any order made by the Commission on such appeal shall be final.

(3) If the Commission is of the opinion that it is necessary or expedient in public interest so to do, it may publish in such manner as it deems fit, any particulars relating to any inquiry under this section against a Government agency, including the name of such Government agency.

(4) Nothing in sub-section (1) shall be deemed to empower the Commission to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.

CHAPTER-IX MISCELLANEOUS

40. Delegation of powers to officers.- The Commission may, by regulations or by order, and subject to such conditions and limitations, if any, as may be specified therein, delegate, to any Member or officer of the Commission, such of its powers and functions under this Act or the rules framed thereunder.

41. Government agencies to assist.- (1) All Government agencies shall render such help and assistance, including assisting the Commission in any of its meetings as may be required by it, and furnish such information to the Commission as it may require for the discharge of its functions, and shall make available to the Commission for inspection and examination such records, plans and other documents, as may be necessary, for the discharge of its functions.

(2) Where an activity before being carried out requires the advice or direction of the Commission under this Act, such activity shall not be carried out by any Government agency without the advice or direction of the Commission.

42. Members and officers to be public servants.- Every Member and every officer or person appointed or authorised to exercise any function under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

43. Bar of jurisdiction.- No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Commission 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.

44. Protection of action taken in good faith.- No suit or other legal proceeding shall lie against the Central Government, State Government, the Commission or any Member thereof or any person acting under the direction either of the Central Government, State Government, the Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or any order made thereunder or in respect of the publication by or under the authority of the Central Government, State Government, the Commission of any report, paper or proceedings.

45. Overriding effect.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

46. Power of Central Government to make rules.- (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:-

- (a) the numbers of Members (other than Chairperson) in the Commission under section 4;
- (b) the academic and research assignments that are required to be exempted under sub-section (3) of section 6;
- (c) the status, the salaries and allowances and other terms and conditions of service of the Chairperson and other Members under sub-section (4) of section 6;
- (d) the recording of assessment under clause (k) of sub-section (1) of section 17;
- (e) assigning coordination work on core statistics and other functions to officers under section 29;
- (f) the form in which the annual statement of accounts is to be prepared by the Commission under sub-section (1) of section 33;
- (g) any other power of a civil court required to be prescribed under section 36; and
- (h) any other matter which has to be, or may be, prescribed.

(3) Every rule made 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.

47. Power of Commission to make Regulations.- (1) Subject to the provisions of this Act and the rules made thereunder, the Commission may, by notification, make regulations to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

- (a) the procedure for meetings of committees constituted by the Commission under sub-section (2) of section 9;

- (b) the fees and allowances for members of committees constituted by the Commission under sub-section (3) of section 9;
- (c) the fees and allowances for persons associated with the Commission under sub-section (3) of section 10;
- (d) the powers and duties of the Chairperson or any other Member under sub-section (3) of section 12;
- (e) the requirements that need to be specified in respect of core statistics under sub-section (1) of section 15;
- (f) the rates at which and the services for which fees and other charges are to be levied under sub-clause (j) of sub-section (1) of section 17;
- (g) the collection, compilation and dissemination of any administrative statistics under section 19;
- (h) the salary and allowances and other terms and conditions of service of secretary of the Commission under sub-section (1) of section 25 and those of the Chief Statistical Auditor under sub-section (1) of section 27;
- (i) the terms and conditions etc., of persons appointed under sub-section (3) of section 25 or under sub-section (2) of section 27;
- (j) the details required to be specified for a statistical audit under sub-section (2) of section 26;
- (k) the manner of holding inquiry under section 39;
- (l) the delegation of powers to any Member or officer under section 40;
and
- (m) any other matter which has to be, or may be, specified by regulations.

(3) Every regulation made by the Commission 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 or the successive sessions aforesaid, both Houses agree in making any modification in the regulations or both Houses agree that the regulation should not be made, the regulation 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 regulation.

48. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government in consultation with the Commission, may by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before each house of Parliament.

49. Amendment of enactment.- The Collection of Statistics Act, 2008 shall be amended in the manner specified in the Second Schedule to this Act.

THE FIRST SCHEDULE

(See section 14)

List of official statistical products identified as core statistics

S. No.	Product/ Indicator/ Data set	Periodicity	Source	Office
1: National Income				
1.	Gross Domestic Product (GDP) at factor cost	Quarterly/ Annual	Analytical statistics	Central Statistics Office
2.	Net factor income from abroad	Quarterly/ Annual	Analytical statistics	Central Statistics Office
3.	Consumption of fixed capital	Quarterly/ Annual	Analytical statistics	Central Statistics Office
4.	Indirect taxes	Quarterly/ Annual	Analytical statistics	Central Statistics Office
5.	Subsidies	Quarterly/ Annual	Analytical statistics	Central Statistics Office
6.	Private final consumption expenditure in domestic market	Quarterly/ Annual	Analytical statistics	Central Statistics Office
7.	Government final consumption expenditure	Quarterly/ Annual	Analytical statistics	Central Statistics Office
8.	Gross Domestic capital formation (adjusted)	Quarterly/ Annual	Analytical statistics	Central Statistics Office
9.	Net Domestic capital formation (adjusted)	Quarterly/ Annual	Analytical statistics	Central Statistics Office
10.	GDP at current market prices	Quarterly/ Annual	Analytical statistics	Central Statistics Office
11.	Domestic savings	Quarterly/ Annual	Analytical statistics	Central Statistics Office
12.	Household sector savings	Quarterly/ Annual	Analytical statistics	Central Statistics Office
13.	Private corporate sector savings	Quarterly/ Annual	Analytical statistics	Central Statistics Office
14.	Public sector savings	Quarterly/ Annual	Analytical statistics	Central Statistics Office
15.	Gross capital	Quarterly/ Annual	Analytical	Central Statistics Office

	formation by type of institutions at current prices	Annual	statistics	Office
16.	Net capital stock by type of institution	Quarterly/ Annual	Analytical statistics	Central Statistics Office
17.	Capital-output ratio	Quarterly/ Annual	Analytical statistics	Central Statistics Office
18.	Per capita Gross State Domestic Product	Annual	Analytical statistics	Central Statistics Office, States/UTs
19.	Per capita Net State Domestic Product	Annual	Analytical statistics	Central Statistics Office, States/UTs
20.	Input-output transactions table	Quinquennial	Analytical statistics	Central Statistics Office

S. No.	Product/ Indicator/ Data set	Periodicity	Source	Office
2: Production & Services sectors				
21.	Landholdings Number, area, tenancy, land utilization, cropping pattern, irrigation particulars of different size classes	Quinquennial	Landholdings and Agriculture Census	D/o Agriculture & Cooperation
22.	Land Use statistics and crop area statistics generated through TRS/ EARAS Schemes	Agricultural Season	Administrative Statistics	D/o Agriculture & Cooperation, States/ UTs
23.	Production (quantity) of major agricultural crops	Agricultural Season	Administrative statistics, Sample Surveys	Department of Agriculture and Cooperation
24.	Yield (quantity) per hectare of major agricultural crops	Agricultural Season	Sample Surveys	Department of Agriculture and Cooperation
25.	Value of output from agriculture,	Annual	Administrative statistics,	Department of Agriculture and

	horticulture, and livestock		Sample Surveys	Cooperation, Department of Animal Husbandry, Dairying & Fisheries
26.	Value of input from agriculture, horticulture, and livestock	Annual	Administrative statistics, Sample Surveys	Department of Agriculture and Cooperation, Department of Animal Husbandry, Dairying & Fisheries
27.	Livestock, Poultry, Agricultural Machinery and Implements and Fisheries Statistics	Quinquennial	Livestock Census	D/o Animal Husbandry, Dairying & Fisheries
28.	Production of marine fish, inland fish and cultivated fish	Annual	Sample Survey	D/o Animal Husbandry, Dairying & Fisheries
29.	Area, production and prices of forest products	Annual	Sample Surveys	Ministry of Environment and Forests
30.	Output, input, value added, capital and employment in Mining and Quarrying	Annual	Administrative Statistics, Sample Survey	Ministry of Mines, Ministry of Coal
31.	Output, input, value added, capital and employment in Manufacturing	Annual	Administrative Statistics, Sample Survey	Concerned Administrative Ministries, National Sample Survey Office
32.	Output, input, value added, capital and employment in Electricity, installed capacity, generation, electricity consumption/ per capita availability, no. of villages/	Annual	Administrative Statistics	Central Electricity Authority

	households electrified, electricity transmission and distribution system, T & D losses			
33.	Output, input, value added, capital and employment in Construction	Annual	Sample Survey	National Buildings Organisation
34.	Output, input, value added, capital and employment in unorganised/informal sector	Quinquennial	Economic census and Sample survey for each sector	Central Statistics Office, National Sample Survey Office
35.	Index of Industrial Production	Quarterly	Administrative Statistics	Central Statistics Office
36.	Performance of infrastructure sectors, namely, civil aviation, power, railways, telecommunication, roads & highways, ports, cement etc.	Annual	Administrative Statistics	Concerned Ministries, Central Statistics Office
37.	Foreign Trade Statistics of India (Principal commodities and countries)- quantum and value	Half-yearly	Administrative Statistics	DGCI&S
38.	Statistics of Foreign & Coastal cargo Movement of India and the Inter-State Movements/ Flows of Goods by Rail, River and Air	Annual	Administrative Statistics	DGCI&S
39.	Statistics on area, yield, manufacturing, imports & exports, employment, in respect of tea, coffee, spices and rubber	Annual	Administrative Statistics	D/o Commerce
40.	volume and other		Administrative	DGFT, DGCI&S

	related characteristics of Inter-State trade		Statistics	
41.	Indices of Unit Value and Quantum of Foreign Trade	Quarterly Annual	Administrative Statistics	DGFT, DGCIS
42.	Performance Indicators for Chemicals & Petrochemicals	Annual	Administrative Statistics	D/o Chemicals & Petrochemicals
43.	Performance Indicators for Steel	Annual	Administrative Statistics	Ministry of Steel
44.	Production, imports and consumption of coal and lignite	Annual	Administrative Statistics	M/o Coal
45.	Production imports and consumption of fertilizers (N, P, K)	Annual	Administrative Statistics	D/o Fertilizers
46.	Production of crude oil, all petroleum products, natural gas, LNG, imports/exports of oil & petroleum products and consumption of petroleum products	Annual	Administrative statistics	M/o Petroleum and Natural Gas
47.	Performance indicators for Railways, construction of railway lines, passengers and cargo carried etc	Annual	Administrative statistics	M/o Railways
48.	Road statistics-length of roads constructed, total highways, no of vehicles registered	Annual	Administrative statistics	Ministry of Surface transport
49.	Air transport- no of passengers, including airport statistics cargo carried, passenger and cargo earnings	Annual	Administrative statistics	Ministry of Civil Aviation
50.	Water transport	Annual	Administrative	Ministry of

	including port statistics, passengers and cargo handled		statistics	Shipping
51.	Communication statistics- no of subscribers- landline and wireless, average revenue per user, average minutes usage, usage of internet, teledensity	Monthly Annual	Administrative statistics Analytical	Dept of Telecom, TRAI
52.	Tourist Arrivals Foreign Exchange earnings	Annual	Administrative Statistics	Ministry of Tourism
53.	Output, Input, value added, capital and employment in unorganized/ Informal sector	Quinquennial	Sample survey	MOSPI & States
54.	Statistical Data obtained under the Companies Act	Annual	Administrative Statistics	M/o Corporate Affairs
55.	Public Enterprises- Survey- Number, turnover, capital employed, Profitability ratios, Investment,	Annual	Administrative Statistics	D/o Public Enterprises

S. No.	Product/ Indicator/ Data set	Periodicity	Source	Office
3: Budgetary Transactions				
56.	Revenue receipts (actuals)	Annual	Administrative statistics	M/o Finance and State/ UT Governments
57.	Capital receipts (actuals)	Annual	Administrative statistics	M/o Finance and State/ UT Governments
58.	Non-plan expenditure (actuals) on	Annual	Administrative statistics	M/o Finance and State/ UT Governments

	revenue account			
59.	Non-plan expenditure (actuals) on capital account	Annual	Administrative statistics	M/o Finance and State/ UT Governments
60.	Plan expenditure (actuals) on revenue account	Annual	Administrative statistics	M/o Finance and State/ UT Governments
61.	Plan expenditure (actuals) on capital account	Annual	Administrative statistics	M/o Finance and State/ UT Governments
62.	Revenue deficit (actuals)	Annual	Administrative statistics	M/o Finance and State/ UT Governments
63.	Fiscal deficit (actuals)	Annual	Administrative statistics	M/o Finance and State/ UT Governments
64.	Primary deficit (actual)	Annual	Administrative statistics	M/o Finance and State/ UT Governments

S. No.	Product/ Indicator/ Data set	Periodicity	Source	Office
4: Money and Banking				
65.	Currency with the public	Annual	Administrative Statistics	Reserve Bank of India
66.	Deposit money with the Public	Annual	Administrative Statistics	Reserve Bank of India
67.	Post office savings bank and other deposits	Annual	Administrative Statistics	Reserve Bank of India
68.	Time Deposits with Banks	Annual	Administrative Statistics	Reserve Bank of India
69.	Credit-deposit ratio of scheduled commercial banks	Annual	Administrative Statistics	Reserve Bank of India
70.	Investment-deposit ratio of scheduled	Annual	Administrative Statistics	Reserve Bank of India

	commercial banks			
71.	Outstanding credit of scheduled commercial banks by type of occupation	Annual	Administrative Statistics	Reserve Bank of India
72.	Resource Mobilisation from Primary Market	Annual	Administrative Statistics	Securities Exchange Board of India

S. No.	Product/ Indicator/ Data set	Periodicity	Source	Office
5: Capital Market				
73.	Resource Mobilisation by Mutual Funds	Annual	Administrative Statistics	Securities Exchange Board of India
74.	FII investments	Annual	Administrative Statistics	Securities Exchange Board of India
75.	Trading value of capital market segment	Annual	Administrative Statistics	National Stock Exchange
76.	Trading value of Futures and options market segment	Annual	Administrative Statistics	National Stock Exchange
77.	Trading value of WDM segment	Annual	Administrative Statistics	National Stock Exchange

S. No.	Product/ Indicator/ Data set	Periodicity	Source	Office
6: Indices and other short term indicators				
78.	Wholesale Price Index	Monthly	Sample Survey	Department of Commerce
79.	Consumer Price Index (Rural/Urban)	Monthly	Sample Survey	Central Statistics Office
80.	Consumer Price	Monthly	Sample	Labour Bureau

	Index for industrial workers		Survey	
90.	Consumer Price Index for agricultural labourers	Monthly	Sample Survey	Labour Bureau
91.	Service Price Index	Monthly	Sample Survey	Department of Industry
92.	Housing price Index	6 monthly	Sample Survey	National Housing Bureau
93.	Index of Service production	Monthly	Sample Survey	MOSPI
94.	Quarterly financial results of companies listed on stock exchanges	Quarterly		SEBI/RBI

S. No.	Product/ Indicator/ Data set	Periodicity	Source	Office
7. External Sector				
95.	Foreign Exchange Reserves	Monthly	Administrative statistics	Reserve Bank of India
96.	Balance of payments	Annual	Administrative statistics	Reserve Bank of India
97.	Exchange rate for Indian rupee vis-à-vis other countries	Monthly	Administrative statistics	Reserve Bank of India
98.	Indices of Real Effective Exchange Rate (REER) and Nominal Effective Exchange Rate (NEER)	Monthly	Administrative statistics	Reserve Bank of India
99.	Value of exports by commodity group	Annual	Administrative statistics	Reserve Bank of India
100.	Value of imports	Annual	Administrative	Reserve Bank of

	by commodity group		statistics	India
101.	Value of exports and imports with major trading countries	Annual	Administrative statistics	Reserve Bank of India
102.	Foreign investment inflows	Monthly	Administrative statistics	Reserve Bank of India

S. No.	Product/ Indicator/ Data set	Periodicity	Source	Office
8: Demography, Social and Environment Sectors				
103.	Vital statistics, literacy and population by identified social groups	Decennial	Census	O/o Registrar General and Census Commissioner
104.	Population projections	Annual	Analytical	O/o Registrar General and Census Commissioner
105.	Vital Statistics	Annual	Administrative statistics	O/o Registrar General and Census Commissioner
106.	Vital rates/ ratios	Annual	Sample Survey	O/o Registrar General and Census Commissioner
107.	Consumer expenditure by State and by rural/ urban sectors	Quinquennial	Sample Survey	National Sample Survey Office
108.	Number of persons employed according to usual status and current weekly status by State	Quinquennial	Sample Survey	National Sample Survey Office

	and by rural/urban sectors			
109.	Labour Force participation rate (LFPR) and Work Force participation rate (WFPR) by State and by rural/urban sectors	Quinquennial	Sample Survey	National Sample Survey Office
110.	No. of gainfully employed persons by type of economic activity	Quinquennial	Sample Survey	National Sample Survey Office
111.	Health characteristics by identified social groups	Quinquennial	National Family Health Surveys	M/o Health & Family Welfare
112.	Health care facilities (hospitals/ beds/ dispensaries), medical manpower (doctors), medical education (under-graduate, Post-graduate and paramedical courses) and licensed pharmacies	Annual	Administrative statistics	M/o Health & Family Welfare
113.	Indicators on maternal health, child health, family planning etc.	Annual	Annual Health Survey	M/o Health & Family Welfare
114.	Indicators on maternal health, child health, family planning etc.	5-7 years	DLHS/ NFHS/SRS	M/o Health & Family Welfare, ORGI
115.	Statistics on	Annual	Administrative	D/o Higher

	number of institutions, enrolment, number of teachers, allocation and expenditure on education		Statistics	Education
116.	Vital statistics under the Civil Registration System	Quarterly	Administrative Statistics	ORGI, States/ UTs
117.	Vital statistics under Sample Registration System	Annual	Sample Survey	ORGI
118.	Data on quality and availability of drinking water and safe/improved sanitation facility	Annual	Sample Survey	D/o Drinking Water Supply
119.	Allocation and off take of food grains under PDS	Annual	Administrative Statistics	D/o Food & Public Distribution System
120.	Statistics on land records	Annual	Survey under National Land Records Modernisation Programme	D/o Land Resources
121.	Poverty – Head Count Ratio	Quinquennial	Analytical Statistics	Planning Commission
122.	Millennium Development Goals	Annual	Administrative Statistics	MOSPI with the support of respective Ministries
123.	Diet and Nutritional Status of Population in Rural areas	Annual	Sample Survey	National Nutrition Monitoring Bureau
124.	Ambient air quality in major cities	annual	Administrative Statistics	Central Pollution Control Board
125.	Total Absolute Emissions of CO2	annual	Administrative Statistics	Central Electricity Authority

	from the Power Sector			
126.	Gross and Net production and utilisation of Natural Gas in India	annual	Administrative Statistics	M/O Petroleum and Natural Gas
127.	Monsoon Performance	annual	Administrative Statistics	Indian Meteorological Department
128.	Water, oceans, lakes, ground water and rivers	annual	Administrative Statistics	Central Ground Water Board (M/O Water Resources), Central Water Commission
129.	Solar Power	annual	Administrative Statistics	M/O New and Renewable Resources

THE SECOND SCHEDULE
(See section 49)
AMENDMENTS TO THE COLLECTION OF STATISTICS ACT, 2008
(7 OF 2009)

1. In the Act, to sub-section (2) of section 1, the following proviso shall be added at the end, namely, –

“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.”

2. In section 2,

(1) after clause (b), the following clause shall be inserted, namely –

‘(bb) “Commission” means the National Statistical Commission of India constituted under the National Statistical Commission Act, 2011’.

(2) in clause (b), after the words and figure ‘under section 3’, the words, figure and letter “appointment of nodal officers under section 3A” shall be inserted.

3. After section 3, the following section shall be inserted, namely: -

“3A. Nodal Officer: (1) The appropriate 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. Section 27 shall be omitted.

5. In section 28, after the words ‘Central Government’, the words ‘or the Commission’ shall be inserted.

6. In sub-section (2) of section 33, 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;

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

Proposed Amendments in the Census Act, 1948 (37 of 1948)

(a) for the long title, the following shall be substituted, namely:-

"An Act to provide for the taking of census in India and to provide for certain matters in connection with the taking of such census";

(b) in section 2, clauses (a), (b) and (c), shall be re-lettered as clauses (e), (f) and (g) thereof, and before the clauses, as so re-lettered, the following clauses shall be inserted, namely:-

(a) "Census Commissioner" means the Census Commissioner appointed under section 4;

(b) "census-officer" means a census-officer appointed under sub-section (2) of section 4;

(c) "Commission" means the National Statistical Commission constituted under section 3 of the National Statistical Code 2011;

(d) "Director" means the Director of Census Operations appointed under section 4A.'

(c) section 3 shall be renumbered as sub-section (1) thereof, and -

(1) in sub-section (1), as so renumbered, after the words "Official Gazette", the words "and in consultation with the Commission," shall be inserted;

(2) after sub section (1) as so renumbered, the following sub-section shall be inserted, namely:-

"(2) The Central Government may, for the purpose of securing and obtaining reliable information regarding the collection of census, in consultation with the Commission, give directions to any State Government or to any local authority in respect of the following matters, namely, -

(a) the preparation of a census questionnaire along with instructions on how to fill up such questionnaire;

(b) the method of collecting information and documents preparatory to the collection of census data;

- (c) the method of processing of the data collected and dissemination thereof, which may be in any medium, including electronic means; and
- (d) the manner in which the data collected is stored so as to ensure confidentiality, protection from illegal access and easy retrieval."

(d) in section 4, -

(1) in sub-section (1), after the words "may appoint", the words "in consultation with the Commission" shall be inserted;

(2) after sub-section (4), the following sub-section shall be inserted, namely:-

"(5). Notwithstanding anything contained in the foregoing provisions of this section, the Central Government, the State Government or the Director of Census Operations may employ any person or agency for the performance of such functions under this Act as may be specified, on such terms and conditions, as may be prescribed."

(e) in section 5, for the words "all census-officers" the words in brackets and figures "all census-officers and persons and agencies employed under sub-section (5) of section 4" shall be substituted.

(f) for section 8, the following section shall be substituted, namely, -

"8. Asking of questions and obligation to answer. (1) A Census officer may ask all such questions as by instructions issued in this behalf of all persons within the limits of the local area for which he is appointed either orally or by the supply of a copy of a census questionnaire, which shall contain all such questions;

(2) Every person of whom any question is asked or a questionnaire is supplied under sub-section (1) shall be legally bound to answer such questions either orally or by filing up the questionnaire to the best of his knowledge or belief:

Provided that the answers furnished under this sub-section may be conveyed through any medium either orally or by electronic means.

(3) Where any person has not been covered under this section for the purpose of inclusion in the census, he may apply to the census-officer designated for the purpose for inclusion of his name or family for purposes of the enumeration of census.

(4) Any person living within the local area in respect of which the census is taken may, on his own volition, obtain a copy of the census questionnaire with the details furnished by him either orally or in any medium or by

electronic means within the prescribed time after the completion of the census period.”.

(g) in section 10, for the word “schedule” wherever it occurs, the words “census questionnaire” shall be substituted.

(h) in sub-section (1) of section 11, -

(a) in clause (b), for the words “census return” the words “the census questionnaire” shall be substituted;

(b) in clause (g), for the words “schedule”, the words “census questionnaire” shall be substituted.

(i) in section 15, -

(i) for the words “schedule” the words “census questionnaire” shall be substituted; and

(ii) the following proviso shall be added, namely:-

“Provided that nothing in this section shall prevent the use of information collected through the census questionnaire for any statistical purpose or for the dissemination of information thereof, other than personal information to any person or institution solely for bonafide instruction or research, in such manner as may be specified by the Commission.”.

(j) for section 17, the following section shall be substituted, namely, -

“17. Release of census results: (1) The materials summarised or aggregated out of information collected in census questionnaires, are public and shall be available to everyone in a published form or in an electronic mode, in such manner, in such form, within such period and on payment of such fee, as may be prescribed.”

(2) Subject to the provisions of this Act, any person may obtain an abstract of statistical information as can be derived from the census questionnaires, being information which is not contained in any published form or in an electronic mode referred in sub-section (1), from designated census officers on payment of such fee, as may be prescribed.”

**Proposed Amendments
to the Registration of Births and Deaths Act, 1969 (18 of 1969)**

(a) In sub-section (1) of section 2, after clause (a), the following clause shall be inserted, namely, –

‘(aa) “Commission” means the National Statistical Commission constituted under the National Statistical Code, 2011.’

(b) in sub-section (1) of section 8, after the words “either orally or in writing”, the words “or by post or electronic means” shall be inserted.

(c) in section 12, after the words “under his hand”, the words “or by post or electronic means” shall be inserted.

(d) in section 13 -

(1) in sub-section (2) -

(i) the words “but within one year of its occurrence” shall be omitted;

(ii) the portion beginning with the words “and the production of an affidavit” and ending with the words “the State Government” shall be omitted.

(2) sub-section (3) shall be omitted.

(d) in section 13,

(1) for sub-section (2) the following sub-section shall be substituted, namely:-

“(2) Any birth or death of which delayed information is given to the Registrar after thirty days shall be registered only with the written permission of the Registrar and on payment of the prescribed fee.”

(2) in sub-section (3) for the words “Magistrate of the first class or a Presidency Magistrate” the words “by the Registrar” shall be substituted.

(e) in section 14, after the words “or in writing”, the words “ by post or by electronic means” shall be inserted.

(f) in section 15, for the portion beginning with the words "may subject to such rules" and ending with the words "or cancelled", the word "shall" shall be substituted.

(g) for section 18, the following section shall be substituted, namely, -

"18 Inspection and reports of Registration offices: The Registration Offices shall be inspected and the Registers kept therein shall be examined at least once every year in such manner and by such authority as may be specified by the District Registrar, and on receipt of a report from such authority, the District Registrar shall forward the same to the concerned Chief Registrar."

(h) in section 19, in sub-section (1), after the words "any officer specified by him", the words "or to the Commission" shall be inserted.

(i) in section 22, after the words "Central Government" the words "or the Commission" shall be inserted.

(j) in section 23 –

(a) for the words, "fifty rupees" wherever they occur, the words "one thousand rupees" shall be substituted.

(b) in sub-section (4), for the words, "ten rupees", the words "two thousand rupees" shall be substituted;

(c) in sub-section (5), for the words and figures "the Code of Criminal Procedure, 1898", the words and figures "the Code of Criminal Procedure, 1973" shall be substituted.

(k) in sub-section (1) of section 24, for the words "fifty rupees", the words "one thousand rupees" shall be substituted.

(l) after section 21, the following section shall be inserted, namely, -

"21 A. Power of State Government to maintain records in electronic mode. Notwithstanding anything contained in this Act, the State Government may direct that the forms, registers, reports, returns, extracts and communications provided under this Act or the rules made thereunder may be kept in electronic form."

Fundamental Principles of Official Statistics

Principle 1. Official statistics provide an indispensable element in the information system of a democratic society, serving the Government, the economy and the public with data about the economic, demographic, social and environmental situation. To this end, official statistics that meet the test of practical utility are to be compiled and made available on an impartial basis by official statistical agencies to honor citizens' entitlement to public information.

Principle 2. To retain trust in official statistics, the statistical agencies need to decide according to strictly professional considerations, including scientific principles and professional ethics, on the methods and procedures for the collection, processing, storage and presentation of statistical data.

Principle 3. To facilitate a correct interpretation of the data, the statistical agencies are to present information according to scientific standards on the sources, methods and procedures of the statistics.

Principle 4. The statistical agencies are entitled to comment on erroneous interpretation and misuse of statistics.

Principle 5. Data for statistical purposes may be drawn from all types of sources, be they statistical surveys or administrative records. Statistical agencies are to choose the source with regard to quality, timeliness, costs and the burden on Informants.

Principle 6. Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical purposes.

Principle 7. The laws, regulations and measures under which the statistical systems operate are to be made public.

Principle 8. Coordination among statistical agencies within countries is essential to achieve consistency and efficiency in the statistical system.

Principle 9. The use by statistical agencies in each country of international concepts, classifications and methods promotes the consistency and efficiency of statistical systems at all official levels.

Principle 10. Bilateral and multilateral cooperation in statistics contributes to the improvement of systems of official statistics in all countries.

Excerpts from the Report of the Rangarajan Commission

Systemic Deficiencies

14.3.25 The Commission has noted that in recent years certain deficiencies of the statistical system of India have attracted serious media attention. These are:

- (a) existence of gaps in availability of needed information;
- (b) delays in publication of results;
- (c) large and frequent revisions of published results;
- (d) gross discrepancies between official statistics from different sources;
- (e) occasional disagreement between tabulated summary results and publicly available basic data from which the summary has been produced; and
- (f) lack of transparency in statistical operations.

14.3.26 These deficiencies have led to a serious loss of credibility of official statistics. These have been largely due to the following reasons:

- (a) There is no policy-making and coordination body with legal authority, independent of the producers of statistics and free from covert or overt political and bureaucratic pressures that can serve as a link between the producers and users of statistics.
- (b) There is a lack of a system of assurance of the quality of the statistics that are disseminated by the system.
- (c) Over the years, the system of statutory administrative returns, which are the major sources of official statistics, have been seriously weakened.
- (d) Time tested means of coordination with various agencies of the decentralised statistical system – technical working groups, advisory committees, conference of State and Central statistical officers, etc. have withered away. The biennial Conference of Central and State statistical organisations was not held from the year 1992 till 2000.
- (e) Effectiveness of the Central Statistical Organisation, the nodal agency for coordination and standards, has been seriously affected by not filling up the position of Director General, CSO since 1997.
- (f) There is a lack of appropriate legislation to provide a legal basis for collection of statistics, and to penalise official failures.

- (g) Absence of a human resource development policy has been responsible for a marked lack of motivation of official statisticians.
- (h) There is no spirit of innovation and research, to the extent that sample survey methodology developed in the fifties are still considered the only method to use whenever there is a demand for more information. Failure to adopt methods to “borrow strength from auxiliary information” has made dependence on larger and larger sizes of sample the only method available to cope with ever increasing demands for data. Time Series analysis, Use of statistical models, Classificatory Techniques, Hot deck methods of imputation, and other “applicable theoretical methods” have never been made use of.
- (i) Use of Information Technology has been restricted mainly to processing survey data. It has not been used in any significant way too improve the efficiency of the statistical system at large.
- (j) Absence of an explicit Citizen’s Charter or Mission Statement without which the expectations of the citizens from the statistical system cannot be formalised.

UN Fundamental Principles of Official Statistics

14.4.1 Official statistics are produced by Government for informed debate, decision-making and research both within Government and by the wider community. Objective, reliable, timely, trustworthy and accessible official statistics give people confidence in the integrity of Government and public decision-making. Hence, in producing official statistics it is important that the relevance, reliability and integrity of official statistics is maintained, and is perceived as such. For this purpose, the cooperation from respondents and providers of information has to be maintained, and information given on a confidential basis must remain so. When the Economist, a UK magazine, came out with a ranking of the National Statistical Offices (NSOs), there has been intense debate over the role and responsibility of the NSOs in improving the quality and relevance of the statistical information generated by them and in making the system more responsive to the needs of its varied users.

14.4.2 The debate led to the adoption of the Fundamental Principles of Official Statistics by the United Nations Economic Commission for Europe (UNECE) in its 47th Session at Geneva on 15 April 1992. This was later endorsed in 1994 by the United Nations Statistical Commission with some minor amendments. These principles are now a widely agreed framework for the mission of NSOs and thus also for official statistics.

14.4.3 These Principles are as follows:

- (a) Official statistics provide an indispensable element in the information system of a democratic society, serving the Government, the economy and the public with data about the economic, demographic, social and environmental situation. To this end, official statistics that meet the test of practical utility are to be compiled and made available on an impartial basis by official statistical agencies to honour citizens' entitlement to public information.
- (b) To retain trust in official statistics, the statistical agencies need to decide according to strictly professional considerations including scientific principles and professional ethics on the methods and procedures for the collection, processing, storage and presentation of statistical data.
- (c) To facilitate a correct interpretation of the data, the statistical agencies are to present information according to scientific standards on the sources, methods and procedures of the statistics.
- (d) The statistical agencies are entitled to comment on erroneous interpretation and misuse of statistics.
- (e) Data for statistical purposes may be drawn from all types of sources, be they statistical surveys or administrative records. Statistical agencies are to choose the source with regard to quality, timeliness, costs and the burden on respondents.
- (f) Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and used exclusively for statistical purposes.
- (g) The laws, regulations and measures under which the statistical systems operate are to be made public.
- (h) Coordination among statistical agencies within countries is essential to achieve consistency and efficiency in the statistical system.
- (i) The use by statistical agencies in each country of international concepts, classifications and methods promotes the consistency and efficiency of statistical systems at all levels.
- (j) Bilateral and multilateral cooperation in statistics contributes to the improvement of system of official statistics in all countries.

14.5 RECOMMENDATIONS ON RESTRUCTURING THE INDIAN STATISTICAL SYSTEM

14.5.1 In the light of the experience of other countries, especially the UK to meet the problem of coordination and to ensure public trust in statistics, it is necessary to restructure the Indian Statistical System as per suggestions given in the succeeding paragraphs. The creation of a permanent and statutory National Commission on Statistics (NCS) is envisaged as a pre-

requisite for improving the System. This is more or less on the lines of the UK except that the Indian NCS would have more authority in certain respects to cope with the federal structure of the Indian polity.

National Commission on Statistics

14.5.2 As official statistics play a major role in assessing the performance of Government, it is important that such statistics are not only accurate, but are also trusted as such by the layman as well as by its principal users. This is ensured if a high-level policy-making body that has commensurate authority and obligations, oversees the statistical system. This is not a new concept. For instance, in the Nehruvian era, Professor P.C. Mahalanobis, an independent non-official was the Honorary Statistical Adviser to the Cabinet, had this kind of authority, but his authority was entirely personal with no formal institutional arrangement. The Governing Council of the NSSO also had complete autonomy in respect of sample surveys conducted by the NSSO. The NABS was intended to be an institutional arrangement for the statistical system as a whole, but it did not succeed because it lacked legal backing. The Commission recommends creation of a permanent and statutory apex body – the National Commission on Statistics (NCS) – independent of the Government and responsible to the Parliament in respect of policy-making, coordination and certification of quality of Core Statistics.

14.5.3 The NCS should be entrusted with functions broadly categorised as follows so as to:

- (a) Serve as a nodal and empowered body for all core statistical activities of the country;
- (b) Evolve, monitor and enforce statistical priorities and standards;
- (c) Ensure strong coordination through a closer linkage between statistical programming and budgeting.

14.5.4 The NCS will be constituted through an Act of Parliament. It will determine the areas of official statistics that are to be considered as core or critical to the functioning of the economy and accordingly prioritise the statistical activities of National Statistical System. The statistics defined under critical areas could be called Core Statistics. The Core Statistics will have the following characteristics:

- (a) They should be of national importance;
- (b) It will be mandatory for the Governments at all levels to collect and disseminate them;
- (c) They should conform to prescribed definitions, concepts and standards laid down by the NCS;

- (d) They should be updated periodically, with suitable periodicity to be determined; and
- (e) They will be available at both aggregate and disaggregate levels, wherever appropriate.

14.5.5 The Core Statistics will be identified and accessed from all critical areas of the economy including agriculture, socio-economic sector, demographic, industrial, labour and employment, finance. The NCS will ensure that the production of statistics and their release are free from Government influence, by designating appropriate statistical institutions or functionaries to be solely and independently responsible for these functions. In designating the statistical institutions or functionaries for the collection and release of Core Statistics on different subjects, the NCS will adhere to the distribution of subjects in the Union, State, and Concurrent Lists of the Constitution of India. Though the compilation and release of statistics will be the sole responsibility of the agency concerned, the NCS will exercise a statistical audit over the statistical activities to ensure quality and integrity of the statistical products. The Act would empower the NCS to make it binding on all agencies responsible for the Core Statistics to comply with the directives of the NCS. The NCS would be required to submit its Report annually to Parliament regarding its own functioning, and that of other statistical agencies and about the statistical situation in the country.

14.5.6 The directive principle for the NCS will be that it shall work within the framework of a decentralised National Statistical System, both laterally among Central Ministries and vertically among the State Governments. In this context, it would be pertinent to mention that the National-level Statistics, in most cases, will be merely State -level aggregation of statistics. Particularly, its orientation shall be that:

- (a) National statistics would mean entire set of statistics collected officially from administrative returns or through sample surveys.
- (b) Statistics at the all-India level are an aggregation of State-level statistics in most cases.
- (c) In advising on the collection of Core Statistics, the NCS would keep in view the optimum use of national resources, in context of essentially decentralised character of statistical system. The national resources mean the resources of both Central and State Governments together.
- (d) Further, the proposed system shall provide a direct approach by the States to the NCS on any statistical issue, and
- (e) The States shall have the opportunity to bring directly to the notice of the NCS, their reservation on any policy decisions taken by the NCS and to request for its consideration.

Mission Statement

14.5.7 The Mission Statement of the Indian Statistical System shall be *to provide, within the decentralised structure of the system, reliable, timely and credible social and economic statistics, to assist decision-making within and outside the Government, stimulate research and promote informed debate relating to conditions affecting people's life.*

Functions of the NCS

14.5.8 Within the framework of the decentralised system, the functions of the NCS would be to:

- (a) Evolve and arrange to monitor the nation-wide strategies on: Core Statistics; updating the list of Core Statistics; framing and monitoring the advance release calendar; dissemination of data;
- (b) Evolve and arrange to monitor the nation-wide strategies on: Human Resource Development for Official Statistics; Information Technology and Communication needs of the Statistical System;
- (c) Improve Public Trust in Statistics by: increasing and promoting public awareness of Official Statistics; monitoring and ensuring reduction of respondent burden; arranging interaction with data users;
- (d) Function as Apex Authority on Statistical Coordination: between Central Ministries, departments and other Central agencies; between Central and State Governments;
- (e) Ensure Quality Assurance of Statistical Processes; evolve and enforce appropriate statistical standards; declare quality with statistical releases; audit Statistical Activities; determine modality of the release of data;
- (f) Constitute Technical Committees or Working Groups to assist the NCS in performing various functions;
- (g) Assess legislative requirements periodically.

Constitution of NCS

14.5.9 The NCS will have a Chairman and four Expert Members. Since the NCS would be primarily a policy-making body working through a number of technical committees and should not be involved in routine administration, given the function of the NCS and the time that the Chairman and members are expected to devote to them, the Chairman and the members should be appointed on a part-time basis. The tenure of both would be 3 years. For administrative purposes, the status of the members should be at least that of Secretary to the Government of India. The Chairman and members will be

eminent statisticians or social scientists and represent the following indicative areas of specialisation:

- (a) Agriculture and allied areas including, Meteorology and Environment;
- (b) Industry, Trade, Finance, National Accounts and Infrastructure;
- (c) Population, Health, Education, Level of Living, Labour, Employment and other Socio-economic Sectors;
- (d) Survey Design, Analysis and Statistical Modelling;
- (e) Statistical Information System and Information Technology;
- (f) State Statistical Systems.

14.5.10 The NCS would be assisted by technical committees in the following illustrative list of subject areas:

- (a) Agricultural Statistics
- (b) Industrial Statistics
- (c) Price Statistics
- (d) Trade statistics
- (e) Social Statistics
- (f) Infrastructure Statistics
- (g) National Accounts Statistics
- (h) Large-scale Sample Surveys
- (i) Information Technology.

14.5.11 For budgetary purposes, the NCS would be in the Ministry of Statistics. The Secretary of the NCS would be the head of the National Statistical Organisation (NSO) described below. He will be called the National Statistician and would also be the Secretary to the National Commission on Statistics. He will have the rank of a Secretary to the Government of India. To assist him in the responsibilities, a core secretariat should be established in the NCS. The post of National Statistician will not be reserved for any organised service of the Government of India. Recruitment will be made by open selection from among professional statisticians with long technical and managerial experience in large statistical organisations.

National Statistical Organisation (NSO)

14.5.12 The NCS will operate through the National Statistical Organisation (NSO), which will be the official agency to implement policy decisions of the NCS. The NSO will function as the single full-fledged Department of the Ministry of Statistics of the Central Government headed by the National Statistician, who would be the Secretary of the Department. Essentially, the NSO would be the restructured form of the present Statistics Wing of the MoS&PI. The National Statistician, will be its technical and administrative

Head. The National Statistician, would broadly be responsible for the following activities:

- (f) To provide leadership to statistical activities by promoting coordination with components of the National Statistical System, particularly with the State Directorates of Economics and Statistics;
- (g) Assist in evolving and implementing the National Statistical Strategy;
- (h) Assist the NCS to decide and reallocate statistical priorities;
- (i) Promote reliability and integrity of statistics;
- (j) Formulate and implement plan scheme in statistics (as ex-officio Adviser, Statistics to the Planning Commission).

Functions of the NSO

14.5.13 The envisaged functions of the NSO are enumerated below:

- (h) Implement and maintain statistical standards and coordinate statistical activities of Central and State agencies as laid down by the NCS;
- (i) Compile National Accounts according to the latest international standards at regular periodic intervals;
- (j) Collect or arrange to collect Core Statistics, which have not been collected so far;
- (k) Participate in regional, national, and international statistical forums and meetings;
- (l) Carry out methodological research and studies;
- (m) Publish Core Statistics at regular intervals together with critical analysis regarding the quality of data and implication of the use of data in policy- making and administration;
- (n) Arrange in-service training course for statistical personnel, in cooperation with universities and research institutes;
- (o) Maintain a "warehouse" for Core Statistics, for dissemination amongst all users in the public and private sectors inside and outside the country and serve as the sole provider of information to foreign Governments, international bodies and United Nations agencies.

Proposed Structure of the NSO

14.5.14 The NSO will comprise the following four offices. The present rank and status of the heads of the first three offices, which now form the Statistics Wing of the MoS&PI, should be maintained.

- (a) Central Statistical Office (CSO), to replace the present Central Statistical Organisation;
 - (b) National Sample Survey Office (NSSO), to replace the present National Sample Survey Organisation;
 - (c) Data Storage and Dissemination Office (DSDO), to replace the present Computer Centre;
 - (d) Consultancy Wing (CW), new.
- These will be divided into a suitable number of Divisions.

Improvement of lateral coordination at the Centre through Statistical Advisers

14.5.21 At present there is no institutional mechanism through which the MoS&PI can effectively coordinate with different ministries at the Centre in statistical matters. The Commission is of the view that heads of the statistical divisions in the ministries and departments should be responsible for the professional integrity in the statistical activities of their departments and improvement of these activities. In discharging their responsibility, they will work closely with the National Statistician as the head of the national statistical system. They will be responsible to the National Statistician for the professional quality of their work. They will collaborate with the National Statistician in their professional responsibilities while remaining in the administrative organisation of their ministries or departments. The heads of the statistical divisions, to be designated as Statistical Advisers, would thus have dual responsibilities – assisting the concerned ministry in matters of statistics and coordinating with the National Statistician in respect of maintenance of quality standards as laid down by the NCS. Considering the high level of responsibility of their posts, the Commission recommends that the Statistical Advisers in the major ministries or departments, such as Agriculture, Industry, Commerce, Finance, Health, Water Resources, etc. would be of rank one step below the National Statistician, while in other ministries and departments, the Statistical Advisers should be of a sufficiently high rank. The Statistical Adviser would:

- (d) Be designated as the 'Nodal Officer' with regard to all statistical matters pertaining to the ministry or department;
- (e) Assist the Secretary of the administrative ministry or department in all statistical matters;
- (f) Be associated closely with the National Statistician in implementing the guidelines outlined by the NCS;
- (g) Coordinate flow of information to and from the NSO.

Improvement of coordination with the States by empowering the State Directorate of Economics and Statistics

14.5.22 The close vertical coordination between the Statistical Divisions of the ministries of the Government of India and those of the departments of the State Governments, and between the CSO and the State Directorate of Economics and Statistics (DES), has been the strength of the decentralised Indian Statistical System. The weakness of the lateral coordination so far at the Centre between the CSO and the Government of India ministries had also led to weak lateral coordination in the States (where the statistical system is not fully centralised) between the State's DES and the statistical units of the departments. The system did not formally provide for a review by the DES of the content and methodology of the statistics collected by other State Government departments.

14.5.23 With the creation of the NCS and establishment of an NSO that will have a wider role than that of the present CSO, the lateral coordination at the Centre between the NSO and Central Ministries will greatly improve with a much more cohesive approach to the statistics of the ministries. The new institutional arrangement will not however loosen the present strong ties of vertical coordination between the CSO and Government of India, ministries on the one hand and the DES and State Government departments on the other. On the contrary, it should lead to a strong lateral coordination at the level of the States.

14.5.24 To ensure that this takes place, the existing coordination of the State DES should be widened to cover technical coordination. The Directorates of Economics and Statistics should be formally entrusted with the responsibility for a periodic review of the content, methodology and output of the statistics of all State departments and to make suggestions for the further improvement of these statistics. The Conference of Central and State Statisticians should be held regularly. A similar forum for a meeting of State Departmental Statisticians should be created by the State Governments to review the performance of the statistical system of each State. The report of the review and the suggestions may be forwarded by the DES to NSO and by the departments to the corresponding ministries, for action at the Centre.

14.5.25 The enhanced role of the DES and the wider technical discussion of the State's Statistics will help State Governments take a holistic view of the State's Statistical system to enhance its utility to the State Governments and indirectly to achieve the same result at the Centre.

14.5.26 The Commission recommends that a Centrally-sponsored scheme for strengthening the statistical system in the States be drawn up immediately for inclusion in the Tenth Five Year Plan, with the specific objectives of developing a survey and data-processing capability in the States.

14.5.27 The earlier mechanism of setting up working groups in the CSO to formulate the plan schemes in statistics at the all-India and State levels should be revived immediately for the Tenth Five Year Plan.

Common Statistical Cadre

14.6.27 Since statistics is a discipline common to all fields, there is an advantage in having a common cadre of statisticians to which all statistical posts in the State's department should belong. There is a further advantage in the common cadre being under the control of the DES, the largest statistical office in the State. On account of this arrangement, a statistician can get the rewarding experience of working in different fields, and that experience is useful to any department where he is posted. Belonging to a common cadre is also reassuring to the statistician. Due to the very nature of his work, a statistician working in a substantive department is exposed to the risk of being influenced or pressurised by the senior officers of the departments where he is posted. This creates a conflict between loyalty to the statistical discipline and that to the department's interest. As he has a sense of belonging to a larger parent department or service from which he is seconded, he is able to successfully resist such influences of the department that jeopardise his professional integrity. Finally, since the statistical divisions in most departments are too small for career prospects of persons if the departments recruit them independently, posting an officer from a common service or cadre obviates the difficulty of departments in recruiting and retaining good statistical personnel in their statistical divisions.

14.6.28 The next step should be to form a State Statistical Service and statistical posts in all departments, including the DES, should be manned by officers and staff belonging to this service. **This will make possible the organisation of a true all-India Indian Statistical Service, so that officers of the States' Statistical Service can be inducted into it, the officers from this service then can be posted in States, those from the States can be posted in Central organisations, and both Indian Statistical System and State Statistical System will benefit from the exchange of experience that will follow.**

Recommendations

14.6.34 The Commission therefore recommends:

- (i) The breakdown of the Administrative Statistical System needs the immediate attention of the highest authorities of State Governments. They are urged to take steps to reduce the burden of the additional work given to lowest-level Government functionaries such as *patwaris* and primary teachers so that they can effectively carry out statistical functions assigned to them.
- (ii) The authorities should also instruct the offices implementing different Acts and Rules to be vigilant that all relevant units file with them regularly the statutory statistical returns required by the Acts and Rules, and take necessary action under the Acts against the defaulting units.
- (iii) The State Directorates of Economics and Statistics (DESs) should develop capabilities to tabulate data on demand and to analyse data from different sources. For this they should organise all the data that the State's statistical system possesses in an appropriate manner.
- (iv) The State Governments should accord priority to computerisation of administrative offices that generate administrative statistics.
- (v) The DESs should fully exploit the potential of their participation in the National Sample Survey (NSS) programme by using the survey data as a data bank and by utilising the survey mechanism for *ad hoc* collection of additional simple data required by the Government.
- (vi) The State Governments should support the DESs in the creation of sample survey capabilities by creating sample survey divisions in them.
- (vii) The State Governments should make the necessary resources available to the DESs for computerisation and development of necessary software to make the DESs self sufficient in this respect. This will help them to undertake tabulation of NSS data, which they are collecting in their matching samples.
- (viii) The DESs should develop the necessary analytical capabilities to carry out data-analysis relevant to the problems of decision-making of the Government.
- (ix) For strengthening the effectiveness of the statistical system of the Government, the State Governments should create a separate Department of Statistics by elevating the existing DES to the level of a Department and the Director of the existing DESs to the level of Secretary to the Government. The Department of Statistics should have complete freedom in statistical work. The head of the Department of Statistics should be a professional statistician or a professional economist with experience in large-scale data collection and empirical analysis of data.
- (x) The State Governments should closely involve the Director of DESs in its decision-making processes by making him a member of or an

- invitee to committees and groups dealing with plans and programmes in substantive fields.
- (xi) The State Governments should strengthen the role of the DESs as coordinators of their statistical activities by empowering them to take a technical review of the statistical activities of all departments every year. The DESs should also be asked to make a report to the Government of its comments on and suggestions for these activities. The DESs should also be authorised to convene a biennial conference to review the State Statistical System and its activities.
 - (xii) The State Governments should take steps to create a common statistical cadre and State Statistical Service for manning statistical posts in all departments.
 - (xiii) The heads of the department of the State Governments should closely involve their departmental statisticians in their decision-making process. To give institutional support to his role, the departmental statisticians should be placed directly under the head of the department.
 - (xiv) In view of the renewed importance of the Block Statistical Organisation in the context of local area planning, the State Governments should bring it directly within the fold of the States' Statistical System by either transferring the organisation to their Directorates of Economics and Statistics, or by making it responsible for its statistical work to the Directorate and bringing it under the Directorate's technical supervision through the district statistical organisation.
 - (xv) The State Governments may consider setting up commissions or committees to advise them on the manner of implementation of these recommendations and on other issues relating to States' Statistical System.

Legislation in respect of proposed National Commission on Statistics

14.8.10 This being a new arrangement, various aspects of the Commission's functioning, its relationship with different official agencies, other institutions, *etc.* as also the necessary mechanisms required for its effective functioning, have to be examined in detail and appropriate legislation thereof has to be put in place. However, to ensure that the legislation is actually effective in practice and fulfils its objectives it would be desirable, not to draft it in advance but to let it be evolved by the proposed Commission itself, taking into account the ground realities, the emerging requirements, *etc.* when it starts to function. It is therefore suggested that the NCS be established as early as possible (within six months) with a modicum of authority, through a Government Order. Thereafter, in consultation with the Law Ministry and other appropriate agencies and in the light of its own operational experience,

the NCS could evolve within a short period the appropriate legislation. This is in fact the procedure adopted by the National Statistics Commission of the UK, which came into being on 7th June 2000 by a Government Act. The UK Commission is still working on the legislation to define its status.

14.8.11 The proposed NCS, which is envisaged to be a high-level nodal body accountable to the parliament and having a policy-making, standard-setting and co-ordinating role for the statistical system, has to be empowered for the crucial role of framing legislation.

Legislation for the proposed National Commission on Statistics

14.8.12 Legislation for the proposed National Commission on Statistics (NCS) should *inter alia* address the following important issues:

- (a) Constitution;
- (b) Status, powers and functions;
- (c) Terms and conditions of service of Chairman and Members of National Commission on Statistics:
 - Procedure for Appointment and Termination,
 - Powers of Chairman and Members;
- (d) Modalities of functioning of National Commission on Statistics:
 - Obligation to parliament,
 - Relationship with National Statistician, National Statistical Office, Central and State Ministries and Statistical agencies or institutions,
 - Meetings of the Commission,
 - Constitution of expert technical committees in different branches of Statistics,
 - Provision for hiring Technical Consultant,
 - Mechanism of interacting with the User and Producer of Statistics;
- (e) Mandate of NCS on Core Statistics:
 - Defining the scope of Core Statistics,
 - Periodicity and procedure for collection of Core Statistics,
 - Delegation of powers to Central and State Ministries and other Statistical offices for collection of Core Statistics;
- (f) Budget, Accounts and Audit:
 - Implementation aspects of Statistics Act,
 - Provision for obligatory transparency in the work of Commission.

Legal Provision for Collection of Statistics

14.8.13 Necessary legal provisions should be made, either by expanding the scope of the present Collection of Statistics Act (1953) or by passing new Act or Acts to:

- (a) Cover any topic under Core Statistics, as defined by the proposed NCS;
- (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 NCS;
- (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 for informants, for their refusal to supply, or for wilfully supplying wrong information;
- (f) Make it a penal offence for a statistical officer authorised to collect, process, or disseminate information collected from any survey under the Act, to wilfully distort or manipulate the data.

14.8.14 Though clauses 3(a), (b) and (c) of the Collection of Statistics Act (1953) on the one hand gives the State Governments the right to name a Statistical Authority, it seems to be substantially negated by subsequent provisions of the Act under the same clause. As a matter of fact, though there have been occasional requests from other data-collecting agencies to be named as Statistics Authority under the Act, the Government of India had seldom agreed to such a request. The sole Statistics Authority for the Annual Survey of Industries has always been the Head of the Field Operations Division of the NSSO, while the States have also been engaged in collection of ASI data, without any such Statistics Authority. To strengthen the attempts of the States to collect industrial statistics, particularly through the ASI, the Government of India should delegate to them, as was done earlier, the necessary legal authority.

14.8.15 Though "Statistics" is under the Concurrent List of the Constitution and "Surveys" is only under the Union list, it is more important that the collection of statistics on any subject vests in the authority (Central Ministry or State Government Department) that is responsible for that subject according to its status in the Union, State or Concurrent Lists in the Constitution of India. When the NCS determines certain statistics as Core Statistics, in deciding on the agency that should be responsible for their collection, it will have to do so in consistence with the distribution of subjects in the three Lists. Therefore, when proposing legal measures for Core Statistics, the NCS may have to propose different Acts for different subjects according to the List to which the subject belongs.

डॉ० च० चन्द्रमौलि
Dr. C. CHANDRAMOULI



भारत के महासचिव एवं जनगणना आयुक्त
गृह मंत्रालय
भारत सरकार

Registrar General & Census Commissioner, India
Ministry of Home Affairs
Government of India

D.O. No.9/47/2001-CD(Cen) Pt.

22nd July, 2011

Dear Shri Ranganadham,

I am to refer to the meeting proposed to discuss the various aspects of the National Statistical Code. One of the topics listed for discussion is the Amendment of the Census Act, 1948 and the Registration of Births and Deaths Act, 1969.

2. In this connection, I am to state that this office is examining the proposed amendments and a detailed Note on each of the clauses proposed will be sent in due course. At present however, it may be noted that the Office of Registrar General & Census Commissioner, India is vested with certain statutory powers by virtue of two statutes, namely, the Census Act, 1948 and the Registration of Births and Deaths Act, 1969. The amendments being proposed would seriously erode many of the statutory powers and thereby deviate from the purpose for which such statutes were enacted. Therefore, the Office of Registrar General & Census Commissioner, India is opposed to the amendments as proposed.

With regards,

Yours sincerely,

(C Chandramouli)

Shri M.V.S. Ranganadham
Deputy Director General
Ministry of Statistics and Programme Implementation
National Statistical Commission Secretariat
II Floor, Sardar Patel Bhawan
Sansad Marg, New Delhi.





**S.C. SRIVASTAVA
JOINT SECRETARY
Telefax : 23385020**

D.O No. 11015/G4/2010-JUS

भारत सरकार
निधि और न्याय मंत्रालय
(न्याय विभाग)
GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)
dated 10th June, 2011

Dear *Shri Ranganadham,*

Please refer to the 3rd meeting of Prof. Menon Committee held on 03.06.2011 in Sardar Patel Bhawan, New Delhi wherein draft Statistical Code 2011 was discussed.

2. We suggest that Para 28 of the draft Code may be modified as under

28. **Judicial Statistics:**

(1) Registry or administrative office of every court or tribunal or regulatory authority administering justice shall, furnish statistical details of the cases filed, disposed and remaining pending for disposal, their nature etc. in the court or tribunal or regulatory authority, as the Commission may specify.

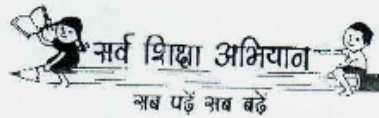
(2) The Commission may direct the concerned organizations to disseminate the information obtained under sub-section (1) in such manner and form and at such intervals, as may be specified by the Commission".

With regards,

Yours sincerely,

S.C. Srivastava
(S.C. Srivastava)

Shri M.V.S. Ranganadham,
Deputy Director General,
Ministry of Statistics & Programme Implementation,
National Statistical Commission Secretariat,
11 Floor, Sardar Patel Bhawan, Sansad Marg,
New Delhi - 110001



S.C.SRIVASTAVA
JOINT SECRETARY
Telefax : 23385020



D.O.No.11015/04/2010-JUS

भारत सरकार
विधि और न्याय मंत्रालय
(न्याय विभाग)
जैसलमेर हाऊस, 26, मानसिंह रोड
नई दिल्ली - 110003
GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
(DEPARTMENT OF JUSTICE)
JAISALMER HOUSE, 26, MANSINGH ROAD
NEW DELHI - 110003

Dated the 22nd July, 2011

Dear *Shri Ranganadham,*

Please refer to my D.O. letter of even number dated the 10th June, 2011, wherein we had suggested a revised para in the draft Statistical Code 2011 relating to Judicial Statistics.

2. It may be noted that we have received confirmation for the proposed modified paragraph from Secretary General, Supreme Court of India (copy enclosed). It has been noted from the agenda circulated for the workshop to be held on 23rd July at Hyderabad that para 2 of the modified clause relating to Judicial Statistics suggested by us, is missing. It is requested that para 2, as suggested by us, be also included.

With regards,

Yours sincerely,

S. C. Srivastava
(S.C. Srivastava)

Encl : As above

Shri M.V. S. Ranganadham
Deputy Director General
Ministry of Statistics & Programme Implementation
National Statistical Commission Secretariat
II Floor, Sardar Patel Bhawan
Sansad Marg,
New Delhi

A. I. S. Cheema
Secretary General
Supreme Court of India



New Delhi

July 21, 2011

Dear Shri S. C. Srivastava,

Please refer to your Letter No. L-11015/04/2010-Jus. dated 16.06.2011 relating to revised draft paragraph 28 of the Statistical Code, 2011. Kindly also refer to our oral talk that what is to be conveyed is the view of the Registry.

In this regard, I am under directions to inform that the modification suggested is good and amendment may be incorporated, as proposed, in the Code.

Yours faithfully,

(A.I.S. Cheema)

*L-11015/04/2010-Jus
21/7*

Shri S. C. Srivastava,
Joint Secretary to Government of India,
Ministry of Law and Justice,
(Department of Justice),
Jaisalmer House, Mansingh Road,
New Delhi-110011.



रमेश चन्द्र सेठी
RAMESH CHANDER SETHI
भारत के अपर महारजिस्ट्रार
Additional Registrar General, India

भारत के महारजिस्ट्रार का कार्यालय
Office of the Registrar General, India
गृह मंत्रालय
Ministry of Home Affairs
भारत सरकार
Government of India


D.O. No.9/47/2001-CD(Cen) (pt)

19th October, 2011

Dear Shri Ranganadham,

The views of the Office of the Registrar General & Census Commissioner, India, have been expressed during the Workshop. In continuation of that, a Note on the subject is also enclosed.

RCM
With regards,

Yours sincerely,

(R.C. Sethi)

Shri M.V.S. Ranganadham
Deputy Director General
Ministry of Statistics & Programme Implementation
National Statistical Commission Secretariat
2nd Floor, Sardar Patel Bhavan
Sansad Marg,
New Delhi.

150-JDG(NSC)

A detailed note on the Census Act, 1948 and the Registration of Births and Deaths Act, 1969

The business of the Government of India is transacted in the Ministries, Departments, Secretariats and offices specified in the First Schedule to the Allocation of Business Rules, 1961. The conduct of Census in India has been assigned to ORGI, Ministry of Home Affairs under the Census Act, 1948. The administration of the Census Act, 1948 and the Registration of Births and Deaths Act, 1969 are also entrusted to the Ministry of Home Affairs. The Census is in the Union List. The RBD Act is in the Concurrent List of the Seventh Schedule of the Constitution. There is a set procedure within the Government for amendment of the Acts. As per procedure only the Ministry which is administering the Act is empowered to propose amendments to the Acts through a Bill which is presented in the Parliament. It would not be proper for the Ministry of Statistics and Programme Implementation to propose amendments to these aforesaid Acts.

2. The Census Act, 1948 empowers the ORGI to conduct decennial Census in the country. This is a mammoth exercise and is conducted within a period of 21 days throughout the country. This exercise is conducted through the State Government machinery and the UT Administration under the overall supervision of Directors of Census Operation at the State level and RG&CCI at the Central level. Census operations are thus a large scale administrative time bound exercise and cannot be treated merely as statistical one. It requires huge resource mobilization at State, District, Tehsil and Village level. Keeping in view, the importance of this large scale administrative exercise senior level officers of Indian Administrative Services are appointing as RGI&CC at the central level and Directorate of Census Operation at the State level in consultation with the Central and State Governments.

3. The census inter-alia, collects data on socio, cultural aspects like religion, SC/ST categories and language which are very sensitive in nature and even require the approval of

Cabinet Committee on Political Affairs (CCPA) before putting this sensitive data in public domain

4. The census collects comprehensive data on demography, economic activity, literacy and education, housing and household amenities, urbanization, fertility and mortality, SCs/STs and other categories, language, religion and migration. The census data is used for deciding delimitation of number of Parliamentary Assembly/Constituencies and deciding the boundary of such Constituencies, reservation of seats in Parliament/State Assemblies/Local Bodies/Panchayats, formulation of Five Year Plans and for allocation of funds to various States/UTs. All this data are sensitive and vital and required by the Government in time. The proposed amendment(s) may delay the whole exercise and adversely impact the success of census operations.

5. It may be noted that the Office of Registrar General & Census Commissioner, India is vested with certain statutory powers by virtue of two statutes, namely, the Census Act, 1948 and the Registration of Births and Deaths Act, 1969. The amendments being proposed would seriously erode many of the statutory powers and thereby deviate from the purpose for which such statutes were enacted. Therefore, the Office of Registrar General & Census Commissioner, India is opposed to the amendments as proposed.

F. No. 8(64)/2010-NSC
Government of India
Ministry of Statistics and Programme Implementation
National Statistical Commission Secretariat

II Floor, Sardar Patel Bhawan,
Sansad Marg, New Delhi -110001,
the 8th November 2010.

ORDER

Sub: Constitution of a Committee to look into legislative measures on statistical matters.

In accordance with the decision taken by the National Statistical Commission (NSC) in its 37th meeting held at Patna on 17th & 18th September, 2010, a Committee is constituted with the following composition, to look into legislative measures on statistical matters, including a Bill to provide statutory status to the NSC.

(1)	Padma Shree Prof.(Dr.) N.R. Madhava Menon, Dr. S. Radhakrishnan Chair on Parliamentary Studies, Devi Priya, TC 17/2166, Sairam Road Poojapura, Trivandrum - 695 012. Tel/Fax: 0091-471-2341762 e-mail : profmenon.milat@gmail.com	Chairman (non-official)
(2)	Shri T. K. Viswanathan, Secretary-General, Lok Sabha, New Delhi E-mail: vnathan@nic.in	Member
(3)	Shri S. Ramaiah, Former Secretary Legislative Department AB-87, I Street, Anna Nagar West, Chennai - 600040 Tele: 044-26223434 E-Mail: sramaiah@hotmail.com	Member (Non-official)
(4)	Prof. G. Mohan Gopal Director, National Judicial Academy, Bhadbhada Road, P.O. Suraj Nagar, Bhopal-462044. Tele: 0755-2696766 E-Mail: mohangopal@nja.gov.in	Member (Non-official)
(5)	Prof. Sudipto Mundle, Member, NSC, New Delhi E-mail: sudipto.mundle@gmail.com	Special Invitee

Conf. P. D.

(6)	Chief Statistician of India, IV Floor, Sardar Patel Bhawan, Sansad Marg, New Delhi-110001 tca.anant@gmail.com	Special Invitee
(7)	Secretary, Department of Justice, Jaisalmer House, 26, Man Sing Road, New Delhi – 110011	Member
(8)	Registrar General & Census Commissioner, 2A, Mansingh Road, New Delhi-110 011 rgi.rgi@nic.in	Member
(9)	Representative of the Legislative Department	Member
(10)	Dy. Director General, NSC Secretariat nsc-secretariat@nic.in	Member Secretary

2. The terms of reference for the Committee are as under.

- (1) Statutory provisions to be made to make the NSC more effective in exercising its mandate.
- (2) Statutory provisions to be made to have State level Statistical Commissions and their relationship with the NSC.
- (3) Whether any umbrella legislation is needed to make the administrative statistical system more effective, and if so, the details thereof.
- (4) Whether the Census Act and the Registration of Births and Deaths Act are needed to be amended to make them more effective in terms of ensuring public trust etc.
- (5) How the Collection of Statistics Act, 2008 should be made applicable to the State of Jammu & Kashmir in the light of Article 370 and the division of powers as applicable to the State.
- (6) Reviewing the implementation of statistical laws at the Centre and in the States to suggest further improvements.
- (7) Any other matter relevant to legislative measures on statistical matters, including evolving a system for judicial statistics

3. The tenure of the Committee would be one year. However, the Committee is requested to give its report in respect of the terms of reference given at items (1) and (2) of para-2 within a period of six months. With the approval of the Chief Statistician of India, the Committee may also enlist the assistance of subject matter experts within and/ or outside the Government including the representatives of States and may co-opt them as members according to necessity.

4. The expenditure on TA/ DA of the official members will be borne by their respective Ministries/ Departments/ Organizations. Each of the non-official Members

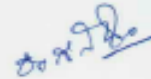
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would be entitled for a sitting fee of Rs.1,000/- per day for attending meetings. They will be eligible to travel by air in executive class or by rail in air-conditioned first class while undertaking tours in connection with the meetings of the respective Committees. They will also be entitled to TA/ DA on tours as admissible to a Secretary to the Government. Besides, they will also be entitled to transport or transport charges for local travel for attending the meetings of the respective Committees. The room rent and DA for outstation non-official members will be regulated in accordance with the instructions contained in the Ministry of Finance (Department of Expenditure) OM No. 19020/2/94/E.IV dated 10th August 1994 (copy enclosed).

5. Secretariat support to the Committees would be provided by the NSC Secretariat. The expenditure on conducting the meetings of the Committees and on payments/ reimbursements made to the non-official Members will, under the relevant heads, be debitable to the budget allocated to the NSC under the non-plan grant of the Ministry of Statistics & Programme Implementation (MOSPI).

6. This issues with the concurrence of AS & FA vide Dy. No. 677/ AS&FA dated 3-11-2010.

7. This order comes into immediate effect.



(M.V.S.Ranganadham)

Dy. Director General

Telefax: 011-23367128

Mob: 919818878155

E-mail: nsc-secretariat@nic.in

Copy to :-

1. Chairman & Members of the Committee
2. Secretary, Dept. of Justice, New Delhi.
3. Secretary, Home Affairs, New Delhi.
4. Secretary, Legislative Department, New Delhi with a request to nominate an officer in the aforesaid Committee.
5. Director General, Central Statistical Office.
6. Director General, National Sample Survey Office.
7. Registrar General & Census Commissioner, New Delhi.
8. Joint Secretary (Admn), MOSPI, New Delhi
9. Director & HOD, MOSPI, New Delhi
10. Director (IFD), MOSPI, New Delhi
11. Pay & Accounts Officer, MOSPI, New Delhi.
12. Admn. I Section, MOSPI, New Delhi
13. General Section, MOSPI, New Delhi

14. Cash & Accounts Section, MOSPI, New Delhi
15. Hindi Section for Hindi version

Copy also for information to: -

1. Chairman & Members of the NSC.
2. Sr. PPS to Secretary (S & PI)
3. PS to AS (S & PI)
4. PPS to AS & FA



(M.V.S.Ranganadham)
Dy. Director General
Telefax: 011-23367128
Mob: 919818878155
E-mail: nsc-secretariat@nic.in

New Delhi, the 10th August, 1994

OFFICE MEMORANDUM

Subject - Payment of TA/DA to outstation non-official Members of Commissions/Committees

The undersigned is directed to say that Daily Allowance (DA) in respect of outstation, non-official members, nominated on High Powered Committees/Commissions, constituted by the Govt. of India, for stay in hotels in 'A' Class cities was fixed at Rs. 300/- per day vide this Department's O.M. No. 19020/1/84/E IV dated the 23rd June, 1986. Consequent upon increase in room rates in Hotels over the years, representations have been received from different Ministries/Departments that outstation non-official members find it difficult to get a single room in a standard Hotel with Rs.300/-per day in metropolitan cities.

2. The matter has been considered in this Department and it has been decided that outstation, non-official members nominated on High Powered Committees/Commissions constituted by the Govt. of India will be allowed reimbursement of single room rent and Daily Allowance in partial modification of the instructions contained in the O.M. of 23rd June, 1986 as follows:

(i) Reimbursement of rent in any State Guest House or for single room in medium range (TDC) Hotels like Lodhi Hotel, Qutab Hotel, Janpath Hotel, Ashok yatri Nivas or State Government run Tourist Hotels/hostels or residential-accommodation provided by registered societies like India International Centre and India Habitat Centre.

OR

(ii) Room rent for stay in private lodges/hotels will continue to be allowed upto the limits specified.

(iii) Daily Allowance at the rate of 90% of ordinary rates of D.A. as admissible to the highest grade of civil servant for boarding purposes.

(iv) In addition to the above, the outstation, non-official members will be entitled to Sitting Fee as decided by the administrative Ministry/Department concerned.

3. However, the rate of Conveyance Charges will continue to remain the same as indicated in O.M. No. 19020/4/91/E IV dated the 28th July, 1992.

4. These facilities will be applicable only to outstation, non-official members nominated on High Powered Committees/Commissions and will come into force with immediate effect.

5. The other terms and conditions as mentioned in O.M. of 23rd June, 1986 will remain unchanged.

(P. K. SHARMA)
Under Secretary to the Govt. of India

To
1. All Ministries/Departments of Govt. of India
2. All Financial Advisers

Back