

THE CENSUS ORDER, 1972

PRESIDENT'S ORDER NO. 70 OF 1972

[22nd June, 1972]

WHEREAS it is expedient to provide for the taking, from time to time, of Census for Bangladesh or any part thereof and for obtaining certain information with respect to the population of Bangladesh;

NOW, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:-

1. (1) This Order may be called the Census Order, 1972.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

2. In this Order, unless there is anything repugnant in the subject or context-

- (a) "Census Officer" means any person appointed under Article 4;
- (b) "Government" means the Government of the People's Republic of Bangladesh; and
- (c) "Prescribed" means prescribed by rules made under this Order.

3. The Government may, from time to time, by notification in the *official Gazette*, declare that a census for Bangladesh shall be taken during such period as may be specified therein.

4. (1) The Government may appoint-

- (i) a Census Commissioner to make plan and to supervise the taking of census throughout Bangladesh; and

- (ii) Census Officers to take, aid in or supervise the taking of census within any specified area.

(2) A declaration in writing signed by any authority authorised in this behalf by the Government that any person has been duly appointed a Census Officer shall be conclusive proof of such appointment.

5. (1) If the Deputy Commissioner, or any authority authorised in this behalf by the Government, by an order in writing so directs,-

- (a) every officer in command of any body of men belonging to naval, military or air force of Bangladesh or of any vessel of war,
- (b) every person, other than a pilot or harbour-master, having charge or control of a vessel,
- (c) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up or of any public charitable, religious or educational institution,
- (d) every keeper, owner, secretary or manager of any sarai, hotel, boarding-house, lodging house, emigration depot, or club,
- (e) every manager or officer of a railway, or any commercial or industrial establishment or trading concern, and
- (f) every occupant of immovable property wherein persons are living at the time of taking census,

shall, in relation to the persons who, at the time of the taking of the census, are under his command or charge, or are inmates of his sarai, hotel, house, depot or club or are employed under him or are present on or in such immovable property, perform such duties of a Census Officer as may be required by such order.

(2) The provisions of this Order relating to a Census Officer shall, so far as may be apply to a person performing the duties of a Census Officer in pursuance of an order under clause (1).

(3) Whoever refuses or neglects to perform the duties which he is directed under clause (1) to perform shall be deemed to have committed an offence under section 187 of the Penal Code (XLV of 1860).

6. The Deputy Commissioner, or any Census Officer appointed under sub-clause (ii) of clause (1) of Article 4 for any local area and authorised by rules in this behalf, may, by order in writing call upon-

- (a) owners and occupiers of land, farmers, tenure holders and assignees of land revenues, or their agents;
- (b) members of Union or Nagar Panchayat, Shahar Committee, Zilla Board, or Paura Shava, or other local authorities, and officers and servants thereof;
- (c) school teachers, Government servants and literate persons of good repute for the time being residing in the area concerned; and
- (d) officers and members of staff of factories, firms or establishments;

to work as enumerators, or to perform any other duties of a Census Officer, or to give such assistance as may be specified in the order towards the taking of census of persons who are, at the time of the taking of census, on the lands of such owners, occupiers, farmers, tenure holders or assignees, or in the premises of factories, firms and other establishments, or within the areas which such members represent, or for which such local authorities are established, or as the case may be, in which such members represent, or for which such local authorities are established, or as the case may be, in which such tenders, Government servants or literate persons, officers and members of staff are themselves residing, and the persons to whom an order under this Article is directed shall be legally bound to obey the same.

7. (1) The Government may, by notification in the *official Gazette*, formulate such questionnaire as it thinks fit, and a Census Officer may require any persons within his jurisdiction to give answer to such questionnaire as he may think fit.

(2) Any person who is required to give answers to the questionnaire and other relevant questions under clause (1) shall be legally bound to give answers to the best of his knowledge or belief:

Provided that a woman shall not be bound to state the name of her husband or deceased husband or any other person whose name she is forbidden by custom to mention.

8. Every person occupying any house, enclosure, vessel or other place shall allow the Census Officer such access thereto as, having regard to the customs of the country, they may reasonably require for the purpose of the census and shall allow them to paint on, or affix to, the house, enclosure, vessels or places such letters, marks or numbers as may be necessary for the purpose of the census.

9. (1) Subject to any rule made in this behalf, a Census Officer may within the local limits of his jurisdiction leave or cause to be left a Schedule prescribed for the purpose at any dwelling house or with the manager or any officer of any commercial or industrial establishment or trading concern, for the purpose of its being filled up by the occupier of such house or of any specified part thereof, or by such manager or officer with respect to such particulars regarding the inmates of such house or part or the persons employed under such manager or officer during the time of the taking of the census, as may be specified in the Schedule.

(2) When a Schedule has been left under clause (1), the occupier, manager or officer concerned shall fill it up or cause it to be filled up as required by that clause to the best of his knowledge or belief, sign his name thereto and deliver it to the Census Officer or to such person as the Census Officer may direct.

10. No person shall have a right to inspect any book, register or record made by a Census Officer in the discharge of his duties as such and notwithstanding anything to the contrary in the Evidence Act, 1872, no entry in any such book, register or record shall be admissible as evidence in any civil proceeding whatsoever, or in any criminal proceedings other than a prosecution under this Order or under any other law for any act or omission under this Order which constitute an offence under such other law.

11. Notwithstanding anything contained in any other law for the time being in force, a municipality or other local authority shall, in consultation with officer authorised in this behalf by the Government, cause, during the period specified under Article 3, the census of the municipality or the area within its jurisdiction to be taken wholly or in part in the manner authorised or required by or under this Order and meet all such expenses as prescribed by authority.

12. The Census Commissioner or any authority authorised in this behalf by the Government may, at the request of any local authority or person on payment of cost, cause abstracts to be prepared and supplied containing such statistical information as can be derived from the census returns being information which is not contained in any published reports and which, in the opinion of such Commissioner or authority, such local authority or person may reasonably require.

13. If any person-

- (a) being a Census Officer, or being lawfully required to give assistance towards the taking of census, refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Order or any rule made thereunder, or hinders or obstructs another person in performing any such duty or in obeying any such order, or
- (b) being a Census officer intentionally puts any offensive or improper question or knowingly makes any false return or, without the previous sanction of the Government discloses any information which he has received by means of, or for the purpose of, a census return, or
- (c) intentionally gives a false answer to, or refuses to answer to the best of his knowledge or belief the questionnaire, or other relevant question asked of him by a Census Officer which he is legally bound to answer, or
- (d) occupying any house, premises, vessel or land, refuses to allow a Census Officer such reasonable access thereto as he is required under this Order to allow, or
- (e) removes, obliterates, alters or damages without proper authority or before the completion of the census any letter, marks or objects which has been painted or affixed

for the purpose of the census, he shall be punishable with rigorous imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

14. No prosecution under this Order shall be instituted except with the previous sanction of the Government or of any authority authorised in this behalf by the Government.

15. Nothing in this Order shall be deemed to prevent any person from being prosecuted under any other law for any act or omission under this Order which constitutes an offence under such other law:

Provided that no such prosecution shall be instituted except with the previous sanction referred to in Article 14.

16. No court inferior to that of a Magistrate of the second class shall try an offence under this Order.

17. All Census officers, and all persons performing the duties of a Census Officer, or giving assistance towards the taking of the census, while acting in pursuance of an order made under this Order shall be deemed to be public servants within the meaning of section 21 of the Penal Code, 1860 (XLV of 1860).

18. The Government may make rules for carrying out the purposes of this Order.

19. The Census Ordinance, 1959 (X of 1959) is hereby repealed.
