

The Collection of Statistics Bill, 2007

THE MINISTER OF STATE OF THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION (SHRI G. K. VASAN): Sir, I beg to move:

"That the Bill to facilitate the collection of statistics on economic, demographic, social, scientific and environmental aspects, and for matter connected therewith or incidental thereto be taken into consideration."

Sir, I introduced the Collection of Statistics Bill, 2007 in the august House on 17th May, 2007. The Bill is intended to replace the existing statute, namely, the Collection of Statistics Act, 1953. The Bill was referred to the Departmental-related Parliamentary Standing Committee on Finance for examination and report. The Committee has examined all aspects of the Bill and recommended consideration of the Bill, subject to the observations made and modifications suggested in the Report.

Recommendations of the Standing Committee on Finance have been examined by the Government, and accordingly, 32 amendments to the Bill are proposed. The proposed amendments include those required to give effect to the recommendations of the Standing Committee on Finance, as also other amendments required to make the provisions of the Bill more effective. Now, I commend the Collection of Statistics Bill, 2007, for consideration by this august House.

The question was proposed.

SHRI S.S. AHLUWALIA (Jharkhand): Mr. Deputy Speaker, Sir, I am here to support the Collection of Statistics Bill, 2007. Sir, the Government has brought this Bill very late. We achieved freedom in 1947, the year in which the United Nations Statistical Commission was constituted. India is one of the signatories of all the Conventions of the United Nations. In the year 1953, a Bill was passed with a lot of limitations. Sir, the other day, our Prime Minister, Dr. Manmohan Singh, was speaking and he was saying that till we get the correct data, authentic data of any thing, how we could allocate funds. For allocating funds, for many things, the affairs of that particular subject, you must have correct and authentic data. But, in our country, since 1953, we were collecting statistical figures only through our Annual Survey of Industry. That is all. But, today, if you want to know something about your country, what are the statistics of a particular subject, you will not get it on any website, although we claim that we are switching over to e-governance; on finger tips, these data will be available. Now, when we thought as per the WTO regime, we had to match the standards of WTO. And, when we saw that our collection of statistics was not at par with the requirement of WTO, we thought about this, that we should amend this Bill, and that is the reason, during NDA's regime, a National Statistical Commission, under the Chairmanship of Dr. C. Rangarajan, was formed. In 2001, Dr. C. Rangarajan submitted his report that we should go ahead on this line. On the basis of that recommendation, a draft Bill on national statistical collection was prepared in 2002. Then, it was

circulated to different Departments, Secretaries and others. But, ultimately, it reached a stage that it was introduced in 2007 in the House. Then, it went to the Standing Committee, and lot of organisations appeared before the Committee, like the Directorate of Economics and Statistics, Government of Maharashtra; Economic Reforms and North-East Council Affairs Department, Government of Sikkim; Planning and Co-ordination Department, Government of Orissa; Confederation of Indian Industries (CII); Educational Consultants India Limited (EDCIL); and, Dr. K. Srinivasan, Emeritus Professor of International Institute of Population Science, Mumbai for furnishing memorandum and provisions of the Bill.

So, on the basis of their memoranda and depositions before the Committee, this Bill was approved with little amendments only for punishment and other things. Sir, this Bill is intended to overcome the limitation of the existing Collection of Statistics Act, 1953, inter alia, by expanding the scope to collect statistics not only from industrial or commercial concerns but also from individuals and households, then, empowering the Central Government to frame rules for avoiding duplication of data collection and for maintaining standards in data collection. There are about nine States which are having their separate rules on this. And, as the National Statistical Commission suggested, to cover any topic under "core statistics", as defined by the proposed NSC.

I was looking into the Bill. In the Bill, it is not defined which are these "core statistics". Chapter V Power In Respect Of Core Statistics, Section 26 speaks about the core statistics. It says, "Without prejudice to the provisions contained in this Act, the Central Government may, by notification in the Official Gazette, declare, from time to time, any subject for the collection of statistics of national importance as "core statistics" and make such arrangement, as it may consider necessary, for regulating the collection and dissemination of statistics on the subject so declared."

Sir, when we talk about statistics of national importance, one is, to support or to make it at par with WTO requirements. That is a commercial obligation. But on the other side, for our planning and budgeting, we should have the data. For example, we are signatories to plenty of commitments with regard to the UN Conventions like 'House for All' by this year, 'Food for All', 'Jobs for All', 'Education for All', 'Health for All', 'Shelter for All'. Every time, we become signatories to these. But we are not aware as to how many people are shelter-less, how many people are sleeping without food, how many are not getting water. We do not know it. All these statistics should also be available. Sir, the other day, I was looking into a book, which was published by the CSIR in the year 1978. It is a full volume. It is quite possible that Dr. Rangarajan might have seen that book. The name of the book is *Wealth of India, Bharatiya Sampada*.

Now, it is not available, and, only those who purchased it at that time, might be having it. It is not available on the website also. In that book, you will get everything as to what type of birds are found in this country, what types of trees are available in the country, what types of mineral resources are there in the country, where limestone of what quality, where lignite of what quality, where natural graphite of what quality, where dolomite of what quality is available; everything is written there, and, what is the quantity of that is also mentioned. But, in 1978, these were not digitalized.

5.00 p.m.

There was no satellite system. There was nothing. But, now, it is easy. Through satellite, they can analyse the entire thing and prepare the report. This is also a different type of statistics available for national importance. So, we could have done that. Today, we do not know about human resource or power generation. People, in their speech, simply say we need 1 lakh megawatt power per year in next three years. If you just ask the same person how many units are required to consume that 1 lakh megawatt power or how many industries you require for that or how many motors you require or how many generators and converters you require for that, you will not get the answer. A technical answer will come. Similarly, if I ask – incidentally our Health Minister is also sitting here – what is the ratio of beds and patients; what is the ratio of population vis-a-vis doctors; what is the ratio of nurses vis-a-vis population; what is the ratio of midwives and population, rural, urban and metropolitan, I am afraid, I will not get the right answer. We collect data. But we do not know whether that data is correct or not. So, the point is, when we are bringing this Bill, we should think about collecting data for everybody. I was looking into the United Nations Statistical Commission report. They collect data for everything, right from energy to animal husbandry. They know how many lambs are available in a country. They know how many turkeys will be available in that particular country to be served on the dining table on the midnight of 25th December. They know how many turkeys they have to import. It is possible now. It is easy. The only thing is you have to collect data. It looks very simple, but it is a very difficult job, and, I think, Mr. Vasan, who was thinking that this Department is only collecting data and sit with calculator and calculate only, it is not like that. You are the backbone of a nation. If you want to build a nation, you must have your backbone and these statistics are your backbone. If you don't have the statistics, your backbone is not there. You cannot stand. You cannot think. Your vision will be lowered.

Sir, there is a penal provision in Chapter 4. How will you deal with those who will not provide data? I have a small question. Every individual has a right to hold back some sensitive information or personal information. How can he be forced to give or share that information to Statistical Department because, I am telling you the truth, if somebody comes to your bungalow and says, I have come from Survey Department and I want to know how many cars do you have, some time you may proudly say that these many cars. The second question he asks, how many members do you have in your family, you may say, I have got three daughters and three sons. Then he asks, what are they doing and what is their earning. The moment he asks what is your earning, what is your pay and what about your pan card, you start retracting. Then you become reluctant to disclose and say that car is not mine, that is gifted and that car that you are seeing is a hire purchased car and that car is a hired one. The truth will not come because every information is inter-connected somewhere with the Revenue Department.

Whether this will be used against me to collect revenue, and if it is, then I will not divulge it. So, how will you collect that information? Basically, that is the reason behind incorrect data. Plenty of

times we have discussed it in the House that we should have a multi-purpose identity card on which various kinds of information are given.

I have got a card with me. Parliament has issued it to me. This is my RF card. It does not contain my name over it. Only a camera, installed at Parliament House, can read it. Only they can see my photograph. But at rest of the places, if somebody asks me, 'Who are you?' I will say, I am S.S. Ahluwalia. If he asks me, 'What is your designation and what is your profession?' If I say I am a Member of Parliament, then he will ask me, 'Where is your identity card?' I will say, I don't have any identity card. I have this card only. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Red card.

SHRI S.S. AHLUWALIA: Have you read what is written over it? That is not your identity card. That is your railway pass. That is not your identity card. For the purpose of identity, there is a classification. They will say, 'Yes, this is your card, you can travel in the first-class A.C.' But you cannot enter into this zone. So, if a multi-purpose biometric card is provided, in that you can have your PAN of income tax, your address, your telephone number, etc. Everything will be there. Even in case of emergency, whom should they contact, that will also be given.

When the data is collected, it should be accurate. But then comes PAPA (Privacy, Accuracy, Property & Accountability) concept. How can you adopt PAPA concept? We should bring PAPA concept to the Collection of Statistics Bill, 2007. Because when you assure them that there will be privacy, then only you will get the correct data. If my knowledge or my property is safe in providing you the data or the information, then only correct data will be there. Then comes accountability, on both the provider, the person who is providing the information, and the collector, the bank which is collecting the information. Then only think that, yes, this is the correct data. You can use it for nation-building and international business-building. When you go to the IMF or the World Bank, you can show them the correct data.

Since my university days, I have been listening only one thing that 40 per cent people are Below the Poverty Line. But sometimes the Planning Commission gives one figure and your Department gives another figure.

I have been listening since then, that the literacy percentage is this. I hail from Bihar and Jharkhand. Literacy percentage is not high there. You hail from Tamil Nadu, a neighbour of Kerala, where literacy percentage is very high. You go to any office whether in Kerala, or in Puducherry, or in Kashmir, or in Kohima, you will find an IAS officer or an IPS officer there. You ask him his name and by knowing his name, you will understand that he is from Bihar. He is educated and he hails from Bihar, but the literacy percentage is still down. Then there is something wrong. So, we must collect the correct data. This is the purpose for which this Bill has been brought here. I really appreciate it. It is a good move.

Dr. C. Rangarajan was the Chairman of the Commission. He had done a lot of work on that and produced a very good report.

On the basis of that report and on the basis of that recommendation, this Bill was formulated. And, now, when he has become a Member of this Committee, we will get more from him. With these words, I support this Bill.

DR. E.M. SUDARSANA NATCHIAPPAN (Tamil Nadu): Thank you, Mr. Deputy Chairman, Sir. I support the Collection of Statistics Bill, 2007. It is really a very important and historical Bill. Sir, this particular Department of Statistics was not at all known to the public. But, when Mr. Oscar Fernandes became the Minister, he made it very constructive by building up the Ministry and his successor, hon. Minister, Shri G.K. Vasan, has made it much more dynamic. We really appreciate that this historical Bill is now introduced and moved by a very young politician who has come forward with all the aspects which were recommended by Shri C. Rangarajan who from the National Statistics Commission made a very detailed recommendation. I fully agree with Mr. Ahluwalia that there is a need for doing everything to make statistics available in this globalised economy, but I don't agree with his claim that it was done only during the NDA period and is only an international obligation which we have to fulfil after we signed as a party to the WTO. If we do not complete that process. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: I am not saying it was done by NDA. But, report was submitted during that time.

DR. E.M. SUDARSANA NATCHIAPPAN: Okay. Therefore, we have got the obligation at the international level. ...*(Interruptions)*... When we became a part of the international globalised economy, we should have everything under the numbers. We, in the country, have everything secret. A physician in the country, even though he has got lot of knowledge, never reveals it to his son. He dies without telling anything to others and he never mentions the name of the medicines. That is the way of life in this country. Therefore, Gil has come forward that there should be secrecy in data. No doubt that there should be secrecy in the industry because it is a very competitive area. But, at the same time, to develop ourselves, we need the data. We find that lot of international initiations are coming up by way of international industrial development agencies and others by pumping money into India to first make a survey. For example, to find out how many SMEs are there; how many small-scale industries people are involved in making a particular type of shoes or a particular type of clock or some parts of the automobile, etc. They want to find out how many industries are here and how many skilled people are here so that they can invest money in India. The basic knowledge of the capacity of India by way of looking at the numbers is not available in India. Therefore, we feel that these statistics are to be made compulsory by every industry. Even individuals have to come forward to put their own information in a proper perspective so that they can come out with proper planning. One way we can blame ourselves is that even after six decades, our planning does not suit the ground level. We don't know how much black money is running in this country. We

don't know that even now in a globalised economy. We don't know as to how much money is actually involved in different institutions, how much production is there in a particular industry, how much a product is marketed by a particular trade, etc. We don't know because they want to keep it secret so that there is no competitor poaching them.

We have to change this habit. Now, we are seeing the melt-down of American financial institutions and we find that they are basing everything on statistics. They are putting everything in numbers. They can't escape it. There is a housing scheme. That housing scheme is now taken over by the housing market. They have to find out the real price of that housing scheme, if the housing market is going down, if the real estate is going down, then it has to come out with the real figure, not like us. Here we have some figure which is not at all shown in the document when we go in for a sale deal. We put some figure which is suitable to us just to avoid stamp duty or some other taxation which arises out of it. We are running a double account. That is why all our planning is ending up with some mismatch. Therefore, it is high time to come out with a proposal. Mass participation should be there for generating statistics. That is reflected in this Bill. That is how the soul of the Bill is created by Dr. Rangarajan which is followed by the hon. Minister, Mr. G. K. Vasan, by stating how this institution is going to be structured and how this institution is going to work. If you go through the definition clauses, you will find that it has clearly stated about outsourcing also. -It is true that you can't do everything by way of Government expenditure. We can't do everything by the human resources of the Government machinery alone. We have to depend on other well-educated people who have been qualified to be statisticians. They have got the capacity to formulate statistics so quickly in a scientific manner.

[THE VICE-CHAIRMAN (PROF. P. J. KURIEN) in the Chair.]

Similarly, we find in other clauses that it has recognised the three layers of the Government in India. It is clearly stated that the State Government can also do it. They can also generate statistics. The Union Territories and local self-governments, that is, the panchayats or the municipalities, as the case may be - I hope it includes the zilla parishads also-can also generate statistics. These are all organisations which deal with planning and execution. Therefore, they should have the data. They should have the data about the kilometres of roads available, the number of habitation, the number of people migrated from one place to the other, etc. There is no such data at all. Without data, we are going on pumping money into various places. This is the fate of the country. That is why we could not see, even after incurring so much of expenditure in every Budget, any real result on physical verification.

Then, as regards the statistics which are going to be published or unpublished, it states how the format is going to be created, how the officers are going to be appointed, how the statistical survey and the statistical reforms are going to be done, etc. These things are very clearly stated. About geographical area, demographic verification and other things, it is clearly stated that if the local administration or the State Government has taken up that issue, the Central Government need not

issue any notification. If the Central Government has issued a notification, they need not go in for that. This kind of clarifications are very much appreciable. More so, it has recognised the electronic method of collecting information.

As regards using the statistics, there is a secrecy clause also. But, at the same time, it is open for certain legal purposes. Similarly, we find that during the course of collecting the information, if a wrong data is given, that is punishable. If a person leaks out the information before it is authenticated, under the confidential clause, he will be punishable. These are things which lend genuineness to the data being collected. I feel that there should be some classification when we make rules. There should be a propagation programme for educating the public to come forward to give the data as this Bill expects. So some fund should be allotted for that purpose. The Government should see to it that statistics is part of our own planning. The welfare State has to look after statistics properly. That will help it. It is not only important for the market driven economy, it is also important for the welfare State. I find that this Bill is very much clear in all respects. It gives clear path and clear vision of the 21st Century. I appreciate the hon. Minister and the people who are connected with it for making efforts to come forward with a very good law.

I would like to seek one or two clarifications from the hon. Minister. I find that if there is a need the statistics can be used under the IPC. But it has been excluded from this Bill. Similarly, I find that the rule-making power has been totally taken away. There is no rule-making power given to the State Governments and the local authorities. How will they meet the situation? Finally, the fine which is going to be imposed is just like a meter charge. There will be fine for each day, if there is a default, the fine will multiply. That is also a very good provision. Though the Standing Committee on Finance has made a recommendation for imprisonment, but it has not been considered. I think the provisions are quiet sufficient to make the law acceptable to the people, to make statistics the best one, which are acceptable in India and also internationally in this globalized economy. Thank you.

SHRI P.R. RAJAN (Kerala): Mr. Vice-Chairman, Sir, I thank you for giving me this opportunity to speak on this Bill. I congratulate the hon. Minister for bringing forward this Bill. We must have all sorts of statistics because India is in the category of developed countries in the 21st Century. So we want all sorts of statistics. We also welcome the Government's decision to bring forward the Collection Statistics Bill. We support the Bill. We hope the new legislation would enhance the scope of collection of statistics. The Minister has already stated that the new Bill would also repeal the Collection of Statistics Act, 1953. Thanks to the efforts of people like Dr. P.C. Mahalanobis, the National Statistics Survey Organisation in the country is world famous for its accuracy and scientific approach. After 55 years, it is a welcome move that the Government intends to have a relook at the system. But there are still some points which demand hon. Minister's attention. The previous Government had brought out APL/BPL division in the Public Distribution System. Still there is no proper mechanism to verify who all could be considered for the BPL category. Yesterday, a question was put on this very subject, and we discussed about the non-availability of statistics, etc., to determine the BPL and APL division. Enrolment with the local bodies can help in ascertaining the

theoretical status and the financial status of families. Gram Sabha could also work as an agent to ensure that the schemes of the Central Government, reach all the poor households. For example, while deciding which one is a BPL family, the calorie food intake, it was mentioned yesterday that the normal requirement is (2400 calories per person) – and the annual income alone are considered. Apart from these two, other yardsticks like health, education, shelter and clothing are yet to be considered while deciding this. For this, the statistics parameters have to be looked into. There is a provision that ingredients, like, filing of returns in the electronic form, will also be considered as a data. It is a welcome step, in the Bill. There should be a provision for timely review of the statistics collected, on various occasions, by the State Governments as well as the local bodies. That is the most essential thing, which we have not been doing so far. The Central Government should work as a coordinating agency. That should be mentioned in the Bill, and the concerned data should be distributed among the Ministers. Now, new schemes and policies should be worked out on the basis of the up-to-date data. There is a general view about collecting data from informal agencies, that is, NGOs and such other organisations. The trade unions and political parties are also collecting the data. Various civil society groups are also working in this area. They are also collecting various kinds of data. So, the Government can approach them, try to access to these data and examine whether the data is scientifically prepared. If that is so, then, this can also be used. The media also are trying to collect data. If it is a real analysis, then, the Government can use that for statistical purpose. Cultural, geographical and demographic divisions in the Indian society, at large, should also be considered while collecting the data. Most of the Government's decisions and policies are backed up by the field data. But the problem is in the methodology, and not in the approach. I will give you one example. In the assessment of the Price Index System, or, to say, inflation, there is a huge criticism about this – we consider the WPI data alone. This is considered as an unscientific data. Proper data is a must for any Government to continue with the development activities. At the same time, it can also be verified whether the policies of the Government reach the lower strata of the society. This can be done only through proper garnering of the data from all sections of the society. That can become the basis of the Government's policies. The development activities must also be based on this data collected properly. I am sure that the proper collection of the data would force any Government to change its policies, and be more pro-poor. Sir, with these words, I conclude, and thank the hon. Minister for bringing forward this Bill.

श्री बनवारी लाल कंछल (उत्तर प्रदेश): माननीय उपसभाध्यक्ष महोदय, आपने मुझे इस विधेयक पर बोलने का अवसर दिया, इसके लिए मैं आपका आभार व्यक्त करता हूँ। सांख्यिकी संग्रहण नियम 1953 में बना। इसके बाद हमारे देश में और पूरे विश्व में कितना विकास हुआ है, कितने परिवर्तन हुए हैं इसलिए जो नया सांख्यिकी संग्रहण अधिनियम लाया गया है, बहुत आवश्यक था। स्टैटिस्टिक्स और आंकड़े आज की दुनिया के लिए हर क्षेत्र के लिए बहुत ही आवश्यक था। अभी हमारे एक साथी कह रहे थे कि आंकड़ों की गोपनीयता भी होनी चाहिए। इस संबंध में मेरा विचार थोड़ा सा भिन्न है। आंकड़ों की गोपनीयता भी कभी-कभी लाभकारी होती है और कभी-कभी आंकड़ों का प्रचार भी लाभकारी होता है। मैं एक छोटा सा उदाहरण देना चाहता हूँ। अभी मैंने लोक सभा की लाइब्रेरी से आंकड़े

मांगे थे कि लखनऊ में और पूरे उत्तर प्रदेश में इंकम टैक्स पेयर्स कितने हैं। इसमें दस लाख से ऊपर कितने हैं और पचास लाख से ऊपर कितने हैं। मुझे यह मालूम हुआ कि लखनऊ में जहां की आबादी 35 लाख है वहां वर्ष में दस लाख आय करने वाले करदाता केवल 237 हैं। जब मुझे यह पता चला कि 237 हैं, तो मैंने सोचा कि मेरा नाम 238 में क्यों नहीं आ सकता है। तो मैंने भी अपने बच्चों से कहा कि अब दस लाख की इंकम करना जरूरी है, इंकम नहीं है तो व्यापार बढ़ाकर किसी तरीके से करो। इस तरह मैंने दस लोगों को, अपने मित्रों को तैयार किया कि वे इस 237 की सूची में अपना नाम जरूर दर्ज कराएं। उत्तर प्रदेश में जब हमारी सरकार थी और तब महाराष्ट्र और तमिलनाडु की तुलना में हमारे यहां सेल्स टैक्स के रजिस्टर्ड व्यापारी बहुत कम थे। हमने सारे स्टेट्स का स्टेटिस्टिक्स मंगाया और अपने अधिकारियों को टाइट किया तो उपसभाध्यक्ष महोदय, मैं आपको बतलाना चाहता हूं कि हमारे उत्तर प्रदेश में दो लाख करदाता बढ़ गए, केवल स्टेटिस्टिक्स के जादू के कारण। इसलिए स्टेटिस्टिक्स का गोपनीय होना भी बहुत जरूरी है और जो टैक्सेशन से संबंधित आंकड़े हैं, उनका प्रचार-प्रसार होना भी बहुत जरूरी है, ताकि उसको आधार बनाकर लोगों में कर देने की प्रतिस्पर्धा हो। मैं मंत्री जी को बहुत धन्यवाद देना चाहता हूं और अपनी सरकार को भी बहुत धन्यवाद देना चाहता हूं जिन्होंने इसको इतना उपयोगी लिया है। परन्तु इसमें अहलुवालिया जी ने बहुत ठीक बात रखी कि इसमें समग्र क्षेत्र को लिया जाना चाहिए और खास करके उद्देश्यों के पैरा-3 में जो आपने लिखा है कि - घरेलू उद्योग, उद्यम, कम्पनियों, सार्वजनिक और निजी संस्थाओं आदि से विशुद्धतः स्वेच्छिक आधार पर सूचना एकत्रित की जानी है। इसमें व्यापारियों, पटरी दुकानदारों, फेरी दुकानदारों, किसानों, मजदूरों, करदाताओं, छात्रों आदि सभी को इसमें लीजिए। आज कम से कम एक करोड़ से ज्यादा तो पटरी दुकानदार हैं, जिनके जीवन के बारे में सूचना हमारी सरकार को बहुत जरूरी है। आज चालीस करोड़ लोग व्यापार में लगे हुए हैं और सरकार को टैक्स देकर के सरकार को चलाने का काम कर रहे हैं। उनके बारे में स्टेटिस्टिक्स होना और हर बात का स्टेटिस्टिक्स होना बहुत जरूरी है। अभी मैंने लाइब्रेरी से यह सूचना मांगी कि कितनी जिला पंचायतें हैं, कितनी ग्राम संभाएं हैं, उनकी कितनी आबादी है, उसमें कितने करदाता, व्यापारी हैं। लेकिन हमारी लाइब्रेरी में इनके बारे में कोई स्टेटिस्टिक्स नहीं है। वहां बताया गया है कि आप इंटरनेट से ले लीजिए। जब आपकी लाइब्रेरी में नहीं है तो इंटरनेट पर कैसे होगा। इसलिए मैं मंत्री जी से अनुरोध करना चाहता हूं कि इतने सारे व्यापारी हैं, फेरी दुकानदार हैं, पटरी दुकानदार हैं, किसान हैं, मजदूर हैं, छात्र हैं तो सभी को इसमें जोड़ दीजिए और स्टेटिस्टिक्स इकट्ठा करने के लिए केवल सरकार को ही प्रयास नहीं करना चाहिए, इसमें कितने सामाजिक संगठन हैं, महिला संगठन हैं, व्यापार मंडल हैं, औद्योगिक संगठन हैं, किसान मजदूर संगठन हैं, छात्र संगठन हैं उनकी भी मदद लीजिए। एक छात्र नेता आपको बिल्कुल अच्छी तरह से बता देगा कि हमारे विश्व विद्यालय में कितने छात्र पढ़ते हैं, क्योंकि वोट लेने के लिए वह एक-एक छात्र के पास गया हुआ है। आपके अधिकारी दो-चार लोगों को छोड़ देंगे लेकिन वह छात्र नेता छोड़ने वाले नहीं हैं। चांदनी चौक में हमारे व्यापार मंडल से पूछिए कि कितने व्यापारी हैं तो ए टू जैड व्यापारियों की लिस्ट आपको प्रोवाइड करा देंगे, हमारा वहां का व्यापार मंडल प्रोवाइड करा देगा। माननीय मंत्री महोदय, मैं आपसे अनुरोध करना चाहूंगा कि इन सारे संगठनों, जितने भी एन.जी.ओ. हैं, संगठन और प्रभारी संगठन हैं, उन्हें जोड़िए और उनसे भी statistics मंगाने का काम जरूर कीजिए। आपने अपने अधिनियम में जो बात नहीं डाली है, उसमें एक बात और डालिए कि ये जो संग्रह किए गए statistics हैं, मान लीजिए कि वे मेरे उद्योग के लिए उपयोगी हैं, तो आप कुछ मूल्य लेकर देने का भी कानून इसमें बनाइए। इसमें ऐसा कानून नहीं बनाया गया है कि अगर सरकार के पास कोई statistics आंकड़े हैं और वह हमारे उद्योग, व्यापार, इंस्टीट्यूट, शिक्षा संस्थानक के लिए लाभप्रद हो सकते हैं तो आप इसे व्यापार भी बनाइए। तमाम देशों ने आंकड़ों को अपनी अर्निंग का भी माध्यम बना रखा है, आप पता कर सकते हैं, इसलिए मेरा सुझाव है कि आप इसे अर्निंग का माध्यम बनाइए। यदि कोई इसे जनहित में लेना चाहे तो उसे देने का भी प्रावधान इसमें रखिए। मेरा अंतिम सुझाव यह है कि सांख्यिकीय संग्रहण को प्रत्येक नागरिक के लिए अनिवार्य किया जाए। आप इसमें यह

भी डालिए कि यदि किसी के पास हमारा अधिकारी जाता है तो वह मना न कर सके, इसके लिए उसे अनिवार्य बनाया जाए। एक सुझाव और है कि पूरे देश के हर नागरिक के लिए एक कार्ड जरूर बनाया जाए, जिसमें सारी चीजें लिखी हुई हों और वह हर जगह उसका प्रयोग कर सके। यदि ऐसा हो जाएगा, तो मैं समझता हूँ कि हमारे यहां जो वोटिंग परसेंटेज कम होता है, वह पूरा हो जाएगा। जमीन जायदाद के जितने झगड़े होते हैं, वे भी काफी कम हो जाएंगे। इन्हीं बातों के साथ मैं आपको पुनः बहुत-बहुत धन्यवाद देता हूँ कि आप यह बहुत अच्छा विधेयक लाए हैं और इसका समर्थन करता हूँ।

SHRI D. RAJA (Tamil Nadu): Sir, I thank you for the opportunity. At the outset, I congratulate the Minister on bringing this Bill, who is taking very serious steps to keep this Ministry at pace with developments at the national level, as also at the global level. Bringing the Collection of Statistics Bill before this House is a welcome step. It is, indeed, necessary to replace the existing the Collection of Statistics Act, 1953.

Sir, I had statistics as a subject in my college. I could study the collection of data, analysis of data, theory of probabilities, facts and figures, how there must be a correspondence, all these things I could study as a student. Those days, perhaps, the data collection on a voluntary basis, from households and individuals did not pose many problems; even when students were sent for sample collection, survey and all these things. Hence, this existing Act provide for statutory data collection, only from commercial and industrial concerns. Now, the situation has changed in the wake of liberalisation, privatisation and globalisation. This has resulted in de-licensing, de-regulation. The old system of obtaining information as a by product of administering various Statutes, regulations have, in fact, lost their ground. The need for statistical information for planning and policy formulation has also expanded over these years. The provisions under the existing Collection of Statistics Act, 1953, are not, in fact, adequate to meet the new challenges arising out of the LPG regime manifested by the WTO Agreement. In fact, I was a bit hesitant to speak on this Bill because we have the presence of Dr. C. Rangarajan, who is known for his knowledge. He is one of the eminent persons of this House to speak. In fact, he headed the National Statistical Commission appointed by the Union Government.

In his presence to speak on this subject, one should have some reluctance and I have that reluctance. Having said this, I must say, Sir, that due to the time limit I endorse what my colleague from CPM has said with regard to the collection of various data. Sir, the present Bill rightly brings the data collection from households and individual also under its ambit. When this is done we have to be a bit careful. Some of the informants could be illiterate. Even though we are emerging a political and economic power in the world, still we have the largest number of illiterates also in the country. India is one of the countries, which has the largest number of illiterates today in the world. Even after accomplishment of Chandrayan and other achievements, we have this problem, in this background, I think the Government should be careful about how it is going to handle them. We cannot be harsh with this innocent illiterate public. So, Sir, I would like to request the Minister to give due consideration and give some clarifications in the House, firstly, there is no mechanism in the Bill for right to appeal given to the offenders, how the natural principles of justice are fulfilled in the Bill. I agree with Mr. Sudarsana Natchiappan, he has raised an issue about black money, whether the

Government has any statistics with regard to the black money. It is a very big issue. But here I am asking a simple question, how to ensure natural justice in this Bill. Secondly, Sir, whether the consent of the informants would be taken before disclosing information collected from them to any third party because it is a highly technical subject and we will have to develop it further, we will have to keep pace with the development at the world level. We have the potential, it is not that India does not 'have the potential to develop our institutions to have collection of data in a very fair manner and analyse in a very objective manner so that we understand what is the reality, what is the condition of our country in every sphere of life. I hope the Minister can explain some of these problems and I wish our Dr. Rangarajan will have his time to explain some of these issues because he headed that Commission, he has expertise on this subject. With these words, I welcome this Bill and support it. Thank you.

DR. C. RANAGARAJAN (Nominated): Thank you very much, Sir. I welcome this legislation. I congratulate Mr. Vasan, the Minister, and the Ministry for bringing forward this Bill. The Bill largely incorporates the recommendations made by the National Statistical Commission of which I happened to be the Chairman. The good data collection system is a prerequisite for a good statistical system. We cannot build a good statistical system unless we have a proper machinery for collecting the data. A good statistical system has three important characteristics, one is credibility, the other is time limit, and the third is adequacy. Credibility refers to the quality of data. People must have trust in the statistics that are put out by the governmental agencies.

How does one build the trust? Trust can come out of two things. One, the methodology adopted to collect the data is in accord with statistical theory, and, second, the mechanism for collecting data is appropriate and proper. Only when these two things are met, we can collect good quality data, and the good quality data will command credibility and credibility is an extremely important element of statistics. The second is timeliness. Obviously, data must be available without a long time lag. Some time lag is inevitable. After all, we are collecting data from various sources. Therefore, some time lag is inevitable. But, on the other hand, a long time lag makes the data totally useless from the point of view of policy-making. In fact, we have speeded up the generation of data in our country, but, nevertheless, there are some data which come with very large time lag. A reference was made to the Annual Survey of Industries. In fact, it comes with quite a big time lag. Even though the Survey Report contains a very useful information, it comes at a point in time when it is not as useful for policy-making. For historical study and research, and all that, it is useful, but for policy-making it is not. Therefore, timeliness is the next important thing. The third thing is adequacy. That is the data that are generated and provided by the statistical system. It must meet the diverse needs and these needs, the statistical needs of the society keep changing. The economy is fast changing. For example, today, more than 50 per cent of the national income is contributed by the service sector. Therefore, we need more data now on the service sector, and the collection of data on the service sector is very different from the collection of data on goods and other things. Therefore, the adequacy is because of the need for generating the data which is needed by the public. Now, for

example, we are also increasingly getting integrated with the rest of the world. Therefore, we need more data on exports of goods and services which are available, but, we also need data on the capital account of the balance of payments like the capital flows. Do we now have a precise idea of what kinds of capital flows we are getting and so on? Therefore, adequacy refers to the wide variety of data that are required in the system in order to meet the growing needs of the policy makers. Now, in India, we have a fairly well-established statistical system. For almost 100 years now, we have developed the statistical system and we are making improvements. But we are heavily dependent on administrative departments to construct the statistical system that we have. The dependence on the administrative system is two-fold. First of all, as was referred to, earlier, by Mr. Raja, some of the data that we are collecting were the by-product of the departments which were administering controls or licences or permits. That is the how we were able to get data on production, investment, capacity, and so on much more correctly in the earlier period because there was an agency which was administering the controls and looking after that. Now, with the liberalisation of the economy, those controls have gone and, therefore, those administrative departments are not in a position to be able to provide the kind of data. The second thing is dependence of the administrative department. We use the administrative departments also for the purpose of collecting data. For example, the Talathi or the village head is very much responsible for the collection of agricultural statistics. But over a period of time what has happened is, because of the use of the village head and all that, for various other purposes, the credibility or the quality of data supplied by these agencies have also suffered. And this is a fact. In agricultural statistics we have seen that the data that are being supplied are losing the quality because the collection of statistics does not become an important part of the administrative functions of the people at the lower levels. So, that is the other serious problem that has come about.

Now, the third problem with respect to collection of data is non-response. The statistical authority tries to collect the data from a variety of sources, let us say, from industrial enterprises. What is the extent of response to the statistical authority's demand? Now, if the response is low, then the credibility attached to the data is also less. The non-response is proposed to be attacked through this Bill. It is an important aspect of it. There is a serious problem to collect the data as far as the index of industrial production is concerned. They collect data from 'X' number of units. Now, if the 'X' number of units does not supply data, what we do in our system is we repeat the data received in the previous period. That is how it is done. And, therefore, the date has to be revised drastically later on when the data is made available by the units. So, non-response is a very serious problem. That is one thing which is being tackled through this Bill.

When you look at the earlier Act of 1953 and the proposed Bill, the proposed Bill makes very important changes. The first one is the scope of the new Bill. The scope of the new Bill is much wider than the earlier Act, Sir, as is remarked, the existing Act which is in force covers only the commercial and industrial enterprises. But, we need data not only from the commercial industrial enterprises but also from others. Of course, the non-response is also there. But, we go beyond commercial and industrial enterprises and collect data from various sources. Somebody is saying as if other data is

not being collected. That is not correct. We do collect a lot of data on socio-economic indicators of various types and we do it on voluntary basis. There is no statutory or legal backing for collection of that data. What is being done now is that the scope of this Bill has been extended from commercial enterprises to individuals and households. Why do the individuals and households come in? For example, we do the National Sample Survey. The family expenditure is the basis of much of the discussions that go on regarding poverty lines and so on and so forth. The Consumption Expenditure Survey is a very important survey. But, for the Consumption Expenditure Survey, the data is being provided either by individuals or households. Therefore, we need to cover that. Now, we are collecting data. It is not as if we are not collecting data. But, we are doing it on a voluntary basis. This Bill provides a legal backing for it.

Also, for the first time, the Bill also provides for the collection of data not only by the Central Government and the State government but also Panchayats and the Municipalities. Sir, increasingly, Panchayats and Municipalities will play an important role and, therefore, they also must have the authority to be able to collect the information. So, the scope is wider, because it collects data not only from commercial enterprises but also individuals and households. A large amount of socio-economic data will become available.

Now, the second point is, if individuals or households or anybody else, even the commercial enterprises, are to give data, it is very important that there must be an assurance that the data so collected will not be shared with anybody else and will be used for statistical purpose. Otherwise, there will be reluctance.

Sir, somebody said about the sensitive data. Sensitive data also has to be collected. Monthly Consumption Expenditure Data is also to be collected. For some, it may be sensitive. But, otherwise, it has to be collected. But the whole point is that it is extremely important to assure the people that it will not be divulged to others, even to other departments in the Government. That is Principle VI of the U.N. Fundamental Principles of Official Statistics. Principle VI says, 'Individual data collected by statistical agencies for statistical compilation, whether they refer to natural or legal persons, are to be strictly confidential and are exclusively for statistical purposes.' Therefore, this particular Bill enjoys that the data collected will not be shared with any one and will be used only for statistical purposes.

Now, I am not correct that it will not be shared. After all, data will have to be given to others. And, what will be done is that when data is supplied, the individual identity will not be there. I think, it is extremely important because some questions were raised about how people will part with the data. The assurance is that it will not be shared with any other department; secondly, even when the data will be given, the individual identity of the person will not be revealed.

The third aspect is the deterrent for non-supply of data. For this particular purpose, punishment is imposed. There was a punishment even in the existing Act. But it has, now, been increased

because it was less that it could be ignored by anybody. There is also a provision in the present Act that the statistical authority will have an access to records, documents, plans, and so on. This is, of course, a very sensitive issue. But I would only hope that the statistical authority does not re-introduce the 'Inspector Raj'. And, I think, it is extremely important that these regulations and these rules are obeyed or managed in a manner in which it does not lead to this kind of harassment, if I may say so.

The third way in which this Act makes an improvement is this. Presently, the system is that the statistical authority asks the data providers to submit the data according to their return, which is to be filed. The scope has been widened to include not only filing of returns, but also oral interviews, and filing of returns electronically. Now, I have one request to the Ministry of Statistics. All the companies, all the enterprises, even small and medium, have management information system. The old method of asking them to file returns on the basis of proforma preferred by the statistical authority is out of date. I think, we must find a way by which we can electronically transfer the data. Therefore, the Ministry of Statistics must study the kind of MIS, which is available in most of the enterprises, and evolve a return, even filing through electronic means in a way in which it is consistent with that. I think, the most important thing is to file the management information. Look at the management information system, available in the various enterprises, and do it.

There is also a reference to core statistics in the Bill. It is somewhat vague. The clause is not really very precise about it. The National Statistical Commission, which is now operating, will define what the core statistics are. The core statistics are those statistics relating to variables that are considered to be very critical for the country. Once those core statistics are decided, then, rules will be put in place in order to be able to collect the data. Now, we can't define the 'core statistics, here. The core statistics will be defined by the National Statistical Commission. But we do know what these core statistics are. Now, in this way, I think, the new Bill, as I said, is an improvement over the existing Act. It widens the scope; it enables the authority to collect a wide variety of data that are needed. As you all know, as somebody said, it is a backbone, it is a backbone in many ways. If you want to make appropriate policies, you require data. Without data, policy making is just making a guess about what is going to happen. Therefore, data should be the basis for policy formulation. Therefore, a good statistical system is essential for the country.

Now, of course, there are some questions, and somebody raised this question this morning too, that is, about the poverty line and so on. You must make a distinction between two types of data. There are some which are called 'basic data'. Then, there are constructions made on the basis of the data. Now, there is no data called poverty line data.

There is nothing like conducting a survey of people who are poor. That is not the way it is done. What is done is to collect the data on monthly per capita consumption expenditure of various

households. Then, after having done that, you can draw a line at where you want to draw the line as to the poor. If you want to say monthly per capita expenditure of Y is your poverty line, then, we can calculate from there the number of people who is below the poverty line. Therefore, the methodology for calculating the poverty line, I would say, is not incorrect. It is correct. The way to do it is to go through the monthly per capita consumption expenditure, but it is up to anybody to decide what the level of monthly per capita consumption expenditure is. I must also say a point here. Many people say calorie intake is the only thing that is taken into account. That is not correct. The calorie intake is the basis. But, from the calorie intake you go to the monthly per capita consumption expenditure, which will be corresponding to the calorie intake. That is what is called the Engle's curve. It says that food consumption expenditure is what percentage of the total expenditure. So, from calorie intake, you go to the monthly per capita consumption expenditure. But, where you draw the line as far as monthly per capita consumption expenditure is concerned, it is up to everybody. It is a matter of judgement. But, it can be done. One way of doing it is through the calorie intake. Take the monthly per capita consumption expenditure corresponding to the calorie intake and draw the line there. Anyway, there are many, many interesting problems in statistics. But, as I mentioned earlier, if data collection have the appropriate quality, they must conform to the statistical theory. Now, the statistical theory comes in, particularly, with respect to sample surveys. How many people do you survey in the country in order to get a good picture about the total monthly per capita consumption expenditure? This is where the theory comes in. No theory comes in when you do the population estimation. That is a census. You go to every household and collect the data. That is simpler. But, when you do a sample survey, sampling theory also comes in as to how much of the number of people should be contacted or sampled before you can arrive at a proper conclusion. Now, let me, therefore, once again say this new enactment is an improvement over the existing Act. It does enable the statistical authority to be able to collect data from a wide number of sources and it provides a legal baton for it. I do hope that all efforts would be made to improve the quality of statistics that are available and all efforts would be made to make available the data in an appropriate time. As I mentioned earlier, for ensuring credibility, timeliness and adequacy, a good data collection system is needed. I think that the present Bill which has been proposed will be a step towards that direction. Thank you very much.

THE VICE CHAIRMAN (PROF. P.J. KURIEN): I want to ask you a question. These election surveys conducted before elections and these forecasts, what do you say about them? Are they scientific?...(interruptions)...

DR. C. RANGARAJAN: it has to be scientific. Whether it is scientific or not, is to be tested. But, it has to be scientific. You cannot come to a conclusion regarding what is going to happen.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): But, many of the surveys prove to be wrong.
...(Interruptions)...

DR. C. RANGARAJAN: There are two aspects to it. One is whether the sampling procedure that is adopted is correct or not, and, secondly, how they collected the data. As I was saying, there are two parts to it. So, one of them could be a mistake.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): So, by a wrong method of collection, you can arrive at a wrong result and mislead the nation. ...(Interruptions)...

DR. C. RANGARAJAN: Yes. It is possible. But, very often, the sample size may not be adequate. It is extremely important. You can't collect data from everybody, but the sample size has to be related to the ...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Maybe, the method adopted is wrong.

DR. C. RANGARAJAN: There are, what are called, random sampling, stratified sampling, and many other methods. We will have to see whether they have adopted that particular method or not.
...(Interruptions)...

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): I am also a Member, though I am sitting in the Chair. Now, the hon. Minister, Shri G.K. Vasan.

SHRI G. K. VASAN: Hon. Vice-Chairman, Sir, at the outset, I am thankful to all the Members of this august House for supporting this Bill and giving their valuable suggestions.

India, we all know, is a developing country, heavily depending on the planning process to meet its social commitments like balanced and inclusive growth to eliminate poverty, achieve higher literacy or health for all. Therefore, the importance of timely and reliable data is very important and needs no emphasis.

Data, I would say, is collected from various Government agencies at the Centre and in the States for planning and policy formulation. Data is used to understand the problems of the people at the national and sub-national levels, and, accordingly, I would say, plans and allocations of resources are done. This is, in fact, the philosophy followed by India in formulating their Five Year Plans.

The proposed Bill today supports the abovesaid process by way of strengthening the data collection mechanism. Informants have to furnish the truth to the best of their belief to the Data Collectors, without any fear or favour, or any apprehensions, that the data could be used against them either for taxation or for prosecution in other cases. This measure is consistent with the United Nations' fundamental principles of official statistics. Principle 6, thereof, States that 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 problems. The Collection of Statistics Bill, I would say, upholds this objective. It is very important to note that collecting reliable

data is an enormous task, particularly, in a vast country like ours, where language, culture and geographical terrain change significantly every two hundred kilometres. The Bill grants the Government the authority to collect a wide spectrum of statistics on economic, demographic, social, scientific and environmental aspects.

This Bill also envisages collection of data using latest methods, tools and technology. Let me also mention that this Bill facilitates collection of data by Panchayat Raj Institutions and urban local bodies for local level planning to fulfil the commitments enlisted under 73rd and 74th Amendments to the Constitution.

Sir, again I profusely thank all the hon. Members for their valuable observation on the Bill. I would now like to respond to some of the points that our hon. Members have raised. Sir, I am grateful and thankful to Dr. C. Rangarajan, the noted economist, a hon. Member of this august House, for his valuable comments on the Bill. The National Statistical Commission, under his Chairmanship, I am proud to say, gave the necessary impetus to bring the Bill to this House. I am happy that he has been able to contribute, today, as a hon. Member of this august House when the Bill is being considered. He has mentioned about the statistics in large. I would say, I will be happy to mention that Dr. C. Rangarajan's mentioning about credibility, timeliness and adequacy will be the main guidelines for the Ministry. The Ministry will take your valuable suggestions and do the needful on the important areas you have mentioned.

I am thankful to my esteemed colleague, Shri Ahluwalia, for his analytic view on this Bill. He rightly mentioned, as Dr. C. Rangarajan also proudly said, that the Ministry is the backbone for the development of the nation. He was specific in asking about the right to hold back some sensitive or personal information for an individual. Clause 6 of the Bill lays down that providing the information sought is the duty of informants and clause 8 of the Bill provides for right of access to records and right of entry into any premises to the data collection agencies for the purpose of data collection. Penalties for offences are adequately provided in the Bill against non-compliance with the requirements. Hence, the informants can be compelled to provide information as per the Bill. Furnishing information required by the Bill is a national duty. Any citizen is expected to perform even in case where a Government requires sensitive information. As Dr. Rangarajan mentioned, a citizen has to rise to the occasion and furnish the necessary information. There should not be any apprehensions in furnishing important information as the informant's identity could not be made public as per provisions of the Bill. Clause 3 of the Bill, as also a preamble thereof, clearly lays down that statistics on economic, demographic, social, scientific and environmental aspects shall be collected at times. Government at the Centre or in the States may need some information which some individuals may perceive as sensitive or more personal. For example, information on HIV/AIDS

or drug abuse which may be treated as sensitive. But the information is surely needed for the welfare of the society. So, such information should be allowed to be collected even if it is perceived as infringing on an individual's right to hold back personal information.

On the clarification sought by Shri Ahluwalia, I would like to say that we conduct surveys on agricultural enterprises, socio-economic aspects of population and we have the data on these subjects. The Bill, which would be hopefully passed today, will empower to bring all subjects under the Bill besides industry and commercial establishments. This measure, I would say, is at par with UN guidelines on official statistics. I fully agree with the hon. Member, Shri Sudarsana Natchiappan, that data collection needs statutory support.

SHRI S.S. AHLUWALIA: You said that you conduct survey and collect data on fields like agriculture also. Is it voluntary in nature or is it guided by any statute?

SHRI G. K. VASAN: We conduct it in the Ministry and it is voluntary in nature. There is no doubt about it.

SHRI S.S. AHLUWALIA: My request was to bring it under this Bill.

SHRI G. K. VASAN: All right. I fully agree with Dr. Sudarsana Natchiappan that data collection needs starting statutory support and we have to empower Government at all levels for this purpose. It is true that the existing Act provides for using information collected under the Act for a prosecution under the Indian Penal Code. It may be appreciated by hon. Members that such a provision could deter informants from furnishing information without fear or favour. The informants should not have any apprehensions that information furnished by them could be used against them either for prosecution for any offences under the IPC or any tax law. The information collected should be used only for statistical purposes. This is an internationally accepted principle. Hence, the Bill does not provide for using information collected for other prosecution such as under the IPC. On the second point raised by Dr. Sudarsana Natchiappan, I would like to draw the attention of the hon. Member to the provision for avoiding unnecessary duplication in the rule-making power under clause 32.

The Collection of Statistics Act, 1953, does not provide for avoiding duplication of data collection efforts. The Bill provides for making rules to avoid duplication of data collection efforts. This could not be feasible to achieve if the State Governments are given the rule-making power. Hence, the States are not proposed to be given this power. However, the States could be consulted whenever rules are made. He also suggested that adequate publicity is to be given so that public can respond to data collection. This is done by NSSO. I am sure, I will take up the matter with the NSSO. Hon. Member, Shri P.P. Rajan, mentioned about two or three issues. This Bill could provide ample opportunity to review statistics periodically. This Bill could enable removing duplication of collection

of data besides empowering better coordination among all data collection agencies and data across all people could be collected and released irrespective of their economic conditions. Our hon. esteemed colleague, Shri Raja, has given some valuable suggestions and sought two important clarifications. One is about providing in the Bill right to appeal to offenders before the matter reaches any competent court. Sanction for prosecution of any offender has to be accorded by the competent authority as per clause 24 of the Bill. At this stage, the sanctioning authority could look into the available records about offences committed and he may afford an opportunity to offenders to explain their point of views. When the matter is taken to courts, the offenders could get ample opportunity, I would say, to defend themselves. That is an important clarification that I want to give to the hon. Member, as the principle of natural justice is built in the procedure followed by the court. The other point for clarification is about taking consent of informants before disclosing information collected from them to the third party. It is not practical to take the consent of informants, which are normally large in number, prior to the disclosure of information for bona fide research. But adequate safeguards are provided on use of the data for bone fide research in clause 11 of the Bill. Hon. Members may kindly appreciate that this Bill has gone through examination at various stages before it was brought in this present form. The suggestions of the Standing Committee on Finance have been very useful in improving the effectiveness of the Bill. Therefore, I take this opportunity to thank the hon. Chairman and the Members of the Standing Committee on Finance. The Bill could be useful to the Government at all levels in organising data collection exercise in a systematic way to help in the policy formulation and informed decision-making process. Hence, I appeal to the hon. Members, through you, that the Bill may be considered and passed by this august House.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): The question is:

"That the Bill to facilitate the collection of statistics on economic, demographic, social, scientific and environmental aspects, and for matters connected therewith or incidental thereto be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): We shall now take up clause-by-clause consideration of the Bill.

First, we shall take up clause 2. In clause 2, there are two amendments (Nos. 3 and 4) by the hon. Minister.

Clause 2 – Definitions

SHRI G.K. VASAN: Sir, I move:

(14) That at page 1, lines 13 and 14, the words "or its instrumentality" be *deleted*.

(15) That at page 2, line 2, the words "or its instrumentality" be *deleted*,

The questions were put and the motions were adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Clause 4 - Powers of Appropriate Government to appoint Statistics Officers, etc.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up Clause 4. There is one amendment (No. 5). Hon. Minister to move the amendment.

SHRI G.K. VASAN: Sir, I move:

5. That at page 3, line 15, *for* the words "as may be necessary", the words "on such terms and conditions and on such safeguards as may be prescribed" be *substituted*.

The question was put and the motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 and 6 were added to the Bill.

Clause 7 - All agencies to assist

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): We shall now take up Clause 7. There is one amendment (No. 6). Hon. Minister to move the amendment.

SHRI G.K. VASAN: Sir, I move:

6. That at page 3, line 46, *for* the words "to other agency or any statistics officer as it may require for the discharge of its or his" the words "to the statistics officer or a person or an agency authorised by him in writing, as he may require for the discharge of his" be *substituted*.

The question was put and the motion was adopted.

Clause 7, as amended, was added to the Bill.

Clauses 8 and 9 were added to the Bill.

Clause 10 - Agencies authorised to disclose certain information

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): We shall now take up Clause 10. There is one amendment (No. 7). Hon. Minister to move the amendment.

SHRI G.K. VASAN: Sir, I move:

7. That at page 4, lines 29 and 30, *for* the words "the agency authorised for collection of statistics", the words "the appropriate Government" be *substituted*.

The question was put and the motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11 - Disclosure of Information Schedules for Bona fide research or statistical purposes

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): We shall now take up Clause 11. There are two amendments (Nos. 8 and 9). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

8. That at page 4, lines 38 and 39, *for* the words "the agency authorised for collection of statistics", the words "the appropriate Government" be *substituted*.
9. That at page 5, line 4, *for* the words "the agency authorised for collection of statistics", the words "the appropriate Government" be *substituted*.

The questions were put and the motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 12 - Disclosure of Historical Documents

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): We shall now take up Clause 12. There are two amendments (Nos. 10 and 11). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

10. That at page 5, lines 14 and 15, *for* the words "the agency authorised for collection of statistics", the words "the appropriate Government" be *substituted*.
11. That at page 5, line 16, *for* the words, "in the opinion of such agency", the words "in its opinion" be *substituted*.

The questions were put and the motion was adopted.

Clause 12, as amended, was added to the Bill.

Clauses 13 to 15 were added to the Bill

Clause 16 - Penalty for making false statement

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): We shall now take up Clause 16. There are three amendments (Nos. 12, 13 and 14). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

12. That at page 6, line 3, *after* the word "Whoever", the word "wilfully" be *inserted*.
13. That at page 6, line 5, *after* the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be *inserted*.
14. That at page 6, line 7, *after* the words "rupees", the words "or with both" be *inserted*.

The questions were put and the motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17 - Penalty for Mutilation or Defacement of Information Schedule

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): We shall now take up Clause 17. There are two amendments (Nos. 15 and 16). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

15. That at page 6, line 10, *after* the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be *inserted*.
16. That at page 6, line 11, *after* the word "rupees", the words "or with both" be *inserted*.

The questions were put and the motion was adopted.

Clause 17, as amended, was added to the Bill.

Clause 18 - Penalty for Obstruction of Employees

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): We shall now take up Clause 18. There are two amendments (Nos. 17 and 18). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

17. That at page 6, line 13, *after* the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be *inserted*.
18. That at page 6, line 15, *after* the word "rupees", the words "or with both" be inserted.

The questions were put and the motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 19 - Penalty for other offences

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): We shall now take up Clause 19. There are two amendments (Nos. 19 and 20). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

19. That at page 6, line 21, *after* the words "shall be punishable", the words, "with simple imprisonment for a term which may extend to six months or" be *inserted*.
20. That at page 6, line 22, *after* the word "rupees", the words "or with both" be *inserted*.

The questions were put and the motion was adopted.

Clause 19, as amended, was added to the Bill.

Clause 20 - Penalty for failure to carry out duties and functions by employees

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): We shall now take up Clause 20. There are two amendments (Nos. 21 and 22). Hon. Minister to move the amendments.

SHRI G.K. VASAN: Sir, I move:

21. That at page 6, line 33, *after* the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be *inserted*.
22. That at page 6, line 34, *after* the words "rupees", the words "or with both" be *inserted*.

The questions were put and the motion was adopted.

Clause 20, as amended, was added to the Bill.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): In clause 21, there are two amendments (Nos. 23 & 24) by the hon. Minister.

Clause 21 - Penalty for Impression of Employee

SHRI G.K. VASAN: Sir, I beg to move:

(23) That at page 6, line 37, *after* the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be *inserted*.

(24) That at page 6, line 38, *after* the word "rupees", the words "or with both" be inserted.

The questions were put and the motion was adopted.

Clause 21, as amended, was added to the Bill.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): In clause 22, there are two amendments (Nos. 25 & 26) by the hon. Minister.

Clause 22 - General Penalty

SHRI G.K. VASAN: Sir, I beg to move:

(25) That at page 6, line 40, *after* the words "shall be punishable", the words "with simple imprisonment for a term which may extend to six months or" be *inserted*.

(26) That at page 6, line 42, *after* the word "rupees", the words "or with both" be *inserted*.

The questions were put and the motion was adopted.

Clause 22, as amended was added to the Bill.

THE VICE CHAIRMAN (PROF. P. J. KURIEN): Insertion of New Clause 22A. There is one amendment (No. 27) by the hon. Minister.

Clause 22A - Offences by Companies

SHRI G.K. VASAN: Sir, I beg to move:

(27) That at page 6, *after* line 42, the following be *inserted*, namely:-

22A. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purpose of this section -

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "Director", in relation to a firm, means a partner in the firm.

The question was put and the motion was adopted.

Clause 22 A was added to the Bill.

Clauses 23 to 31 were added to the Bill.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): In clause 32, there are five amendments (Nos. 28 to 32) by the hon. Minister.

Clause 32 - Power to make rules

SHRI G.K. VASAN: Sir, I beg to move:

- (28) That at page 8, line 2, *after* the word and figure "section 3", the words "including nomination and registration of statistics officers by the Central Government" be *inserted*.

- (29) That at page 8, *after* line 2, the following be *inserted*, namely:-

"(b) the terms, conditions and safeguards under which any person or agency or company or organization or association may be engaged by the appropriate Government for the purpose of collection of statistics under sub-section (3) of section 4;"

- (30) That at page 8, line 3, *for* the bracket and alphabet "(b)", the bracket and alphabet "(c)" be *substituted*.

- (31) That at page 8, line 5, *for* the bracket and alphabet "(c)", the bracket and alphabet "(d)" be *substituted*.

- (32) That at page 8, line 7, *for* the bracket and alphabet "(d)", the bracket and alphabet "(e)" be *substituted*.

The questions were put and the motion was adopted.

Clause 32, as amended, was added to the Bill.

Clause 33 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): In Clause 1, there is one amendment (No.2) by the hon. Minister.

Clause 1 - Short title, extent and commencement

SHRI G.K. VASAN: Sir, I beg to move:

- (2) That at page 1, line 5, *for* the figure "2007", the figure "2008" be *substituted*.

The questions were put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): In the Enacting Formula, there is one amendment (No.1) by the hon. Minister.

Enacting Formula

SHRI G.K. VASAN: Sir, I beg to move:

- (1) That at page 1, line 1, *for* the word "Fifty-eighth", the word "Fifty-ninth" be *substituted*.

The questions were put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI G.K. VASAN: Sir, I move

That the Bill, as amended, be passed.

The question was put and the motion was adopted

MESSAGE FROM LOK SABHA

The Appropriation (No.4) Bill, 2008

SECRETARY GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:-

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Appropriation (No.4) Bill, 2008, as passed by Lok Sabha at its sitting held on the 19th December, 2008.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India.

Sir, I lay a copy of the Bill on the Table.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): The House stands adjourned to meet at 11.00 a.m. on Monday, the 22nd December, 2008.

The House then adjourned at thirty minutes past six of the clock till eleven of the clock on Monday, the 22nd December, 2008.