

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2542
ANSWERED ON:10.08.2010
COURT DIRECTION ON CENSUS
Ahir Shri Hansraj Gangaram

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Madras High Court has issued any direction to the Union Government on census;and
(b) if so, the details thereof and the reaction of the Government in this regard?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN)

(a) & (b): Yes Madam. In the Writ Petition No. 10090 of 2010 in the matter of Adv. R. Krishnamurthy Vs. the Census Commissioner and Others heard on 12.5.2010, the Hon'ble High Court of Madras while referring to the earlier judgment made in the W.P. No. 25785 of 2005 observed that:

"Since the relief sought for in the present writ petition has already been answered in the affirmative by issuing a direction to the authorities to take all measures towards conducting the caste-wise census in the country, we are of the considered opinion that this petition is also entitled to be allowed".

Earlier, the Hon'ble High Court of Madras in the Order dated 24.10.2008 in respect of W.P. No. 25785 of 2005 wherein the Census Commissioner was not the respondent, had observed that "In the interest of the weaker sections of the society, we direct the Census Department of the Government of India to take all such measures towards conducting the caste-wise census in the country at the earliest and in a time bound manner, so as to achieve the goal of social justice in its true sense, which is the need of the hour."

The Census Commissioner is not the competent authority to take any decision on inclusion or exclusion of any question to be canvassed at the Census. Thus, any decision for conducting caste-wise Census can be taken only at the highest level of the Government of India. The Union Cabinet has discussed the issue of enumerating castes other than SCs and STs in the Census on 4th May, 2010 and again on 26th May, 2010 and has referred the matter to the Group of Minister (GoM).