

Census 2027: Can private teachers or citizens be forced to do Census duty?

The amended Census Rules explicitly include private school teachers and private sector employees as enumerators, though the earlier rules already allowed the appointment of “any person”. What changes then? And can the government legally compel private individuals to perform Census duties?

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Census 2027 officials in Delhi. (Praveen Khanna/file)

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On October 16, the Centre amended the Census Rules, 1990 to expressly provide that teachers of government, local authority, aided as well as unaided private educational institutions may be appointed as **Census** enumerators. It similarly included officials of establishments such as banks, companies, institutions, societies and trusts.

But the amendment also retains a much wider category: “any person” whom a state government or Union Territory administration considers suitable to perform the duties of an enumerator.

Interestingly, this is not very different from what the rules said before the amendment. The earlier rules already said an enumerator could be chosen from among “Teachers, Clerks or any official or any person”. If “any person” literally meant anybody, private-school teachers and private-sector employees were already covered.

What is the significance of the amendment then?

Officials in the Ministry of Home Affairs (MHA) say it has been done to remove any ambiguity from the rules and make sure that the Census operation, which requires lakhs of enumerators, is conducted smoothly. However, there is a backdrop.

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On May 22, the Bombay High Court gave interim protection to associations representing more than 500 private unaided and minority schools in Maharashtra. It said Section 4A of the Census Act imposed an obligation on local authorities, while Sections 6 and 7 did not, in its preliminary view, confer authority to compulsorily requisition teaching and non-teaching staff of private unaided schools.

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It then considered the old Rule 3, which permitted “Teachers, Clerks or any official or any person” to be enumerators. The government argued that this was broad enough to include private teachers.

The court rejected that interpretation at the interim stage. It observed that if “any person” were given an unrestricted meaning, it could extend to private professionals such as doctors, advocates and chartered accountants. It held, *prima facie*, that subordinate legislation could not travel beyond its parent statute.

Crucially, the operative order restrained the authorities from issuing further orders “compelling or requiring teachers and/or employees” of the petitioner schools to perform Census duties.

Then on October 8, the Punjab and Haryana High Court stayed Haryana government communications seeking details of private unaided-school teachers for Census duty.

Eight days later came the amendment.

What does the Census Act actually say?

Section 4(2) of the Census Act, 1948 gives the state government power to “appoint persons as census-officers” to take, aid in or supervise the Census within a specified area.

Importantly, it adds that such persons, “when so appointed, shall be bound to serve accordingly”.

This is potentially the strongest basis for the government’s case. Unlike provisions dealing specifically with government employees, Section 4 uses the broad word “persons”.

But other provisions of the Act are much more specific about whose services can be compulsorily called upon.



Census enumerators in New Delhi. (Tashi Tobgyal)

Section 4A requires a local authority, when directed by the Centre, to make available such staff as are necessary for Census work. Sections 6 and 7 also permit assistance to be sought from private establishments and their personnel — but in defined circumstances relating primarily to counting people under their charge or present in those establishments.

For example, Section 7 allows the District Magistrate to call upon staff of a factory, firm or establishment to assist with the Census of persons present in its premises. It does not expressly say that such employees can be taken out of that establishment and deployed generally as door-to-door enumerators.

So, can private individuals be compelled to serve as enumerators?

In 2010, [LIC](#) challenged an order requiring its [Jalandhar](#) office to provide at least 150 employees as Enumerators and Supervisors.

The Punjab and Haryana High Court quashed the orders. It held that Section 7(c) only allowed assistance in taking the Census of persons within an establishment and found the directions “beyond the scope and powers conferred by the Census Act, 1948”.

But it expressly left the state free to invoke Section 4(2) “wherever and whenever so required”.

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In a separate LIC case, the Gujarat High Court similarly ruled against requisition of LIC employees, with a Division Bench holding in 2019 that Section 7 did not confer such a power. That judgment is under challenge before the Supreme Court.

Private-school teachers had raised similar objections during Census 2011, though the litigation did not produce an unqualified prohibition on their deployment.

In May 2010, Manisha Jain, a teacher at an unaided school in [Chandigarh](#), approached the Punjab and Haryana High Court after being appointed an enumerator. In an interim order, Justice K Kannan was reported to have observed that it would be “incorrect” to force a private teacher to undertake Census work after her normal working hours.

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Private unaided schools also approached the Bombay High Court. On January 24, 2011, a Division Bench gave interim protection against coercive action against private unaided-school teachers refusing Census duty. The Centre sought modification of this order, arguing, among other things, that Section 4(2) of the Census Act permitted “any person” to be appointed for Census duty.

The court subsequently modified the arrangement. On February 3, it allowed teachers of private aided and unaided schools to be deployed for Census 2011, while directing that their services normally be used before or after school hours, exempting teachers of Classes X and

XII, and allowing school managements to decide which teachers could be spared so that academic work was not disrupted.

Does the Constitution allow citizens to be compulsorily drafted for public work?

Yes — but this does not by itself give Census authorities the power to do so.

Article 23(1) prohibits *begar* and other forms of forced labour. But Article 23(2) expressly permits the State to impose “compulsory service for public purposes”, provided it does not discriminate on specified grounds.

Indian law has in fact provided for compulsory civilian service.



Census officials in Pune. (Pavan Khengre)

Under the Police Act, 1861, residents of a neighbourhood may in specified public-order circumstances be appointed special police officers. The Calcutta High Court in *Dulal Samanta v District Magistrate, Howrah* (1958) characterised this as compulsory public service protected by Article 23(2).

An even clearer example is the National Service Act, 1972, under which specified qualified doctors and engineers could be called up for national service. However, Parliament created an elaborate statutory regime for this: it identified who was liable, provided for registration and notice, permitted postponement on hardship grounds, prescribed remuneration and required private employers to release — and later reinstate — employees called up for service.

The same elaborate arrangement is not available in the Census Act.

Why does the Census need such a large workforce?

Census enumeration remains overwhelmingly manpower-intensive despite digitisation. In June 2025, the government estimated that about 34 lakh Enumerators and Supervisors would be deployed; more recent operational figures put the number being trained at around 31 lakh. Census authorities say enumerators are mainly drawn from school teachers and government and local-body officials. There are more than 50 lakh government teachers in the country.

A former RGI official said the difficulty is not necessarily a national shortage of teachers but their uneven availability. “Exemptions and attempts by employees to avoid Census duty shrink the usable pool, while remote and tribal areas may have relatively few government teachers even when cities have a surplus,” he said.

He also pointed out that Census honoraria have become substantial enough to encourage voluntary participation and conscription may not be required.

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