



2026:AHC:123270

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 7210 of 2026

North Central Zone Insurance Employees

.....Petitioner(s)

Versus

Union Of India And 5 Others

.....Respondent(s)

Counsel for Petitioner(s) : Raunak Singh, Vikrant Pandey
Counsel for Respondent(s) : Krishna Deo Rai, A.S.G.I., Ashish Mishra, C.S.C., Siddharth Singhal

Reserved on 26.05.2026.

Delivered on 29.05.2026.

A.F.R.

Court No. - 33

HON'BLE DINESH PATHAK, J.

1. Heard Sri Vikrant Pandey, learned counsel for the petitioner; Sri S.P. Singh, learned Additional Solicitor General of India, assisted by Sri Vivek Kumar Singh for respondent nos. 1, 2 and 3; Sri Ashish Mishra, learned counsel for respondent nos. 4 and 5, and Sri Brijesh Kumar Srivastava, learned Standing Counsel for State respondent no. 6.
2. The petitioner is a Union representing Class III and Class IV employees of the Life Insurance Corporation of India (in brevity 'L.I.C.') in the North Central Zone, having its Head Quarter at Kanpur. The grievance raised in the present writ petition pertains to entrustment of census duties upon the employees of the L.I.C.
3. Learned counsel for the petitioner submits that under Section 4-A of the Census Act, 1948 (in brevity 'Act, 1948'), only employees of local authorities can be requisitioned for performing census duties as Enumerators/Supervisors. He further submits that the employees of the L.I.C. do not fall within the definition of "local authorities" as defined under Section 3(31) of the General Clauses Act, 1897; therefore, entrustment of census duties upon them is wholly unsustainable in the eyes of law. In support of his submissions, he has placed reliance upon the judgment dated 21.09.2010 passed by the Hon'ble High Court of Punjab & Haryana at Chandigarh in the case of **Life Insurance Corporation of India vs. Union of India And Others, C.W.P. No.7037 of 2010** (Annexure-5), as well as the

judgment dated 14.10.2013 passed by the learned Single Judge of the **Gujarat High Court in the case of Life Insurance Corporation Ltd. vs. Registrar General and Census Commissioner of India; Special Civil Appeal No.5335 of 2010.**

4. Per contra, learned Senior Counsel for the Union of India has contended that Section 4-A of the Act, 1948 cannot be read in isolation and has to be constructed conjointly with Section 6 (1)(e) and 7(c) of the Act, 1948, which specifically contemplate engagement of employees of factories, firms and establishments for census work. He has emphasized that the L.I.C. comes within the ambit of a 'commercial establishment' and, therefore, engaged of its staff for census operations is well within the domain of the Act, 1948. It has further been contended that Rule 3 of the Census Rules, 1990 (in brevity 'Rules 1990') prescribes the categories of officers who may be appointed a census officers. In the tabulation appended to Rule 3, the designation "Enumerator" appears at Serial No.5 and the corresponding category of persons eligible for appointment includes "teachers, clerks or any official or any person". Thus, according to the Senior Counsel, the Rule confers wide discretion upon the competent authority to appoint suitable persons as Enumerators. He has further contended that the order passed by the Zonal Officer under Section 4(4) of the Act, 1948, whereby employees of the L.I.C. are appointed as Enumerators/Supervisors, has not been challenged in the writ petition. In support of his submission, learned Senior Counsel has placed reliance upon the judgement dated 04.03.2011 rendered by a Division Bench of this court in case of **Life Insurance Corporation of India And Others vs. Municipal Commissioner/Additional Chief Census Officer, Nagar Nigam, Kanpur And Others, Civil Misc. Writ Petition No.28736 of 2010.**

5. Having considered the rival submissions advanced by learned counsel for the parties and upon perusal of record, it reflects that the question which arises for consideration in the present writ petition lies in a narrow compass, namely, whether employees of the L.I.C. can legally be engaged as Enumerators/Supervisors for the purposes of performing the census work.

6. The subject of "Census" falls under Entry 69, of List 1 (Union List) of the Seventh Schedule to the Constitution of India read with Article 246 thereof, and thus Parliament has exclusive power to legislate in census matter. The Act, 1948, as amended from time to time, the Central law, governs the entire process relating to census operations, including appointment of census staff, duties of citizens, penalties for non-compliance, and confidentiality of information collected during census operations. Section 4 of the Act, 1948,

provides the provision for appointment of census staff and Section 4-A of the Act, 1948 enunciates that staff of every local authority to be made available for taking census. The said provisions are reproduced hereinbelow :-

"Section 4: Appointment of census staff :- (1) The Central Government may appoint a Census Commissioner to supervise the taking of the census throughout the area in which the census is intended to be taken, and [Directors of Census Operations] to supervise the taking of the census within the several States.

(2) The State Government may appoint persons as census-officers [with such designations as that Government may deem necessary] to take, or aid in, or supervise the taking of, the census within any specified local area and such persons, when so appointed, shall be bound to serve accordingly.

(3) A declaration in writing, signed by any authority authorised by the State Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(4) The State government may delegate to such authority as it thinks fit the power of appointing census-officers conferred by sub-section (2).

Section 4-A Staff of every Local Authority to be made available for taking census :- Every local authority in a State shall, when so directed by a written order by the Central Government or by an authority appointed by that Government in this behalf, make available to any Director of Census Operations such staff as may be necessary for the performance of any duties in connection with the taking of census."

7. Section 4(1) authorizes the Central Government to appoint a Census Commission and Directors of Census Operations to supervise the census work. Section 4(2) of the Act, 1948 authorizes the State Government to notify the appointment of persons as Census Officers with such designation as may be deemed necessary for carrying out census operations within any specified local area. Such persons, who are appointed for the assigned work of census, shall be statutorily bound to serve accordingly. Sub section 4 of Section 4 further authorizes the State Government to delegate the power of appointing the Census Officer conferred by sub section 2. In exercise of power under Section 4(2) of the Act, 1948, the State Government issued Notification dated 09.01.2026 appointing officers as Census Officers with various designations, as mentioned in the said notification, which contains a tabulation wherein serial number, officers' name, census designation and their jurisdiction are indicated. It appears that pursuant thereto, the Zonal Officer, in exercise of delegated power under Section 4(4) of the Act, 1948 read with Rule 3 of the Rules, 1990, issued orders appointing the officials of the L.I.C. as Enumerators/Supervisors.

8. For adjudication of the present controversy involved in the instant matter,

Section 6 and Section 7 of the Act, 1948 along with Rule 3 of the Rules, 1990 are also relevant to be considered, which are reproduced hereinbelow :-

"Section 6: Discharge of duties of census officers in certain cases :- (1) Where the District Magistrate, or such authority as the State Government may appoint in this behalf, by a written order so directs –

(a) every officer in command of any body of men belonging to the naval, military or air forces, or of any vessel of war, of India,

(b) every person (except a pilot or harbourmaster) 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, 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, and

(f) every occupant of immovable property wherein at the time of the taking of the census persons are living,

shall perform such of the duties of a census-officer 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 house, or are present on or in such immovable property or are employed under him as may be specified in the order.

Section 7: Power to call upon certain persons to give assistance :- The District Magistrate, or such authority as the State Government may appoint in this behalf for any local area, may, by written order which shall have effect throughout the extent of his district or of such local area, as the case may be, call upon -

(a) all owners and occupiers of land, tenure-holders, and farmers and assignees of land revenue, or their agents,

(b) all members of the district, municipal, panchayat and other local authorities and officers and servants of such authorities, and

(c) all officers and members of staff of any factory, firm or establishment, to give such assistance as shall be specified in the order towards the taking of a census of the persons who are, at the time of the taking of the census, on the lands of such owners, occupiers, tenure-holders, farmers and assignees, or in the premises of factories, firms and other establishments, or within the areas for which such local authorities are established, as the case may be, and the persons to whom an order under this section is directed shall be bound to obey it and shall, while acting in pursuance of such order, be deemed to be public servants within the meaning of the Indian Penal Code.

RULE 3: Appointment of Census Officers :- The State Governments and the Union territory Administrations in order to aid the taking of the census within their States or Union territories, may appoint officers from against the category mentioned in column 2 as census officers within their jurisdictions with such designation mentioned in column 1 of the Table below.

	<u>Designation</u>	<u>Officers to be appointed</u>
	1	2
1.	<i>Principal Census Officer</i>	<i>District Collectors/ Magistrates/ Commissioners of administrative heads of Corporations or any nominated Officer.</i>
2.	<i>District/Additional district/ Deputy district/Sub-divisional district/City/Additional City Census, Officer.</i>	<i>District Collectors/ Magistrates/ Officer assisting District Collectors/ Magistrates/ Commissioner/ District Sub-divisional Officers or Revenue Divisional Officers.</i>
3.	<i>Charge Officer/ Assistant Charge Officer/ Additional Charge Officer and Sub-Charge Officer.</i>	<i>Tehsildars/ Additional Tehsildars/ Mamlatdars/ Block Development Officer/ Chief Administrative Officer of towns/ Executive Officers and other Officers.</i>
4.	<i>Supervisor</i>	<i>Officers generally of a rank higher than enumerators or any person.</i>
5.	<i>Enumerator</i>	<i>Teachers, Clerks or any official or any person.</i>

9. Section 6 of the Act, 1948 empowers the District Magistrate (or any authority appointed by the State Government) to issue a written order directing specific categories of persons/officials to perform the duties of census officers in respect of people under their command, charge, or control. Clause (e) of Section 6 (1) targets Manager/Officers of Railways, commercial and industrial establishment. It allows the administration to enlist corporate and industrial sector personnel for census work (e.g. enumerating employees, workers or people on the premise). This is crucial for covering organized sector workforce and institutional population efficiently. It reflects legislative intent to leverage extending administrative hierarchy in the private sector for public duties during census operations. Failure to comply can lead to penal consequences.

10. Furthermore, Section 7 of the Act, 1948 gives power to the District Magistrate (or authorized authority) to issue a written order calling upon specific categories of persons to provide assistance for the census. The order has effect throughout the district or local area. Persons called upon are bound to obey the order and, while acting under it, are deemed public servant under the I.P.C. Sub section (c) of Section 7 is wide empowering provision covering the private sector. It allows mobilization of staff from companies for tasks like enumeration, supervision, or data collection within their premise. It specifically provides that every officer or employee of (i) a local authority, (ii) a factory, firm or establishment, or (iii) an institution shall be bound to assist in census operation when required by the prescribed authority. The term 'establishment' is not narrowly restricted in the Act, 1948

and is ordinarily understood to include organized bodies employing persons for official, commercial, industrial, educational, or administrative work. It compliments Section 6 by focusing on 'assistance' rather than full discharge of census officer duties. The Hon'ble Gujarat High Court, in the case of Life Insurance Corporation Ltd. vs. Registrar General (supra), as relied upon by the learned counsel for the petitioner, examined whether employees of a statutory Corporation like L.I.C. could be compelled under Section 4, 7(b) and 7(c) of the Act, 1948. The judgment clarifies the distinction between appointment of Census Officers (Section 4) and calling for assistance (Section 7). It highlighted limits on compelling staff of public undertakings/corporations without proper delegation or procedure, emphasizing that Section 7(c) applies to factory, firm or establishment but requires careful application to avoid excessive burden or invalid delegation.

11. Rule 3 of Rules, 1990 authorizes the appointment of Census Officers such Enumerators, Supervisors, Charge Officers etc. from among Government Servants and other suitable persons for performing census duties. It contains a tabulation wherein Column 1 denotes the designation of census officers who are to be appointed to carry out the census work, and Column 2 specifies the category of persons who may be appointed against such designation. Serial no.5 of the tabulation is particularly relevant for the purposes of deciding the instant writ petition, which talks about Enumerator. Against the designation Enumerator, details of officers are mentioned in Column 2 as teachers, clerks or any official or any person. Thus, undoubtedly, any teacher, clerk or any official, or even any suitable person can be appointed as an Enumerator. No distinction has been drawn in this rule between the clerks or officials of local body, institution, or establishment and others. The word "any person" employed in Column 2 against the designation "Enumerator" carries a wider connotation and cannot be confined only to the government employees or officials of the local authorities. In this backdrop of the legal proposition, the Authorized Authority/Zonal Officer is competent to issued orders commanding the persons employed with the L.I.C. to act as Enumerators/Supervisors for census work. Needless to say that the persons engaged in the execution of census duties are deemed to be public servants within the meaning of the Indian Penal Code, and any slackness or neglect on their part is punishable under the provisions of the Act, 1948, read with the Indian Penal Code.

12. Conjoint reading of Section 4, 4-A, 6(1)(e), 7(c) of the Act, 1948 read with Rule 3 of the Rules, 1990 leaves no room for doubt that employee of any establishment can legally be engaged for census duties. Once appointed or directed, they are under the statutory obligation to perform such duty,

which is treated as a public duty under the Act, 1948. The expression 'any official or any person' employed in Rule 3 is of wide amplitude and cannot be restricted only to employees of local authority or government departments. Further, Section 7(c) specifically contemplates assistance by officers and members of staff of any factory, firm or establishment for the purposes of census operations. Section 6 and 7, help in decentralized and efficient census taking by utilizing local administration and private sector resources. Non-compliance of direction issued to the persons who were engaged in census operation attracts penalties (including under Section 11 of the Act, 1948). These provisions were inserted/amended to strengthen the machinery for large scale operations like decennial census. These sections balance compulsory public duty with particular administration for a massive exercise like the Indian census. As discussed above, the term 'establishment' has not been narrowly defined under the Act, 1948 and, in ordinary parlance, includes commercial establishments such as L.I.C. In the backdrop of the statutory scheme, the order issued by the competent authority requiring staff of L.I.C. to function as Enumerator/Supervisor cannot be said to be dehors the provision of the Act, 1948 or the Rule, 1990. Once appointed for census work, such persons are deemed to be public servants and are under a statutory obligation to discharge the assigned duties. Moreover, the Hon'ble Division Bench of this Court in the matter of Life Insurance Corporation And Others (supra) has already upheld the engagement of employees of L.I.C. for census work. Relevant paragraph nos. 15 and 16 of the said judgment is reproduced herein below :-

"15. That power, in our opinion, can be localised in Section 7 of the Act. The officers/employees of the writ petitioners would be covered by the expression 'establishment', as they are working in an establishment. Once, they are found working in an 'establishment', in our opinion, the only question is as to whether the power should be exercised by the District Magistrate or by any authority notified by the State Government under Section 4 (2) of the Act, depending on whether the expression is 'as' or 'or'. If the Act as downloaded from the website is taken into consideration, the expression used is 'or' and not 'as' and thus it is not only the District Magistrate, but other authorities can also be appointed by the State Government for any local area, which the State Government has done under Section 4 (2) of the Act. Respondent no.1 is one such authority. The demand has been made by respondent no.1 in respect of the officers/employees working in the Kanpur Branch of the Life Insurance Corporation. Therefore, it was well within the jurisdiction of respondent no.1, considering that power has been conferred to call on the writ petitioners to make available the names of their officers/employees for the purpose of carrying on the census operations.

16. Alternatively, even if we assume that the expression is not 'or' and is 'as' then at the highest, the power can be exercised by the District Magistrate, who is the Principal Census Officer insofar

as the whole district is concerned. Insofar as the Nagar Nigams are concerned, they are only a part of the district and thus the Municipal Commissioners have been notified as Additional Principal Census Officers. So, if in the event, respondent no.1 has no jurisdiction, then the District Magistrate in respect of the district would have jurisdiction. As such, at the highest, it can be said that respondent no.1 would not have been an authority to issue a direction to the writ petitioners, as such power is vested with the District Magistrate. However, considering that in various other writ petitions, interim orders were passed directing the petitioners, like the writ petitioners, to make available not more than 25% of their officers/employees and as the census operations are going on, no useful purpose would be served by quashing the orders dated 05.04.2010 and 17.04.2010 and the subsequent orders. In fact, in the order dated 05.04.2010, a reference has been made to the Notification dated January 18, 2010. Thus, in any view of the matter, no relief can be granted as sought for. However, at the same time, we may note that though respondents may call on the writ petitioners to make available the officers/employees for the purpose of census operations, in exercise of that power, the working of the writ petitioners themselves should not be affected as observed in the case of State Bank of India (supra). If there be power, it has to be exercised with circumspection and minimum staff can be requisitioned. We, therefore, direct the respondents that if and when a notification is required to be issued under Section 7 of the Act, then from the Institutions like the writ petitioners, requisition should be, at any rate, not more than 25% of the available staff within the area of the jurisdiction conferred on the officers."

13. The judgment relied upon by the learned counsel for the petitioner rendered by the Punjab & Haryana High Court and the Gujarat High Court do not consider the effect of Rule 3 of the Rules, 1990 and Section 6(1)(e) of the Act, 1948. It is also relevant to note that the Government of Uttar Pradesh has issued notification dated 04.02.2026 prescribing the schedule for the first phase of Census of India, 2027 wherein house listing and house census operations are to be conducted from 22.05.2026 to 20.06.2026.

14. In view of the discussions made herein above, this Court is of the considered opinion that the Authorized Authority/Zonal Officer has not committed any error or illegality in issuing orders in exercise of delegated power under Section 4(4) of the Act, 1948 read with Rule 3 of the Rules, 1990, directing the employees of the L.I.C. to discharge duties as Enumerators/Supervisors to facilitate the work of census operations. Further, the writ petition contains only a vague prayer seeking quashing of the

decision to engage employees of the L.I.C. for census work and no specific challenge has been made to any particular order. The ancillary prayer seeking issuance of a writ of mandamus restraining the respondents from engaging employees of the L.I.C. in census operations also cannot be granted in light of the statutory provisions discussed herein above.

15. Resultantly, instant writ petition, being misconceived and devoid of merits, is **dismissed** with no order as to costs.

May 29, 2026
VR

(Dinesh Pathak,J.)