



# PARLIMEN MALAYSIA



**BILL**

**Census 1960**

**D.R.4/1960**

(Presented and read a first time and ordered to be printed, 25th November, 1959).

## A BILL intituled

An Act to provide for the taking of a Census from time to time.

[ ]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Census Act, 1960.

Short title.

2. In this Act, unless the context otherwise requires—

Interpretation.

“Assistant Commissioner” means an Assistant Commissioner appointed under section 4;

“census officer” means any person appointed under section 4 as Commissioner, Deputy Commissioner, Assistant Commissioner, Supervisor, house numberer or enumerator, acting within the local limits of any area for which he may have been so appointed;

“Commissioner” means the Commissioner appointed under sub-section (1) of section 4, and includes a Deputy Commissioner;

“Schedule” means a schedule in the prescribed form in which are, or are to be, entered the prescribed particulars required for the purposes of a census.

3. The Yang di-Pertuan Agong may, by order notified in the *Gazette*, from time to time direct that a census be taken throughout the Federation or any specified area of the Federation of the population, agriculture (including animal husbandry), trade, labour, industry, commerce, orphanhood, widowhood, blindness or other specified infirmity, disease or affliction, or such other matters as he may consider necessary or desirable in order to ascertain the social, civil or economic condition or state of health of the inhabitants of the Federation.

Power to direct Census to be taken.

4. (1) The Yang di-Pertuan Agong may, from time to time, by notification in the *Gazette* appoint a Commissioner and such Deputy Commissioners and Assistant Commissioners in and for the Federation or any part thereof, and with such titles relating to the nature of the census in respect of which they are appointed, as he may consider necessary for the purposes of any order under section 3.

Appointment of officers.

(2) The Commissioner, any Assistant Commissioner, and any census officer authorised by the Commissioner in that behalf, may by writing under his hand appoint any person



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as a supervisor, house numberer or enumerator to supervise or take or aid in the taking of a census within any specified area.

(3) Every census officer shall, before embarking upon his duties, take and subscribe an oath in the form set out in the Schedule.

(4) Every census officer shall be deemed to be a public servant within the meaning of the Penal Code.

Census  
officers to  
carry proof  
of appoint-  
ment.

5. (1) Every census officer, other than a census officer appointed by notification in the *Gazette*, shall carry with him at all times when on census duty the writing under the hand of the Commissioner, Assistant Commissioner or other census officer authorised by the Commissioner in that behalf appointing him a census officer under sub-section (2) of section 4, and shall produce the same for inspection by any person who may in good faith question his authority as a census officer.

(2) Every census officer appointed by notification in the *Gazette* shall carry with him at all times when on census duty a copy of the notification in the *Gazette* appointing him a census officer.

Rules.

6. (1) The Yang di-Pertuan Agong may from time to time make rules to give effect to the provisions of this Act and, without prejudice to the generality of such powers, such rules may provide for—

- (a) the duties of census officers;
- (b) the particulars regarding which, the persons from whom, and the mode in which, information shall be obtained for the purposes of any census;
- (c) the forms of schedules to be used in obtaining such particulars;
- (d) the form of requisition to be addressed to employers of labour under section 12;
- (e) such other matters as may be prescribed.

(2) Such rules shall be published in the *Gazette*.

Occupier  
to allow  
access and  
permit  
affixing of  
numbers.

7. Every person occupying any land, house, enclosure, vessel or other place shall allow any census officer such access thereto for the purposes of the census as, having regard to the customs of the country, may be reasonable, and shall allow him to paint, mark, or affix on or to the property in the occupation of such person, such letters, marks or numbers as the Commissioner may deem necessary for the purposes of the census.

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8. Every census officer may ask all such questions of all persons within the limits of the area for which he is appointed as may be necessary to obtain the information required for the purposes of the census, and every person of whom any such question is asked shall be bound to answer such question truthfully to the best of his knowledge and belief.

Questions  
by census  
officers.

9. (1) Any census officer may leave or cause to be left at any dwelling-house within the area for which he is appointed a schedule in the prescribed form to be filled in by the occupier of such dwelling-house or of any specified part of such dwelling-house.

Delivery  
and filling  
in of  
schedules.

(2) Such occupier shall, within the time mentioned therein, fill in the said schedule, or cause it to be filled in, in the manner prescribed and shall thereafter deliver the schedule so filled in to the enumerator or supervisor appointed for the area in which such dwelling-house is situate or to such other person as the Assistant Commissioner may direct.

(3) If unable either to fill in the schedule in the prescribed manner or cause some other person so to fill it in, such occupier shall preserve it in the condition in which he received it and shall deliver it to such enumerator, supervisor or other person as aforesaid who shall then exercise the powers conferred upon him by section 8 and shall fill in the schedule in the prescribed manner.

(4) At any time before or within twelve months (or such longer period as may be prescribed) after the date directed for the taking of the census, if instructed by any Assistant Commissioner so to do, any census officer may visit any dwelling-house within the area for which he is appointed for the purpose of checking any information obtained or of obtaining further information for the purposes of the census, in which event, after exercising the powers conferred upon him by section 8, he shall

(a) if satisfied that a schedule relating to any dwelling-house contains the name of any person who was not within that dwelling-house at the time of the taking of the census, delete from such schedule the name of, and all particulars relating to, the said person; and

(b) if satisfied that any person was within any dwelling-house at the time of the taking of the census whose name is not written in a schedule relating to that dwelling-house, enter the name of, and all particulars relating to, the said person in such



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schedule or in a separate schedule, as the Commissioner may direct; and

- (c) if satisfied that any schedule is incorrect in any other material particular make any necessary correction thereto.

Collective  
schedules to  
be filled in  
by persons  
in charge of  
institutions,  
etc.

**10. (1)** An Assistant Commissioner may deliver or cause to be delivered to—

- (a) the person in charge of any mental hospital, hospital, work-house, prison, police station, reformatory or lock-up, or any Government, co-operative, collective or tribal farm, or any charitable, religious, educational or other public or private institution or organisation; or to

- (b) the keeper, secretary or manager or other person in charge of any hotel, boarding-house, lodging-house, club or other residential establishment;

a schedule or schedules in the prescribed form to be filled in in respect of such premises.

(2) The person to whom any such schedule is so delivered shall fill in the same or cause the same to be filled in, to the best of his knowledge and belief, with the prescribed particulars in respect of the premises at the time aforesaid, and shall sign his name thereto and, when so required, shall deliver the schedule or schedules so filled in and signed to the enumerator or supervisor appointed for the area in which such premises are situate or to such other person as the Assistant Commissioner may direct.

Enumera-  
tion of  
naval,  
military and  
air forces  
and  
travellers.

**11.** The Commissioner shall obtain, by such lawful means as shall appear to him best adapted for the purpose, the prescribed particulars regarding—

- (a) any military or air force or any body of men belonging to a vessel of war, and

- (b) all persons who at the time when the census is being taken are travelling, or on shipboard, or for any other reason not abiding in any premises of which account is to be taken in the census,

and shall include such information in the abstracts to be made by him as provided in section 15.

Employers  
of labour  
may be  
required to  
be enum-  
erators.

**12. (1)** Every employer—

- (a) of ten or more labourers who reside upon any agricultural estate or mining property, or in any factory or work-shop, or

- (b) of such other class or description of labourers as may be prescribed,

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shall, upon receipt of a written requisition in that behalf in the prescribed form signed by an Assistant Commissioner, act or appoint an agent to act as enumerator in respect of all persons employed or residing upon or in such estate, mining property, factory or workshop.

(2) Every such employer or agent shall enter or cause to be entered, in the schedules delivered to him for such purpose, the prescribed particulars regarding all persons referred to in sub-section (1) and shall deliver such schedules filled in to the best of his knowledge and belief, to the enumerator or supervisor appointed, for the area within which such estate, mining property, factory or workshop is situate, or to such other person as the Assistant Commissioner may direct.

13. All Government servants shall assist in the work of taking the census, if and when so required by the Commissioner or by an Assistant Commissioner.

Government servants to assist in taking census.

14. Every enumerator shall deliver to the supervisor of the area for which he is appointed all schedules, and all such returns as may be required by the Commissioner, on a day or days to be appointed for that purpose by the Assistant Commissioner for such area, and such supervisor shall forthwith verify them and transmit them, together with any other schedules and returns in his custody, to the Assistant Commissioner who shall forthwith forward the same to the Commissioner, or to such other person as the Commissioner may direct.

Delivery of schedules and returns.

15. (1) The Commissioner shall, upon receipt of the schedules and returns forwarded pursuant to this Act, cause an abstract to be made of the same for each State and an abstract for the whole of the Federation, and such abstracts shall be printed and published for general information.

Abstract to be made and published.

(2) In any abstract prepared under sub-section (1) with reference to any trade or industry the particulars and information comprised in such abstract shall not be arranged in any way which would enable any person to identify any particulars or information so published as being particulars or information relating to any individual person or business.

16. (1) Any census officer and any person employed in the preparation of the abstracts required to be made under section 15 who—

Offences by census officers.

(a) without sufficient cause, refuses or neglects to comply with any instruction or requisition addressed to him by the Commissioner or an



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Assistant Commissioner, or fails to use reasonable diligence in performing any duty imposed on him; or

- (b) wilfully puts an offensive or improper question; or
- (c) knowingly makes any false return; or
- (d) asks, receives, or takes from any person other than an authorised officer of the Government any payment or reward;

shall be guilty of an offence and liable to a fine not exceeding one hundred dollars or to imprisonment for a term which may extend to one month, or to both such fine and imprisonment.

(2) Any census officer and any person employed in the preparation of the abstracts required to be made under section 15 who discloses or makes use of, except for the purposes of this Act, any information which has come to his knowledge in the course of his duty as such shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand dollars, or to both such imprisonment and fine.

Other  
Offences.

17. (1) Any person who—

- (a) refuses to answer truthfully, to the best of his knowledge and belief, any question asked of him by a census officer which he is legally bound so to answer or wilfully makes a false answer thereto; or
- (b) makes, signs, delivers or causes to be made, signed, or delivered any wilfully false or incorrect schedule, statement, or return; or
- (c) refuses to allow a census officer such reasonable access to any house, land, enclosure, vessel, or other place as he is required by this Act to allow; or
- (d) removes, obliterates, alters or injures, before the expiry of twelve months from the time of taking the census, any letters, marks or numbers which have been painted, marked or affixed for the purposes of the census; or
- (e) refuses or neglects to comply with any provision of this Act or of any rule made thereunder;

shall be guilty of an offence and liable to a fine not exceeding one hundred dollars or to imprisonment for a term which may extend to one month, or to both such fine and imprisonment.

(2) Any person who impersonates a census officer shall be guilty of an offence and liable to a fine not exceeding

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one thousand dollars or to imprisonment for a term which may extend to six months or to both such fine and imprisonment.

18. No prosecution shall be instituted under this Act without the previous sanction in writing of the Public Prosecutor.

No prosecution without sanction of the Public Prosecutor.

19. (1) No individual return of particulars or information, and no part thereof furnished relating to any business, occupation or work shall, without the previous consent in writing of the person having the control, management or superintendence thereof, be published nor, except for the purposes of a prosecution under this Act or under such conditions as may be prescribed, shall any person not engaged in connection with a census be permitted to see any such individual return or part thereof.

Individual returns not to be disclosed.

(2) In making rules and prescribing forms under section 6 due regard shall be had to the circumstances of various trades and industries, and in particular to the importance of avoiding the disclosure in any return of any trade secret or of trading profits, or of any other particulars or information the disclosure of which would be likely to tend to the prejudice of the person furnishing the return.

20. No entry in any book, register, or record made by a census officer or by any person in the discharge of his duty under this Act shall be admissible in evidence in any civil or criminal proceeding, save and except a prosecution instituted under this Act in respect of such entry against the person who made, signed or delivered the same, or caused the same to be made, signed or delivered.

Census records secret and not admissible in evidence.

21. The Census Ordinance, 1947, is hereby repealed.

Repeal.  
10 of 1947.



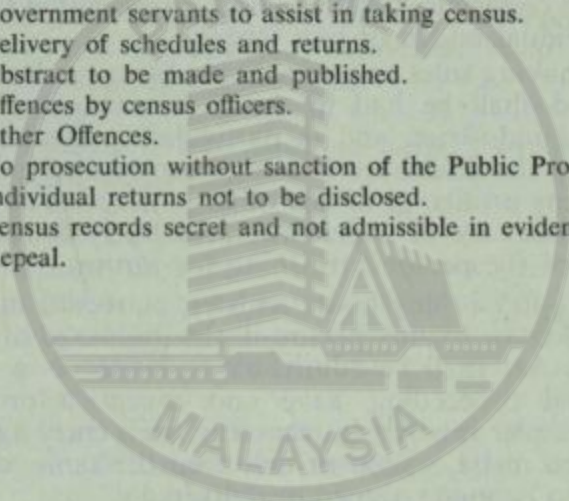
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## EXPLANATORY STATEMENT

As part of the World Census of Agriculture being presented by the Food and Agriculture Organisation in 1960, the Government has decided to take a Census of Agriculture within the Federation, in order to provide basic statistics on Malayan agriculture necessary for future development plans.

2. The only legislation at present in force relating to census is the Census Ordinance, 1947, but this Ordinance is in fact limited to the taking of a population census. It is considered desirable that provision should be made for the taking of a census relating not only to population, but to agriculture (including animal husbandry), trade, labour, industry, commerce, orphanhood, widowhood, blindness or other specified infirmity, disease or affliction, and such other matters as the Yang di-Pertuan Agong may consider necessary or desirable in order to ascertain the social, civil or economic condition or state of health of the inhabitants of the Federation. Such provision is made by *clause 4* of the above Bill, which re-enacts, with several amendments, the provisions of the Ordinance of 1947.

3. Apart from the extension of the power to direct a census, contained in *clause 4*, and the amendments consequential thereon, the Bill proposes to impose certain restrictions upon the disclosure of information obtained upon any census. These restrictions are contained in *clauses 4 (3), 15 (2), 16 (2), 19, 20, and the Schedule*, are derived from parallel provisions of the Statistics Ordinance, 1949, and are designed to ensure that information derived from the census shall be treated as confidential. In other respects the Bill follows in substance the provisions of the Ordinance of 1947, which it is designed (*clause 21*) to repeal and replace.

[AG. 2068.]

