

IN THE HIGH COURT OF ORISSA, CUTTACK
(ORIGINAL JURISDICTION CASE)

WPC(PIL) NO. OF 2026

Code No.-219900

IN THE MATTER OF:

**An application under Articles 226 of the
Constitution of India 1950;**

And

IN THE MATTER OF:

“An application under Article 226 of the Constitution of India in the nature of Public Interest Litigation challenging the arbitrary, illegal and unjust action/decision of the Opp.Parties in relation to the Gazette Notification dated 22.01.2026 issued by the Office of the Registrar General and Census Commissioner of India regarding the questionnaire for Census 2026–2027 .

AND

IN THE MATTER OF:

“Fixing accountability for any misuse, leakage or manipulation of personal data collected during the census process and ensuring responsibility of the authorities concerned, in view of the serious apprehension of possible litigation arising out of such misuse.”

AND

IN THE MATTER OF:

An application under Article 226 of the Constitution of India in the nature of Public Interest Litigation praying for issuance of a writ of

Mandamus or any other appropriate writ, order or direction directing the Opp.Parties to take necessary corrective measures and to modify the impugned questionnaire issued for Census 2026–2027 vide Gazette Notification dated 22.01.2026, in the interest of justice .

AND

IN THE MATTER OF:

Absence of any provision or guideline in the census questionnaire regarding the manner of declaration and verification of information relating to existing litigation, pending eviction suits, encroached land or buildings, measurement of property area and their conditions, which may lead to misdeclaration or false declaration and may give rise to unnecessary litigation or fabricated cases arising out of personal vendetta or rivalry, particularly when furnishing incorrect information attracts penal consequences under the Census Act.”

AND

IN THE MATTER OF:

Smt. Jayanti Das, aged about 65 years, W/o-Sri Kumuda BandhuDas, At-Mahamadia Bazar, Po-Chandini chowk, Ps-Lalbag, Town/Dist-Cuttack .

.....Petitioner

-Versus-

1. Union of India represent through the Registrar General and Census Commissioner of India, Office of the Registrar General and Census Commissioner, Ministry of Home Affairs, Government of India, New Delhi – 110001.
2. Chief Secretary, Government of Odisha, Lok Seva Bhawan, ,District – Khurda, Odisha – 751001.

3. Secretary, Revenue and Disaster Management Department, Government of Odisha, Lok Seva Bhawan, Bhubaneswar, District – Khurda, Odisha – 751001.

4. Secretary, Housing and Urban Development Department, Government of Odisha, Lok Seva Bhawan, Bhubaneswar, District – Khurda, Odisha – 751001.

5. Secretary, Home Department, Government of Odisha, Lok Seva Bhawan, Bhubaneswar, District – Khurda, Odisha – 751001.

.....Opposite Parties

The matter out of which this writ application arises as per instruction was never before this Hon'ble Court in any form whatsoever.

To

**The Hon'ble Chief Justice of Orissa High Court
and His Lordship's Companion Justices of the said
Hon'ble Court.**

**The humble petition filed by
the Petitioner named above.**

MOST RESPECTFULLY SHEWETH

1. That the present writ petition is being filed in public interest seeking appropriate directions from this Hon'ble Court for modification and clarification of the questionnaire issued for Census 2026–2027 vide Gazette Notification dated 22.01.2026 issued by the Office of the Registrar General and Census Commissioner, India.” **Copy of Gazette Notification dated 22.01.2026 is annexed herewith**

Annexure-1.

2. That the petitioners are citizen of India and resides within the territorial jurisdiction of this Hon'ble Court and the cause of action for filing of the present Public Interest Litigation also arose within the jurisdiction of this Hon'ble Court.
3. That the petitioner is a social worker, a public-spirited citizen and a permanent resident of Cuttack in the District of Cuttack. The petitioner has filed the present writ petition in the nature of a Public Interest Litigation (PIL) for safeguarding public interest, maintaining the rule of law, and protecting the dignity and sanctity of judicial institution
4. That it is humbly submitted that the petitioner is filing the present writ petition on their own and not at the instance of someone else. The litigation cost, including the Advocate's fee and the Travelling Expenses of the lawyer, if any, are being borne by the petitioners themselves.
5. "That the petitioner in the present writ petition under Article 226 of the Constitution of India prays for issuance of an appropriate writ of Mandamus or a direction in the nature of Mandamus, or any other appropriate writ, order or direction directing the Opposite Parties to take necessary corrective steps and act in accordance with law in respect of the impugned notification.
6. That the facts of the case in brief are as follows :—
That the Ministry of Home Affairs, Government of India through the Office of the Registrar General and Census

Commissioner issued a Gazette Notification dated 22.01.2026 prescribing the questionnaire and procedure for conducting Census 2026–2027. The said notification includes several questions relating to housing conditions, household assets and other socio-economic particulars. Being concerned about issues relating to privacy, absence of safeguards for protection of personal data and lack of accountability in the census process, the petitioner submitted representations dated 02.02.2026 and 10.02.2026 to the competent authorities seeking clarification and modification of the questionnaire. However, no action has been taken on the said representations, compelling the petitioner to approach this Hon'ble Court by way of the present Public Interest Litigation. Copy of the Representation dated 02.02.2026 and 10.02.2026 is annexed herewith as **ANNEXURE – 2 Series**.

7. That the said Gazette Notification raises several serious concerns relating to the privacy of citizens, possible misuse of personal data, absence of adequate procedural safeguards, and lack of accountability of the enumerators engaged in the census operations.
8. That the notification does not provide any assurance or mechanism ensuring that the personal data collected from citizens will not be leaked, manipulated, or transferred to third parties.
9. That although Section 11 of the Census Act, 1948 prescribes punishment of imprisonment up to three years and fine for alleged non-cooperation or furnishing of incorrect information, the notification does not provide any

safeguard for citizens in case their personal data is misused, leaked, or manipulated by authorities or enumerators .

10. That there is also no provision ensuring that a copy of the data collected (either manually or digitally) will be supplied to the concerned person with proper seal and signature of the enumerator. Such a provision is necessary so that the citizen may retain evidence of the information furnished in case of any future dispute or litigation.
11. “That the impugned notification does not prescribe any streamlined guidelines regarding the selection, qualification and verification of enumerators engaged for the ward-wise collection of census data. The notification is also silent regarding background verification, including police verification of such enumerators. In the absence of such safeguards, there exists a serious apprehension that the work of data collection may be outsourced to unauthorized persons, particularly in view of the incentive of ₹25,000/- announced for enumerators, thereby raising concerns about accountability and transparency in the census process.”
12. That since census operations fall under the domain of the Ministry of Home Affairs, the enumerating process should preferably be carried out by police personnel, home guards, or trained volunteers under the supervision of the Home Department, which would enhance public confidence and accountability in the process.
13. That the questionnaire included in the Gazette Notification contains several questions which do not appear to be directly connected with the primary objective of census,

namely counting of population and demographic details.

14. “That the list of questions prescribed in the Gazette Notification issued by the Census Commissioner appears to extend beyond the primary objective and domain of census operations, which is essentially to enumerate the population and collect basic demographic information. Several questions included in the notification, such as those relating to the predominant material of floor, wall and roof of the house, condition and use of the house, ownership status of the house, number of dwelling rooms, source of drinking water, lighting facilities, sanitation facilities, availability of kitchen and LPG/PNG connection, cooking fuel, and household assets such as radio, television, internet, computer, mobile phone and vehicles, do not bear a direct nexus with the core purpose of counting the number of persons.
15. That the above categories of information appear to be more closely related to the implementation and monitoring of various welfare schemes of the Government relating to housing, sanitation, electricity and social welfare programmes, including schemes such as ration benefits, housing assistance and other welfare initiatives meant for economically weaker sections of society. Therefore, inclusion of such questions in the census questionnaire may lead to administrative overreach and unnecessary overlap with the functions of other government departments.
16. That such questions are generally associated with implementation and monitoring of various government welfare schemes relating to housing, sanitation, electricity, and social welfare, which fall under

the domain of different departments such as Housing & Urban Development, Panchayati Raj, Finance, Energy, etc.

17. That the involvement of the Revenue and Disaster Management Department of the Government of Odisha in issuing notification relating to the census process raises serious administrative concerns, as the primary responsibility for census operations relating to enumeration of population ordinarily falls within the domain of the Ministry of Home Affairs and the Home Department of the State. Therefore, the Government may be directed to clarify the authority and reason under which the Revenue and Disaster Management Department has been entrusted with matters relating to census operations for counting of persons.
18. That inclusion of such questions in the census questionnaire may lead to administrative overlap between departments, and may also create confusion regarding responsibility and accountability for data accuracy.
19. That there is also no clear provision explaining how information relating to existing litigation, pending eviction suits, encroached land or buildings, or measurement of property area is to be declared or verified.
20. That in the absence of clear guidelines, there is a possibility of misdeclaration or false declaration, which may subsequently lead to unnecessary litigation and misuse of penal provisions under the Census Act.
21. That the petitioner further submits that the involvement of the Revenue and Disaster Management Department of Odisha in issuing notifications relating to census operations raises administrative concerns, as census activities primarily fall within the jurisdiction of the Home Department.

22. That the questionnaire should be structured strictly in accordance with the primary objective of the census, namely enumeration of population and collection of basic demographic particulars. If the questionnaire includes matters relating to housing, sanitation, electricity, welfare schemes and other socio-economic aspects falling within the jurisdiction of different departments such as Housing & Urban Development, Finance, CMO, Energy, Panchayati Raj and others, appropriate coordination and joint notification by the concerned departments may be required. Otherwise, such inclusion may lead to intrusion into the domain of different departments and may create difficulty in fixing accountability in case of any error, misuse or misinterpretation of the data collected.
23. That unless proper coordination among concerned departments is ensured, there is a likelihood of overlapping jurisdiction and lack of accountability in the implementation of the census process.
24. That the petitioner files the present writ petition under Article 226 of the Constitution of India, on the following amongst others -

GROUND

A. For that the questionnaire prescribed in the impugned notification contains several questions which may result in intrusion into the privacy of citizens, as it requires disclosure of detailed personal and household information beyond the essential purpose of population enumeration.

B. For that the notification does not provide any assurance or clear mechanism from the Government regarding protection of the data collected during the census process from leakage, manipulation,

unauthorized access or transfer to third parties, thereby raising serious concerns regarding data security and confidentiality.

C. For that the penal provision under Section 11 of the Census Act, 1948 imposes punishment including fine and imprisonment for alleged non-cooperation or furnishing of incorrect information, whereas the notification does not prescribe adequate safeguards to protect citizens from possible misuse or arbitrary application of such penal provisions.

D. For that there is no provision in the notification ensuring that a copy of the data collected from the concerned citizen will be supplied either manually or digitally, which may otherwise serve as a record for future reference and protection in case of disputes or legal proceedings.

E. For that the notification does not lay down any clear guidelines regarding the selection, verification and accountability of enumerators engaged for the collection of census data, including provisions for police verification or background verification of such personnel.

F. For that the absence of such safeguards may create the possibility of the data collection process being carried out by unauthorized or inadequately supervised persons, thereby affecting the reliability and credibility of the census process.

G. For that the questionnaire includes several matters relating to housing conditions, household assets and amenities which appear to extend beyond the core objective of census operations, thereby overlapping with the functions of other government departments responsible for housing, welfare schemes and socio-economic surveys.

H. For that the absence of clarity regarding declaration of

information relating to property disputes, encroachments and pending litigation may lead to misinterpretation of facts, misuse of information and unnecessary legal disputes.

PRAYER

In view of the facts and circumstances stated hereinabove, it is most humbly prayed that this Hon'ble Court may graciously be pleased to :

- a) Issue an appropriate writ of Mandamus or any other writ, order or direction directing the Opp.Parties to suitably modify the questionnaire issued for Census 2026–2027 so that it primarily focuses on essential census data such as population, age, gender and other demographic particulars, and to exclude questions unrelated to the core objective of census.
- b) Issue appropriate directions to the Opp.Parties to introduce a provision for providing a certified copy of the data collected, either manually or digitally, to the concerned citizen with proper seal and signature of the enumerator.
- c) Issue appropriate directions to the Opp.Parties to fix accountability and establish adequate safeguards for protection of personal data collected during census operations and to prevent its misuse, leakage or manipulation.
- d) Issue an appropriate writ, order or direction declaring that the penal provisions under Section 11 of the Census Act, 1948, relating to punishment for alleged non-

cooperation, refusal or willfully giving incorrect information, may not be arbitrarily invoked without proper safeguards, as such allegations are difficult to objectively prove and there exists a possibility of misuse of the said provision by enumerators, particularly in matters involving property disputes and related litigations .

e) Issue appropriate directions to ensure that enumerators engaged in the census process are properly verified, supervised and made accountable, preferably through duly authorized personnel under the supervision of the competent authority.

And further be pleased to issue pass any other order/orders as the Hon'ble Court deems fit and proper.

And for this act of kindness the petitioner as in duty bound shall ever pray.

Cuttack
Date-

By the petitioners through

Advocate
BIJAYA KUMAR RAGADA
Enrl No.O-1154/1995

