

LAWS OF MALAYSIA

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Act 16

CENSUS ACT 1960

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CENSUS ACT 1960

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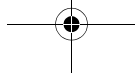
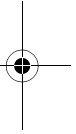
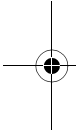
Act 16

CENSUS ACT 1960

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LAWS OF MALAYSIA

Act 16

CENSUS ACT 1960

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

*[Peninsular Malaysia—5 May 1960;
Sabah and Sarawak—18 December 1969,
P.U.(A)519/1969]*

Short title

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

Interpretation

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

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

“Commissioner” includes a Deputy Commissioner;

“prescribed” means prescribed under this Act;

“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.

Power to direct census to be taken

3. The Yang di-Pertuan Agong may, by notification in the *Gazette*, from time to time direct that a census be taken throughout Malaysia or any specified area of Malaysia 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 Malaysia, and may by the same or a different notification appoint a Commissioner to supervise the taking of the census.

Appointment of officers

4. (1) The Minister may, from time to time, by notification in the *Gazette*, appoint such Deputy Commissioners, Assistant Commissioners, District Superintendents and committees as he may deem expedient in and for Malaysia 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 direction under section 3.

(2) The Commissioner, any Assistant Commissioner, any District Superintendent, and any census officer authorized by the Commissioner in that behalf, may by writing under his hand appoint any person 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 be deemed to be a public servant within the meaning of the Penal Code [*Act 574*].

Census officers to carry proof of appointment

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, District Superintendent or other census officer authorized by the Commissioner in that behalf appointing him a census officer under subsection 4(2), 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.

Regulations

6. The Minister may from time to time make regulations to give effect to this Act and, without prejudice to the generality of the powers, the regulations may provide for—

- (a) the duties of census officer;
- (b) the functions of any committee appointed under subsection 4(1);
- (c) the particulars regarding which, the persons from whom, and the mode in which, information shall be obtained for the purposes of any census;
- (d) the forms of schedules to be used in obtaining any such particulars;
- (e) the form of requisition to be addressed to employers of labour under section 12;
- (f) such other matters as are required to be prescribed.

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 that person, such letters, marks or numbers as the Commissioner may deem necessary for the purposes of the census.

Questions by census officers

8. Every census officer may ask 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 the question truthfully to the best of his knowledge and belief.

Delivery and filling in of schedules

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 the dwelling-house or of any specified part of the dwelling-house.

(2) The occupier shall, within the time mentioned therein, fill in the 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 the dwelling-house is situated or to any other person as the Assistant Commissioner or District Superintendent may direct.

(3) If the occupier is unable either to fill in the schedule in the prescribed manner or cause some other person so to fill it in, he shall preserve it in the condition in which he received it and shall deliver it to the 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 any census officer may, if instructed by any Assistant Commissioner or District Superintendent so to do, 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 the schedule the name of, and all particulars relating to, that person;
- (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, that person in that 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 or District Superintendent may deliver or cause to be delivered to—

- (a) the person in charge of any mental hospital, hospital, work-house, place of detention, 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 organization; 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 those 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 the premises are situate or to such other person as the Assistant Commissioner or District Superintendent may direct.

Enumeration 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 the information in the abstracts to be made by him as provided in section 15.

Employers of labour may be required to be enumerators**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,

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

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

Government servants to assist in taking census

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

Delivery of schedules and returns

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 or District Superintendent for the area, and the supervisor shall forthwith verify them and transmit them, together with any other schedules and returns in his custody, to the Assistant Commissioner or District Superintendent who shall forthwith forward the same to the Commissioner, or to such other person as the Commissioner may direct.

Abstract to be made and published

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 Malaysia, and the abstracts shall be printed and published for general information.

(2) In any abstract prepared under subsection (1) with reference to any trade or industry the particulars and information comprised in the 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.

Offences by census officers

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

- (a) without sufficient cause, refuses or neglects to comply with any instruction or requisition addressed to him by the Commissioner, an Assistant Commissioner or a District Superintendent, or fails to use reasonable diligence in performing any duty imposed on him;
- (b) wilfully puts an offensive or improper question;
- (c) knowingly makes any false return; or
- (d) asks, receives, or takes from any person other than an authorized officer of the Government any payment or reward,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred ringgit or to imprisonment for a term not exceeding one month or to both.

(2) Any member of a committee appointed under subsection 4(1), 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 guilty of an offence and shall,

on conviction, be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding one year or to both.

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;
- (b) makes, signs, delivers or causes to be made, signed, or delivered any wilfully false or incorrect schedule, statement, or return;
- (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;
- (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 regulation made thereunder,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred ringgit or to imprisonment for a term not exceeding one month or to both.

(2) Any person who impersonates a census officer shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

No prosecution without sanction of the Public Prosecutor

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

Individual returns not to be disclosed

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.

(2) In making regulations 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.

Census records secret and not admissible in evidence

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 an entry against the person who made, signed or delivered the same, or caused the same to be made, signed or delivered.

LAWS OF MALAYSIA

Act 16

CENSUS ACT 1960

LIST OF AMENDMENTS

Amending law	Short title	In force from
P.U.(A)519/1969	Modification of Laws (Census) (Modification and Extension to East Malaysia) Order 1969	19-12-1969
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975

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CENSUS ACT 1960

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
16	Act 160	29-08-1975
17	Act 160	29-08-1975