

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. _____ OF 2020

(Under Article 32 of the Constitution of India)

IN THE MATTER OF:-

Deborshi Chakraborty

... Petitioner

VERSUS

Union of India & Ors.

... Respondents

PAPER – BOOK

[FOR INDEX KINDLY SEE INSIDE]

ADVOCATE FOR THE PETITIONERS : TALHA ABDUL RAHMAN

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PROFORMA FOR FIRST LISTING

SECTION PIL(W)

The case pertains to (Please tick/check the correct box):

- ☐ Central Act: (Title) CONSTITUTION OF INDIA
- ☐ Section: ARTICLE 14, & ART 21
- ☐ Central Rule: (Title) RULE 8
- ☐ Rule No(s) NIL
- ☐ State Act: (Title) NIL
- ☐ Section: NIL
- ☐ State Rule: (Title) NIL
- ☐ Rule No(s) NIL
- ☐ Impugned Interim Order: (Date) NIL
- ☐ Impugned Final Order/Decree: (Date) NIL
- ☐ High Court: (Name) NIL
- ☐ Names of Judges: NIL
- ☐ Tribunal/Authority: (Name) NIL

1. Nature of matter: ☒ Civil ☐ Criminal

2. (a) Petitioner/appellant No.1: DEBORSHI CHAKRABORTY
- (b) e-mail ID: _____
- (c) Mobile phone number: _____

: 2 :

3. (a) Respondent No.1: U.O.I
(b) e-mail ID: NIL
(c) Mobile phone number: NIL
4. (a) Main category classification: _____
(b) Sub classification: _____
5. Not to be listed before: NIL
6. (a) Similar disposed of matter with citation, if any, & case details: NIL
(b) Similar pending matter with case details: W.P. NO.1470 OF 2019
INDIAN UNION OF MUSLIM LEAGUE
V/S. U.O.I
7. Criminal Matters: N.A
(a) Whether accused/convict has surrendered: ☐ Yes ☐ No.
(b) FIR No. NIL Date: NIL
(c) Police Station: NIL
(d) Sentence Awarded: NIL
(e) Period of sentence undergone including period of detention/custody undergone: NIL
8. Land Acquisition Matters: N.A
(a) Date of Section 4 notification: NIL
(b) Date of Section 6 notification: NIL
(c) Date of Section 17 notification: NIL
9. Tax Matters: State the tax effect: NIL
10. Special Category (first petitioner/appellant only):
☐ Senior Citizen > 65 years ☐ SC/ST ☐ Woman/child ☐ Disabled
☐ Legal aid case ☐ In custody
11. Vehicle Number (in case of Motor Accident Claim matters): N.A

Date:

10-02-2020

AOR for petitioner(s)/appellant(s)

(Name) TALHA ABDUL RAHMAN

Registration No. CC-2467

SYNOPSIS

B

The Petitioner has filed the instant writ petition under Article 32 of the Constitution of India seeking enforcement of fundamental rights under Article 14 and 21 and seeks to assails the following:

- (1) Validity of Section 14-A of the Citizenship Act, 1955;
- (2) Validity of Section 18(3) of the Citizenship Act, 1955;
- (3) Validity of The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003;
- (4) Validity of Notification S.O.2753(E) dated 31 July, 2019;
- (5) Validity of INSTRUCTION MANUAL FOR UPDATION OF NATIONAL POPULATION REGISTER (NPR)2020

Challenge to Sections 14-A of the Citizenship Act, 1955

That the Petitioner further prays for the declaration that Section 14-A of the Citizenship Act, 1955 is *ultravires* the Constitution, in that the collection of personal data under the NPR in terms of Section 14-A of the Citizenship Act, 1955 is violative of Article 14 and Article 21 to the Constitution of India and it suffers from the vice of excessive delegation in that it does not prescribe to what extent private information of citizens shall be required and leaves it to the discretion of executive. Parliament has surrendered its wisdom to subordinate legislation which is impermissible and arbitrary. By a rule making power the following *draconian* acts have been done in the NRIC Rules 2003:

- C
- a. Authorised collection of *specified* personal data for NRIC without any protection regime, even though the data set is very wide.
 - b. Authorised collection of data for NPR without specifying which data can be collected, and resultantly by field manual, more heads of data than ever permitted even for NRIC are sought to be collected, without any protection regime.
 - c. Empowers executive officers / low-level district/revenue officers to perform quasi judicial and judicial functions in relation to citizenship rights;
 - d. Empowers levy of fine for practically any reason
 - e. Empowers executive officers / low-level district/revenue officers to doubt citizenship without any guidance;
 - f. Enables filing of objections to inclusion in the Citizenship Act, 1955 to all and sundry without any mechanism of redressal
 - g. Breaches the rule of *delegatus non potest delegare* because S.14-A(5) limits the delegation of power which are not adhered to.
 - h. Instruction manuals, with no legislative or sub-legislative control are being used to regulate specifics which ought to have been regulated by legislative policy.

This Hon'ble Court in ***K.S. Puttaswamy (Privacy-9J.) v. Union of India, (2017) 10 SCC 1 : 2017 SCC OnLine SC 996 at page 501*** has acknowledged that “ *Information is non-rivalrous in the sense that there can be simultaneous users of the good — use of a piece of information by one person does not make it less available to another. Secondly, invasions of data privacy are difficult to detect because they can be invisible. Information can be accessed, stored and disseminated without notice. Its ability to travel at the speed of light enhances the invisibility of access to data, “information collection can be the swiftest theft of all” [Christina P. Moniodis, “Moving from Nixon to NASA: Privacy’s Second Strand — A Right to Informational Privacy”, Yale Journal of Law and Technology (2012), Vol. 15 (1), at p. 153.] . Thirdly, information is*

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recombinant in the sense that data output can be used as an input to generate more data output.” Further, “Data mining processes together with knowledge discovery can be combined to create facts about individuals. Metadata and the internet of things have the ability to redefine human existence in ways which are yet fully to be perceived.”

It is stated that NPR is capable of generating metadata and profiling and exclusion of targeted groups is a real possibility. There is a need to provide for protection from such processes and for informational privacy as well within the scope of Article 21 of the Constitution of India.

In ***K.S. Puttaswamy (Privacy-9J.) v. Union of India, (2017) 10 SCC 1 : 2017 SCC OnLine SC 996*** at page 504 this Hon'ble Court has held that:

*“310. While it intervenes to protect legitimate State interests, the State must nevertheless put into place a robust regime that ensures the fulfilment of a threefold requirement. These three requirements apply to all restraints on privacy (not just informational privacy). They emanate from the procedural and content-based mandate of Article 21. The **first** requirement that there must be a law in existence to justify an encroachment on privacy is an express requirement of Article 21. For, no person can be deprived of his life or personal liberty except in accordance with the procedure established by law. The existence of law is an essential requirement. **Second**, the requirement of a need, in terms of a legitimate State aim, ensures that the nature and content of the law which imposes the restriction falls within the zone of reasonableness mandated by Article 14, which is a guarantee against arbitrary State action. The pursuit of a legitimate State aim ensures that the law does not suffer from manifest arbitrariness. Legitimacy, as a postulate, involves a value judgment. Judicial review does not*

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reappreciate or second guess the value judgment of the legislature but is for deciding whether the aim which is sought to be pursued suffers from palpable or manifest arbitrariness. The **third** requirement ensures that the means which are adopted by the legislature are proportional to the object and needs sought to be fulfilled by the law. Proportionality is an essential facet of the guarantee against arbitrary State action because it ensures that the nature and quality of the encroachment on the right is not disproportionate to the purpose of the law. Hence, the threefold requirement for a valid law arises out of the mutual interdependence between the fundamental guarantees against arbitrariness on the one hand and the protection of life and personal liberty, on the other. The right to privacy, which is an intrinsic part of the right to life and liberty, and the freedoms embodied in Part III is subject to the same restraints which apply to those freedoms."

Thus, it is clear that NPR is (a) not authorised in law; (b) does not protect privacy (c) disproportionate and does not satisfy the three prong test of proportionality.

This Hon'ble Court has held in KS Puttaswamy that:

"326. Privacy has both positive and negative content. The negative content restrains the State from committing an intrusion upon the life and personal liberty of a citizen. Its positive content imposes an obligation on the State to take all necessary measures to protect the privacy of the individual."

Thus, it is impermissible for the State to go ahead with collection of data until the legislature specifies which data can be collected and then ensure a regime for protection of privacy of the individual.

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Further, reliance is also placed on the decision of Kenyan Supreme Court concerning "*Hudumba Numba*" wherein it held that the state cannot have data protection without a data protection law in place in terms of functionality.

Challenge to Section 18(3) of the Citizenship Act, 1955:

It is submitted that Section 18(3) of the Citizenship Act 1955 suffers from excessive delegation in as much it enables imposition of penalty of Rs. 1000 in any and every situation as defined in the rules, without providing any legislative guidance. Merely because the fine is of Rs. 1000 (One Thousand) does not take away from the fact that the situations when fine can be imposed are not regulated by law. Section 18(3) provides as under:

(3) In making any rule under this section, the Central Government may provide that breach thereof shall be punishable with fine which may extend to one thousand rupees.

It is submitted that the mere fact that there is laying of the rules before Parliament does not constitute sufficient control on delegated legislation as required under the law. It is peculiar that punishment is provided by the Act and the obligation is created by Rules (rule 17). There is no proper mechanism provided for adjudication of the guilt for violation of any rules and appeals therefrom, and the power is completely arbitrary and in violation of the law.

Validity of The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 ("NRIC Rules")

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It may be noted that in Census after 1961, "nationality" has not been recorded and is now sought to be reintroduced in Census and NPR, and merging the two.

It is stated that the NRIC Rules were framed on 10.12.2003 and were still born as being ultra vires the Citizenship Act, 1955 which did not provide for any power to create a national register for citizenship. In other words, the law did not empower any authority to collect personal information and to maintain any database or to decide or doubt any person's Indian citizenship. The 2003 rules are manifestly arbitrary.

The power to prepare National Register of Indian Citizenship was provided by inserting Section 14-A of the Citizenship Act, 1955 by an amendment dated 07.01.2004, with effect from 03.12.2004. Thus, at the time when NRIC Rules were notified there was no enabling statutory power of the same. This Hon'ble Court has held in ***General Officer Commanding-in-Chief v. Subhash Chandra Yadav***, (1988) 2 SCC 351, that the rule when enacted must be within the four corners of an existing law, and a subsequent legal provision enabling a rule at a later point of time will not validate a still born rule.

Determination of Citizenship issues

That it is submitted that the Foreigners Act, 1946 read with Foreigners Order 1964 provides for a mechanism for identification, detection and adjudication over non-citizens/foreigners, and as such the power in law is exercisable by a person having judicial experience. It is

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stated that the power to doubt the citizenship of any person, (as experience from Assam shows), is a serious power and can only be exercised by a person who has had judicial training and experience, and cannot be left to the whims and personal opinion of taluk level officers. Further, this certainly cannot be done by the Rule making power. Therefore, Citizenship Rules are bad in law and opposed to the Constitution, i.e. Article 14, 19 and 21 of the Constitution.

By a set of rules, the judicial function cannot be arrogated to low level executive officer and the same is contrary to very fundamentals of the rule of law protected by Article 21 of the Constitution of India. The power to raise doubts or to entertain objections to inclusion of names in citizenship are all judicial functions which require a judicious approach.

That the power to inquire into a citizenship status of a person is at least a quasi judicial process or at its best is a judicial process which cannot be left at the mercy of administrative officers at block or taluk level or district level as has been done by the impugned Rules . An executive officer cannot be empowered by rules to perform quasi judicial or judicial functions having implications on civil rights of a person and rendering him or her stateless. This Hon'ble Court has held in **P. Surendran v. State, (2019) 9 SCC 154 : (2019) 3 SCC (Cri) 702 : 2019 SCC OnLine SC 507 at page 156**

9. The nature of judicial function is well settled under our legal system. Judicial function is the duty to act judicially, which invests with that character. The distinguishing factor

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which separates administrative and judicial function is the duty and authority to act judicially. Judicial function may thus be defined as the process of considering the proposal, opposition and then arriving at a decision upon the same on consideration of facts and circumstances according to the rules of reason and justice.

That the power under Rule 4 which provides for formation of an opinion, opportunity of being heard and then a determination is a judicial function. The same must only be performed by judicially trained persons who are trained and qualified. The arrogation of such power to persons who are not equipped to do the same amounts to violation of Article 14 and 19 of the Constitution.

Rule 4(6)(a) of the Citizenship Rules, enables any person to file objections against the inclusion of any person in the Local register of citizens thus allowing the entire exercise to be manipulated by any individual and / or vested interests. The rule is manifestly arbitrary and is a recipe for exclusion.

Challenge to NPR and specific NRIC Rules

Statutory Backing: That sub-rule (4) of rule 3 of the Citizenship Rules, 2003 provides for the preparation of National Population Register or NPR from the date which shall be specified by the Central Government by collecting information relating to all persons who are usually residing within the jurisdiction of Local Registrar. It is relevant that NPR does not find a mention in the Citizenship Act, 1955 but is introduced by way of Rules which can be framed to give effect to the purpose of the Act. It is

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stated that given the level of intrusion and violation of fundamental rights under Articles 14 and Article 21, the sanction for creation of NPR, if at all, has to be by way of legislation and not by Rules.

NPR as camouflage:

That, the addition of the question on Father/Mother's birthplace and birthdate in NPR 2020, which was not there in NPR 2010, actually shows how arbitrary the 2003 Rules are, which enables the Government of the day to add or modify the NPR questions, whimsically.

That the process of NPR being clubbed with the census enumeration exercise is a camouflage, and an unnecessary and unwarranted because census enumeration exercise is done to count the number of residents residing in an area and not collect their personal information which can be forced out from the people and if not forced out then will the citizens, who are not able to give information due to some reason or don't want to give personal information voluntarily, get counted in the population.

That there can be no secrecy and confidentiality of the personal information of the people if such database of Indian citizens is made which is gross violation of Art. 21 of the Constitution as the Citizenship Rules, 2003 do not prescribe to what extent private information of citizens shall be required and leaves it to the discretion of executive

K

That the preparation of NPR is being done with Census Enumeration exercise and Section 15 of the Census Act, 1948, expressly makes the information that is recorded pursuant to the Census Act, 1948 **“not open to inspection nor admissible in evidence”**, as such there is no such protection provided under the Citizenship Act, 1955, making each and every detail of the NPR available to inspection. In fact, the amendment of the Citizenship Act, 1955 providing for National Population Register, without providing for a concomitant bar on access to such information is violation of Articles 14 and 21 of the Constitution of India. *The purpose of Census and the purpose of NRIC are different, and the two exercises cannot be clubbed.*

That since there are no legislative guidelines prescribed on the manner of collection of information and the same is left to a field manual, the residents are left to the mercy of the person preparing the field manual, without there being any protection arising from any statute which is violation of the fundamental rights of the citizens.

Discrimination: That there is no procedure specified by the government in the rules as to how the information will be collected for NPR because a person having a domicile in one state might have migrated to another state in search of living and if such migration is hindered with then it will be a gross violation of Article 19. This disproportionality affects migrant workers and does not preserve public interest.

No legislative control on NPR process:

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That there is absence of regulation as to how the process of NPR will be regulated and administered and will it be done by government officials or private contractors because giving the contract of collecting personal information to a private body is a threat to the national security of India and its people. It is stated that mere collection of forms is not enough, but thereafter a database would be created. It is relevant this Hon'ble Court even in Assam NRC case has prohibited release of the lists with State and Central Government unless a regime similar to aadhaar is enacted (See 2019 (19) SCC 70, para 16)).

That, it is submitted that the Citizenship Act, 1955 is meant for laying conditions for eligibility for and acquisition of citizenship and not for creation of a "register" and as such the process of NPR is itself incongruous with the Scheme of the 1955 Act, and is manifestly arbitrary;

Jurisdictional condition of NPR: It is stated that Rule 4(3), begins by using the phrase "For the purposes of preparation and inclusion in the Local Register of Indian Citizens", and therefore the decision to prepare a register of citizens is a precondition for operation of Rule 4 of the Citizenship Rules that (unlawfully) enable NPR. It is stated that "for the purposes" would mean for "the lawful and duly authorized purpose of".

M

That it is submitted that in Section 14-A the power to prescribed procedure is only for NRIC and not for NPR. Therefore, unless there is a statutory mandate for NPR, the same is illegal and without jurisdiction and must be enjoined immediately.

That undeniably, NRIC would be started and that NPR is only the first step towards the same. However, the jurisdictional conditions for the exercise of power under S.14-A have not been made because there is no formal decision today to prepare NRIC. It is stated that until a formal decision to prepare and proceed with NRIC has been taken (after considering intelligible material) under Section 14A(1) of the Citizenship Act, 1955, the exercise of NPR cannot be commenced.

The creation of a National Population Register (NPR) as the same is being conducted without any valid legal sanction as there is no provision in any statutory law for the same, and such an exercise constraining the rights of residents cannot be done by resolving to rule making power. Neither the Citizenship Rules nor the Citizenship Act, provide for any guideline for creation of the NPR and more importantly for collection of data and how such data shall be stored, assimilated and utilised and the purpose that it would serve. The fact that an illegal exercise had been done in the past would not save an illegal action if it fails the test of Article 14, 19 and 21.

N

It is pertinent to highlight that a population census is already periodically conducted by the government and that the NPR has no correlation to either the census (for collecting anonymised data about population) nor Aadhaar which again is a database of residents of India for purported delivery of social welfare schemes. In such circumstance, no purpose or objective is served by the NPR, which is sought to be implemented fraudulently, by way of excessive delegation.

The preparation of NPR is an arbitrary process both substantively and procedurally. That the preparation of NPR is an arbitrary process both substantively and procedurally because the nature of information and the documents being collected for the preparation of NPR has not been specified in the Citizenship Rules, 2003 whilst the same is specified for the preparation of National Register of Indian Citizen (NRIC). It is further submitted that the Citizenship Rules, 2003 only provide detailed provisions for the preparation of NRIC and not for NPR.

Further, National Population Register discriminates indirectly, in that, it affects the poor and migrant the most whose name may not be included in the "population register" for failure to produce documents, and are left at the whims of a collection agent who is guided by "extra-legal" document which is a manual prepared for field officers- for which again there is no basis in law.

Instruction/Field Manual

○

It is submitted that the power of collecting the above specified documents/details for NRC and unspecified documents/details has been delegated to RGI and other officers, is being exercised through Gazette Notifications and executive instructions which amounts to excessive delegation and such power is not regulated and controlled by any conditions prescribed by law. It is stated that *delegatus non potest delegare* is applicable, and the instruction manual is completely illegal and ultra vires the law.

Challenge to Notification S.O.2753(E) dated 31 July, 2019;

That the Petitioner's challenge to Notification S.O.2753(E) dated 31 July, 2019 issued by the Ministry of Home Affairs for preparation of National Population Register by collection of information relating to persons usually residing within the jurisdiction of the Local Registrar and the corresponding Instruction Manual for Updation of National Population Register is on the ground that the same has been issued without any application of mind; is without sufficient legal basis, and is bereft of any lawful control of the legislature as the same is a consequence of excessive delegation; and further that it invades guaranteed fundamental right to privacy. The Petitioner prays for a writ of prohibition or orders in the nature of a writ of prohibition from giving effect to and/or implementing Notification S.O.2753(E) dated 31 July, 2019.

P

This Hon'ble Court may kindly call upon the deliberation prior to issuance of the Gazette Notification dated 31.07.2019 to examine whether there is any application of mind and consideration of relevant criteria

That it is stated that the decision taken by Respondent No.1 and 2 to proceed with NPR prior to issuance of Gazette Notification dated 31.07.2019 cannot be arbitrary and reasons must be recorded as to why it is needed. It is relevant that data was collected in 2011 and also in 2015, and so where is the occasion to collect (intrusive) data in 2019, within such a short while. The decision to proceed with or not to proceed with NPR exercise is not at the sweet will of the Respondents. It has to be backed by cogent reasons and the same must be recorded in writing. Any decision involving public expense must be taken after due deliberation and for good reasons. In fact, a large number of persons can be excluded from the NPR system but there is no protection against indiscriminate exclusion or abuse of power that can happen. There is no law that can address discrimination against various class of persons and it is important that the whole exercise is stayed until a proper system of data protection and protection from abuse & discrimination is put in place.

LIST OF DATES

Q

10.12.2003 (Impugned)	<p>The Ministry of Home Affairs, in purported exercise of the powers conferred by sub-sections (1) and (3) of Section 18 of the Citizenship Act, 1955 (57 of 1955), issued the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 (hereinafter referred as the Citizenship Rules, 2003) vide Gazette Notification (bearing no. G.S.R.937€) for the preparation of National Register of Indian Citizens (hereinafter referred as NRIC).</p> <p>Note that at this point in time there is no statutory power of the same. This Hon'ble Court has held in General Officer Commanding-in-Chief v. Subhash Chandra Yadav, (1988) 2 SCC 351, that the rule when enacted must be within the four corners of an existing law, and a subsequent legal provision enabling a rule at a later point of time will not validate a still born rule.</p>
07.01.2004 & 03.12.2004	Section 14-A of the Citizenship Act, 1955 inserted into the Citizenship Act 1955 by Citizenship Amendment Act, 2003 dated 07.01.2004, w.e.f from 03.12.2004.
2011	NPR data was collected
01.07.2015	Registrar-General of India vide letter dated 01.07.2015 [bearing No. 9/41/2015-CRD(NPR)] issues a circular

R

	titled UPDATING OF NPR- CIRCULAR- No. 1 for the updation of the National Population Register (NPR) and seeding the Aadhaar number in the Aadhaar database.
17.07.2015	Registrar-General of India vide letter dated 17.07.2015 [bearing No. 9/41/2015-CRD(NPR)] issues a circular titled UPDATING OF NPR- CIRCULAR- No. 2 directing all Chief Secretaries/Administrators and all State and Union Territory Coordinators for NPR to finalise the period for house-to-house enumeration and publish the same in the State/Union Territory gazette
29.07.2015	Registrar-General of India vide circular dated 29.07.2015 [bearing No. 9/41/2015-CRD (NPR)], issues a circular titled UPDATING OF NPR- CIRCULAR- No. 3 accompanying a detailed methodology for fieldwork for the enumeration of NPR and seeding Aadhaar in the NPR database.
08.09.2015	Registrar-General of India vide circular dated 08.09.2015 [bearing No. 9/41/2015-CRD (NPR)] issues a circular titled UPDATING OF NPR- CIRCULAR- No. 4 , for the appointment of designated officers for the

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	upadation of the National Population Register
16.09.2015	Registrar-General of India vide circular dated 16.09.2015 [bearing No. 9/41/2015-CRD (NPR)] issues a circular titled UPDATING OF NPR- CIRCULAR- No. 5 for the printing of NPR booklets and other materials
31.07.2019 (Impugned)	That subsequently purportedly in terms of sub-rule (4) of rule 3 of the Citizenship Rules, 2003 the Ministry of Home Affairs issued Gazette Notification (bearing no. S.O. 2753(E)) dated 31.07.2019 notifying that the field work for house to house enumeration for the preparation and updating of NPR by collecting information relating to all persons who are usually residing within the jurisdiction of Local Registrar shall be undertaken between the 1st day of April, 2020 to 30th September, 2020.
09.09.2019	Additional Director (NPR) vide letter dated 09.09.2019 (bearing no. F.No. 9/4/2017-CRD (NPR) Vol. II) clarified that the updating exercise of NPR will be conducted through house-to-house visit of each and every usual resident of the country irrespective of religion along with the Houselisting phase of Census 2021. Further, he also clarified that during the updating

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	of NPR, no document is required but Aadhar Number, PAN, Passport, Voter ID and Driving License Number may be collected
21.09.2019	The Registrar General issued a notification virtually merging the exercise of Census and of NPR.
09.10.2019	Additional Director (NPR) vide letter dated 09.10.2019 (bearing no. F. No. 9/4/2017-CRD(NPR) Vol. II) again clarified the distinction between NPR and NRIC and stated that NPR was created along with Census of India, 2011 and was first updated during 2015
Nov 2019	Respondent No.2 issued <i>Instruction Manuals on National Population Register</i> in the year 2011, which is without any basis in law. The instruction manual is called "MANUAL OF INSTRUCTIONS FOR FILLING UP OF THE NPR HOUSEHOLD SCHEDULE". That while the information that is proposed to be collected is personal and private, there is no statutory basis for collection of such detailed data which goes beyond the requirement of mere census
Dec 2019	The Petitioner had filed Writ Petition before the Calcutta High Court WPC 22964/2019. However, as

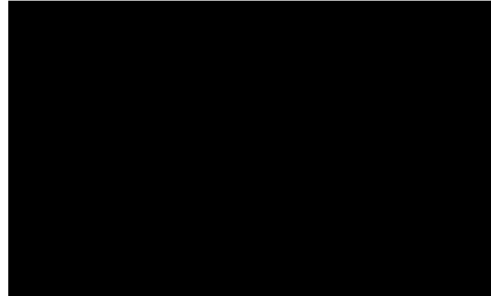
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	<p>this Hon'ble Court has issued notice in a matter concerning NPR / NRC, the Calcutta High Court is disabled from hearing the matter in view of norms of propriety. Further, by an order passed by this Hon'ble Court on 22.01.2020, the Calcutta High Court cannot now adjudicate the Writ Petition</p>
	<p>Hence this Writ Petition.</p>

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. _____ OF 2020
(Under Article 32 of the Constitution of India)

IN THE MATTER OF:

1. DEBORSHI
CHAKRABORTY, 



VERSUS ... PETITIONER

1. UNION OF INDIA,
THROUGH SECRETARY,
MINISTRY OF HOME AFFAIRS
NORTH BLOCK
NEW DELHI – 110 001
2. OFFICE OF THE REGISTRAR GENERAL
& CENSUS COMMISSIONER
NDCC-II BLDG, JAI SINGH ROAD,
NEW DELHI-110001.
3. State of West Bengal through
the Chief Secretary having his
office at Nabanna, 325, Sarat
Chatterjee Road, Shibpur,
Howrah-711102.

... RESPONDENTS

WRIT PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA

TÓ,

THE HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF
THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE
PETITIONERS ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That the Petitioner is a research scholar of [REDACTED] and also a lecturer in [REDACTED]. He is a former Scholar of 1947 Partition Archive having published many academic papers on the Post-Partition Refugees in Bengal. He was also a petitioner in a Public Interest Litigation moved on Dengue Deaths in West Bengal in 2017. The Petitioner has no private interest in this present litigation and does not seek to personally gain from the outcome of the present case. In fact, your petitioner is acting as 'probono publico'.

1A. The Petitioner has not moved any representation concerning the reliefs sought in this Writ Petition. The Petitioner's PAN NO. The Petitioner's AADHAAR No. [REDACTED]. The Petitioner's Last Annual Income is RS. [REDACTED]. The Petitioner's email ID is [REDACTED]. The Petitioner's Phone number is [REDACTED]. That the present

petition is being filed for issuing a writ, order or direction challenging the constitutional validity of Sections 14-A and Section 18(3) of the Citizenship Act, 1955 and the *Citizenship* (Registration of Citizens and issue of National Identity Cards) *Rules*, 2003 . The Petitioner has also challenged the preparation of the National Population Register and the National Register of Citizens itself.

2. It is further submitted that the National Population Register (hereinafter "**NPR**") being prepared and maintained by the Central Government (Respondent No.1 and Respondent No.2 herein) under the *Citizenship* (Registration of Citizens and issue of National Identity Cards) *Rules*, 2003 ("**NRIC Rules**" or "**Citizenship Rules 2003**" or the "**Citizenship Rules**") is illegal and unlawful both substantively and procedurally and is liable to be struck down as it is in gross violation of Article 14 and 21 of the Constitution of India.

3. That the Petitioner is aggrieved by the undertaking of the exercise of creating a National Population Register, distinct from and under the garb of a census, without any basis in law by way of delegated legislation, exceeding the powers conferred by the statute and specifically the ground stated in the Writ Petition.

BRIEF FACTS

The facts giving rise to filing the present writ petition are as under:-

4. That on 10.12.2003, the Ministry of Home Affairs, in purported exercise of the powers conferred by sub-sections (1) and (3) of Section 18 of the Citizenship Act, 1955 (57 of 1955), issued the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 (hereinafter referred as **the Citizenship Rules, 2003**) vide Gazette Notification (bearing no. **G.S.R.937(E)**) for the preparation of National Register of Indian Citizens (hereinafter referred as **NRIC**). At this point in time Section 14-A of the Citizenship Act, 1955 was neither enacted nor notified.

5. That Section 18 of the 1955 Act is extracted below for ease of reference:

“.....18. Power to make rules

(1) The Central Government may, by notification in the Official Gazette make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for

(a) the registration of anything required or authorized under this Act to be registered, and the conditions and restrictions in regard to such registration;

(b) the forms to be used and the registers to be maintained under this Act;

(c) the administration and taking of oaths of allegiance under this Act, and the time within which,

and the manner in which, such oaths shall be taken and recorded;

(d) the giving of any notice required or authorized to be given by any person under this Act;

(e) the cancellation of the registration of, and cancellation and amendment of certificate of naturalisation relating to, persons deprived of citizenship under this Act, and the delivering up of such certificates for those purposes;

[(ee)the manner and form in which and the authority to whom declarations referred to in clauses (a) and (b) of sub-section (6) of Section 6A shall be submitted and other matters connected with such declarations;]

(f) the registration at Indian consulates of the births and deaths of persons of any class or description born or dying outside India;

(g) the levy and collection of fees in respect of applications, registrations, declarations and certificates under this Act, in respect of the taking of an oath of allegiance, and in respect of the supply of certified or other copies of documents;

(h) the authority to determine the question of acquisition of citizenship of another country, the procedure to be followed by such authority and rules of evidence relating to such cases;

(i) the procedure to be followed by the committees of inquiry appointed under section 10 and the conferment on-such committees of any of the powers, rights and privileges of civil courts;

(j) the manner in which applications for revision may be made and the procedure to be followed by the Central Government in dealing with such applications; and

(k) any other matter which is to be, or may be, prescribed under this Act.

(3) In making any rule under this section, the Central Government may provide that breach thereof shall be punishable with fine which may extend to one thousand rupees.

(4) Every rule made under this section shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]....."

It is submitted that Section 18(3) of the Citizenship Act 1955 suffers from excessive delegation in as much it enables imposition of penalty of Rs. 1000 in any and every situation as defined in the rules, without providing any legislative guidance. A true copy of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 is annexed as **Annexure P- 1** (Pg No 44 to 52).

6. That the Central Government further amended the Citizenship Act, 1955 by Citizenship Amendment Act, 2003 (Act 6 of 2004) with effect from 03.12.2004 and provided for Section 14-A for the issuance of National Identity Cards. Section 14-A of the Citizenship Act, 1955 provides as under:

".....14-A. Issue of national identity cards.—

(1) *The Central Government may compulsorily register every citizen of India and issue national identity card to him.*

(2) *The Central Government may maintain a National Register of Indian Citizens and for that purpose establish a National Registration Authority.*

(3) *On and from the date of commencement of the Citizenship (Amendment) Act, 2003, the Registrar General, India, appointed under sub-section (1) of Section 3 of the Registration of Births and Deaths Act, 1969 (18 of 1969) shall act as the National Registration Authority and he shall function as the Registrar General of Citizen Registration.*

(4) *The Central Government may appoint such other officers and staff as may be required to assist the Registrar General of Citizen Registration in discharging his functions and responsibilities."*

(5) *The procedure to be followed in compulsory registration of the citizens of India shall be such as may be prescribed"*

Thus in this case, it is apparent that the Rules came earlier than the amendment in the law.

7. That sub-rule (4) of rule 3 of the Citizenship Rules, 2003 provides for the preparation of National Population Register or NPR from the date which shall be specified by the Central Government by collecting information relating to all persons who are usually residing within the jurisdiction of Local Registrar. It is relevant that NPR does not find a mention in the Citizenship Act, 1955 but is introduced by way of Rules which can be framed to give effect to the purpose of the Act. It is stated that given the level of intrusion and violation of fundamental rights under Articles 14 and Article

21, the sanction for creation of NPR, if at all, has to be by way of legislation and not by Rules.

8. Section 14-A(5) provides that *the procedure to be followed in compulsory registration of the citizens of India shall be such as may be prescribed*. Thus, while it is claimed that NPR is the first step of NRC, still no details of the procedure to be followed for NPR has been prescribed and the same has been left to the sweet will of the executive, which also amounts to arbitrariness and abuse of delegated power. Further, a delegated power cannot be further sub-delegated to any other authority (*delegatus non potest delegare*).
9. That the Respondent No.1 and Respondent No.2 claim to have prepared NPR in the year 2010-2011. However, the detail of such NPR is not available with the Petitioner. It is stated that NPR is distinct from Census, and in the name of Census, the Respondent No.1 and Respondent No.2 have been preparing NPR. In fact, the Petitioner has reliably learnt that at the time of enrollment for Aadhaar, Respondent No.1 and Respondent No.2 in cahoots with Election Commission of India were also updating NPR. Apparently, another exercise for collection of data was done in the year 2015.

10. That it is stated that Respondent No.2 issued *Instruction Manuals on National Population Register* in the year 2011, which is without any basis in law. The instruction manual is called "MANUAL OF INSTRUCTIONS FOR FILLING UP OF THE NPR HOUSEHOLD SCHEDULE". That while the information that is proposed to be collected is personal and private, there is no statutory basis for collection of such detailed data which goes beyond the requirement of mere census.
11. That the Registrar-General of India vide letter dated 01.07.2015 [bearing No. 9/41/2015-CRD(NPR)] issues a circular titled **UPDATING OF NPR- CIRCULAR- No. 1** for the updation of the National Population Register (NPR) and seeding the Aadhaar number in the Aadhaar database. A true copy of Circular dated 01.07.2015, for updation of NPR and seeding of Aadhaar with NPR database is annexed as Annexure P-2 (pg.....53.....)
12. That the Registrar-General of India vide letter dated 17.07.2015 [bearing No. 9/41/2015-CRD(NPR)] issues a circular titled **UPDATING OF NPR- CIRCULAR- No. 2** directing all Chief Secretaries/Administrators and all State and Union Territory Coordinators for NPR to finalise the period for house-to-house enumeration and publish the same in the State/Union Territory

gazette. A true copy of circular dated 17.07.2015 regarding period of field-work for updation of NPR is annexed as Annexure P-3 (pg.....54-55.....)

13. That Registrar-General of India vide circular dated 29.07.2015 [bearing No. 9/41/2015-CRD (NPR)], issues a circular titled **UPDATING OF NPR- CIRCULAR- No. 3** accompanying a detailed methodology for fieldwork for the enumeration of NPR and seeding Aadhaar in the NPR database. A true copy of circular dated 29.07.2015 regarding methodology for updation of NPR is annexed as Annexure P-4 (pg.....56-57.....)

14. That Registrar-General of India vide circular dated 08.09.2015 [bearing No. 9/41/2015-CRD (NPR)] issues a circular titled **UPDATING OF NPR- CIRCULAR- No. 4**, for the appointment of designated officers for the updation of the National Population Register. A true copy of circular dated 08.09.2015 regarding appointment of designated officers for updation of NPR is annexed as Annexure P-5 (pg.....58-61.....)

15. That Registrar-General of India vide circular dated 16.09.2015 [bearing No. 9/41/2015-CRD (NPR)] issues a circular titled **UPDATING OF NPR- CIRCULAR- No. 5** for the printing of NPR booklets and other materials. A true copy of circular dated 16.09.2015 regarding printing of NPR booklets and other materials is annexed as Annexure P-6 (pg.....62-63.....)

16. That the aforesaid developments clearly show that the distinction between benign census exercise and national population register has been virtually done away with. The strict protection regime that applies to Census does not apply to NPR which is a creature of rules.
17. That subsequently purportedly in terms of sub-rule (4) of rule 3 of the Citizenship Rules, 2003 the Ministry of Home Affairs issued Gazette Notification (bearing no. **S.O. 2753(E)**) dated 31.07.2019 notifying that the field work for house to house enumeration for the preparation and updating of NPR by collecting information relating to all persons who are usually residing within the jurisdiction of Local Registrar shall be undertaken between the 1st day of April, 2020 to 30th September, 2020. The Notification (bearing no. **S.O. 2753(E)**) dated 31.07.2019 is arbitrary and has been issued without application of mind and without satisfying jurisdictional conditions under Section 14-A of the 1955 Act. A copy of Gazette Notification (bearing no. S.O. 2753(E)) dated 31.07.2019 is annexed as **Annexure P-7** (Pg No 64 to 65)
18. That it may relevant to state that Rule 3 of the Citizenship Rules 2003 does not empower the collection of data of the nature contemplated; and anyway, such an empowerment cannot flow

from rules and must emanate from the legislation itself for it to pass the muster of Article 21.

19. That it is stated that the decision taken by Respondent No.1 and 2 to proceed with NPR prior to issuance of Gazette Notification dated 31.07.2019 cannot be arbitrary and reasons must be recorded as to why it is needed. It is relevant that data was collected in 2011 and also in 2015; and so where is the occasion to collect (intrusive) data in 2019, within such a short while. The decision to proceed with or not to proceed with NPR exercise is not at the sweet will of the Respondents. It has to be backed by cogent reasons and the same must be recorded in writing. Any decision involving public expense must be taken after due deliberation and for good reasons.

20. That the issuance of MANUAL OF INSTRUCTIONS FOR FILLING UP OF THE NPR HOUSEHOLD SCHEDULE is also ultra vires the Citizenship Act, 1955 and the Citizenship Rules 2003, and is also not permissible under the Census Act.

21. That for the just and proper disposal of the present writ petition in the interest of justice and equity the petitioner is urging the following contentions to be considered:-

I. **The preparation of NPR is an arbitrary process both substantively and procedurally.**

22. That the preparation of NPR is an arbitrary process both substantively and procedurally because the nature of information and the documents being collected for the preparation of NPR has not been specified in the Citizenship Rules, 2003 whilst the same is specified for the preparation of National Register of Indian Citizen (NRIC). It is further submitted that the Citizenship Rules, 2003 only provide detailed provisions for the preparation of NRIC and not for NPR.
23. That only sub-rule (4) of rule 3 of the Citizenship Rules, 2003 provides for the preparation of NPR and as such no other provision is mandated for the preparation of NPR in any statute and the same is left to a field/instruction manual and such power is arbitrary in nature because there is no sanction to such power under any statute. Since the rights, including the right to privacy is affected by collection of personal information proposed to be collected under NPR, it is submitted that the same can only be regulated or abridged by a statute and not by rules. It is stated that "law" under Article 21 of the Constitution of India means "law enacted" by Parliament and not instruction manuals or even rules.
24. That the Petitioner further prays for the declaration that Section 14-A of the Citizenship Act, 1955 is *ultravires* the Constitution, in that the collection of personal data under the NPR in terms of Section 14-A of the Citizenship Act, 1955 is violative of Article 14 and Article 21 to the Constitution of India and it suffers

from the vice of excessive delegation in that it does not prescribe to what extent private information of citizens shall be required and leaves it to the discretion of executive. Parliament has surrendered its wisdom to subordinate legislation which is impermissible and arbitrary.

25. That it was held by the Hon'ble Supreme Court in **Hamdard Dawakhana (Wakf) vs Union of India AIR 1960 SC 554** that the legislature cannot delegate unrestrained uncanalised and unqualified legislative power on an administrative body. It is further submitted that the legislature must declare the policy of the law, lay down legal principles and provide standards for the guidance of the delegate to promulgate delegated legislation, otherwise the law will be bad on account of excessive legislation. Relevant portion of the judgment is being reproduced hereunder for kind consideration of this Hon'ble Court.

"34. We are of the opinion therefore that the words "or any other disease or condition which may be specified in the Rules made under this Act" confer uncanalised and uncontrolled power to the executive and are therefore *ultra vires*."

26. That it is submitted that in Section 14-A the power to prescribed procedure is only for NRIC and not for NPR. Therefore, unless there is a statutory mandate for NPR, the same is illegal and without jurisdiction and must stop immediately.

- II. The clubbing of preparation of NPR with the Census Enumeration Exercise 2021 is unnecessary and unwarranted and without any sanction of law, and is disproportionate.

27. That the Additional Director (NPR) vide letter dated 09.09.2019 (bearing no. F.No. 9/4/2017-CRD (NPR) Vol. II) clarified that the updating exercise of NPR will be conducted through house-to-house visit of each and every usual resident of the country irrespective of religion along with the Houselisting phase of Census 2021. Further, he also clarified that during the updating of NPR, no document is required but Aadhar Number, PAN, Passport, Voter ID and Driving License Number may be collected. Thereafter, by a notification dated 21.09.2019, the Census Officers were also appointed as officers for the NPR. A true copy of letter dated 09.09.2019 (bearing no. F.No. 9/4/2017-CRD (NPR) Vol. II) is annexed as **Annexure P-8** (Pg No 66 to -).

A true copy of the Circular dated 21.09.2019 issued by Registrar General, India is annexed as **Annexure P-9** (pg. 67 - 71.....)

28. That the entire exercise has been done by the Government using Assam as an example. It is relevant that in a population of over 1.3 billion people, there are no authentic estimates of illegal immigration. Thus, the time, effort and money spent in detection of

Bangladeshis (through a crippled legal system) is wholly arbitrary. This Hon'ble Court may kindly call upon the deliberation prior to issuance of the Gazette Notification dated 31.07.2019 to examine whether there is any application of mind and consideration of relevant criteria.

29. That it is submitted that the power of collecting the above stated documents, which has been delegated to RGI and other officers under the rules, is being exercised through Gazette Notifications and executive instructions which amounts to excessive delegation and such power is not regulated and controlled by any conditions prescribed by law. It is stated that delegatus non potest delegare is applicable.
30. That the Additional Director (NPR) vide letter dated 09.10.2019 (bearing no. F. No. 9/4/2017-CRD(NPR) Vol. II) again clarified the distinction between NPR and NRIC and stated that NPR was created along with Census of India, 2011 and was first updated during 2015. A true copy of letter dated 09.10.2019 (bearing no. F. No. 9/4/2017-CRD (NPR) Vol. II) is annexed **Annexure P-10 (Pg No 72 to -)**
31. That the Registrar General, India and Census Commissioner of India are engaged in the creation of the NPR and issuance of Multi-purpose National Identity Cards to citizens of India. The

Registrar General is appointed under Section 3(1) of the Registration of Births and Deaths Act, 1969, and who is empowered by Section 14-A of the Citizenship Act, 1955 to compulsorily register citizens should the Central Government so decide. It is submitted that the power under S.14-A under the Citizenship Act, 1955 is exercisable after the government so decides (by use of the phrase "may compulsorily register"), and thus, contemplates application of mind based on cogent and intelligible material. It is stated that in the present case, the Government of India's minister have publicly claimed that pan India NRIC would be started and that NPR is only the first step towards the same. However, the jurisdictional conditions for the exercise of power under S.14-A have not been made because there is no formal decision today to prepare NRIC. It is stated that until a formal decision to prepare and proceed with NRIC has been taken (after considering intelligible material) under Section 14A(1) of the Citizenship Act, 1955, the exercise of NPR cannot be commenced. The fact that some exercise has been done in the past is no ground to perpetuate an illegality.

32. Further, Section 14A(5) requires procedure to be prescribed for NRIC, but till today no procedure has been prescribed. It is stated that as proclaimed since NPR is part of NRIC process, the same cannot be commenced unless all jurisdictional conditions of S.14A

are satisfied. It is submitted that even though Section 14-A of the Citizenship Act, 1955 refers to National Register of Indian Citizen (NRIC), it has metamorphosed into National Population Register (NPR). In fact, the creation of NPR is the first step towards preparation of the NRIC, and admittedly NPR is not NRIC. The NPR, therefore, even though being undertaken under Section 14-A of the Citizenship Act, 1955, does not fulfill the conditions of Section 14-A of the Citizenship Act and consequently there is no statutory sanction for throwing away a category of people. It is stated that Section 14-A of the Citizenship Act, Rule 3(5) and Rule 4 of the Citizenship Rules 2003 have to be viewed as a code, and before proceedings with Rule 4, conditions of Section 14-A must be satisfied.

33. It is stated that Rule 4(3), begins by using the phrase "For the purposes of preparation and inclusion in the Local Register of Indian Citizens", and therefore the decision to prepare a register of citizens is a precondition for operation of Rule 4 of the Citizenship Rules that (unlawfully) enable NPR. It is stated that "for the purposes" would mean for "the lawful and duly authorized purpose of".
34. That it is submitted that the Foreigners Act, 1946 read with Foreigners Order 1964 provides for a mechanism for identification, detection and adjudication over non-

citizens/foreigners, and as such the power in law is exercisable by a person having judicial experience. It is stated that the power to doubt the citizenship of any person, (as experience from Assam shows), is a serious power and can only be exercised by a person who has had judicial experience, and cannot be left to the whims and personal opinion of taluk level officers as has been done by Rule 8 of the NRIC Rules 2993. Further, and in any event, this kind of empowerment cannot be done by the Rule making power which is prohibited by Article 14 and 21 of the Constitution of India . Therefore, Citizenship Rules are bad in law and opposed to the Constitution, i.e. Article 14, 19 and 21 of the Constitution.

35. That the power to inquire into a citizenship status of a person is at least a quasi judicial process or at its best is a judicial process which cannot be left at the mercy of administrative officers at block or taluk level or district level. An executive officer cannot be empowered by rules to perform quasi judicial or judicial functions having implications on civil rights of a person and rendering him or her stateless.
36. That the process of NPR being clubbed with the census enumeration exercise is a camouflage, and an unnecessary and unwarranted because census enumeration exercise is done to count the number of residents residing in an area and not collect their personal information which can be forced out from the people

and if not forced out then will the citizens, who are not able to give information due to some reason or don't want to give personal information voluntarily, get counted in the population.

37. That it is further submitted that the preparation of NPR is being done under the Citizenship Rules, 2003 and not under the Census Act, 1948. The clubbing of both the exercise is itself farcical and the entire exercise is nothing but colossal waste of public money and exposes India's vulnerabilities if such a database of personal information of people is created.

III. The rules and regulations relating to data protection, regulation and guidance of the process of NPR have not been specified by the Government.

38. That there can be no secrecy and confidentiality of the personal information of the people if such database of Indian citizens is made which is gross violation of Art. 21 of the Constitution as the Citizenship Rules, 2003 do not prescribe to what extent private information of citizens shall be required and leaves it to the discretion of executive. That there is *firstly*, no authorization regime (in that it is not specified in law as to which information can be collected) and secondly, there is no protection regime in that NPR data is neither protected by secrecy nor confidentiality and hence violates Article 21.

39. That the preparation of NPR is being done with Census Enumeration exercise and Section 15 of the Census Act, 1948, expressly makes the information that is recorded pursuant to the Census Act, 1948 **"not open to inspection nor admissible in evidence"**, as such there is no such protection provided under the Citizenship Act, 1955, making each and every detail of the NPR available to inspection. In fact, the amendment of the Citizenship Act, 1955 providing for National Population Register, without providing for a concomitant bar on access to such information is violation of Articles 14 and 21 of the Constitution of India.
40. That the Census Act, 1948 enables the collection of information so as to enable the State to have profile of the population; and due to Section 15 therein, the possibility of usage/dissemination of the said information for 'profiling' and other purposes not provided by law is eliminated and penalized. It is further submitted that the absence of such protection and guidance as to what will be nature of information being collected and how will it be used and not providing for a concomitant bar on access to such information is violation of Articles 14 and 21 of the Constitution of India. *Moreover, the same Census Officers who are being appointed under the Census Act 1948 are also being appointed as officers under the NPR, merging the two functions – one under the Census Act, and other then the NRIC Rules.*

41. That the Hon'ble Supreme Court in JUSTICE K S PUTTASWAMY (RETD) & ANR vs. UNION OF INDIA & ORS 2018 SCC OnLine SC 1642 has held that the right to privacy inheres in every individual as a natural right. It is inalienable and attaches to every individual as a precondition for being able to exercise their freedom. Privacy is an indispensable element of the right to life and personal liberty under Article 21 and as a constitutional value which is embodied in the fundamental freedoms embedded in Part III of the Constitution. Relevant portion of the judgment is being reproduced hereunder for the kind consideration of this Hon'ble Court.

(with which Justice Sanjay Kishan Kaul concurred) held :

"42. Privacy is a concomitant of the right of the individual to exercise control over his or her personality. It finds an origin in the notion that there are certain rights which are natural to or inherent in a human being. Natural rights are inalienable because they are inseparable from the human personality."

"319. Life and personal liberty are not creations of the Constitution. These rights are recognised by the Constitution as inhering in each individual as an intrinsic and inseparable part of the human element which dwells within."

In his concurring opinion, S A Bobde, J. (as he then was) opined:

"392...Privacy, with which we are here concerned, eminently qualifies as an inalienable natural right, intimately connected to two values whose protection is a matter of universal moral agreement: the innate dignity and autonomy of man."

Similarly, in his concurring opinion, Nariman, J. opined:

“532...It was, therefore, argued before us that given the international conventions referred to hereinabove and the fact that this right inheres in every individual by virtue of his being a human being, such right is not conferred by the Constitution but is only recognized and given the status of being fundamental. There is no doubt that the petitioners are correct in this submission.”

In his concurring opinion, Abhay Manohar Sapre, J. opined:

“557. In my considered opinion, “right to privacy of any individual” is essentially a natural right, which inheres in every human being by birth...It is indeed inseparable and inalienable from human being.”

“103. The right to privacy has been traced in the decisions which have been rendered over more than four decades to the guarantee of life and personal liberty in Article 21 and the freedoms set out in Article 19.”

“320. Privacy is a constitutionally protected right which emerges primarily from the guarantee of life and personal liberty in Article 21 of the Constitution...”

In a similar vein, Chelameswar J. while concurring with the view of four judges held:

“375. The right to privacy is certainly one of the core freedoms which is to be defended. It is part of liberty within the meaning of that expression in Article 21.”

42. That the Petitioner further submits that privacy reflects the right of the individual to exercise control over his or her personality. This makes privacy the heart of human dignity and liberty. Liberty and dignity are complementary constitutional entities. Hence, privacy is integral to liberty. Privacy facilitates the realization of constitutional freedoms. Relevant portion of *Puttaswamy*

Judgment is again being reproduced hereunder for kind consideration of this Hon'ble Court.

"119. To live is to live with dignity. The draftsmen of the Constitution defined their vision of the society in which constitutional values would be attained by emphasising, among other freedoms, liberty and dignity. So fundamental is dignity that it permeates the core of the rights guaranteed to the individual by Part III. Dignity is the core which unites the fundamental rights because the fundamental rights seek to achieve for each individual the dignity of existence. Privacy with its attendant values assures dignity to the individual and it is only when life can be enjoyed with dignity can liberty be of true substance. Privacy ensures the fulfillment of dignity and is a core value which the protection of life and liberty is intended to achieve."

127...The right to privacy is an element of human dignity. The sanctity of privacy lies in its functional relationship with dignity. Privacy ensures that a human being can lead a life of dignity by securing the inner recesses of the human personality from unwanted intrusion. Privacy recognises the autonomy of the individual and the right of every person to make essential choices which affect the course of life. In doing so privacy recognises that living a life of dignity is essential for a human being to fulfill the liberties and freedoms which are the cornerstone of the Constitution."

43. That since there are no guidelines prescribed on the manner of collection of information and the same is left to a field manual, the residents are left to the mercy of the person preparing the field manual, without there being any protection arising from any statute which is violation of the fundamental rights of the citizens.
44. That it is further submitted that it the duty of the government to not adhere to such policies as to infringe any right of an individual provided in Part III of the Constitution and by collecting

information without any guidelines is gross violation of the Constitution.

45. That there is no procedure specified by the government as to how the information will be collected for NPR because a person having a domicile in one state might have migrated to another state in search of living and if such migration is hindered with then it will be a gross violation of Article 19. This disproportionality affects migrant workers and does not preserve public interest.

46. That there is absence of regulation as to how the process of NPR will be regulated and administered and will it be done by government officials or private contractors because giving the contract of collecting personal information to a private body is a threat to the national security of India and its people. Further, the protection under the Citizenship Act, 1955 and Citizenship Rules, 2003 has been provided for NRIC where it is specified that only government officers would perform the task, but no such clause exists for NPR and is left at the discretion of Registrar General, India.

47. That there is no provision available when people don't want to give the information and what will be the consequences of not giving the information apart from fine of Rs. 1,000/- and as such it creates a fear of being stateless in the minds of the people and

infringes the right to privacy of citizens. The law does not provide power for compulsion and all the acts affecting rights and liberties of an individual are to be necessarily backed by law enacted by Parliament. It is submitted that right to privacy, being guaranteed under Article 21 of the Constitution of India, cannot be infringed except by law and only to the extent necessary. Justice Nariman in Puttaswamy case held that informational privacy "deals with a person's mind, and therefore recognizes that an individual may have control over the dissemination of material that is personal to him". Any unauthorised use of such information may therefore lead to infringement of the right to privacy. In his concurring judgment, Justice Kaul held that informational privacy provides the right to an individual "to disseminate certain personal information for limited purposes alone". The relevant portion of Puttaswamy Judgment is again being reproduced hereunder for kind consideration by this Hon'ble Court.

"620...The boundaries that people establish from others in society are not only physical but also informational. There are different kinds of boundaries in respect to different relations. Privacy assists in preventing awkward social situations and reducing social frictions. Most of the information about individuals can fall under the phrase "none of your business". An individual has the right to control one's life while submitting personal data for various facilities and services. It is but essential that the individual knows as to what the data is being used for with the ability to correct and amend it. The hallmark of freedom in a democracy is having the autonomy and control over our lives which becomes impossible, if important decisions are made in secret without our awareness or participation."

48. That identification project that involves the collection of the biometric and demographic information of 1.3 billion people, creating the largest biometric identity project in the world, must be scrutinized carefully to assess its compliance with human rights. It is stated that the Rule 18(3) is to be tested on the anvil of newly re-established fundamental right to privacy.
49. That, it is submitted that the Citizenship Act, 1955 is meant for laying conditions for eligibility for and acquisition of citizenship and not for creation of a "register" and as such the process of NPR is itself incongruous with the Scheme of the 1955 Act.
50. That, there is no law for the data protection of NPR and all acts affecting rights and liberties of an individual have to be necessarily backed by law because if not then it gives uncharted power to the government over the people and it is violation of fundamental rights of the citizens of India.
51. That as far as citizen-state relations are concerned, the Constitution was framed to balance the rights of the individual against legitimate State interests. Being transformative, it has to be interpreted to meet the needs of a changing society. As the interpreter of the Constitution, it is the duty of this Court to be vigilant against State action that threatens to upset the fine

balance between the power of the state and rights of citizens and to safeguard the liberties that inhere in our citizens.

52. That regardless of whether the database is created based on a *de-novo* collection of individual data or is based on already existing data such as the voter list, there is a crucial and imperative need to identify and establish an institutional mechanism that will "own" the database and will be responsible and accountable for its protection, maintenance and updating on an ongoing basis post its creation. It is submitted that the database, being a property, having details of people of India, can be owned and vested only in the President of India, and not in any "authority".
53. That the Petitioner is deeply concerned with the acts and conduct of the Respondents in this writ petition, which not only pose real and present danger and threat to the security of the Nation and to its people. Further, India is a signatory to the International Covenant on Civil and Political Rights, 1966 and Article 17 of the covenant is reproduced hereunder for kind consideration by this Hon'ble Court:
- a. No one shall be subject to arbitrary or unlawful interference with his privacy, family, human or correspondences, nor to lawful attacks on his honour and reputation;*

b. Everyone has the right to the protection of the law against such interference or attacks.

54. That the project of NPR is gross violation of the Constitution and interference of this Hon'ble Court is utmost required because a substantial public interest is involved and if the present petition is not considered then it would result in grave public harm and public injury affecting the rights and liberties of an individual.
55. That in the aforesaid facts and circumstances, interference of this Hon'ble High Court is utmost required for the purpose to issue direction to the Government to quash this process until a detailed law is drafted in this regard.
56. That a "MANUAL OF INSTRUCTIONS FOR FILLING UP OF THE NPR HOUSEHOLD SCHEDULE" has also been issued for NPR 2020, which is a pre-cursor for nationwide NRC. A true copy of INSTRUCTIONS FOR FILLING UP OF THE NPR HOUSEHOLD SCHEDULE 2020 dated Nov 2020 is annexed as Annexure P-11 (Pg No 73 to 107)
57. That the Petitioner is alleging violation of Article 14 and Articles 21 which are both fundamental rights for whose violation this Hon'ble Court can be approached. The Petitioner had filed Writ Petition before the Calcutta High Court WPC 22964/2019. However, as this Hon'ble Court has issued notice in a matter concerning NPR / NRC, the Calcutta High Court is disabled from hearing the matter

in view of norms of propriety. Further, by an order passed by this Hon'ble Court on 22.01.2020, the Calcutta High Court cannot now adjudicate the Writ Petition. A true copy of the order dated 22.01.2020 passed by this Hon'ble Court in Writ Petition No. of 2020 is annexed as Annexure P-12 (pg. 108 - 130)

58. Sample NPR form used in Gujarat in 2011. A sample NPR form from Gujarat is annexed as Annexure P-13 (pg. 131 - 132) A true copy of the sample Census 2021 Form is annexed as Annexure P-14 (pg. 133 - 134).
59. That this Hon'ble Court may also take notice of the following chronology in which collection of information in the annexed table which shows that "Citizenship" has not been a question in census after 1961. A true copy of the chart is annexed as Annexure P-15 (pg. 135 - 144)
60. That the Petitioner has no other alternative and equally efficacious remedy; and the instant Writ Petition has been filed, inter alia, on the following grounds:

GROUNDS

A. BECAUSE, the interference of this Hon'ble Court is utmost required for the purpose to issue direction to the Government to

quash the process of preparation of NPR until a detailed law is drafted in this regard;

- B. BECAUSE , the Respondent sought declaration that Section 14-A of the Citizenship Act, 1955 is *ultravires* the Constitution, in that the collection of personal data under the NPR in terms of Section 14-A of the Citizenship Act, 1955 is violative of Article 14 and Article 21 to the Constitution of India and it suffers from the vice of excessive delegation in that it does not prescribe to what extent private information of citizens shall be required and leaves it to the discretion of executive;
- C. BECAUSE, the process of preparation of National Population Register is arbitrary and illegal both substantively and procedurally as it violates Article 14, 19, 21 of the Constitution of India;
- D. BECAUSE, the clubbing of process of preparation of NPR with Census Enumeration Exercise is unnecessary and is itself farcical and the entire exercise is nothing but colossal waste of public money;
- E. BECAUSE, there are no expressed provisions available for the guidance, regulation, administration and protection of the data of NPR;
- F. BECAUSE, the decision by Respondent No.1&2 to proceed with NPR cannot be arbitrary and reasons must be recorded for why it is needed. It is relevant that data was collected in 2011 and also

in 2015, and so where is the occasion to (intrusive) data in 2019,
in such a short while;

G. BECAUSE , it is submitted that Section 18(3) of the Citizenship Act 1955 suffers from excessive delegation in as much it enables imposition of penalty of Rs. 1000 in any and every situation as defined in the rules, without providing any legislative guidance;

H. BECAUSE , a substantial question of public interest is involved which needs to be answered urgently by this Hon'ble Court;

I. BECAUSE ,the decision to proceed with or not to proceed with NPR exercise is not at the sweet will of the Respondents. It has to be backed by cogent reasons and the same must be recorded in writing;

J. BECAUSE , in the aforesaid facts and circumstances, interference of this Hon'ble High Court is utmost required otherwise it will result in grave public harm and public injury;

K. BECAUSE , no procedure is specified by the government as to how the information will be collected for NPR because a person having a domicile in one state might have migrated to another state in search of living and if such migration is hindered with then it will be a gross violation of Article 19;

L. BECAUSE, Section 18(3) of the Citizenship Act 1955 suffers from excessive delegation in as much it enables imposition of penalty of Rs. 1000 in any and every situation as defined in the rules, without providing any legislative guidance;

- M. BECAUSE, the level of intrusion and violation of fundamental rights under Articles 14 and Article 21, the sanction for creation of NPR, if at all, has to be by a legislation and not by rules;
- N. BECAUSE , while the information that is proposed to be collected is personal and private, there is no statutory basis for collection of such detailed data which goes beyond the requirement of mere census;
- O. BECAUSE , the rights, including the right to privacy is affected by collection of personal information proposed to be collected under NPR, it is submitted that the same can only be regulated or abridged by a statute and not by rules;
- P. BECAUSE, the Notification (bearing no. S.O. 2753(E)) dated 31.07.2019 is arbitrary and has been issued without application of mind and without satisfying jurisdictional conditions under Section 14-A of the 1955 Act;
- Q. BECAUSE, Rule 3 does not empower the collection of data of the nature contemplated; and anyway, such an empowerment cannot flow from rules and must emanate from the legislation itself for it to pass the muster of Article 21;
- R. BECAUSE, Section 14-A of the Citizenship Act, 1955 is ultravires the Constitution, in that the collection of personal data under the NPR in terms of Section 14-A of the Citizenship Act, 1955 is violative of Article 14 and Article 21 to the Constitution of India and it suffers from the vice of excessive delegation in that it does

not prescribe to what extent private information of citizens shall be required and leaves it to the discretion of executive, i.e. Respondent No.2;

S. BECAUSE, Parliament has surrendered its wisdom to subordinate legislation which is impermissible and arbitrary;

T. BECAUSE, Section 14-A the power to prescribed procedure is only for NRIC and not for NPR. Therefore, unless there is a statutory mandate for NPR, the same is illegal and without jurisdiction and must stop immediately;

U. BECAUSE, power of collecting the above stated documents, which has been delegated to RGI and other officers under the rules, is being exercised through Gazette Notifications and executive instructions which amounts to excessive delegation and such power is not regulated and controlled by any conditions prescribed by law;

V. BECAUSE, the power under S.14-A under the Citizenship Act, 1955 is exercisable after the government so decides (by use of the phrase "may compulsorily register"), and thus, contemplates application of mind based on cogent and intelligible material;

W. BECAUSE, the jurisdictional conditions for the exercise of power under S.14-A have not been made because there is no formal decision today to prepare NRIC;

X. BECAUSE , Section 14A(5) requires procedure to be prescribed for NRIC, but till today no procedure has been prescribed for NPR

being first step of NRIC. It is stated that as proclaimed since NPR is part of NRIC process, the same cannot be commenced unless all jurisdictional conditions of S.14A are satisfied;

Y. BECAUSE, Section 14-A of the Citizenship Act, Rule 3(5) and Rule 4 of the Citizenship Rules 2003 have to be viewed as a code, and before proceedings with Rule 4, conditions of Section 14-A must be satisfied;

Z. BECAUSE, Rule 4(3), begins by using the phrase "For the purposes of preparation and inclusion in the Local Register of Indian Citizens", and therefore the decision to prepare a register of citizens is a precondition for operation of Rule 4 of the Citizenship Rules;

AA. BECAUSE, Foreigners Act, 1946 read with Foreigners Order 1964 provides for a mechanism for identification, detection and adjudication over non-citizens/foreigners, and as such the power in law is exercisable by a person having judicial experience;

BB. BECAUSE, low level executive officers cannot be empowered to perform judicial or quasi judicial functions;

CC. BECAUSE, the power to doubt the citizenship of any person, (as experience from Assam shows), is a serious power and can only be exercised by a person who has had judicial training and experience, and cannot be left to the whims and

personal opinion of taluk level officers. Further, this certainly cannot be done by the Rule making power;

DD. BECAUSE, the amendment of the Citizenship Act, 1955 providing for National Population Register, without providing for a concomitant bar on access to such information is violation of Articles 14 and 21 of the Constitution of India;

EE. BECAUSE, the possibility of usage/dissemination of the said information for 'profiling' and other purposes not provided by law is eliminated and penalized;

FF. BECAUSE, to make privacy the heart of human dignity and liberty which are complementary constitutional entities, hence, privacy is an integral part of liberty;

GG. BECAUSE, no guidelines prescribed on the manner of collection of information and the same is left to a field manual, the residents are left to the mercy of the person preparing the field manual; the field manual is illegal.

HH. BECAUSE, there is no procedure specified by the government as to how the information will be collected for NPR because a person having a domicile in one state might have migrated to another state in search of living and if such migration is hindered with then it will be a gross violation of Article 19. This disproportionality affects migrant workers and does not preserve public interest;

- II. BECAUSE, verification/identification project that involves the collection of the biometric and demographic information of 1.3 billion people, creating the largest biometric identity project in the world, must be scrutinized carefully to assess its compliance with human rights;
- JJ. BECAUSE, the Citizenship Act, 1955 is meant for laying conditions for eligibility for and acquisition of citizenship and not for creation of a "register" and as such the process of NPR is itself incongruous with the Scheme of the 1955 Act;
- KK. BECAUSE, in respect of NPR, no guidelines prescribed on the manner of collection of information and the same is left to a field manual, the residents are left to the mercy of the person preparing the field manual where as Section 14-A requires "manner" to be prescribed by rules and not by a field manual;
- LL. BECAUSE, there is no provision for legal aid at the stage of preparing for NPR itself, and even at NRIC stage;
- MM. BECAUSE, in NPR, the possibility of usage/dissemination of the said information for 'profiling' and other purposes not provided by law is eliminated and penalized; and the same protection that is available to aadhaar database by law is not available to the NPR database;
- NN. BECAUSE what could not be achieved by (sinister) aadhaar database, cannot be achieved by NPR database.

- OO. BECAUSE, if the government was indeed keen to recognize the rights of so-called persecuted migrants, the same could be achieved by granting a refugee status;
- PP. BECAUSE, there is no purpose served by the NPR as the population data collection has already been carried out by Aadhaar as well as Census;
- QQ. BECAUSE, the purported objective of targeting social welfare schemes under NPR is already being served by Aadhaar and therefore is a redundant exercise;
- RR. BECAUSE, the NPR data, in addition to being without legal basis, also seeks data points in excess of that which is prescribed under the Citizenship Rules and therefore is unconstitutional;
- SS. BECAUSE, NPR exercise has been carried out in the past in 2010 as well as 2015, and no information on the outcome of these exercises have been provided till date;
- TT. BECAUSE, the CAA and NPR-NRC if implemented would result in utter chaos with foreign nations already stating that they would not accept anyone identified as an illegal migrant by India, rendering such Individuals, stateless and without any rights that come bundled with citizenship and at worst case, be treated as criminals , foreigners;
- UU. BECAUSE, Rule 4(6)(a) of the Citizenship Rules, enables any person to file objections against the inclusion of any person in

the Local register of citizens thus allowing the entire exercise to be manipulated by any individual and / or vested interests;

VV. BECAUSE, until and unless NRC is notified, NPR being first step of the process cannot be rolled out; in other words, notification of NRC is jurisdictional condition for notifying NPR;

WW. BECAUSE, the exercise of NPR and NRIC have to be viewed in the context of CAA and exclusion;

PRAYER

For the facts and reasons aforesaid, this Hon'ble Court may graciously be pleased to:

- A. Declare that Sections 14-A of the Citizenship Act, 1955 is *ultravires* the Constitution and violative of Articles 14, 19 and 21 of the Constitution, and manifestly arbitrary;
- B. Declare Section 18(3) of the Citizenship Act, 1955 is *ultravires* the Constitution and violative of Articles 14, 19 and 21 of the Constitution, and manifestly arbitrary;
- C. Pass an order, direction or writ in the nature of certiorari, quashing the Gazette Notification No. S.O.2753(E) dated 31 July, 2019 (Annexure P / 7) mandating NPR from April 1, 2020 across the country as being manifestly arbitrary and violative of Article 14, 19 and 21 of the Constitution of India;

- D. Issue a writ, order or direction in the nature of *prohibition* commanding the government to stop the proposed process of preparing National Population Register;
- E. Declare the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 as manifestly arbitrary, illegal, arbitrary and whimsical and violative of the Constitution of India; and *consequently* to quash the same for the grounds enumerated above;
- F. Issue a writ in the nature of certiorari quashing the INSTRUCTION MANUAL FOR UPDATION OF NATIONAL POPULATION REGISTER (NPR), 2020 as illegal and ultra vires the rules and the Citizenship Act, 1955, and hold that NRIC/NPR and Census Exercise cannot be clubbed together in the interest of fairness;
- G. Any other writ, order or direction which this Hon'ble Court may deem fit and proper may also be passed under the circumstances of the case in favour of the petitioner.
- H. Such other orders as may be necessary may also be passed;

AND FOR THIS ACT OF KINDNESS THE PETITIONER SHALL EVER REMAIN DUTY BOUND AND PRAY:

Drawn By

TALHA ABDUL RAHMAN
DARSHANA MITRA
MD SHAZ KHAN

FILED BY:

TALHA ABDUL RAHMAN
ADVOCATE FOR PETITIONER

Drawn on : .02.2020
Filed on:.. .02.2020
New Delhi

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**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (C) NO.

OF 2020

IN THE MATTER OF:-

Deborshi Chakraborty

... Petitioner

VERSUS

Union of India & Ors.

... Respondents

AFFIDAVIT

I, Deborshi Chakraborty, [REDACTED]

[REDACTED] being the Petitioner

above named do hereby solemnly affirm and state on oath as under: -

1. That I am the Petitioner in the accompanying Writ Petition, and I am well conversant with the facts of the case. It is stated that the Petitioner will have no personal gain, or has any private motive or oblique reason for filing the present Public Interest Litigation before this Hon'ble Court.
2. That I have read and understood the contents of the Synopsis and List of dates (Pages B-U), Writ Petition (Pages 1 to 42 and para 1 - 60), I.A's and the contents of the same are true and correct to my knowledge and based on the records of the case.
3. I further state that all the Annexures to this Writ Petition are true copies of their respective originals.

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DEPONENT

VERIFICATION

Verified at New Delhi on this the day of , 2020 that the contents of paragraph 1 to of the above affidavit are true and correct to the best of my knowledge and belief and no part thereof is false and nothing material has been concealed therefrom.

DEPONENT

Section 14A in the Citizenship Act, 1955

14A. Issue of national identity cards.—

- (1) The Central Government may compulsorily register every citizen of India and issue national identity card to him.
- (2) The Central Government may maintain a National Register of Indian Citizens and for that purpose establish a National Registration Authority.
- (3) On and from the date of commencement of the Citizenship (Amendment) Act, 2003, the Registrar General, India, appointed under sub-section (1) of section 3 of the Registration of Births and Deaths Act, 1969 (18 of 1969) shall act as the National Registration Authority and he shall function as the Registrar General of Citizen Registration.
- (4) The Central Government may appoint such other officers and staff as may be required to assist the Registrar General of Citizen Registration in discharging his functions and responsibilities.
- (5) The procedure to be followed in compulsory registration of the citizens of India shall be such as may be prescribed.

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Annexure-P/1

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 10th December, 2003

G.S.R.937(E).- In exercise of the powers conferred by sub-sections (1) and (3) of section 18 of the Citizenship Act, 1955 (57 of 1955), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement. - (1) These rules may be called the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. Definitions. - In these rules, unless the context otherwise requires, -
 - (a) "Act" means the Citizenship Act, 1955 (57 of 1955);
 - (b) "Chief Registrar of Births and Deaths" means the Chief Registrar of Births and Deaths appointed under the Registration of Births and Deaths Act, 1969 (18 of 1969);
 - (c) "Citizen" means the Citizen of India in terms of the Constitution of India and provisions of the Act;
 - (d) "Director of Citizen Registration" means the Director of Census in a State or Union territory appointed by the Central Government under the Census Act, 1948 (37 of 1948), who shall also function as the Director of Citizen Registration in that State, or as the case may be, in the Union territory;
 - (e) "District Register of Indian Citizens" means the register containing details of Indian Citizens usually residing in the district;
 - (f) "District Registrar of Citizen Registration" means the District Magistrate of every revenue district, by whatever name known, who shall act as the District Registrar of Citizen Registration;
 - (g) "Local Register of Indian Citizens" means the register containing details of Indian Citizens usually residing in a village or rural area or town or ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area;
 - (h) "Local Registrar of Citizen Registration" means a local officer, or a revenue officer, appointed by the State Government at the lowest geographical jurisdiction, that is to say, of a village or rural area or town, or

- ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area, who shall function as Local Registrar for the purpose of preparation of Local Register of Indian Citizens;
- (i) "National Identity Card" means the identity card issued under rule 13;
 - (j) "National Identity Number" means a unique identity number allotted to every Indian Citizen by the Registrar General of Citizen Registration, India;
 - (k) "National Register of Indian Citizens" means the register containing details of Indian Citizens living in India and outside India;
 - (l) "Population Register" means the register containing details of persons usually residing in a village or rural area or town or ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area;
 - (m) "Registrar General of Citizen Registration" means the Registrar General, India, appointed under the Registration of Births and Deaths Act, 1969 (18 of 1969), who shall also function as the Registrar General of Citizen Registration, India;
 - (n) "State Register of Indian Citizens" means the register containing details of Indian Citizens usually residing in the State;
 - (o) "Sub-district or Taluk Registrar of Citizen Registration" means the Sub-district Magistrate or Taluk Executive Magistrate of every sub-district or taluk, by whatever name known, as the case may be, who shall function as Sub-district or Taluk Registrar of Citizen Registration;
 - (p) "Sub-district Register of Indian Citizens" means the register containing details of Indian Citizens usually residing in a taluk, or by whatever name known, of the sub-district.

3. National Register of Indian Citizens. – (1) The Registrar General of Citizen Registration shall establish and maintain the National Register of Indian Citizens.

(2) The National Register of Indian Citizens shall be divided into sub-parts consisting of the State Register of Indian Citizens, the District Register of Indian Citizens, the Sub-district Register of Indian Citizens and the Local Register of Indian Citizens and shall contain such details as the Central Government may, by order, in consultation with the Registrar General of Citizen Registration, specify.

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(3) The National Register of Indian Citizens shall contain the following particulars in respect of every Citizen, namely :-

- (i) Name;
- (ii) Father's name;
- (iii) Mother's name;
- (iv) Sex;
- (v) Date of birth;
- (vi) Place of birth;
- (vii) Residential address (present and permanent);
- (viii) Marital status – if ever married, name of the spouse;
- (ix) Visible identification mark;
- (x) Date of registration of Citizen;
- (xi) Serial number of registration; and
- (xii) National Identity Number.

(4) The Central Government may, by an order issued in this regard, decide a date by which the Population Register shall be prepared by collecting information relating to all persons who are usually residing within the jurisdiction of Local Registrar.

(5) The Local Register of Indian citizens shall contain details of persons after due verification made from the Population Register.

4. Preparation of the National Register of Indian Citizens. – (1) The Central Government shall, for the purpose of National Register of Indian Citizens, cause to carry throughout the country a house-to-house enumeration for collection of specified particulars relating to each family and individual, residing in a local area including the Citizenship status.

(2) The Registrar General of Citizen Registration shall notify the period and duration of the enumeration in the Official Gazette.

(3) For the purposes of preparation and inclusion in the Local Register of Indian Citizens, the particulars collected of every family and individual in the Population Register shall be verified and scrutinized by the Local Registrar, who may be assisted by one or more persons as specified by the Registrar General of Citizen Registration.

(4) During the verification process, particulars of such individuals, whose Citizenship is doubtful, shall be entered by the Local Registrar with appropriate remark in the Population Register for further enquiry and in case of doubtful

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Citizenship, the individual or the family shall be informed in a specified proforma immediately after the verification process is over.

(5) (a) Every person or family specified in sub-rule (4), shall be given an opportunity of being heard by the Sub-district or Taluk Registrar of Citizen Registration, before a final decision is taken to include or to exclude their particulars in the National Register of Indian Citizens.

(b) The Sub-district or Taluk Registrar shall finalize his findings within a period of ninety days of the entry being made, or within such reasonable extended time for which he shall record the reasons in writing.

(6) (a) The draft of the Local Register of Indian Citizens shall be published by the Sub-district or Taluk Registrar, for inviting any objections or for inclusion of any name or corrections for the family or individual particulars collected and proposed to be finally entered in the National Register of Indian Citizens.

(b) Any objection against a particular entry or for inclusion of a name, or corrections if any, in the Local Register of Indian Citizens may be made within a period of thirty days from the date of publication of the draft of the Local Register of Indian Citizens, spelling out the nature and reasons for the objection in such form as may be specified by the Registrar General of Citizen Registration.

(c) Subject to the provisions contained in clause (a) of sub-rule (5), the Sub-district or Taluk Registrar shall consider such objections and summarily dispose off the same within a period of ninety days, and thereafter submit the Local Register of Indian Citizens so prepared to the District Registrar of Citizen Registration who shall cause the entries in the Local Register of Indian Citizens, to be transferred to the National Register of Indian Citizens.

(7) (a) Any person aggrieved by the order of the Sub-district or Taluk Registrar under sub-rule (5) or sub-rule (6), may prefer an appeal within thirty days from the date of such order, to the District Registrar of Citizen Registration.

(b) The District Registrar of Citizen Registration shall take a final decision, after giving an opportunity of being heard to the person so aggrieved, within a period of ninety days from the date of appeal.

(c) In case the appeal is allowed, the particulars shall be entered in the National Register of Indian Citizens.

5. Officials of the Central Government, State Governments and local bodies to assist the Registrar General of Citizen Registration. – Every official of the Central Government, State Government, local bodies or their undertakings shall assist the Registrar General of Citizen Registration or any person authorized by him in this

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behalf, in preparation of the database relating to each family and every person, and in implementing the provisions of these rules.

6. Initialization of National Register of Indian Citizens. – (1) The Registrar General of Citizen Registration shall, by order, notify the date on which the National Register of Indian Citizens shall be initialized throughout the country.

(2) The order made under sub-rule (1) may provide for the initialization period specified by the Registrar General of Citizen Registration for establishment of the National Register of Indian Citizens.

(3) Every individual must get himself registered with the Local Registrar of Citizen Registration during the period of initialization as specified under sub-rule (2).

7. Head of family and individual to act as informant. – (1) It shall be compulsory for every Citizen of India to assist the officials responsible for preparation of the National Register of Indian Citizens under rule 4 and get himself registered in the Local Register of Indian Citizens during the period of initialization.

(2) It shall be the responsibility of the head of every family, during the period specified for preparation of the Population Register, to give the correct details of name and number of members and other particulars, as specified in sub-rule (3) of rule 3, of the family of which he is the head.

(3) It shall be the responsibility of every Citizen to register once with the Local Registrar of Citizen Registration and to provide correct individual particulars to that authority.

(4) In the case of dependents, such as minor who has not attained the age of eighteen years, or who is disabled, the responsibility of reporting the particulars under this rule shall be of the head of the family:

Provided that in so far as inmates of institutions, such as orphanages, old age homes, mental asylums are concerned, the responsibility for providing the requisite details shall lie with the head of the Institution.

8. Power of District Registrar, Sub-district or Taluk Registrar or Local Registrar of Citizen Registration to obtain information. – The District Registrar, Sub-district or Taluk Registrar or the Local Registrar of Citizen Registration may, by order, require any person to furnish any information within his knowledge in connection with the determination of Citizenship status of any person and the person required to furnish information shall be bound to comply with such requisition.

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9. Procedure as to making of entries in National Register of Indian Citizens. – The Registrar General of Citizen Registration may, by order, specify the procedure to be followed in preparation of the National Register of Indian Citizens and disposal of claims and objections with regard to family and individual particulars proposed to be entered in that Register.

10. Deletion of name and particulars from National Register of Indian Citizens. –

(1) The name and particulars of a Citizen may be removed from the National Register of Indian Citizens by an order of the Registrar General of Citizen Registration or any officer authorized by him in this behalf in the event of –

- (i) death of the person; or
- (ii) the person ceasing to be an Indian Citizen under section 8 of the Act; or
- (iii) revocation of Indian Citizenship under section 9 of the Act; or
- (iv) the particulars provided by the individual or the family found to be incorrect subsequently, thereby affecting the Citizenship status of the person.

(2) It shall be the duty of the Indian Citizen concerned to inform the District Registrar of Citizen Registration, within a period of thirty days, about the cessation of his Indian Citizenship under clause (ii) of sub-rule (1);

(3) In the event of an order under sub-rule (1), the person concerned, or in the event of his death his nearest relative, shall be duly informed about the deletion of any entry from the National Register of Indian Citizens.

Provided that any person aggrieved by the order of an authorized officer may prefer an appeal against such order to the Authority within a period of thirty days of such order.

(4) The appeal under sub-rule (3) shall be disposed off, after giving to the appellant an opportunity of being heard, and produce any documentary or oral evidence in support of his claim.

11. Maintenance and updating of National Register of Indian Citizens. – (1) The Registrar General of Citizen Registration shall cause to maintain the National Register of Indian Citizens in electronic or some other form which shall entail its continuous updating on the basis of extracts from various Registers specified under the Registration of Births and Deaths Act, 1969 (18 of 1969) and the Act.

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(2) It shall be the responsibility of the head of each and every family to ensure that any event of birth or death occurring in the family has been duly entered in, or deleted from, the Local Register of Indian Citizens.

(3) The Chief Registrar of Births and Deaths and all other officials engaged in the registration of births and deaths shall assist the Registrar General of Citizen Registration in updating the National Register of Indian Citizens as required under sub-rule (1).

12. Modification of entries in National Register of Indian Citizens. – The Sub-district or Taluk Registrar may, on an application made by the concerned person and after due verification, authorize the modification of any entry in respect of the following particulars in National Register of Indian Citizens, namely:-

- (a) change of name; or
- (b) the name of the applicant's parent in case his status has been altered by adoption under the relevant laws; or
- (c) change of residential address; or
- (d) change of marital status; or
- (e) change of sex.

13. Issue of National Identity Cards. – The Registrar General of Citizen Registration, or any officer authorised by him in this behalf, shall issue the National Identity Card to every Citizen whose particulars are entered in the National Register of Indian Citizens under sub-rule (3) of rule 3.

14. National Identity Cards to be Government property and responsibility of Citizens to keep them properly. – (1) The National Identity Card shall be the property of the Central Government.

(2) No person shall willfully destroy, alter, transfer or use in any form the National Identity Card, except for the lawful purposes.

(3) On the happening of any of the events specified under sub-rule (1) of rule 10, the National Identity Card shall be surrendered, by the Citizen concerned or his nearest relative, as the case may be, to the Registrar General of Citizen Registration or any other authorized officer acting on his behalf.

(4) In the event of a loss of the National Identity Card, it shall be the duty of the Citizen or his nearest relative, as the case may be, to report the matter immediately to the nearest police station and the concerned Authority.

15. Designation of National Registration Authority and officers. – (1) On and from the date of commencement of these rules, the Registrar General, India shall be designated as the Registrar General of Citizen Registration, India who shall also function as such for the purposes of these rules.

(2) The Central Government may designate –

- (a) one or more officers as Additional or Joint or Deputy Registrar General of Citizen Registration and such other officers and staff as may be required; and
- (b) an officer as a Director, and one or more officers as Joint Director, Deputy Director, Assistant Director of Citizen Registration for each of the States and the Union territories along with requisite support staff, to assist the Registrar General of Citizen Registration in discharging the functions and responsibilities under these rules,

(3) The State Government shall notify a State Co-ordinator of National Registration not below the rank of a Secretary in the State Government or equivalent.

16. Supervision and Control of Registrar General of Citizen Registration over District, Sub-district or Taluk and Local Registrars of Citizen Registration. – (1)

The State Government shall designate an officer or a person as Local Registrar of Citizen Registration for each lowest geographical jurisdiction, that is to say, of a village or rural area or town, or ward or demarcated area (demarcated by the Registrar General of Citizen Registration) within a ward in a town or urban area who shall function as Local Registrar for the purpose of preparation of Local Register of Indian Citizens.

(2) Every Local Registrar of Citizen Registration shall function under the overall supervision of the Sub-district or Taluk Registrar of Citizen Registration.

(3) Every Sub-district or Taluk Registrar of Citizen Registration shall function under the overall supervision of the District Registrar of Citizen Registration.

(4) For the purposes of implementing and carrying out the provisions of these rules, the District Registrar, the Sub-district or Taluk Registrar and the Local Registrar of Citizen Registration shall be under the supervision and control of the Registrar General of Citizen Registration.

(5) The Registrar General of Citizen Registration or any officer authorized by him at any time may call for any records for examination, and issue directions regarding inclusion or exclusion of any individual or family particulars from the Population

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Register or Local Register of Indian Citizens, to the District Registrar, the Sub-district or Taluk Registrar and the Local Registrar of Citizen Registration.

17. Penal consequences in certain cases. - Any violation of provisions of rules 5, 7, 8, 10, 11 and 14 shall be punishable with fine which may extend to one thousand rupees.

18. Guidelines for collection of particulars of individuals, verification, issue of National Identity Cards, etc. - The Registrar General of Citizen Registration may, in consultation with the Central Government, issue from time to time such guidelines to the State Governments as are considered necessary for implementation of these rules.

[F.No.26011/2/2003-IC.]

PRAVIN SRIVASTAVA, Jt. Secy.

Note: The Principal rules were published in the Gazette of India vide number SRO 1574, dated 7-7-1956 and subsequently amended vide number:

- | | | |
|-----|--------------------|--------------------|
| 1. | 2/13/57-IC | dated 16-5-58 |
| 2. | 10/3/58-IC | dated 19-11-58 |
| 3. | 2/11/58-IC | dated 31-1-59 |
| 4. | 2/1/60-IC | dated 16-9-60 |
| 5. | 1/1/62-IC | dated 20-12-62 |
| 6. | 1/1/64-IC | dated 3-3-65 |
| 7. | 24/161(ii)/64-IC | dated 5-5-65 |
| 8. | 2/1/66-IC | dated 29-5-67 |
| 9. | 2/1/68-IC | dated 12-11-68 |
| 10. | 2/1/69-IC | dated 14-5-69 |
| 11. | 2/7/69-IC | dated 19-12-69 |
| 12. | 24/75/69-IC | dated 28-8-70 |
| 13. | 26011/1/71-IC | dated 9-8-71 |
| 14. | 26011/12/(i)/71-IC | dated 15-2-72 |
| 15. | GSR 383(E) | dated 5-6-81 |
| 16. | GSR 25(E) | dated 15-1-86 |
| 17. | GSR 567(E) | dated 1-4-86 |
| 18. | GSR 18(E) | dated 7-1-87 |
| 19. | GSR 392(E) | dated 13-4-87, and |
| 20. | GSR 141(E) | dated 19-3-98 |
| 21. | GSR 344(E) | dated 20-4-2000 |



Government of India
Office of the Registrar General, India
Ministry of Home Affairs
2-A, Mansingh Road, New Delhi- 110 011

ANNEXURE P-2 53

No : 9/41/2015-CRD (NPR)

Dated :- 01.07.2015

UPDATING OF NPR -CIRCULAR No. -1

Subject:- Updating of National Population Register (NPR) and seeding Aadhaar in the NPR database: Notification; re-publication in the State/UT Government Gazette -reg.

Dear Sir/Madam,

The Central Government has decided to update the National Population Register (NPR) and to seed the Aadhaar number in the electronic database. The notification to this effect has been published in the Government of India Gazette. A copy of the same is enclosed herewith for reference.

2. It is requested that the same may be re-published in the State/UT Gazette. A copy of the Gazette publication may kindly be sent to this Office for record.

Encl. :- As Above,

(Dr. C. Chandramouli)
Registrar General Citizen Registration, India

To,

All Directorates of Census Operations

Copy To.

1. All Chief Secretaries/ Administrators,
2. All States/ UTs Coordinators for NPR through respective DCOs.



Government of India
Office of the Registrar General, India
Ministry of Home Affairs
2-A, Mansingh Road, New Delhi- 110 011

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ANNEXURE P-3

Dated 17.07.2015

No. 9/41/2015-CRD (NPR)

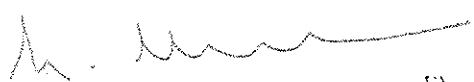
UPDATING OF NPR - CIRCULAR No. -2

Subject:- Updation of National Population Register (NPR) and seeding Aadhaar in the NPR database : Notification in the State/UT Government Gazette regarding period of field work -reg.

Dear Sir/ Madam,

Kind attention is drawn to the reference dated 01.07.2015. I trust the notification regarding the intention of the Central Government to update the National Population Register (NPR) and to seed the Aadhaar number in the electronic database has been republished in the State/UT Government Gazette.

2. In continuation of this, the State/UT Government has to finalize the period of house-to-house enumeration and notify it in the State/UT Gazette. You are requested to kindly finalize the period of field work and publish it in the State/UT Gazette under intimation to this office.


(Dr. C. Chandramouli)
Registrar General Citizen Registration, India

To

All Directorates of Census Operations

Copy To.

1. To All Chief Secretaries/ Administrators
2. All States/ UTs Coordinators for NPR through respective DCOs.

भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1332]
No. 1332]
नई दिल्ली, बृहस्पतिवार, जून 25, 2015/आषाढ़ 5, 1937
NEW DELHI, THURSDAY, JUNE 25, 2015/ASADHA 5, 1937

गृह मंत्रालय
(भारत के महारजिस्ट्रार, नागरिक रजिस्ट्रीकरण का कार्यालय)
आदेश

नई दिल्ली, 25 जून, 2015

का.आ.1694(अ).— नागरिकता (नागरिकों का पंजीकरण और राष्ट्रीय पहचान पत्र जारी करना) नियमावली, 2003 के नियम 3 के उप नियम (4) के अनुसरण में केन्द्र सरकार एतद् द्वारा जनसंख्या रजिस्ट्रार तैयार करने और उसे अद्यतन करने का निर्णय लेती है तथा स्थानीय रजिस्ट्रार के क्षेत्राधिकार के अंतर्गत सामान्य तौर पर रहने वाले सभी व्यक्तियों की संबंधित जानकारी एकत्र करने के लिए, देशभर में घर-घर जाकर गणना करने संबंधी फील्ड कार्य 01 जुलाई, 2015 से प्रारम्भ किया जाएगा।

[फा.सं.9/35/2015-सीआरडी(एनपीआर)]

क. चन्द्रमौलि, भारत के महारजिस्ट्रार, नागरिक रजिस्ट्रीकरण

MINISTRY OF HOME AFFAIRS
(OFFICE OF REGISTRAR GENERAL CITIZEN REGISTRATION, INDIA)
ORDER

New Delhi, the 25th June, 2015

S.O.1694(E).—In pursuance of sub-rule(4) of rule 3 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, the Central Government hereby decides to prepare and update the Population Register and the field work for house to house enumeration throughout the country for collection of information relating to all persons who are usually residing within the jurisdiction of Local Registrar shall be undertaken with effect from the 1st day of July, 2015 onwards.

[F.No.9/35/2015-CRD(NPR)]

C. CHANDRAMOULI, Registrar General Citizen Registration, India



Government of India
Office of the Registrar General, India
Ministry of Home Affairs
2-A, Mansingh Road, New Delhi- 110 011

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Annexure P/4

Dated 29.07.2015

No. 9/41/2015-CRD (NPR)

UPDATING OF NPR - CIRCULAR No. - 3

Subject:- Updating of National Population Register (NPR) and seeding Aadhaar in the NPR database : Methodology of field work-reg.

Dear Sir/ Madam,

Kind attention is drawn to the circular 1 and 2 dated 01.07.2015 and 17.07.2015 respectively on the above mentioned subject. I hope that the notification intimating the period of house-to-house field work has been notified in the State/UT Government Gazette.

2. The detailed methodology to be adopted for the field work is annexed herewith which may be communicated to all officials involved in the field work. The Directorate of Census Operations (DCO) of your State/UT will also coordinate with you and assist in the training of field functionaries and other related works.

Encl:- as above,

(C. Chandramouli)
Registrar General Citizen Registration, India

To

All Chief Secretaries/ Administrators

Copy to.

1. All Directorates of Census Operations
2. All States/ UTs Coordinators for NPR through respective DCOs
3. Hindi Division for Hindi translation

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Annex

METHODOLOGY OF FIELD WORK FOR UPDATING OF NPR DATABASE
AND SEEDING OF AADHAAR NUMBER

1. Publishing of Gazette Notification in the Gazette of India and republishing of the same in the State/UT Gazette.
2. Notify the date (one month period) of field work by State/UT and publish it in the State/UT Gazette.
3. Appointment of various field functionaries by States/UTs Government.
4. Creation of Enumeration Block (EB) wise NPR database in pdf format by office of RGCR, India
5. Printing of EB wise database including blank NPR Schedules, summary sheet etc.
6. Training of State/District/Tehsil/Charge level officers.
7. Training of enumerators and handing over the material for the actual field work.
8. House-to-house enumeration by designated government officials for updation of NPR database and seeding of Aadhaar in NPR. The blank NPR Schedules attached with NPR booklet would be filled up for new residents/households found during the field work.
9. Filling up of Summary Sheet attached with NPR booklet.
10. Submission of the updated NPR booklet and other items to the Charge Officer.
11. Data Entry and uploading of the corrected data to Central Server from the designated centre.
12. Sourcing of biometrics from UIDAI for the corresponding Aadhaar numbers by office of RGCR, India.
13. Finalisation of NPR updated database.



Government of India
Office of the Registrar General, India
Ministry of Home Affairs
2-A, Mansingh Road, New Delhi- 110 011

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Annexure-P/5

Dated: 08.09.2015

No. 9/41/2015-CRD (NPR)

UPDATING OF NPR - CIRCULAR No. - 4

Subject:- Updating of National Population Register (NPR): Appointment of Designated Officers - Issue of Notifications-reg.

Dear Sir/ Madam,

A notification under the Citizenship Act, 1955 has already been issued declaring the intention of the Union Government to update the National Population Register. A Copy of the notification is enclosed.

2. The State Government is requested to designate a suitable Officer not below the rank of Secretary to the State Government as the State Coordinator of National Registration (SCNR) of the State/UT concerned. The names of the SCNR may be intimated to the Office of the Registrar General of Citizens Registration, India.
3. The Joint Director/Deputy Director/Assistant Director of Census Operations in every State/UT Directorate of Census Operations, will function as the Joint, Deputy and Assistant Registrar of Citizens Registration respectively within the jurisdiction of the State or Union Territory concerned.
4. The Officers will also have to be designated at various levels in the State/UT and at Office of RGI for carrying out this exercise. The names of these Officers should also be notified in the respective State/UT Gazettes. The levels and other details of such Officers who are to be appointed through gazette notification as Citizen Registration Officers by the State Government/Union Territory Administration for the areas falling under their jurisdictions is enclosed. (Annexure-I & II)
5. In the districts, the responsibility of the updation would lie with the District Collectors/Deputy Commissioners who have been designated under the Citizenship Act and Rules as the District Registrar of Citizens Registration. In the case of Municipal Corporations, the Municipal Commissioner or the Chief Executive Officer, depending on the local designation, would assume this responsibility. Other Officers at the District/Corporation such as Additional District Collectors/ Additional District Magistrates/Senior Deputy Collector/Deputy Municipal Commissioner may be designated as Addl District Registrar of Citizen Registration. Apart from these two levels, it would be essential to appoint officers in charge of specific areas which constitute part of their normal administrative jurisdiction like

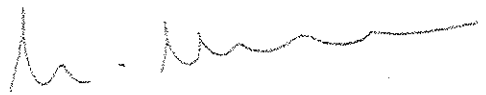
59

District Planning Officer/ District Statistical Officer as Additional Registrars, Sub-divisional Registrars etc. The various levels and designations which need to be notified for Rural and Urban Areas are given modifications as per local requirements of the State/Union Territory. The Controlling Officers of the DCOs should personally monitor the appointment of various levels of Officers and ensure that excessive numbers of persons are not appointed.

6. The State Government and Union Territory Administration are requested that all the Citizen Registration Officers be delegated the powers of appointing Registration functionaries like Enumerators and Supervisors.

7. Copies of the notifications issued by the State Government/Union Territory Administration for every level may be sent to this office for information.

Encls: As above,



(C. Chandramouli)
Registrar General of Citizens Registration, India

To

All Chief Secretaries/ Administrators

Copy to.

1. All Directorates of Census Operations
2. All States/ UTs Coordinators for NPR through respective DCOs
3. Hindi Division for Hindi translation

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Annexure-I

DISTRICT, SUB-DIVISION, AND TAHSIL LEVEL APPOINTMENTS

Sl No	Level	Authority	Designation	Remarks
1	2	3	4	5
1.	District	District Collector/ Deputy Commissioner	District Registrar of Citizens Registration (DRCR)	A notification requires to be issued for his/ her jurisdiction
2.	District	Additional District Collector/ Additional District Magistrate/ Senior Deputy Collector, etc	Additional District Registrar of Citizens Registration (ADRCR)	-do-
3.	District	District Planning Officers/ District Statistical Officer	Additional District Registrar of Citizens Registration (ADRCR)	-do-
4.	Sub-divisions	Sub-Divisional Officers/ Sub-Collector/ Sub-Divisional Magistrate	Sub-district Registrar of Citizens Registration (SDRCR)	A notification requires to be issued for his/ her jurisdiction
5.	Tahsil/ Taluka/ Police Station/ Development Block/ Mandal/ Panchayat Samiti	Tahsildar/ Mamalatdar/ BDO/ Mandal Officer	Sub-district Registrar of Citizens Registration (SDRCR)	A notification requires to be issued for his/ her jurisdiction
6.	Tahsil/ Taluka/ Police Station/ Development Block/ Mandal/ Panchayat Samiti	Additional Tahsildars/ Naib Tahsildars/ BDO or equivalent	Addl. Sub-district Registrar of Citizens Registration (ASDRCR)	-do-
7.	Local area	Patwari/ Talati/ VAO/VRO etc. at the village level	Local Registrar of Citizens Registration (LRCR)	-do-

Annexure-II

CITY, TOWN AND WARD LEVEL APPOINTMENTS

Sl No	Level	Authority	Designation	Remarks
1	2	3	4	5
1.	Municipal Corporation / City	Municipal Commissioner/ Chief Executive Officer/ Administrator	District Registrar of Citizen Registration (DRCR)	A notification requires to be issued for his/ her jurisdiction
2.	Municipal Corporation / City	Additional Municipal Commissioner/ Deputy Municipal Commissioner/ Deputy CEO	Additional District Registrar of Citizens Registration (ADRCR)	A notification requires to be issued for his/ her jurisdiction
3.	Municipal Corporation / City	Assistant Municipal Commissioner/ Assistant CEO/ Executive Health Officer	Sub-district Registrar of Citizens Registration (SDRCR)	A notification requires to be issued for his/ her jurisdiction
4.	Municipal towns/ Notified areas/ Cantonment board/ Sanitary board and similar statutory areas under separate local authorities	Chief Officer/ Executive Officer/ Secretary/ Administrator	Sub-district Registrar of Citizens Registration (SDRCR)	A notification requires to be issued for his/ her jurisdiction
4.	Divisions or wards in the larger Municipal towns/Notified areas Committees/Cantonment board area/ Sanitary board areas and similar areas under such local authorities.	Appropriate levels below Chief Officer/ Executive Officer/ Secretary	Local Registrar of Citizens Registration (LRCR)	A notification requires to be issued for his/ her jurisdiction



F. No. 9/41/2015-CRD (NPR)
Government of India
Office of the Registrar General, India
Ministry of Home Affairs
2-A, Mansingh Road, New Delhi- 110 011.

Date: 16.09.2015

UPDATING OF NPR-CIRCULAR No.-5

Subject: Updating of National Population Register (NPR) database.-Printing of NPR Booklets and other Materials. - regarding

Dear Sir/Madam,

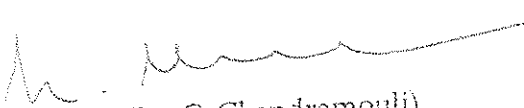
Government of India has decided to update the NPR database in the country by conducting a house-to-house survey through designated Government Officials. A notification under the Citizenship Act, 1955 has already been issued declaring the intention of the Union Government to update the National Population Register. The same might have been already re-published with the dates of field work in respect of your State/UT in the State Gazette. Further, the Officers/Officials under the Citizenship Rules, 2003 might have been also notified and appointed.

2. The methodology for updating the NPR database is as under:
 - a. Notification of the period of updating in the Gazette
 - b. Creation of a portal to house the NPR database
 - c. Evolving a standard protocol for accessing the database
 - d. Printing of Enumeration Block (EB) wise database, along with the connected documents
 - e. House to house survey (time bound) by designated Government servants for updating the database and organic seeding of Aadhaar
 - f. Data entry and upload of the data
 - g. Sourcing biometrics from UIDAI corresponding to the Aadhaar numbers.
 - h. Finalisation of NPR.

3. The NPR database collected during 2010 would be used for updating purposes. The NPR database has been arranged State/District/Sub-district/Village/Town/Ward/ Enumeration Block (EB) wise and respective pdf files have been generated by National Informatics Centre (NIC). The pdf files will be used for printing EB wise NPR booklets to be provided to the enumerators for field work.

contd.

4. The pdf files contains data relating to Name, Father's Name, Mother's Name, Sex, Date of Birth, Present Address, Place of Birth of each member of every household in the EB.
5. The pdf file also contains the Layout map of each EB alongwith the database.
6. The summary sheet for each EB for collating the data collected is also required. The format has been developed and added in the database for printing. Similarly, Instruction Manuals, blank NPR forms are also to be printed and provided to the enumerator.
7. The pdf files of the NPR database pertaining to respective State/UT Governments have been handed over to the State/UT Governments through nominated Officers or through respective State Directorate of Census Operations (DCOs) in softcopy (DVDs/ External Hard disks).
8. This database is to printed by the State/UT Government in Government Press or private press following due processes. The printing may be undertaken at State Government Press or otherwise. The printing may also be undertaken by the Collectors/ District Magistrates/ Deputy Commissioners in the State/UT. Each booklet is to be bound spirally for ease of operations. Each booklet will contain
 - Cover page giving location particulars of EB
 - Lay out map of EB
 - NPR data of every family
 - Blank NPR form (20 per EB)
 - Summary sheets- Household wise and totalSpecimen copy of NPR data booklet has been given to State Representatives.
9. The printing and binding cost per EB is Rs. 170/- which includes NPR booklet, Indstruction manual, Blank NPR forms, Sumary sheets. The State/UT Government is allowed to incur the expenditure on printing from the unutilised funds available with State/UT Government under the scheme of NPR.


(Dr. C. Chandramouli)
Addl. Secretary &
Registrar General of Citizen Registration, India

To
All Chief Secretaries/ Administrators

Copy to:

1. All Directorate of Census Operations.
2. All States/UTs Coordinators for NPR through respective DCOs.
3. Hindi Division for Hindi translation.

रजिस्ट्री सं० डी०एल०-33004/99

REGD. NO. D. L.-33004/99

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Annexure P/7

भारत का राजपत्र
The Gazette of India



असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2503]

No. 2503]

नई दिल्ली, बुधवार, जुलाई 31, 2019/श्रावण 9, 1941

NEW DELHI, WEDNESDAY, JULY 31, 2019/SHRAVANA 9, 1941

गृह मंत्रालय

(भारत के महारजिस्ट्रार, नागरिक रजिस्ट्रीकरण का कार्यालय)

अधिसूचना

नई दिल्ली, 31 जुलाई, 2019

का.आ. 2753(अ).—नागरिकता (नागरिकों का रजिस्ट्रीकरण और राष्ट्रीय पहचानपत्रों का जारी करना) नियमावली, 2003 के नियम 3 के उप नियम (4) के अनुसरण में केंद्र सरकार एतद् द्वारा जनसंख्या रजिस्टर तैयार करने और उसे अद्यतन करने का निर्णय लेती है तथा स्थानीय रजिस्ट्रार के क्षेत्राधिकार के अंतर्गत सामान्य तौर पर रहने वाले सभी व्यक्तियों की संबंधित जानकारी एकत्र करने के लिए, असम के अलावा देशभर में घर-घर जाकर गणना करने संबंधी फील्ड कार्य 01 अप्रैल, 2020 से प्रारम्भ होकर 30 सितम्बर, 2020 की अवधि में किया जायेगा।

[फा. सं. 9/5/2019-सीआरडी (एनपीआर)]

विवेक जोशी, नागरिक रजिस्ट्रीकरण के महारजिस्ट्रार

MINISTRY OF HOME AFFAIRS

(OFFICE OF THE REGISTRAR GENERAL CITIZEN REGISTRATION, INDIA)

NOTIFICATION

New Delhi, the 31st July, 2019

S.O. 2753(E).—In pursuance of sub-rule(4) of rule 3 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, the Central Government hereby decides to prepare and update the Population Register and the field work for house to house enumeration throughout the country except Assam for collection of

3933 GI/2019

(1)

information relating to all persons who are usually residing within the jurisdiction of Local Registrar shall be undertaken between the 1st day of April, 2020 to 30th September, 2020.

[F. No. 9/5/2019-CRD (NPR)]

VIVEK JOSHI, Registrar General of Citizen Registration

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Annexure-P/8



Government of India
Ministry of Home Affairs
Office of the Registrar General, India
NDCC-II Building, 1st Floor, Jai Singh Road, New Delhi - 110001
(NPR Division)

Dated: 09.09.2019

F. No. 9/4/2017-CRD (NPR) Vol. II

To,

Mr Rashid Noor Khan,
C-399 Rajharsh Near Sai Hills
Kolar Road, Bhopal, Madhya Pradesh.

Subject: - Notification of countrywide NPR in 2020.

Sir,

This has reference to your letter dated 19.08.2019 on the subject cited above.

2. In this context, it is submitted that the intention of the Government under the above published notification dated 31.07.2019 to update the National Population Register (NPR) in the country.

3. The updation exercise will be conducted through the house-to-house visit of each and every usual resident of the country irrespective of religion along with Houselisting phase of Census 2021 during April to September 2020. The entire exercise of updation is respondent based. Further, during the updation of NPR, no document is required. However, Aadhaar number, PAN, Passport (if holder of Indian passport), Voter I-card and Driving Licence number may be collected under the updation. These all documents details collected on the consent of individual. From time to time adequate publicity will be done as well as the detailed methodology will be available on the official website of Office of RGI. The preparation of the Population register is being undertaken under the provisions of the Citizenship Act 1955 and rules made thereunder.

Yours faithfully,

(Anil Kumar)
Additional Director (NPR)

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Annexure-P/9

OFFICE OF THE REGISTRAR GENERAL INDIA
(Government of India, Ministry of Home Affairs)
1st Floor, NDCC-II Building, Jai Singh Road, New Delhi 110001

No. 9/34/2019-CD (CEN)

Dated: 21 September, 2019

CENSUS OF INDIA 2021 – CIRCULAR No. 6

Subject: Appointment of Census Officers – Issue of Notifications

The Indian Census is the largest administrative and statistical exercise in the world, conducted once in every ten years under the legal provisions of Census Act, 1948 and Census Rules, 1990. The next decennial Census due in February, 2021 will be 16th Census in the country and 8th after Independence. The Census of India 2021 would be conducted in two phases: i) Houselisting and Housing Census – April to September, 2020 and ii) Population Enumeration – 9th February to 28th February, 2021. The National Population Register (NPR) will also be updated along with Houselisting and House Census except in Assam. Nearly 30 lakh field functionaries will be deployed to complete this task of national importance covering entire length and breadth of the country within a fixed time frame. This gigantic exercise will require massive preparations and advance planning for making it a success.

2. The intention of the Government of India to conduct the Census of India 2021 under Section 3 of the Census Act, 1948 has been notified in the official gazette and republished in the State/UT Gazettes. The Census 2021 would be extensively leveraging the technology for improved quality of data collection and early release of data.
3. For the first time, the mix mode approach for data collection will be adopted in Census 2021. The data would be collected either on paper or through smart phone based mobile app. As per the Enumerator's convenience. This is in line with the Digital India initiative of the Government. The use of mobile app for collection of data will result in making available the digitised data from the field itself, which in turn would save considerable time & cost and will result in early release of Census data. A Code Directory has also been developed to record the descriptive responses to save time in field work and processing of data. Further, a web portal i.e. Central Monitoring & Management System (CMMS) for Census 2021 has been developed to manage and monitor all Census related activities like appointment of Enumerators/Supervisors, assigning the Enumeration Blocks/ Supervisory Circles to them and real time progress of the field work. The payment of honorarium etc. to the Census functionaries for the Census & NPR related work is proposed to be directly credited to their bank accounts using Public Financial Management System (PFMS) and Direct Benefit Transfer (DBT). With all these new initiatives for Census 2021, it becomes all the more important to initiate the appointment

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- of Census officers well in advance and complete all other formalities like registration of Census functionaries on CMMS portal with correct and complete details.
4. As per the Section 4 of the Census Rules, 1990 of the Census Act, 1948 the Directors of Census Operations appointed under sub-section 1 of Section 4 of the Census Act are hereby designated as Chief Principal Census Officer to supervise the taking of the Census within their respective States and Union Territories. In addition, the Deputy Registrar General (C&T), Joint Director of Census Operations, the Deputy Director of Census Operations and the Assistant Director of Census operations are also being notified by this office as the Addl. Chief Principal Census Officer, Joint Chief Principal Census Officer, Deputy Chief Principal Census Officer and Assistant Chief Principal Census Officer respectively within the jurisdiction of the State or Union Territory concerned.
 5. Under Section 4(2) of the Census Act, 1948, the officers responsible for taking the Census are to be notified in the gazette by the respective State Government and Union Territory Administrations for their respective jurisdictions. The levels and details of Officers who will be appointed as Census Officers by State Government/ Union Territory Administration, through notification as per Section 3 of the Census Rules 1990, for the areas under their jurisdictions are at Annex I & II.
 6. In the districts, the District Collectors/ Magistrates/ Commissioners of administrative heads of corporation or any nominated Officers are designated as Principal Census Officers under sub-section (2) of Section 4 of the Act and are responsible for the Census Operations in their jurisdiction. In the Municipal corporations, the Municipal Commissioner or the Chief Executive Officer, as the case may be, would function as the Principal Census Officer. Also, in the Division, the Divisional Commissioner would act as a Divisional Census Officer. To carry out these responsibilities effectively, suitable assistance is required. Therefore, as has been the practice in earlier Censuses, other officers of the appropriate levels such as Additional District Collectors/ Additional District Magistrates or Senior Deputy Collector may be appointed as District Census Officers under sub-section (2) of Section 4 of the Census Act. In the Municipal corporations, Deputy Chief Executive Officers or deputy municipal commissioners may be notified as the City Census officers for the relevant areas. Apart from these, it would be essential to appoint officers in-charge of specific areas which constitute part of their normal administrative jurisdiction such as District planning officer/ District Statistical officer/ District Informatics Officers/ District Education officer as Additional District Census Officer and Sub-divisional or Revenue Divisional Officers as Sub-Divisional Census Officer. The various levels and designations which need to be notified for Rural and Urban areas are given in the Annex-I and Annex-II. These levels are not exhaustive and may require suitable modifications as per local requirements of the respective State/ Union Territory. It is suggested that the notifications of the State/ UT Govt. may preferably be by designation of the Officers instead of names, otherwise for

any change/ replacement of the officer due to administrative reasons, fresh notifications would be required. However, it is pertinent to mention here that as per rule 8 (vi) of the Census Rules 1990, "the State Governments and the Union Territory Administrations shall impose restrictions on the Head of Department/ Officer on the transfer of officers/ officials once appointed as supervisor/ enumerator, without the proper consent of Principal/ District Census Officer.

7. There are certain populated areas that fall within the sole occupation and control of Defence Services, Central Reserve Police, Border Security Force and similar military or para-military organizations. For such exclusive areas, the Directors of Census Operations has to determine the Special Charge Officers in consultation with the concerned authorities. Further, in consultation with the concerned designated special charge officers, census officers at other levels also are to be notified for such specific areas. The Chief Principal Census Officer (Director of Census Operations) is to obtain the update list of Special Charges from the Principal Census Officers and may, simply through his order, designate Special Charge Officers as well as other Census Officers at various levels and these may not necessarily be gazette officers. It must be emphasized here that areas under Cantonment Board will be treated at par with statutory towns and notified area committees etc. Special areas referred to in the beginning of this para are district from Cantonment Board areas as such. The Principal Census Officer (both the District Magistrate / Collector and the Municipal Commissioner) would be responsible for identifying such special charges in their jurisdiction and provide a list of all such special charges to the concerned Directorate of Census Operations (DCO). They would also make all necessary arrangements for conducting the Census (Population Enumeration) in all such special charges falling within their domain as per the guidelines of RG&CC, I/ Directorates of Census Operations (DCOs).
8. Sometimes, there may be special colonies under the control of Government or public sector authorities such as railways, irrigation, forest, thermal power stations etc. it is obligatory on the principal Census Officer to identify all such special colonies in his/her jurisdiction and ensure to appoint Special Charge Census Officers in these areas for both the phases of Census Operation i.e. Houselisting & Housing Census and Population Enumeration. The Principal Census Officers are to provide the consolidated list of all such special colonies to the respective DCO to ensure a complete coverage of the population.
9. The Enumerators and Supervisors are the primary Census functionaries responsible for collection of data during Census taking. An Enumerator is to be assigned the work of about 650-800 population and one Supervisor is to be engaged for every six Enumerators. Besides, there shall be ten percent reserve enumerators/ supervisors for any contingencies. As per Section 3 of the Census Rules 1990, teachers, clerks or any official of the State Government, local authority etc. can be appointed as Enumerator while Supervisor will be officer generally of a rank higher than Enumerator. Though the appointment of Enumerators and Supervisors, who will be

undertaking actual data collection, will be done at a later stage, it is essential that in view of the new initiatives for Census 2021, as detailed in para 3 above, they may be identified in advance and their details as per Annex-III may be collected for registering them in CMMS portal by the respective Charge Officers.

10. The state Government and Union Territory Administration are requested that all the Census Officers with different designations appointed under Sub-Section (2) of Section 4 be delegated the powers of appointing Census Officers under Sub-Section (4) of Section 4 of the Census Act. Similarly, the State Government/ Union Territory Administration may also authorize them to sign declaration under provision of Sub-Section (3) of Section 4.
11. The State Government/ Union Territory Administration are to ensure the appointment of Census functionaries as detailed in the Circular. The Directorate of Census Operations would liaise with the Nodal Departments in the respective States/UTs for appointment of Census officers as per the need and previous practices. Copies of all the notification issued by the State Government Union Territory Administration for all levels are to be sent to this office for information and record purposes.

(Vivek Joshi)

Registrar General and Census Commissioner, India.

Telephone: 011-23438284, Email: rgi.rgi@gov.in

Enclosures: As stated above

To

The Chief Secretaries/ Administrators, All States/UTs

Copy for necessary action to:

1. State Coordinators
2. Directorate of Census Operations
3. All heads of Divisions of ORGI including Language Division, Kolkata
4. Hindi Division, ORGI for translation into Hindi
5. Census Division, ORGI
6. PPS to RG&-CCI
7. PS to Addl. Registrar General(S), ORGI
8. PS to Technical Director (IT), Shastri Park for uploading on official website
9. Guard File

DIVISION, DISTRICT, SUB-DIVISION, AND TAHSIL LEVEL APPOINTMENTS

S.No	Level	Authorities	Designation	Remarks
1	2	3	4	5
1	Division	Divisional Commissioner	Divisional Census Officers	A notification requires to be issued for his/her jurisdiction.
2	District	District Collector/Magistrates/Commissioners of administrative heads of Corporations or any nominated officer	Principal Census Officers	A notification requires to be issued for his/her jurisdiction.
		Additional District Collector/Additional District Magistrate/ Senior Deputy Collector, etc.	District Census Officers	A notification requires to be issued for his/her jurisdiction.
3	District	District Planning Officer/ District Statistical Officer/ District Informatics Officer/ District Education Officer	Additional/Deputy District Census Officer	A notification requires to be issued for his/her jurisdiction.
4	District			
5	Sub-divisions	Sub-Divisional Officers/Sub-Collector/Sub-Divisional Magistrate	Sub-Divisional Census Officers	A notification requires to be issued for his/her jurisdiction.
6	Tahsil/Taluk/ Police Station/ Development Block/Mandal/Panchayat	Tahsildar/Mamlatdar/BDO/Mandal Officer/ Circle Officer	Charge Census Officer/ OC (Census)	A notification requires to be issued for his/her jurisdiction.
	Samiti			
	Tahsil/Taluk/ Police Station/ Development Block/Mandal/Panchayat	Additional Tahsildars/Naib Tahsildars/ or equivalent	Additional Charge Census Officer/ Assistant Charge Census Officer/ Sub-Charge Census Officer	A notification requires to be issued for his/her jurisdiction.
7	Block/Mandal/Panchayat Samiti			

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Annex-III

Census of India, 2021

Details of Census Officers, Enumerators and Supervisors

Sl. No.	Item of information	Details
1	Name	
2	Gender	
3	Date of Birth	
4	Designation	
5	Department	
6	Office Address	
7	Land Line Number	
8	Mobile Number	
9	Email Address	
10	Identity Document	
11	Identity Document Number	
12	Bank Name and Address	
13	Bank Account Number	
14	Bank IFSC Code	
15	PAN Number	
16	Aadhaar Number	
17	Data Capture Mode (For Enumerators & Supervisors)	
18	Languages known	

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Annexure - P/10



Government of India
Ministry of Home Affairs
Office of the Registrar General, India
NDCC-II Building, 1st Floor, Jal Singh Road, New Delhi - 110001
(NPR Division)

F. No. 9/4/2017-CRD (NPR) Vol. II

Dated: 09.10.2019

To

Mr Rashid Noor Khan,
C-399 Rajharsh Near Sai Hills
Kolar Road, Bhopal (MP)


Subject: Clarification on NPR and NRC.

Sir,

Reference is invited to your letter dated 25.09.2019 on the subject cited above, the information available as on date in the office wrt a) to c) point are as under:-

- (a) The National Population Register(NPR) and National Register of Citizen (NRC) are two distinct register(s). The NPR is a register of all the usual residents of country. It [NPR] was created alongwith Census of India, 2011 and was first updated during 2015. The NRC will be a register of all Citizens which will be created from NPR.
- (b) NPR in 2010 created by doing a house to house enumeration along with Houselisting phase of Census 2011 and no documents were collected from residents. List of documents to be considered for NRC has not been decided so far.
- (c) It has been decided to update NPR alongwith Houselisting and Housing Census phase of Census of India, 2021 in all the States/UTs (except Assam). The exercise will be taken up as per the provisions of Citizenship Act, 1955 and rules made thereunder.

Yours faithfully,


(Anil Kumar)
Additional Director (NPR)

Annexure-P/11

For official use only

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INSTRUCTION MANUAL
FOR
UPDATION OF
NATIONAL POPULATION REGISTER
(NPR)
2020
FOR ENUMERATORS AND SUPERVISORS



Office of the Registrar General & Census Commissioner, India

Ministry of Home Affairs

Government of India

N.D.C.C. Building II, Jai Singh Road, New Delhi
<http://www.censusindia.gov.in>

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1. INTRODUCTION

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Background

- 1.1 National Population Register (NPR) of all the 'usual residents' in the country was created in 2010. The field work for NPR data collection was undertaken alongwith Houselisting and Housing Census 2010.
- 1.2 The electronic database of more than 119 crore usual residents of the country has already been created under NPR in English as well as the Regional Languages by collecting specific information of all usual residents.
- 1.3 As per decision of the Government of India, the NPR Database has been updated during 2015-16 in all States/UTs (except Assam and Meghalaya) to make a comprehensive resident database.

Legal Framework

- 1.4 The Scheme for creation of National Population Register is being undertaken under the provisions of The Citizenship Act, 1955 and The Citizenship Rules, 2003. The NPR will contain the details of all the 'usual residents' of the country regardless of whether they are citizens or non-citizens of India.
- 1.5 Some of the important provisions of the Citizenship Rules, 2003 define the duties and responsibilities of every official of the Central Government, State Government, Local bodies or their undertakings, the individuals and the head of the household are reproduced below for ready reference.
 - a. **Rule 3(4):** The Central Government may, by an order issued in this regard, decide a date by which the Population Register shall be prepared by collecting information relating to all persons who are usually residing within the jurisdiction of Local Registrar.
 - b. **Rule 5: Officials of the Central Government, State Governments and local bodies to assist the Registrar General of Citizen Registration :** Every official of the Central Government, State Government, local bodies or their undertakings shall assist the Registrar General of Citizen Registration or any person authorized by him in this behalf, in preparation of the database relating to each family and every person, and in implementing the provisions of these rules.
 - c. **Rule 7: Head of family and individual to act as informant: ...**
 - (2) It shall be the responsibility of the head of every family, during the period specified for preparation of the Population Register, to give the correct details of name and number of members and other particulars as specified in sub-rule (3) of rule 3, of the family of which he/she is the head.

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(4) In the case of dependents, such as minor who has not attained the age of eighteen years, or who is disabled, the responsibility of reporting the particulars under this rule shall be of the head of the family.

Updation of National Population Register (NPR) 2020

- 1.6 The Government has decided to update the NPR database alongwith Houselisting and Housing Census phase of Census of India 2021 during April-September 2020.
- 1.7 Updating the existing NPR database by verifying the details of all residents by conducting a house to house enumeration by the enumerator (designated Government official) and modifying/correcting the demographic data items.
- 1.8 Collecting Aadhaar number from each resident voluntarily.
- 1.9 Collecting Mobile number, Election Photo Identity Cards (EPIC) or Voter ID Card number, Indian Passport number and Driving License number, if available with the residents.
- 1.10 Inclusion of all new resident(s)/new household(s) found in the local area (HLB) during the field work.

Methodology

- 1.11 Publishing the intent of the Government for updation of NPR in the Gazette Notification in the Gazette of India and republishing of the same in State/UT Gazette by respective State Government /UT Administration.
- 1.12 Appointment of various field functionaries by States/UTs Government. The enumerator appointed for the work of Houselisting and Housing Census will also conduct the NPR updation exercise.
- 1.13 Creation of Houselisting Block (HLB) wise NPR database in pdf format by Office of Registrar General, India (ORGI). The NPR booklet would be available for downloading through the Census Management and Monitoring System (CMMS) web Portal for all the States/Districts/ Sub-districts (Charges) etc. An Index sheet will be available in the NPR booklet by listing the names of head of the household (with few members name), date of birth etc. in alphabetical order for facilitating searching of a household in the booklet. For mobile App, the search facility will be inbuilt in the App itself.
- 1.14 Printing of HLB wise NPR booklets including blank NPR forms, summary sheet etc. by the State/District/Sub-district/charge level officials.
- 1.15 Training of State/District/Sub-district/Charge level officers.
- 1.16 Training of enumerators and supervisors and handing over the material for the field work.

- 1.17 House-to-house enumeration by enumerator for updation of NPR database, collection of few new items of information and collection of various numbers like Aadhaar, mobile, Voter ID Card (EPIC), Passport and Driving License, if available with the residents on a voluntarily basis.
- 1.18 The blank NPR forms attached with NPR booklet would be filled up for all new residents of existing households found in a household/ for all new households found in the EB during the field work. If space is available in the corresponding page of the booklet to accommodate the new member of the household, the same may be utilized for filling up the information.
- 1.19 Filling up of Summary Sheet attached with NPR booklet. Refer Annex I & II of this Manual.
- 1.20 Submission of the updated NPR booklet and other items to the Charge Officer through the supervisor.
- 1.21 A mobile app will also be available to the enumerators which can be downloaded from google play store for updating NPR database. The data of the allotted HLB will be provided in the mobile app. Updated data is to be uploaded to the Central Server by syncing the mobile phone as and when internet connectivity is available to enumerator.
- 1.22 Submission of the NPR booklet and other items to the Charge Officer (used or unused).
- 1.23 Finalisation and digitisation of updated NPR booklet by Office of the RGI through charge level.

2. ROLES AND RESPONSIBILITIES OF FIELD FUNCTIONARIES

2.1 General Instructions for Enumerators

1. Attend the training classes, study the NPR Schedule and the Manual carefully and understand them thoroughly.
2. Ensure the collection of following material before leaving the training centre :
 - i. Appointment Letter
 - ii. Identity Card
 - iii. Pre-printed NPR data booklet (Check that Name and location code of State, District, Sub-district, Town/Village/Ward etc. are correct)
 - iv. Stationary articles for field work
3. Always carry and display your Identity Card during the field work.
4. Before starting the work, meet prominent persons of the area like village headman, Gaon burah, Sarpanch, Municipal Councillors, representatives of RWAs etc. and explain them the objective of NPR updation and purpose of your visit and seek their cooperation.
5. Visit each household to get information for each member of the household as printed in the NPR booklet. Remember to cover all Households. In case of any difficulty, immediately inform your Supervisor/ Charge Officer.
6. Special Charges would be covered later.
7. Use blue ball-point pen only for making entries in the schedule.
8. While modifying/correcting the NPR booklet or while filling the new NPR schedule for a new member of the household or a new household, take extra care to write Letters and Numerals in the centre of boxes without touching the sides.
9. Make extra efforts to record name of the person and date of birth accurately. If need be, ask for Aadhaar Card, Voter ID card of the respondent for a reference.
10. If the work of more than one Houselisting Block is allotted, it is required to prepare separate sets of records for each Houselisting Block allotted.

2.2 Roles & Responsibilities of Various Stakeholders

2.2.1 State Co-ordinator

- i. Notification in the State Gazette for updation of NPR
- ii. Ensuring appointment of various level of functionaries within the State/UT
- iii. Co-ordinating the training of State/District level of functionaries
- iv. Exercising financial control over expenditure
- v. Coordinating publicity efforts at State level along with Directorate of Census Operations
- vi. Ensuring timely completion of field work by taking all necessary steps
- vii. Overall supervision & monitoring and any other issue

2.2.2 District Registrar/ District Magistrate/ District Collector

- i. Appointment of all functionaries at District level
- ii. Training of functionaries at District level
- iii. Ensuring availability of NPR data booklet for the area under her/his jurisdiction
- iv. Distribution of Material for field work
- v. Ensuring proper and wide publicity so as to create awareness and involvement of general public
- vi. Undertaking inspection of the field work
- vii. Ensuring and certifying full coverage
- viii. Getting NPR data booklets back from the field
- ix. Monitoring data entry at the District level centre
- x. Exercise financial control over expenditure
- xi. Any other task assigned by the Competent Authority

2.2.3 Sub-district Registrar/ Sub-district Magistrate

- i. Appointment of all functionaries at Sub-district level
- ii. Training of functionaries at Sub-district level
- iii. Distribution of Material for field work
- iv. Ensuring proper and wide publicity so as to create awareness to the general public. Publicity may be given that the numbers like Aadhaar number, Voter ID card number, mobile number, Passport number and Driving License number may be kept ready for the enumerator comes for data collection
- v. Undertaking inspection of the field work
- vi. Ensuring timely start and completion
- vii. Ensuring correctness and quality of data collection
- viii. Ensuring and certifying full coverage
- ix. Exercise financial control over expenditure
- x. Coordinating the field activities at Sub-district level
- xi. Any other task assigned by the Competent Authority

2.2.4 Tehsil/ Charge Officer

- i. Appointment of all functionaries at Charge level
- ii. Training of functionaries at Charge level
- iii. Printing of NPR data booklets after downloading from portal
- iv. Distribution of Material for field work to the enumerators
- v. Ensuring proper and wide publicity so as to create awareness to the general public. Publicity may be given that the numbers like Aadhaar number, Voter ID card number, mobile number, Passport number and Driving License number may be kept ready for the enumerator comes for data collection
- vi. Undertaking inspection of the field work
- vii. Ensuring timely start and completion
- viii. Ensuring correctness and quality of data collection
- ix. Ensuring and certifying full coverage