NPR - National Population Register: RSTV – Big Picture

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Context:

- The proposal to update the **National Population Register (NPR)** has been approved by the Union Cabinet. The Census would be conducted in 2021, and the NPR would be conducted during April-September 2020.
- NPR aims to create a database of every citizen, which will encompass both demographic and biometric details.
- The NPR, since it is linked to the Census, is seen as the first step towards a nationwide exercise to implement the **National Register of Citizens (NRC)**. Though an NPR doesn't necessarily guarantee NRC, it certainly paves the path for a nationwide citizens list.
- This is one of the reasons why certain states like West Bengal and Kerala, which are opposed to the NRC, have stopped work on the NPR.

Larger Background:

- **NPR or the National Population Register** has its base in the rules framed by the central government under the Citizenship Act, 1955 and Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003.
- It contains the basic demographic data of an individual residing in a particular area.
- NPR has been termed as the register of usual residents of the country by the Office of the Registrar General and Census Commissioner.
- The data for NPR was first collected in 2010, prior to the Census of India, 2011. This data was last updated in 2015 through a door-to-door survey.
- If the government wants to press ahead with NRC, NPR is not mandatory but optional under the structure. NPR has only been used, in the past, as a part of the preliminary process for the Census.
- Hence, NPR could have twin utilities, i.e., it could facilitate the Census of 2021 or act as a database for NRC, India.

Objective of NPR:

- The demographic data is collected to assist the government to formulate policies for the future for a particular area or community. It would help the policies be more relevant as it would be based on an assessment of the needs of the people in the area.
- The basic idea is to create a comprehensive database of the total population residing in India, as the total population includes both the citizens and the non-citizens. The category of non-citizens isn't restricted to illegal migrants alone.
- NPR would enable the government to get a sense of clarity on the demographic composition of the country while creating a database to help them in their future objectives.

Who is a "usual resident"?

- A "usual resident", for the NPR, is a person who has lived in an area for at least six months or more, or a person who intends to live in an area for the next six months or more.
- It is mandatory for every "usual resident" of India to register in the NPR.

Who is responsible for NPR?

- The NPR is carried out under the supervision of the **Central Government** which includes house to house enumeration for collection of the specified particulars.
- The **Registrar General of Citizen Registration** would be responsible for providing the notification regarding the duration of the enumeration in the Official Gazette.
- **Local Registrar** would be responsible for the verification and scrutiny of the details collected before including the information in the **Local Register of Indian Citizens**.
- The citizens whose citizenship presents doubt would be given the opportunity to be heard by the **Sub-district or Taluk Registrar** of Citizen Registration.
- The Sub-district or Taluk Registrar would also publish the draft of the Local Register of the Indian Citizens.

Details required for NPR:

- The details collected include the basic details regarding the individual, such as:
  - Name
  - Father's Name
  - Mother's Name
  - Gender
  - Date of Birth
  - Place of Birth
  - Nationality (as declared)
  - Educational Qualification
  - Address
  - Marital Status
  - Identification Mark
  - Aadhar card
  - Pan Card and other identification documents
- The biometric data would also be collected along with the demographic data to update the database.
- A mobile app would be used for data collection, and the Central portal would be used for monitoring purposes, which will ensure an early release of the Census data with improved quality.

Difference between NPR and the Census:

- The NPR and the Census are carried out under the aegis of the Registrar General and Census Commissioner of India.
- The Census is carried out under the **Census Act of 1948** and is based on the self-declaration by the individual. There is no verification involved.
- NPR, however, is carried out under the **Citizenship Rules, 2003**. These rules make it compulsory for the person to share the demographic data for making the NPR.
- There are bodies at the state, district, and taluka levels mandated under the rules which will be entrusted with the duty to populate such a register.

Difference between NPR and NRC:

- The NRC and the NPR both are mentioned in the Citizenship Rules, 2003, under which:
  - Rule 3 speaks of a National Register of Citizens.
  - Rule 4 speaks of preparation of National Register of Citizens for the rest of India.
  - Rule 4A speaks of National Register of Citizens for Assam.
  - Under rule 3, there's a sub-rule 4, which specifically states that "the government may, by order, actually undertake or create a National Population Register. It is seen as an exercise which ultimately converges in the National Register of Citizens, based on the framework."

- The NRC considers only the citizens of the country and the individuals living abroad whereas NPR considers every individual residing within the territorial boundaries of the country.
- The NPR could be a stand-alone activity or could ultimately aid in the process of a National NRC because it specifically forms a part of the provision that deals with the National NRC.

Factors for opposition:

- States such as Kerala and West Bengal have been opposing the implementation of the NPR. This opposition could be due to multiple reasons, such as:
  o The legislative and administrative orders which indicate that NPR could pave the way for NRC.
  o The current situation regarding the Citizenship Amendment Act.
  o The difference of opinions between the political parties ruling the centre and the states.

Rights of States:

- **A question of propriety:** The states would've raised opposition to the Union interfering in the matters enlisted on the State list outlining it as a violation of the federal structure. Thus, they should be aware that reciprocity is a key part of the federal structure, particularly when India's structure is not entirely federal but unitary, in most aspects.

- The Census and the issue of NPR fall under the **List I of the Seventh Schedule of the Constitution (Entry 17)** which falls exclusively under the domain of the Parliament and the states are bound to follow it.
- The states could take the matter up in the court, and according to Article 131, only the Supreme Court has jurisdiction over disputes involving the State and the Centre, and it would be viewed as a violation of the basic structure of the constitution with respect to the federal obligations.

Issues:

- **The duplicity of efforts:** Aadhar card has already been issued to citizens. Further efforts to collect data through the National Population Register and NRC would lead the citizens to question the collection of data in multiple cycles and to what extent the data might be used.
- **Privacy Concerns:** The concern of citizens would be to what extent the data collected by the Government would be utilized, what are the safeguards being applied by the government, would the data be delegated to private parties and what kind of liabilities would it create. The Right to Privacy of the citizens has to be respected as it is a protected Fundamental Right.
- **Slow down of the process:** Legally, the states have no right to oppose the NPR, but since the Centre depends on the state for the manpower, it could slow down the process if the states continue to oppose the implementation of NPR.

Funding for the process:

- The money will be flowing from the centre to the states, who will act as the implementers.
- The budget has already been allotted, and the money would be allocated from the Consolidated Fund of India.

Other Points:

- Aadhar and NPR were discussed simultaneously in 2009 and 2010, however, the government decided to implement both Aadhar and NPR, despite the Home Ministry pointing out that the need for Aadhar, would be removed if NPR was to be implemented effectively.
- The Home Ministry had pointed out that the implementation of Aadhar would be duplicity of efforts,

as most of the information is covered under NPR itself.
- The principles for Right to Privacy laid by the Supreme Court for Aadhar would also be applicable for NPR, due to which the government while formulating the policies for NPR, has not made it mandatory to submit documents such as the Aadhar.

Way Forward:

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  o **Expedition and Deputation of illegal migrants**: The Government could consider utilizing the recommendations of the 175th Law Commission Reports which suggest creating a separate force for detection of illegal migrants, and establishing more tribunals.
    ▪ Changing the **Quasi-Judicial nature** of the Foreigners Tribunal established under the Foreigners Tribunal Order of 1964.

- **Public Awareness:** The public should be made aware of the notifications made by the government through mediums such as PIB-FAQs.
  o For example, no notification has been issued by the government yet, under Rule 4 of the Citizenship Rules, 2003 for the documents required for NRC India.
  o The government should ensure that public outreach is also focussed upon along with the implementation of NPR so that the citizens could question the elected representatives at the State Level in case the issue is politicized.
  o The government needs to build trust with the public.

Cost of the Process: Considering the amount spent on NRC in Assam, the cost and the funding for a nationwide NRC might be of concern. But questions regarding the expenditure to be incurred for such an important process, which would allow the states to understand the demographic composition of its own territory, would indicate that the process is being approached from a mercantile perspective. A mercantile approach towards national security, sovereignty and integrity of the state would not be helpful, and the cost to be incurred is justified on these grounds.

Conclusion:

The confusion stems largely from the legitimate and motivated apprehensions with respect to the Citizenship Amendment Act (CAA). It would be wrong on behalf of the government to dismiss genuine concerns regarding CAA, however, the sole issue of CAA should not become a stumbling block in the implementation of important tools of national security such as NRC and NPR.