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## National Population Register: First step to NRC

Joined at the hip



[Kaveri Haritas](#), DEC 24 2019, 23:10PM IST | UPDATED: DEC 25 2019, 00:23AM IST



Prime Minister Modi. (File Photo)

On December 22, Prime Minister Narendra Modi portrayed the anti-CAA protests as a result of fear-mongering by the Opposition and said that the NRC (National Register of Citizens) has never been discussed by his government. This came days after his Home Minister Amit Shah had asserted in Parliament that NRC would be implemented nation-wide. On Tuesday, just two days after Modi's declaration, the Union cabinet approved a budget of Rs 3,941 crore to update the National Population Register (NPR), which will be done in 2020.



While many point out that the NPR is a register of residence and does not imply an NRC, the law provides for both to be conducted simultaneously. Further, we cannot take Modi's denial of the NRC seriously because he does not at any point state that the NRC will not be carried out. In fact, the NPR has already been underway since September 12, when the Centre issued a Gazette Notification specifying that the NPR will be conducted with the Census between April-September 2020. While NPRs have been carried out earlier without an NRC, this time around, with the CAA and the Home Minister insisting on an NRC, it is reasonable to expect that these will be carried out simultaneously.

The NPR is an exercise to list out the 'usual residents of the country', described as those residing in a local area for at least six months or intention to reside in a particular location for the next six months. Those on the NPR list are not 'citizens', but residents. The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, provides for both the NPR and the NRC and links the two together. The documents required to prove citizenship will be notified by the central government through notification.

While the documents proving residence for NPR can be of any date, the NRC, based on the definition of citizenship in the Citizenship (Amendment) Act 2019, will require documents proving residence on or before December 31, 2014. This will negatively affect not only immigrants but also legal citizens who do not possess documents prior to this date. The NRC will be conducted through Local Registers containing details of Indian Citizens residing in a village, rural area, town, ward or area specified by the Registrar General of Citizen Registration. Under Rule 4(3), to prepare the Local Register, the Registrar will scrutinize and verify particulars collected in the NPR.

There are therefore two processes — first, the house-by-house enumeration of citizens under the NPR, where the official will visit homes and enumerate residents, followed by the NRC. Though Rule 4(1) provides for a house-to-house enumeration for NRC, Rule 6(3) states that every individual must

citizens will be called upon to stand in lines.

Both the NPR and the NRC have to be carried out simultaneously. If carried out separately at different points of time, this verification can run into roadblocks as people may move from one area to another, making verification difficult. The only logical way in which this administrative hurdle can be prevented is if both the NPR and the NRC take place simultaneously, unless the government explicitly rules out the NRC. If the government rules out an NRC now, it will not be able to carry it out until the next Census, when the next NPR is carried out. With the NPR planned between April and September 2020, and the government's insistence on an NRC, it is reasonable to expect that the NRC will be implemented along with the NPR in 2020.

Based on the NPR, the Local Registrar has the power under Rule 4(4) to come out with a list of individuals whose citizenship is 'doubtful'. The criteria for determining this category of 'doubtful citizenship' is not laid out in the Rules, which leaves it open to misuse against groups targeted by the government. The Rules do not define 'doubtful citizenship' in terms of objective criteria such as the lack of certain documents. This means that citizens who possess one or more of the required documents can still be targeted under this law as 'doubtful citizens'.

Thus, under the Rules, all citizens, even those with the documents specified as necessary to prove citizenship, run the risk of being declared 'doubtful', because the Local Registrar is not bound under the Rules to register those who possess these documents. The possession of these documents will only provide some proof of residence under the NPR, but if the Local Registrar decides to ignore these documents and bases his/her decision to exclude citizens from the NRC on the basis of other information, this decision would still be legal under the Rules.

Citizens marked 'doubtful' will be informed and provided a hearing before the Sub-district or Taluk Registrar of Citizen Registration before a decision is made. Those excluded from the NRC have a right to make an objection to the very same authorities – to the Sub-district or Taluk Registrar, and in case of a negative decision, may appeal to the District Registrar of Citizens, who will take the final decision. Those excluded from the NRC may approach the Foreigners Tribunal under the Foreigners Act, 1946, and then the High Court and Supreme Court.

Essentially, immense power is vested with government officials, rendering Indian citizens prey to the whims of bureaucrats, or an ideologically-bent government. These Rules repose immense power in officials, and will fuel the already rampant corruption and bribery in government departments. Apart from Muslims and politically targeted groups such as Dalits and Adivasis, even Hindus who refuse to pay a bribe or make the mistake of irking a government official run the risk of being harassed.

which Amit Shah emphatically stated is not sufficient to prove citizenship. Most importantly, the possession of documents does not entitle one to Citizenship. While the Citizenship (Amendment) Act is challenged before the Supreme Court, it is crucial to challenge these Rules as unconstitutional due to their propensity to arbitrarily exclude legal citizens of this country.

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Narendra Modi

NPR

NRC

Amit Shah

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