

In The Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow

Writ Petition No. MISB of 2020 (PIL)

Manvendra Pratap Singh,

, Lucknow.

----- **Petitioner**

Versus

1. Union of India, Ministry of Home Affairs, New Delhi.
2. Registrar General of Citizen Registration and Census
Commissioner of India, Ministry of Home Affairs, Government of
India, NDCC Building-II, Jai Singh Road, New Delhi.

----- **Opposite Parties**

Writ Petition under Article 226 of the Constitution of India

To,

The Hon'ble Chief Justice
and his other Hon'ble Companion Judges
of this Hon'ble High Court

The petitioner, above noted, most respectfully submits as under:-

1. That by means of instant writ petition in the nature of PIL, the petitioner craves the leave of this Hon'ble Court for issuance of a writ in the nature of mandamus to the opposite parties particularly the opposite party no. 2, to provide the duly filled Duplicate/Carbon Copy of the NPR Form to the head of the family or the individual, as the case may be, as well as also to provide a period of 15 days, to the informant of a house hold, to rectify/correct any detail which has been submitted by him for the purposes of preparation and updation of National Population Register notified to commence from 1st April, 2020 and to continue upto 30th September, 2020. In this regard, the notification under Sub-Rule (4) of Rule 3 of Citizenship (Registration of Citizens & Issue of National Identity Card) Rules, 2003 has been issued on 31.07.2019 by the opposite party no. 2, viz. notification no. S.O.2753(E). Copy of the notification no. S.O.2753(E) dated 31.07.2019 is attached herewith as **Annexure No.1** to this writ petition.
2. That the petitioner declares that by means of present Public Interest Litigation (PIL), in pursuance of Rule 1, (3-A) of Chapter XXII of the Allahabad High Court Rules, 1953, the instant matter is only for public cause and the petitioner has no personal interest in any manner whatsoever.
3. That the petitioner further declares that he has not received copy of any caveat petition filed by the opposite parties either through

registered post or through any other mode of service and otherwise also he has no knowledge about the filing of the same.

4. That to the best knowledge of the petitioner, there are no authoritative pronouncement of the Supreme Court as well as High Court on the question raised in present PIL.
5. That the result of the litigation will not lead to any undue gain to the petitioner or anyone associated with him or any undue loss of any person, body or the state. The petitioner further declares that he has no grudge or ill will against any person.
6. That by the opposite party no. 1, in furtherance of the power conferred under Sub-Section (1) & (3) of Section 18 of the Citizenship Act, 1955, the Citizenship (Registration of Citizens and Issue of National Identity Card) Rules, 2003 (hereinafter to be referred as '2003 Rules') were promulgated on 10.12.2003 and on the same date it was published in the official gazette.
7. That in 2003 Rules, under Sub-Rule "1" of Rule 2 "Population Register" is defined, which has to be maintained by the opposite party no. 2. As provided under Sub-Rule 1, a "population register" means the register containing details of persons usually residing in a village.
8. That as per Rule 4 of the 2003 Rules, a house to house enumeration for collection of specified particulars relating to each family and individual throughout the country has to be done for the purposes of National Register of Indian Citizens. As per Sub-Rule 2, by the opposite party no. 2, the period of duration of enumeration has to be notified, which has been done as already

stated vide notification as contained in annexure no. 1 and it has to commence from 01.04.2020 and to continue upto 30.09.2020, simultaneously with the Census 2021.

9. That under Sub Rule 3, it is provided that the particulars collected of every family and individual in the Population Register shall be verified and scrutinized by the Local Registrar for the purposes of preparation and inclusion in the list of Local Register of Indian Citizens. “Local Register of India Citizens” is defined under Sub-Rule “g” of Rule 2 and “Local Registrar of Citizen Registration” is defined under Sub Rule “h”. For the convenience of this Hon’ble Court, copy of 2003 Rules is attached herewith as **Annexure No.2** to this writ petition.
10. That from the perusal of the provisions of Sub-Rule 2 to 4 of Rule 4, it is apparent that the data entered into the Population Register is to be used as data base and after scrutiny and verification it would be entered into the “Local Register of Indian Citizens” and if found doubtful, further enquiry followed by notice & hearing is to be done, ultimately resulting into inclusion of any name in the National Register of Indian Citizens or its exclusion, as such due caution, is required to be taken by the individual/family members of every house hold as well as the officials involved in the collection of the particulars during field work. By the opposite party no. 2 on its official website, the National Population Register Manual, 2020 has also been uploaded which is known as “Instruction Manual for Updation of National Population Register (NPR), 2020” (hereinafter referred to as ‘NPR Manual’) and as per Clause 1.6 of the Instruction Manual, the NPR data base has

to be updated along with House-Listing and Housing Census phase of Census of India 2021, during April to September, 2020.

11. That as per Head 1. "Introduction", it mentions that the NPR of all "Usual Residents" was created in 2010, the field work for NPR data collection was undertaken along with House-Listing and House Census, 2010 and the Electronic Data Base of more than 119 crore usual residents of the country has already been collected under NPR in English as well as the regional languages and it has further been updated during 2015-16 in all State/Union Territories (except Assam and Meghalaya) to make a comprehensive resident data base.
12. That further while providing the legal frame work under Clause 1.4, it is provided that the scheme for creation of NPR is being under taken under the provisions of the Citizenship Act, 1955 and the Citizenship Rules, 2003. It is mentioned therein that 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. A usual resident is defined for the purposes of NPR as person who has resided in a local area for the past 6 months or more or a person who intends to reside in that area for the next 6 months or more. Copy of the NPR Manual as downloaded from the official website of the opposite party no. 2, is attached herewith as **Annexure No.3** to this writ petition.
13. That as already stated, on the official website of the opposite party no. 2, House-listing/Housing Census Schedule Form in 2 pages having 34 columns has also been uploaded. All the details

which are filled, as provided under 2003 Rules, after verification and scrutiny is going to either entitle or disentitle a person to be included in the Local Register of Indian Citizens and finally on successful inclusion such persons are to be issued, the National Identity Card as provided under Rule 13 for inclusion of the persons in the National Register of Indian Citizen as per Sub Rule 3 of Rule 3, to the best understanding of the petitioner, the collection of the data and filling of the form in the proper and correct manner is very necessary.

14. That realizing the importance of the correct entry in the NPR in page 3 of the NPR Manual viz. instructions of enumerators for updating NPR, after providing the concept and definition under the Sub Head, field work by enumerator/supervisor under Sub-Clause (d), it specifically mentions that for the updation of the NPR Data, the right person of a house hold who is well informed, articulate and can be provide the requisite information shall be choosen and in Sub-Clause (e), the degree of accuracy in filling of NPR Data being dependent on the enumerator's interest has been mentioned and by the caution/provision in the mind of the opposite party no. 2 while issuing the NPR Manual fortifies fear of the petitioner with regard to probability of occurrence of any error during updation of the data in NPR.
15. That under Clause 2.2.6 viz. enumerator, it is further provided under Sub-Clause (xi) that the **enumerator shall show the updated data to the resident (informant of a house hold) and obtain her/his signature/thump impression in the booklet.** The completely updated data as per the information received from the

respondent is to be counter signed by the respondent as per NPR Manual, as such if a duplicate/carbon copy of the same is also provided to the resident, no additional burden is going to be caused to the exercise of the updation of the NPR data, rather by providing a Duplicate/Carbon Copy thereof, for future references as well as for the purposes of any proceeding under Sub-Rule 5 to 7 of Rule 4 would also be necessary as well as convenient for the person concerned.

16. That under Rule 7 of the 2003 Rules, it has been provided that the head of the family and individual has to act as an “informant” and it is also made compulsory for him to provide all the informations to the enumerator for the preparation of NPR/NRIC under Rule 4 and under Rule 8 power has been conferred upon the authorities viz. District Registrar etc. to obtain information and under Rule 17 for violation of any of the Rules viz. 5,7,8,10,11 & 14 penal consequences have also been provided.
17. That under Rule 9 of 2003 Rules, the opposite party no. 2 has been empowered to provide the procedure to be followed in the preparation of the National Register of Indian Citizens and the petitioner in furtherance of Rule 9 has also approached the opposite party no. 2 by making representation on 25.02.2020, requesting therein for providing a duplicate/carbon copy of duly filled NPR Form to every head of a family/individual as well as to also provide atleast a period of 15 days to rectify or correct any mistake which may have occurred therein. Copy of the representation as sent through registered post to the opposite

party no. 2 on 25.02.2020 is attached herewith as **Annexure No.4** to this writ petition.

18. That it is submitted that the NPR Manual issued by the opposite party no. 2 with details of modalities and their duties, copy of which is already attached as annexure no. 2, and there is no provision for providing carbon or duplicate copy of data sheet of National Population Register to the data provider and absolutely no provision to rectify and correct the data once it is given. It is submitted that the issue involved herein affects the public at large and no other effective remedy is available with the petitioner thus petitioner opt to file this writ petition in form of public interest litigation.
19. That the petitioner is aggrieved and there is no other efficacious and alternative remedy left with the petitioner as such he is forced to approach this Hon'ble Court amongst others on the following grounds:

G R O U N D S

- A. Because there is no provision for providing carbon or duplicate copy of data sheet of National Population Register to the data provider and absolutely no provision to rectify and correct the data once it is given.
- B. Because the completely updated data as per the information received from the respondent is to be counter signed by the respondent as per NPR Manual, as such if a duplicate/carbon copy of the same is also provided to the resident, no

additional burden is going to be caused to the exercise of the updation of the NPR data.

- C. Because under Clause 2.2.6 viz. enumerator, it is further provided under Sub-Clause (xi) that the enumerator shall show the updated data to the resident (informant of a house hold) and obtain her/his signature/thump impression in the booklet.
- D. Because as provided under 2003 Rules, after verification and scrutiny is going to either entitle or disentitle a person to be included in the Local Register of Indian Citizens and finally on successful inclusion such persons are to be issued, the National Identity Card as provided under Rule 13 for inclusion of the persons in the National Register of Indian Citizen as per Sub Rule 3 of Rule 3.
- E. Because from the perusal of the provisions of Sub-Rule 2 to 4 of Rule 4, it is apparent that the data entered into the Population Register is to be used as data base and after scrutiny and verification it would be entered into the “Local Register of Indian Citizens” and if found doubtful, further enquiry followed by notice & hearing is to be done, ultimately resulting into inclusion of any name in the National Register of Indian Citizens or its exclusion.
- F. Because due caution, is required to be taken by the individual/family members of every house hold as well as the officials involved in the collection of the particulars during field work.

- G. Because under Sub Rule 3, it is provided that the particulars collected of every family and individual in the Population Register shall be verified and scrutinized by the Local Registrar for the purposes of preparation and inclusion in the list of Local Register of Indian Citizens.

P R A Y E R

Wherefore, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to:-

- i. Issue appropriate writ to the respondent state to make measures to provide duplicate copy of data sheet prepared during the process of National Population Register to the each household, and provide 15 to 30 days time to correct or rectify any data or details provided in this process.
- ii. Issue any other suitable writ order or direction which this Hon'ble Court deems just and proper in the circumstances of the case;
- iii. Allow this writ petition with cost in favour of the petitioner.

Lucknow:
Dated: ,2020

(Aftab Ahmad)
Advocate
Counsel for the Petitioner

In The Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow

Affidavit in Support of
W. P. No. MISB of 2020 (PIL)

In Re:

Manvendra Pratap Singh

-----Petitioner

Versus

Union of India & another

-----Opp. Parties

AFFIDAVIT

I, Manvendra Pratap Singh,

, do here by solemnly affirms

and state on oath as under :-

1. That the deponent is the petitioner himself in the instant writ petition as such he is well conversant with the facts of the case deposed to here under.
2. That the contents of **paras** of the accompanying writ petition are true to my personal knowledge and the contents of **paragraphs** of this writ petition are believed to be true on the basis of information received from

the record and the contents of **paragraphs**

are believed to be true on the basis
of legal advice tendered to me.

3. That the annexure no. **1 to 4** of the accompanying writ petition
are true /Photostat copies of their respective originals.

Lucknow:

Dated: , 2020

Deponent

VERIFICATION

I the above named deponent do hereby verify that the contents of
para 1 to 3 of this affidavit are true to my personal knowledge and
belief. No part of its false and nothing material has been concealed.

So help me God.

Lucknow:

Dated: , 2020

Deponent

I identify the deponent, who has
signed before me being satisfied to
his identity on the basis of record.

Aftab Ahmad
Advocate

Solemnly affirmed before me on at am./p.m. by
the deponent, who is identified by Sri Aftab Ahmad, Advocate, High
Court, Lucknow Bench, Lucknow.

I have satisfied myself by examine the deponent that he has
understood the contents of this affidavit, which have been read out and
explained by me.

OATH COMMISSIONER

Code:

Group: Misc. Bench

District:

In The Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow

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Manvendra Pratap Singh

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Lucknow:

Dated: ,2020

(Aftab Ahmad)

Advocate

Counsel for the Petitioner

In The Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow

Writ Petition No. MISB of 2020 (PIL)

Manvendra Pratap Singh

-----**Petitioner**

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DATE & EVENTS CHART

<u>Serial No.</u>	<u>Date</u>	<u>Event</u>
1.	10.12.2003	The Citizenship (Registration of Citizens and Issue of National Identity Card) Rules, 2003 was promulgated on 10.12.2003 and on the same date it was published in the official gazette.
2.	2010	National Population Register (NPR) of the all the 'usual residents' in the country was created in 2010.
3.	31.07.2019	Notification no. S.O.2753(E) has been issued by the opposite party no. 2 for the purposes of preparation and updation of National Population Register with effect from 1 st April, 2020 and to continue upto 30 th September, 2020
4.	2020	The National Population Register Manual, 2020 has also been uploaded and as per Clause 1.6 of the Instruction Manual, the NPR data base has to be updated along with House-Listing and Housing Census phase of Census of India 2021, during April to September, 2020.
5.	25.02.2020	The petitioner in furtherance of Rule 9 has also approached the opposite party no. 2 by making

		representation requesting therein for providing a duplicate/carbon copy of duly filled NPR Form to every head of a family/individual as well as to also provide atleast a period of 15 days to rectify or correct any mistake which may have occurred therein.
6.		In the NPR Manual issued by the opposite party no. 2, there is no provision for providing carbon or duplicate copy of data sheet of National Population Register to the data provider and absolutely no provision to rectify and correct the data once it is given. It is submitted that the issue involved herein affects the public at large.

Lucknow:
Dated: ,2020

(Aftab Ahmad)
Advocate
Counsel for the Petitioner

In The Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow

C. M. A. No. _____ of 2020

In Re:

Writ Petition No. _____ MISB of 2020 (PIL)

Manvendra Pratap Singh

-----**Petitioner**

Versus

Union of India & another

-----**Opp. Parties**

Application for Interim Relief

That for the facts and circumstances stated in the accompanying writ petition supported by duly sworn affidavit it is most expedient in the interest of justice and very respectfully prayed that this Hon'ble Court be pleased enough to direct the opposite parties to decide the representation of the petitioner, contained in annexure no.4 to the writ petition, prior to 1st April, 2020, during pending of the instant writ petition.

Any other suitable order or direction which this Hon'ble Court deems just and proper in the circumstances of the case may kindly be issued in favour of the petitioner during the pendency of the writ petition.

Lucknow:

Dated: _____, 2020

(Aftab Ahmad)

Advocate

Counsel for the Petitioner

In The Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow

Writ Petition No. **MISB of 2020 (PIL)**

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