

**REPORT ON THE FUNCTIONING OF
NATIONAL DATABASE AND REGISTRATION AUTHORITY**



OMBUDSMAN

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NATIONAL DATABASE AND REGISTRATION AUTHORITY (NADRA)



1- INTRODUCTION AND PERSPECTIVE

National Database and Registration Authority (NADRA) is a Pakistan's citizen registration body in the public sector.

The successful and seamless paradigm shift from “form based data acquisition” and “manual registration system” to “interactive data acquisition” (Citizen Registration Project of Pakistan) proves NADRA's capability and urge to continuously improve its processes, systems and procedures. In addition, NADRA is the first government authority to introduce a paperless office environment by implementing work flow solutions

I- CITIZENSHIP AND ITS HISTORY IN GENERAL

Citizenship is the status of a person recognized under the custom or law as being a member of a state. A person may have multiple citizenships and a person who does not have citizenship of any state is said to be stateless.

Nationality is often used as a synonym for citizenship in English. The historical development across time reveals that while democracy has evolved as a standard part of the modern idea of social organization, the idea of full democratic citizenship which is at the very core of Western Civilization has been deeply suppressed throughout the development of democracy. Citizenship could be said to have begun in Ancient Greece with the on set of constitutional government in the city-states. This tradition of democratic citizenship, now regarded as the ancient or classical model, beginning with the Greeks, showed citizens as playing a de facto, integral role in governance: governance was citizenship and citizenship was governance. Further, citizenship was seen as an integral part of attaining mature adulthood: only citizens could be adults and adults could become adults only through being citizens.

Aristotle stated that a citizen is one who is born from two citizens. Aristotle's legacy is his definition as stated in his Book III of the Politics: "The good citizen should know and have the capacity both to rule and be ruled, and . . . is the virtue of a citizen.

Laws and Rules which mainly governs the citizenship in Pakistan are:

- Pakistan citizenship Act 1951.
- Pakistan citizenship Rules 1952

As per Law, there are three categories of declared citizens of Pakistan which are briefly mentioned below.

(i) Citizen by Birth:

Persons who or any of their parents or grandparents were born in the territories now included in Pakistan before the commencement of citizenship Act, 1951 are citizens of Pakistan. Any person born in Pakistan after the commencement of Pakistan Citizenship Act, 1951 is citizen of Pakistan. Children of foreign diplomats and children of enemy alien born in Pakistan are not included in this category. Persons, who migrated from territories

of Pakistan to other areas of Indo-Pakistan sub-continent for permanent stay after March, 1947 shall also be not considered citizens of Pakistan.

(ii) Citizen by Descent:

Children of Pakistanis who are born outside Pakistan are citizens by descent. If the parent of such child is a citizen by descent himself/herself (as born outside of Pakistan) the child is required to be registered in the nearest consulate or Pakistani mission. Children born to Pakistani mother and foreign national father, after 18.04.2000, are treated as citizens of Pakistan.

(iii) Citizen by Migration:

The persons who migrated to Pakistan from the territories in the indo-Pakistan subcontinent before the commencement of Pakistan Citizenship Act, 1951 are declared citizens of Pakistan.

2- EVOLVING HISTORY OF THE **INSTITUTES ESTABLISHED TO** **REGISTER THE CITIZENS**

The above discussion was made in order to thrash the dire need of citizenship without which a person cannot be a claimant or legal status within the four corners of a state.

After the freedom of Pakistan, Prime Minister Liaquat Ali Khan tossed the Personal Identity System (PIS) program to register, manage and issue all national identification cards to the citizens of Pakistan and Muslim refugees settled down in Pakistan. Modifications were conceded by Election Commission of Pakistan in 1965 for the process of the voter's registration to hold the nationwide 1965 presidential election. In 1969-70, the amendments in the PIS program continued by the Election commission until the election commission supervised the 1970 general elections.

After 1971, the war resulted in East-Pakistan gaining independence as Bangladesh, a new statistical database system was needed to ensure the safety of Pakistan's citizens as well as the national security of the

country. In 1973, a new database system was codified under the Second Amendment, of the Constitution of Pakistan to perform and contain the statistical database of the citizens of Pakistan. Therefore, Registration of Pakistan's citizens and statistic database in government's computer accounts was started in 1973, with the promulgation of the constitution of the country. This new program was initiated by the then-Prime Minister Zulfiqar Ali Bhutto.

The Government start issuing the National Identity Card (NIC) numbers to its citizens and began performing government databases of the people in the Government computers. Directorate General of Registration Pakistan, a department created under the 1973 constitution, with the National Database Organization (NDO), an attached department under the Ministry of Interior, Government of Pakistan for the 1998 census with a Headquarters' Office at Islamabad, five Regional Registration Offices are in operation to supervise the working of 83 District and 147 Sub-Divisional Registration Offices established in the entire country. National Registration Act 1973 was introduced to establish a National Registration system

commonly known as "Continuous Population Register to operate with the following mandate:-

- 1- Every citizen in or out of Pakistan who has attained the age of eighteen years shall get himself; and (b) a parent or guardian of every citizen who has not attained that age shall get such citizen, registered in accordance with the provisions of this Act.
- 2- The Director-General should issue to every citizen who has, attained the age of eighteen years and got himself registered under section 4, a card [in the prescribed form] to this Act, .hereinafter referred to as the identity card.

Till September 30, 1993, 54.5 million identity cards have been issued and about 6.2 million persons have not come forward to obtain their identity cards, although there have been persuasions from the Government, (i) four general elections have been held in the country during the last years in which production of national identity cards was mandatory for getting ballot paper at the time of polling, and (ii) a person is punishable under the law for rigorous imprisonment of 3 months or a fine up-to Rs.1000/- or

both, if he/she does not obtain his/her identity card within 90 days of attaining the age of 18. However, this provision of law has never been invoked due to low literacy rate. The reasons for showing lack of interest can be attributed to:-

a) Low level of literacy.

b) Persons on attaining the age of 18 do not come forward to obtain their identity cards voluntarily and apply only when compelling requirements to produce their national identity cards arises.

c) Females living in rural areas do not apply for their national identity cards.

d) Poor people in rural and far flung areas, who do not own any property and have no intention to come to urban areas for seeking employment, do not obtain their identity cards.

3- PROBLEMS ENCOUNTERED BY THE **INSTITUTIONS:**

Like any other voluminous application, the Directorate General of Registration, right from its inception, started facing the following problems:-

- (i) Lack of interest shown by the citizens for getting themselves registered and obtaining their national identity cards without any compelling demand.
- (ii) The inherited weakness of not preparing population registers (an inventory of citizens) of an area, before issuing identity cards with effects by issuing more than one card and registration of some non-nationals by forgery and counterfeiting.
- (iii) Handling of huge and voluminous record of citizens manually

The Directorate General of Registration remained alive with the problems/difficulties that were being faced in implementing the National Registration System therefore, (i) computerized data base comprising all citizens and (ii) automation right from the receipt of application form for registration of citizens, births, deaths, and change in marital status etc. to the delivery of identity card to an applicant was introduced.

On completion of the pilot Project in Rawalpindi and Islamabad which was completed by December, 1994 the computerized system was extended to the entire country in a phased program of five years after evaluating the pilot project.

4- EMERGANCE OF NADRA AND ITS OPERATIONAL ROLE /FUNCTIONS

National Database and Registration Authority (NADRA) was established on March 10, 2000, by merging Directorate General of Registration Pakistan, a department created under the 1973 constitution, with the National Database Organization (NDO), an attached department under the Ministry of Interior, Government of Pakistan created for the 1998 census. NADRA is an autonomous body to operate independently with the mandate to replace the old directorate general of Registration with a computerized system of registering citizens, NADRA launched the Multi-Biometric National Identity Card project developed in conformance with international security documentation issuance practices in the year 2000. The program replaced the paper based Personal Identity System of Pakistan that had been in use since 1973. This new organization aimed at overcoming the problems of previous regime, ranging from issues of unavailability and disintegration of quality data to political interference

NADRA is the largest semi-government IT based organization of Pakistan aiming at to become self-sustaining organization. During the last few years, this organization has expanded its product base from Computerized Identity Card to a list of other value added products

The rationale behind the creation of NADRA was to develop: A National Data Warehouse, A National Information Infrastructure for online, nationwide access to the National Data Warehouse, A National Spatial Data Warehouse Infrastructure to set up a comprehensive geographic and land information system and National Identity Documents for all citizens and non-citizens resident in Pakistan.

MODEL BASE OF NADRA

The NADRA has applied Kotter's 8 steps change model which is applicable to a wide range of organizations ranging from sovereign national organization to competitive multinational corporations, aiming at implementation of successful process of change.

5- LEGAL FRAMEWORK OF NADRA

THE NATIONAL DATABASE AND REGISTRATION

AUTHORITY ORDINANCE, 2000

The legal shelter over the NADRA is **The National Database and Registration Authority Ordinance, 2000** (to provide for the establishment of the National Database and Registration Authority so as to facilitate the registration of all persons and the establishment and maintenance of multipurpose databases, data warehouses, networking, interfacing of databases and related facilities)

The preamble of the ordinance contains that:-

Whereas it is expedient and necessary to provide for the registration of all persons and for the establishment and maintenance of multipurpose databases, data warehouses, networking, interfacing of databases and related facilities and services and matters connected therewith and ancillary thereto;

And whereas a new, improved and modernized registration and database system is the emergent need of time for its multiple beneficial uses and applications in efficiently and effectively running the affairs of the State and the general public thereby achieving the goals of good governance, public service and minimizing scope for corruption and inefficiency;

And whereas it is expedient to establish the National Database and Registration Authority be established to achieve the aforesaid objectives;

I- ESTABLISHMENT OF THE AUTHORITY

The Authority shall be a body corporate, consist of a Chairman, also to be called the Registrar General of Pakistan, and five members to be appointed by the Federal Government being and eminent professional of known integrity and competence with substantial experience in the field of computer science, engineering, statistics, demography, law, business, management, finance, accounting, economics, civil or military administration, or the field of registration.

II- REGISTRATION AND ISSUANCE OF CNIC

Section 9 of the Ordinance states that *“Every citizen in or out of Pakistan who has attained the age of eighteen years shall get himself and a parent or guardian of every citizen who has not attained that age shall, not later than one month after the birth of such citizen, get such citizen registered in accordance with the provisions of ordinance”*.

Section 10 **states** that *“the Authority shall issue or renew, or cause to be issued or renewed, in such manner and on terms and conditions, subject to every citizen who has attained the age of eighteen years and got himself registered under section 9, a card to be called National Identity Card in such form, with such period of validity upon payment of such fee in such form and manner as may be prescribed”*.

Pakistan Origin Cards, Overseas Identity Cards and Alien Registration Cards shall also be issued and renewed through prescribed form by the authority under section 11, 12 and 13 respectively. The ordinance also repeals the National Registration Act 1973 (LVI of 1973)

6- ENDEMIC ISSUE AND IDENTIFICATION OF SUCH AREAS THAT CAUSE PROBLEMS AND GENERAL COMPLIANTS WITH PROPOSED SOLUTION.

NADRA not only takes pride in producing the Computerized National ID Card of Pakistan but also in producing the World's first Machine Readable Multi-Biometric Electronic Passport. The academic discussion has although authenticated that NADRA has full fledged system in order to its operation, however still people are facing problem with regards to infringement of their legal rights which should be redressed. The following issues have been highlighted along with proposed solution.

I- TRAINING OF STAFF

The Authority has the specialized staff with requisite academic qualification and technical skills but, still the employees in NADRA Operation centers lacks the training program with regards to public dealing and handling the genuine problems, such as lack of any check and balance over centres and district level. The long queues of citizen in hot weather due to the non-availability of information desk in the reception of

the office, therefore the people are compelled for waiting long even to discuss their difficulty with the official deputed for issuance of token who lacks in knowledge due to his non-technical hand, resultantly matter gets complex and sometimes even unlawful due to illiteracy.

RECOMMENDATIONS

- i-** A well conversant employee should be deputed as information officer on the reception of each center so to facilitate the citizens of Pakistan with regards to his query. This may minimize the issuance of wrong token especially to illiterate citizens
- ii-** A detail Fee chart should be place at the core and entrance area of the office to comprehend the citizens for their facilitation.
- iii-** Detailed guidelines with regards to mandatory documents should be placed at entrance area of the office to comprehend the citizens for facilitation.
- iv-** The citizen's access to the office of Centre In-charge should be allowed if they wish so.
- v-** The office In-charge should pay physical visit in and outside the office to monitor the entire situation.

- vi- The complaints against the centers with regards to misbehavior should be given weightage and investigated at district level by the district in-charge, in this connection his contact and address should be placed at every Centre.

II- LINKAGE OF DATA WITH U.Cs

The registration of births/deaths, under the constitution, is the responsibility of the Local Governments. This system was, to a certain extent, on the ground before the country came into being in 1947. However, it started deteriorating with the passage of time because there have been structural changes purely on political grounds. The National Registration System heavily depends on the Local Governments for reporting of births and deaths.

Presently the Authority is not connected with Union Councils with regards to data exchange in birth and death cases. A large number of complaints are on different forums regarding delay in issuance of Children Registration Certificates. On investigating it has been noticed that the CRC were not issued due to the non-verification of birth certificates from the Union councils due to the production of forged and counterfeited

documents, resultantly the genuine applicants had to face the problem especially when the Government of the Punjab set it a mandatory document for admission through the Board concerned. Same situation is also found in death cases. Furthermore, the authority has also made the mandatory provision of **English Marriage** certificate to change the status of citizen on his CNIC.

RECOMMENDATIONS

- i- There should be a well-connected data base between the NADRA and Union Council in order to check the genuineness of any documents, this may minimize the time period for issuance of delayed CRCs.
- ii- The same treatment should also be in practice with regards to Death certificates while amending any of the document.
- iii- The cases of marital change also get delayed owing to the production of English marriage certificate which is a hindrance for falling illiterate citizens especially in cases where marriage took place in far areas, the well connecting data may facilitate in such cases as well.

- iv- Till the time the system is not upgraded, these case should be given priority by making verification process through a special messenger for which a wing of NADRA is already working in the district level.

III- CANCELLATION OF DUP CASES

The issuance of CNIC is the legal right of every citizen which cannot be held or no law can be framed against the fundamental rights as per provisions of Constitution. Rightly at the emergence of NADRA, the citizen were not aware with the technicalities of the system nor there was any system with NADRA to block the cases of those applicants who already retain a CNIC, resultantly issuance of 2nd CNIC with different number is common practice . Presently, a large number of complaints are still pending on different forums seeking the cancellation of 2nd CNIC without fine which is up-to 10,000 Rs. / as per NADRA SOP. This was all done either due to lack of knowledge from complainant's side or due to non-technicality of NADRA staff except the cases where card was obtained with mala fide intentions. It has also been observed in some cases that the

political activist processed the CNIC in bulk for want of vote even without the proper documentation and without the receiving of card by actual citizen. The agency in such cases takes the plea of receiving the card by the applicant which the complainant has no acknowledgment resultantly the genuinely aggrieved has to suffer a lot not to the extent of their own citizenship but also to their dependents. It is a matter of deep concern for this secretariat that how they Agency NADRA neglects the case while processing the 2nd CNIC but retained it afterwards when the applicant approaches for the renewal of its original 1st CNIC. In some case, the consumption/usage of the 2nd CNIC was found as nil which presumes to be that the applicant has no mala fide intention in its processing. Once again the problem gets worse when the In-charge of centers do not guide the citizens properly in handling of such conflict nor apprise them the details of 2nd CNIC processed in his name so to proceed further but with the only statement to mark it dup and clear by paying the fee which 10,000 for which the citizens have no knowledge about their SOP quoted as:-

DUP CATEGORIES & FEE STRUCTURE- CHECKLIST					
Categories	Description	(Below Matric) Fee (10 X Working Days)	Literate Fee (10 X Working Days)	Fast Track Fee (4 X Working Days)	Abroad Fee (10 X Working Days)
A	Same Particulars on CNICs Without Transaction	Rs 1000/-	Rs 1000/-	Rs 20,000/-	\$ 100/-
B	Same Particulars on CNICs With Transaction	Rs 5,000/-	Rs 10,000/-	Rs 20,000/-	\$ 400/-
C	Different Particulars on CNICs With/Without Transactions	Rs 10,000/-	Rs 10,000/-	Rs 20,000/-	\$400/-

This state of mind is against the natural norms of Justice and against the concept of *Audi Alteram Partem*.

There are number of cases where the applicant contended that they have not received 1st card and on the other hand NADRA also fails to provide concrete evidence of receipt of card or usage of the cards by the applicants in these cases fine should be waived off and normal fee should be charged.

RECOMMENDATIONS

- i- There should be a well-developed I.T system of NADRA with regards to obstruction in processing of the 2nd CNIC of a citizen rather to point it the same after so many years on renewal of 1st CNIC.

- ii- The citizen in person may be allowed to get the entire record of his processing the CNICs on payment of a nominal fee for his satisfaction where the point of view of agency is firm and logical.
- iii- The NADR should inform the citizen in writing with the clear observation and fee plan under the SOP for declining the right of CNIC as and when the situation occurs instead of to refuse verbally.
- iv- The SOP of the Agency should be reviewed by the Higher Authorities as the DUP fee at maximum of 10,000 appears to be exorbitant especially for the low paid and widows.

IV- **SPOT VERIFICATION**

It has been noticed while handling the complaints against NADAR that a number of cases are lying dormant on the part of the Agency wherein the spot verification was advised by the authority concerned while finalizing the cases. In such cases the citizens have no choice except to wait long even for indefinite period. The reply of the agency in these cases have always been the same that "Matter shall be finalized as and when spot verification report receives from the vigilance department", however on the

interference of Judicial and Quasi-Judicial forums, under litigation case gets finalized by the department at once but the other cases get delayed. This was done either due to rush of work or due to the non-framing/existing of any by-laws.

Even the cases which get their fate on either way lack merit due to the non-expertise or contextual qualification of designated official/officer. Furthermore, the spot verification report does not carry the proceedings of a specific case but a decision thereon, which may be contested as under influence, based on favoritism and suspected in any manner.

RECOMMENDATIONS

- i- The officer designated for the job should be well conversant with NADRA laws / SOP and should get through the study on case to case basis, preferably an officer having law background may be assigned such jobs.
- ii- The claimed data should be spelt out while undertaking spot verification and investigation should be relevant with the facts and law.

- iii- The cases so referred for spot verification should clearly be marked with time frame under intimation to the claimant / citizen. In this connection necessary instruction should also be issued by the Head quarter or Regional Head quarter NADRA to be adhered in future cases and all pending cases must be brought to the notice of higher ups for their early disposal
- iv- A substitute should be assigned by the authority in case the designated officer avails the leave or unable to perform the operational duty.

v- **FRAUD MARK CASES**

It has been observed that the Authority reserves right to mark the cases as Fraud category either at their own or on the compliant of any citizen. There is no proper mechanism developed so far by NADRA to deal such cases, presently the Authority seems to be supreme in marking the case as fraud at their discretion, resultantly, infringement of citizen's right. It is a principal of natural justice that nobody shall be condemned unheard, but in fraud mark cases the authority mark the cases without giving any prior notice to a citizen who sometime are not aware of the status of his CNIC.

However, while unblocking the card, a citizen / applicant has to face an exhaustive procedure which is not only cumbersome but also complex.

Even then on adoption of procedure the non-existence of any SOP in this perspective, the cases left all on the discretion of board which do not give the reason in writing to uphold the decision of the cases as Fraud mark.

This lapse is somewhere connected with spot verification where the cases are held on the arrival of spot verification report for which no proper mechanism of time frame is available with NADRA.

RECOMMENDATIONS

- i- There should be a prior notice to mark these cases in Fraud category by giving an opportunity to be heard from the other side rather to make entry in cases where private parties involve, however the direction of Judicial and Quasi-Judicial forums are otherwise to be dealt as.
- ii- The NADRA should frame SOP with regards to deal such cases and the marking of Fraud cases should not be dealt single handedly. The procedure to un-mark the fraud category should also be envisaged in SOP along with the required documents.

- iii- The board so constituted should be in a manner of circuit board which may be placed in every district on rotation basis if the powers requires to be centralized.
- iv- The cases deferred on account of spot verification report should be given under clear time frame to be adopted by the vigilance department of NADRA.
- v- A well conversant officer having a background of law must be a member of board to deal Fraud mark cases.

VI- **MECHANISM FOR MOBILE VANS**

There are number of issues relating to the processing of CNIC, CRC and other cards by the NADRA mobile vans. Although this system has been designed for the facilitation of poor people living in the far-flung areas of Pakistan, however the cases so processed by the Mobile vans were found deficient, inaccurate and full of errors, resultantly the citizen have to face multiple issues i.e.

- Delay
- Issuance of wrong token
- Error in record / wrong entries
- Non provision of CNICs
- Dup issues

In order to overcome these flaws the Authority has devised no formal system in their centers neither the centers to overcome and discuss their genuine grievances.

RECOMMENDATIONS

- i- The Authority should depute their well trained staff to undertake the job through such mobile vans for processing the CNICs, preferably a local inhabitant employee if found in their establishment due to his complete knowledge about the area and understanding of their language / issues.
- ii- The mobile van should accompany a relationship office to guide the local citizens before issuance of token. This may overcome the future issues which may arise due to lack of knowledge as people sometimes process their CNIC as fresh on account of free token.
- iii- The card so processed through mobile vans should be given a suitable date to collect the card from nearest NADRA center or to send through registered mail only , in each case concerned citizen should be informed in writing to which means he/she will be delivered their CNICs or other documents.

- iv- The NADRA should get the card received duly signed by the CNIC holder as most of the cases the system displays a single word that card has been “Received” without any date time and means.

VII- FEATURES OF SMART CARD

The Authority had introduced Smart Card claiming the several features, however the same do not appears to be in practice despite lapse of considerable period. Apart from the executive Centre’s, the representative so designated in normal centers insist the citizen to process smart card instead the normal one despite the fact that neither any feature nor additional facility has been noticed.

RECOMMENDATIONS

- i- The Authority should clearly display the processing fee structure in normal and smart card
- ii- The Smart card’s feature should be displayed separately for the free will of citizen.

CONCLUSION

NADRA is one of the few companies in the world to have the synergy, experience and expertise to successfully design and implement extremely large sized projects that involve data acquisition from large populations belonging to geographically dispersed locations, data transfer over multiple backbone and last mile technologies, data warehousing, data mining and secure printing

Concluding, In addition to the discussion of issues and recommendation, the NADRA should re visit it's over all operations, technical expertise and HR with regards to :-

- Transparency
- Efficiency
- Customer Service
- Customer Facilitation
- Professionalism

To adhere to the recommendation made in preceding discussion, a system can be devised which can not only facilitate the citizens of Pakistan but also can reduce the number of cases in court and other forums.

The convening of conferences, meetings, conventions at high level whether national or local level may make vital role to establish a mechanism effectively; for that the Government should take concrete steps from time to time in addition to tackle the other aspects and vernaculars faced in country at local, provincial or central level.