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THE NATURALIZATION ACT, 1926

(VII of 1926)

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TEXT

THE NATURALIZATION ACT, 1926
(VII of 1926)

[26th February, 1926]

An
Act

*to consolidate and amend the law relating to the naturalization in ¹[Pakistan] of
aliens resident therein*

Whereas it is expedient to consolidate and amend the law relating to the naturalization in ¹[Pakistan] of aliens resident therein;

It is hereby enacted as follows.—

1. Short title, extent and commencement.— (1) This Act may be called the ²Naturalization Act, 1926.

³[(2) It extends to the whole of Pakistan]

(3) It shall come into force on such date⁴ as the ⁵[Central Government] may, by notification in the ⁶[official Gazette], appoint.

All Powers and functions of Central Government under sub-section (3) of section 1, sub-section (5) of section 8 and section 12 of this Act shall be exercised and is charged by the Chief Commissioner of Baluchistan and the Chief Commissioner of Karachi within their respective jurisdiction, see Gaz. Of P., 195, Pt. I, P. t8.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,— ⁷a[* * * * *]

(a) (Omitted by Naturalization (Amdt) Act, 1952 (61 of 1952), S.2.

(b) 'certificate of naturalization' means a certificate of naturalization granted under this Act; and

⁸[(c) 'minor' means, notwithstanding anything in the Majority Act, 1875, any person who has not completed his age of twenty-one years]

¹Subs. By the Naturalization (Amdt) Act, 1950(23 of 1951), S. 2, for "the Provinces and the Capital of the Federation" which has been subs. By A.O., 1949, for "British India"

²The Word "Indian" omitted by A.O., 1949,

³Subs. By Act 23 of 1951, S.3, for the original sub-section (2), as amended by A.O., 1949.

⁴The 1st July, 1926; see Gazette of India, 1926, Pt. I, p. 577.

⁵Subs by A.O., 1937, for "G.G. in C."

⁶Subs. Ibid., for "Gazette of India".

⁷Cl. (a) omitted by the Naturalization (Amdt.) Act, 1952 (61 of 1952), section 2.

⁸Subs. By the Naturalization (Amdt.) Act, 1950 (23 of 1951), S.4, for the original Cl. (c).

3. Grant of certificate of naturalization.— (1)⁹[The Federal Government may grant a certificate of naturalization to any person who makes an application in this behalf and satisfied ⁹[the Federal Government]—

- (a) that he is not a minor;
- ¹⁰(b) that he is neither a citizen of Pakistan nor a subject of any state of which a citizen of Pakistan is prevented by or under any law from becoming a subject by naturalization ;]
- ¹¹[(c) that he has resided in Pakistan throughout the period of twelve months immediately preceding the date of the application, and has, during the seven years immediately preceding the said period of twelve months, resided in Pakistan for a period amounting in the aggregate to Act less than four years ;]
- (d) that he is of good character;
- (e) that he had an adequate knowledge of a language which has been declared by the

Federal Government, by notification in the official Gazette, to be one of the principal vernaculars of Pakistan; and (f) that he intends, if the application is granted, to reside in Pakistan or to enter or continue in the service of the State in Pakistan:

Provided that nothing in clause (c) or clause (f) shall apply in the case of woman who was a ¹²[citizen of Pakistan] previously to her marriage to a person not a ¹²[citizen of Pakistan] and whose husband has died or whose marriage has been dissolved.

(2) Nothing in this section shall be deemed to prevent the grant of a certificate of naturalization to any person to whom a certificate of naturalization has been issued under the Indian Naturalization Act, 1852.¹³

4. Contents and form of application.— (1) Every application for a certificate of naturalization shall be in writing and shall state, to the best of the knowledge and belief of the applicant,—

- (a) his age;
- (b) his place of birth;
- (c) his place of residence;
- (d) his profession, trade, or occupation;
- (e) full particulars regarding his qualifications in respect of the matter referred to in clauses (a) to (f) of subsection (1) of section 3;
- (f) whether he has at any time previously applied for the grant of a certificate of naturalization under the British Nationality and Status of

⁹Subs. By A.O, 1937, for “the Local Government”

¹⁰Subs. By the Naturalization (Amdt.) Act. 1952 (61 of 1952), S. 3, for the existing Cl. (b).

¹¹The original Cl (e). as amended by A.O, 1937 and A.O., 1949, has successively been subs. By Act 23 of 1951, S. 5 and the naturalization (Amdt.) Act. 1957 (44 of 1957). S. 2. to read as above.

¹²Subs. By the Naturalization (Amdt.) Act, 1952 (61 of 1952), S. 3, for “British subject”.

¹³Rep. by this Act.

Aliens Act, 1914, or the Indian Naturalization Act, 1852¹³, or this Act;^{14*} [**]

- (g) whether any such application has been rejected ;
- (h) whether any such certificate has been granted to him ; and
- (i) whether any such certificate granted to him has been revoked¹⁵ [or whether has been deprived of his citizenship under the Pakistan Citizenship Act, 1951. ¹⁴[x xx]

(2) Every such application shall be signed by the applicant and shall be accompanied by an affidavit sworn him verifying that the statements contained therein are true to the best of his knowledge and belief.

(3) ¹⁶[The Central Government] shall satisfy itself as to the truth of the statements contained in the application, and for this purpose may cause to be made such further inquiry, if any and may require such further residence, if any, either by affidavit or otherwise as it thinks necessary.

5. Grant of certificate.— (1) If ¹⁷[the Federal Government is satisfied that the applicant is qualified under section 3 for the grant of a certificate or naturalization and is otherwise a fit person for the grant of such certificate, it may grant a certificate reciting the qualifications of the applicant for such grant and conferring upon him all the rights, privileges and capacities of naturalization under this Act, except such rights, privileges or capacities, if any, as may specifically be withheld by the certificate.

(2) Any such certificate may, if the applicant so requests, include the name of any minor child of the applicant, not being by birth ¹⁸[a citizen of Pakistan] who was born before the date of the certificate and is for the time being resident in ¹⁹[Pakistan] and under the control of the applicant; and shall grant to any child so included all the rights, privileges and capacities of naturalization under this Act except such rights, privileges or capacities, if any, as may specifically be withheld by the certificate.

(3) The grant of a certificate of naturalization shall be in the absolute discretion of [the Federal Government], and no appeal shall lie from any refusal to grant any such certificate or to in any such grant any particular right, privilege or capacity.

6. Oath of allegiance.— Every person to whom a certificate of naturalization has been granted shall, within thirty days from the date of the grant thereof take and subscribe the following oath, namely:—

¹⁴The words and figures “or the British nationality Act, 1948” which were added by the Naturalization (Amdt.) Act, 1948” which were added by the Naturalization (Amdt.) Act, 1950 (23 of 1951), S 6, have been omitted by Act 61 of 1952, S. 4.

¹⁵Added by Act 23 of 1951, S. 6.

¹⁶Subs. By A.O., 1937, for “Local Government”

¹⁷Subs. By A.O., 1937 for “Local Government”

¹⁸Subs. By the Naturalization (Amdt.) Act, 1952 (61 of 1952), S. 5, for “a British Subject”.

¹⁹Subs. By the Naturalization (Amdt.) Act, 1950 (23 of 1951), S.7, for “the Provinces and the Capital of the Federation” which had been subs. By A.O., 1949, for “British India”

"I, A. B., do hereby swear (or affirm) that I will be faithful and bear true allegiance to ²⁰[the Constitution of Pakistan]

Provided that the Federal Government may extend the time allowed under this section in any case in which it is satisfied that failure to take and subscribe the oath within that time was due to sufficient cause.

7. Effect of grant of certificate and taking of oath.— (1) No certificate of naturalization shall have effect until the person to whom it is granted has taken and subscribed the oath prescribed by section 6, but upon the taking and subscribing of such oath such person, and any child of any such person who has been included in the certificate under subsection (2) of section 5, shall be deemed to be citizens of Pakistan and be entitled to all the rights, privileges and capacities of a citizen of Pakistan born within Pakistan, except such rights, privileges or capacities, if any, as may have been withheld from them respectively by the certificate, and shall within Pakistan be subject to all the obligations, duties and liabilities of a citizen of Pakistan ; and the wife of any such person to whom a certificate of naturalization is granted after the commencement of the Indian Naturalization (Amendment) Act, 1935, shall, if not already a citizen of Pakistan, in like manner be so deemed and be so entitled and so subject, if within one year, or such longer period as the Federal Government may in special circumstances allow, from the date of the taking and subscribing of such oath by her husband, She makes to the Federal Government a declaration that she desire to be deemed to be a citizen of Pakistan, and if she is an alien as defined in the Pakistan Citizenship Act, 1951, obtains a certificate of domicile under that Act, and takes and subscribes the oath prescribed by section 6 of this Act.

(2) When the person to whom a certificate of naturalization has been granted has taken and subscribed the oath prescribed by section 6, any wife thereafter married by, and any child thereafter born to, such person shall, if she or he is not a citizen of Pakistan and if such person aforesaid at the date of the marriage or birth, as the case may be, retains any rights, privileges or capacities of a citizen of Pakistan under this Act, be entitled, subject, in the case of wife, to her making to the Federal Government a declaration as provided in subsection (1) and, if necessary, upon obtaining the certificate of domicile and making and subscribing the oath as further provided in that subsection, to the same rights, privileges and capacities, and be subject to the same obligations, duties and liabilities to which such person aforesaid was at the date entitled and subject].

8. Revocation of certificate.— (1) ²²[Where the Federal Government is satisfied that a certificate of naturalization granted under this Act, or the Indian Naturalization Act, 1852]²³, were obtained by false representation or fraud or by concealment of material circumstances, or that the person to whom the certificate has been granted has shown himself by act or speech to be disloyal to ²⁴[Pakistan], ²⁵[the Federal Government] shall, by order in writing revoke the certificate.

²⁰The original words "His Majesty the King, Emperor of India, His heirs and successors" have successively been amended by A.O., 1949, and Act 23 of 1951, S.8, to read as above.

²¹Subs. By Act 61 of 1952, S. 6, for the existing section 7.

²²Subs. By A.O, 1937, for certain original words and figures.

²³Rep. by this Act.

²⁴Subs. by the Naturalization (Amdt.) Act, 1950 (23 of 1951), S.10, for "His Majesty"

(2) Without prejudice to the going provisions, ²⁶[the Federal Government] shall, by order in writing, revoke such a certificate of naturalization as aforesaid in any case in which it is satisfied that the person to whom the certificate was granted:—

- (a) has, during any war in which ²⁷[Pakistan] is engaged unlawfully traded or communicated with the enemy, or with a subject of an enemy state, or been engaged, in or associated with, any business which is to his knowledge carried on in such a manner as to assist the enemy in such war; or
- (b) has, within five years of the date of the grant of the certificate, been sentenced by any Court ²⁸[in Pakistan or] in His Majesty's dominions to transportation or to imprisonment for a term of not less than twelve months, or to pay a fine of not less than one thousand rupees; or
- (c) was not of good character at the date of the grant of the certificate; or
- ²⁹(d) has since the grant of the certificate been, for a period of not less than seven years, ordinarily resident out of Pakistan otherwise than as a representative of a citizen of Pakistan, or of a Pakistan firm or company or a Pakistan institution, or in the service of a Government in Pakistan or in the armed forces of Pakistan, and has not maintained substantial connection with Pakistan; or]
- (e) remains, according to the law of a state at war with Pakistan, a subject of that state; and that the continuance of the certificate is not conducive to the public good.

³⁰(3) [* * * * *]

(4) ³¹[The Federal Government may, if it thinks fit, before making an order under the section, refer the case for such inquiry as in hereinafter specified, and, in any case to which subsection (1) or clause (a), clause (b) or clause (c) of subsection (2) applies, the Central Government shall, by notice given to or sent by post to the last known address of, the holder of the certificate, give him an opportunity of claiming that the case be referred for such inquiry, and, if the holder so claims in accordance with the notice, the Federal Government shall refer the case for inquiry accordingly.

(5) An inquiry under this section shall be held by such person or persons and in such manner as ³²[the Federal Government] may direct in each case.

(6) Where a certificate is revoked under this section, the revocation shall have effect from such date as may be directed by ³²[the Federal Government], and thereupon the certificate shall be given up and cancelled; and any person who,

²⁵Subs. By A.O, 1937, for" such local government".

²⁶Subs. By A.O, 1937, for" such local government".

²⁷Subs. By the Naturalization (Amdt.) Act, 1950 (23 of 1951), S.10, fpr "His Majesty"

²⁸Ins. BY AO 1961, art. 2 and such. (with effect from the 23rd march, 1950).

²⁹Subs. by the Naturalization (Amdt.) Act, 1952 (61 of 1952, S/7, for the original Cl. (d).

³⁰Sub-section (3 omitted by AO 1937)

³¹Subs. ibid. for the "Local Government".

³²Subs. By A.O, 1937, for "the Local Government"

without reasonable cause the burden of proving which shall lie upon him fails to give up his certificate within one month from the aforesaid date, shall be punishable with fine, which may extend to one thousand rupees.

(7) For the purposes of this section, any person who has acquired any of the rights, privileges or capacities of naturalization under subsection (2) of section 5 or sub-section (2) of section 7 by reason of the grant to his parent of a certificate of naturalization, may, after he has attained majority, be deemed to be a person to whom a certificate of naturalization has been granted.

9. Effect of revocation of certificate.— (1) Where a certificate is revoked under section 8, the former holder thereof shall cease to be deemed to be a ³³[citizen of Pakistan].

(2) On such revocation, ³²[the Federal Government] may, order in writing, direct that the wife and minor children (or any of them) of the person whose certificate is revoked shall cease to be deemed to be ³⁴[citizens of Pakistan]; but where no such direction is made, the status of the wife and minor children of the person whose certificate is revoked shall not be affected by the revocation:

³⁵[Provided that no such order shall be made in the case of a wife unless by reason of the acquisition by her husband of a new nationality she has also acquired the nationality]:

Provided further that, in the case of a wife who ³⁶[was, or, if the Pakistan Citizenship Act, 1951, had been in force at the date of her birth, would have been, by birth a citizen of Pakistan], no such order as aforesaid shall be made, unless [the Federal Government] is satisfied that, if she had held a certificate of naturalization in her own right, the certificate could properly have been revoked under section 8, and the provisions of that section as to referring cases for inquiry shall apply to the making of any such order as they apply to the revocation of a certificate.

10. Declaration of alienage.— (I) A declaration of alienage in such manner as may be prescribed by rules made under this Act may be made:—

- (a) within one year of his attaining majority, by any child who has acquired any of the rights, privileges of capacities of naturalization under subsection (1) of section 5, or subsection (2) of section 7; or
- (b) within six months from the date revocation of a certificate under section 8, or of the death of, or of the dissolution of her marriage with, the holder of any such certificate as in therein referred to, by the wife of the person whose certificate has been revoked, or who has died, or whose marriage to her has been dissolved, as the case may be.

(2) Where a declaration of alienage has been made in the manner aforesaid, the person making the same, and the wife of children of any such person

³³Subs. By the Naturalization (Amdt.) Act, 1950 (23 of 1951), S. 10, for "His Majesty"

³⁴Sub Ibid for "British Subjects".

³⁵Ins by the Indian Naturalization (Amdt) Act, 1935 (1 of 1935)m/s,3.

³⁶Subs. by Act 61 of 1952 s.8 "for was at birth a British subject".

who are minors and are not by birth ³⁷[citizens of Pakistan], shall cease to be deemed to be ³⁷[citizens of Pakistan]:

³⁸[Provided that the wife of any such person shall not cease to be deemed to be a ³⁹[citizen of Pakistan] under this subsection, unless by reason of the acquisition by her husband of a new nationality she has also acquired, that nationality].

11. Inquiries.— Every person making an inquiry under the orders of ⁴⁰[the Federal Government] under subsection (3) of section 4, and every person appointed to hold an inquiry under subsection (5) of section 8, shall be deemed to be public servant within the meaning of the ⁴⁰[Pakistan] Penal Code, and shall for the purposes of such Inquiry have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters:—

- (i) enforcing the attendance of any person and examining him on oath;
- (ii) compelling the production of documents and material object; and
- (iii) issuing commissions for the examination of witnesses; and every inquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code.

12. Oaths and affidavits.— (1) All oaths and affidavits for the purposes of this Act shall be sworn before a Magistrate or such other person as may be appointed in this behalf by ⁴¹[the Federal Government].

(2) The Magistrate or other person by whom an oath of allegiance is administered under section 6 shall grant to the person making the same a certificate in writing of his having taken and subscribed such oath and the date of his taking and subscribing the same, and shall forward to the Federal Government the oath so taken and subscribed, together with a copy of such certificate.

13. Power to make rules.— (1) ⁴²[The Federal Government] may, ⁴³x x x, by notification in the ⁴⁴[official Gazette], make rules⁴⁵ to give effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the forms in which certificates of naturalization shall be granted, and the manner in which they shall be recorded :

³⁷Subs. by Naturalization (Amdt) Act, 1952 (61 of 1952), s.9 for "British subject".

³⁸Proviso added by the Indian Naturalization (Amdt) Act, 1935 (1 of 1935), S.4.

³⁹Subs. by Ac 61 of 1952, S/9, for "British Government".

⁴⁰Subs. By A.O., 1937, for "a Local Government".

⁴¹Subs by the Naturalization (Amdt.) Act, 1950 (23 of 1951), S.11, for "Indian"

⁴²Subs. by AO 1937 for "the Local Government".

⁴³The Words "with the previous sanction of the GG in C." omitted ibid.

⁴⁴Subs ibid, for "Local Official Gazette."

⁴⁵For the Pakistan Naturalization Rules, 1961, see Gaz. Of P., 1961, Pt.J,PP Pakistan, extraordinary, Part II 14th September, 1973 (infra).

- (b) the manner in which declarations of alienage shall be made and recorded ;
- (c) the recording of oaths of allegiance ; and
- (d) the fees which may be imposed for the issue of any certificate, whether of naturalization or otherwise, granted under this Act.

14. Limitation to the grant of naturalization under this Act.— Nothing contained in this Act shall be deemed to entitle to any of the rights, privileges or capacities of a citizen of Pakistan the child of any person who is himself so entitled by reason only of the inclusion of his name in a certificate of naturalization under subsection

- (2) of section 5 or of the grant of a certificate of naturalization to his parent.

⁴⁶**[14-A.] Application to certificate granted before separation of Burma and Aden.**— The provisions of this Act shall, after the separation⁴⁷ of Burma and Aden from India, continue to apply, as respects Pakistan to certificate granted under this Act, or the Indian Naturalization Act, 1852, before the said separation by the Local Governments of Burma and Aden and any such certificates may after the said separation be revoked as respects ⁴⁸[Pakistan] accordingly].

⁴⁹**[14-B. Application to certificates granted before partition.**— The provisions of this Act shall, nor or after the fifteenth day of August 1967, continue to apply, as respects ⁵⁰[***]Pakistan, to certificates granted under this Act or under the Indian Naturalization Act, 1852, before that day by the Local Government or Provincial Government of any Province which or any part of which was included in the Domination of India on that day, and any such certificates my after that day be revoked as respects ⁵⁰[***] Pakistan accordingly].

⁵¹**[14-C. Validation of certain certificates.**— Any certificate granted under the Indian Naturalization Act, 1852, or under this Act before the commencement of the Naturalization (Amendment) Act, 1952, and standing unrevoked as respects Pakistan at the commencement of the last-named Act, shall be deemed to be a certificate of naturalization under this Act as amended by the Naturalization (Amendment) Act, 1962].

15. [Repeals].— Rep. by the Repealing Act, 1927 (XIII of 1927), S. 2 and Sch.

⁴⁶S. 14 A ins. By AO 1937.

⁴⁷i.e. the 1st April, 1937.

⁴⁸Subs. by the Naturalization (amdt) Act, 23 of 1951), S.12 for "the 1949, for "British India"

⁴⁹S. 14A ins. By A.O., 1937.

⁵⁰The words "the Provinces of omitted by Act 23 fo 1951, S.13.

⁵¹Added by the Naturalization (Amdt.) Act, 1952 (61 of 1952), S. 11.