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THE PAKISTAN CITIZENSHIP ACT, 1951

(II of 1951)

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THE PAKISTAN CITIZENSHIP ACT, 1951

(II of 1951)

[13th April, 1951]

An

Act

to provide for Pakistan Citizenship

Preamble.— **Whereas** it is expedient to make provision for citizenship of Pakistan;

It is hereby enacted as follows:—

1. Short title and commencement.— (1) This Act may be called the Pakistan Citizenship Act, 1951.

(2) It shall come into force at once—

2. Definitions.— In this Act:—

'Alien' means a person who is not citizen of Pakistan or a Commonwealth citizen;

'Indo-Pakistan sub-continent' means India as defined in the Government of India Act, 1935, as originally enacted; 'minor' means, notwithstanding anything in the Majority Act, 1875, any person who has not completed the age of twenty-one years; 'prescribed' means prescribed by rules made under this Act;

'Commonwealth citizen' means a person who has the status of a Commonwealth citizen under the British Nationality Act, 1948;

'British protected person' means a person who has the status of a British protected person for the purposes of the British Nationality Act, 1948.

3. Citizenship at the date of commencement of this Act.— At the commencement of this Act every person shall be deemed to be a citizen of Pakistan:—

(a) who or any of whose parents or grandparents was born in the territory now included in Pakistan and who after the fourteenth day of August, 1947, has not been permanently resident in any country outside Pakistan; or

(b) who or any of whose parents or grandparents was born in the territories included in India on the thirty-first day of March, 1947, and who, except in the case of a person who was in the service of Pakistan or of any Government or Administration in Pakistan at the commencement of this Act, has or had his domicile within the meaning of Part II of the Succession Act, 1925, as in force at the commencement of this Act, in Pakistan or in the territories now included in Pakistan;

Or

- (c) Who is a person naturalized as a British subject in Pakistan; and who, if before the date of the commencement of this Act he has acquired the citizenship of any foreign State, has before that date renounced the same by depositing a declaration in writing to that effect with an authority appointed or empowered to receive it; or
- (d) Who before the commencement of this Act migrated to the territories now included in Pakistan from any territory in the Indo-Pakistan sub-continent outside those territories with the intention of residing permanently in those territories. *Proviso. Omitted by the Pakistan Citizenship Act, V of 1952, and Section 3.*

4. Citizenship by birth.— Every person born in Pakistan after the commencement of this Act shall be a citizen of Pakistan by birth:

Provided that a person shall not be such a citizen by virtue of this section if at the time of his birth:—

- (a) his father possesses such immunity from suit and legal process as is accorded to an every of an external sovereign power accredited in Pakistan and is not a citizen of Pakistan; or
- (b) His father is an enemy alien and the birth occurs in a place then under occupation by the enemy.

COMMENTS

5. Citizenship by descent.— Subject to the provision of section 3 a person born after the commencement of this Act, shall be a citizen of Pakistan by descent if his parent is a citizen of Pakistan at the time of his birth:

Provided that if the ¹[parent] of such person is a citizen of Pakistan by descent only, that person shall not be a citizen of Pakistan by virtue of this section unless:—

- (a) that person's birth having, occurred in a country outside Pakistan the birth is registered at Pakistan Consulate or Mission in that country, or where there is no Pakistan Consulate or Mission in that country at the prescribed Consulate or Mission or at a Pakistan Consulate or Mission in the country nearest to that country ; or
- (b) That person's ²[parent] is, at the time of the birth, in the service of any Government in Pakistan.

6. Citizenship by migration.— (1) The ³[Federal Government] may, upon his obtaining a certificate of domicile under this Act, register as a citizen of Pakistan by migration any person who ⁴[after the commencement of this Act and before the first day of January, 1952, has migrated] to the territories now included in Pakistan from

¹Subs for the word "father" by ordinance NO. XIII of 2000 dated 18-04-2000.

²Subs for the word "father" by ordinance NO. XIII of 2000 dated 18-04-2000.

³Subs for "Central Government" by Act XLVII of 1973,

⁴Subs, by the Pakistan Citizenship (Admt) Act. 1952 (V of 1952), S.5. for "before the commencement of this act migrated."

any territory in the Indo-Pakistan sub-continent outside those territories, with the intention of residing permanently in those territories:

Provided that the Federal Government may, by general or special order, except⁵ any person or class persons from obtaining a certificate of domicile require under this subsection.

(2) Registration granted under the preceding subsection shall include besides the person himself, his wife, if any, unless his marriage with her has been dissolved and any minor child or his dependent whether wholly or partially upon him.

7. Persons migrating from the territories of Pakistan.— Notwithstanding anything in sections 3, 4 and 6, a person who has after the first day of March 1947, migrated for the territories now included in Pakistan to the territories now included in India shall not be a citizen of Pakistan under the provision of these sections:

Provided that nothing in this section shall apply to a person who, after having gone migrated to the territories now included in India has returned to the territories now included in Pakistan under a permit for resettlement or permanent return issued by or under the authority of any law for the time being in force.

8. Rights of citizenship of certain persons resident abroad.— ⁶(1) The Federal Government may, upon application made to it in this behalf, register as a citizen of Pakistan any person who, or whose father or whose father's father, who born in the Indo-Pakistan sub-continent and who is ordinarily resident in a country outside Pakistan at the commencement of this Act, if he has unless exempted by the Federal Government in this behalf, obtained a certificate of domicile:

Provided that certificate of domicile shall not be required in the case of any such person who is out of Pakistan under the protection of a Pakistan passport, or in the case of any such person whose father or whose father's father is at the commencement of this Act residing in Pakistan or become's before the aforesaid application is made a citizen of Pakistan.

⁷(2) A subject of the State of Jammu and Kashmir who, being under the protection of a Pakistan passport, is resident in the United Kingdom or such other country as the Federal Government may, by notification in the official Gazette, specify in this behalf, shall, without prejudice to his rights and status as a subject of that State, be deemed to be, and to have been, a citizen of Pakistan].

9. Citizenship by naturalization.— The Federal Government may, upon an application made to it in that behalf by any person who has been granted a certificate of naturalization under the Naturalization Act, 1926 register that person as a citizen of Pakistan by naturalization:

Provided that the Federal Government may register any person as citizen of Pakistan without his having obtained a certificate of naturalization as aforesaid.

⁵All Gov. servants includent optees coming form the late govt. of India, shall as a class be exempt from obtaining the certificate of domicile, see Gaz. Of Pakistan 1952, R.1, P113.

⁶Re-numbered by Pakistan Citizenship. (Amdt.) Act. (XLVII of 1973), S.2

⁷Added by Act XLVIII of 1973, Pub in Gaz of Pakistan Ext., Part I, dt. 19-06-1933 [PLD 1973 Cent. St. P. 528]

10. Married women.— (1) any woman who by reason of her marriage to a ⁸[British subject] before the first day of January, 1949, has acquired the status of a British subject shall, if her husband becomes a citizen of Pakistan, be a citizen of Pakistan.

(2) Subject to the provisions of sub-section (1) and subsection (4) a woman who has been married to a citizen of Pakistan or to a person who but for his death would have been a citizen of Pakistan under section 3, 4 or 5 shall be entitled, on making application therefore to the Federal Government in the prescribed manner, add, if she is an alien, on obtaining a certificate of domicile and taking the oath of allegiance in the form set out in the Schedule to this Act, to be registered as a citizen of Pakistan whether or not she has completed twenty-one years of her age and is of full capacity.

(3) Subject as aforesaid, a woman who has been married to a person who, but for his death, could have been a citizen of Pakistan under the provisions of sub-section (1) of section 6 (whether the migrated is provided in that sub-section or is deemed under the proviso to section 7 to have so migrated) shall be entitled as provided in sub-section (2) subject further, if she is an alien, to her obtaining the certificate and taken the oath therein mentioned.

(4) A person who has ceased to be citizen of Pakistan under section 14 or who has been deprived of citizenship of Pakistan under this Act shall not be entitled to be registered as a citizen thereof under this section but may be s registered with the previous consent of the Federal Government.

11. Registration of minors.— (1) The Federal Government may, upon application to it in this behalf made in the prescribed manner, by a parent or guardian of a minor child of a citizen of Pakistan, register the child as a citizen of Pakistan.

(2) The Federal Government may in such circumstances as it thinks fit, register any minor, as a citizen of Pakistan.

12. Citizenship by registration to begin on date of registration.— Any person registered as a citizen of Pakistan shall be such a citizen from the date of his registration.

13. Citizenship by incorporation of territory.— If any territory becomes a part of Pakistan the ⁹[President] may, by order, specify the persons who shall be citizens of Pakistan by reason of their connection with that territory : and those person shall be citizens of Pakistan from such date and upon conditions, if any, as may be specified in the order.

14. Dual citizenship or nationality not permitted.— (1) Subject to the provisions of this section if any person is a citizen of Pakistan under the provisions of this Act, and is at the same time a citizen or national of any other country he shall, unless he makes a declaration according to the laws of that other country renouncing his status as citizen or national thereof, cease to be a citizen of Pakistan.

⁸Subs, by the Pakistan Citizenship (Amdt) Act, 1952 (V of 1952) S. 6, for "Commonwealth Citizen."

⁹Subs. by AO 1961 Act, w, for "Governor-General " w.e.f 23rd March 1956)

¹⁰(1A) Nothing in sub-section (1) applies to a person who has not attained twenty-one years of his age:

(2) Nothing in sub-section (1) shall apply to any person who is a subject of an Acceding State so far as concerns his being a subject of that State.

¹¹(3) Nothing in sub-section (1) shall apply, or shall be deemed ever to have applied at any stage, to a person who being, or having at any time been, a citizen of Pakistan, is also the citizen of the United Kingdom and Colonies or of such other country as the Federal Government may, by notification in the official Gazette, specify in this behalf.

(4) Nothing in sub-section (1) shall apply to a female citizen of Pakistan who is married to a person who is not a citizen of Pakistan.

¹²**[14-A. Renunciation of citizenship.]** (1) If any citizen of Pakistan residing outside Pakistan, who is not a minor and:—

- (a) is also a citizen or national of another country, or
- (b) has been given by the competent authority of another country any valid document assuring him of the grant of the citizenship or nationality of that other country upon renouncing his citizenship of Pakistan, makes in the prescribed manner a declaration renouncing his citizenship of Pakistan, the declaration shall be registered by the prescribed authority; and upon such registration that person shall cease to be a citizen of Pakistan:

Provided that, if any such declaration is made during any war in which Pakistan may be engaged, registration thereof shall be withheld until the Federal Government otherwise directs.

(2) Where a male person ceases to be a citizen of Pakistan under subsection (1)—

- (a) Every such minor child of that person as is residing outside Pakistan shall thereupon cease to be a citizen of Pakistan:

Provided that any such child may, within one year of his completing the age of twenty-one years, make a declaration that he wishes to resume the citizenship of Pakistan and shall upon the making of such declaration become a citizen of Pakistan; and

- (b) Every such minor child of that person as is residing in Pakistan shall continue to be a citizen of Pakistan.

¹³**[14-B. Certain persons to be citizens of Pakistan.]**— A person who being a subject of the State of Jammu and Kashmir, has migrated to Pakistan with the intention of residing therein until such time as the relationship between Pakistan and that State is finally determined, shall, without prejudice to his status as such subject, be a citizen of Pakistan.

¹⁰Sub section ; A insert., *ibid*

¹¹Added by Act XVII of 1972 Pub. In Gaz fo Pakistan Extd., Part I, dt 25 Sep, 1972 [PLD 1973 Cent v St. P, Li]

¹²Inserted by Act XVII of 1972 Pub in Gaz of Pakistan Extd., Part I dt. 25th Sep, 1972 [PLD 1973 cent. St. P.11]

¹³Inst. By Act XXXIX of 1973 [PLD 1973 cent. St. P 484]

15. Persons becoming citizens to have the status of Commonwealth citizens.— Every person becoming a citizen of Pakistan under this Act shall have the status of a Commonwealth citizen.

16. Deprivation of citizenship.— (1) a citizen of Pakistan shall cease to be a citizen of Pakistan if he is deprived of that citizenship by an order under the next following subsections.

(2) Subject to the provisions of this section the Federal Government may by order deprive any such citizen of his citizenship if it is satisfied that he obtained his certificate of domicile or certificate of naturalization under the Naturalization Act, 1926 by means of fraud, false representation or the concealment of any material fact, or if his certificate of naturalization is revoked.

(3) Subject to the provisions of this section the Federal Government may by order deprive any person who is a citizen of Pakistan by naturalization of his citizenship of Pakistan if it is satisfied that the citizen:—

- (a) Has shown himself by any act or speech to be disloyal or disaffected to the Constitution of Pakistan;
- (b) has, during a war in which Pakistan is or has been engaged, unlawfully traded or communicated with the enemy or engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist the enemy in that war; or
- (c) Has within five years of being naturalized been sentenced in any country to imprisonment for a term of not less than twelve months.

(4) The Federal Government may on an application being made or on its own motion by order deprive any citizen of Pakistan of his citizenship if it is satisfied that he has been ordinarily resident in a country outside Pakistan for a continuous period of seven years beginning not earlier than the commencement of this Act and during that period has neither:—

- (i) been at any time in the service of any Government in Pakistan or of an International Organization of which Pakistan has, at any time during that period been a member; or
- (ii) registered annually in the prescribed manner at a Pakistan Consulate or Mission or in a country where is no Pakistan Consulate or Mission at the

Prescribed Consulate or Mission or at a Pakistan Consulate or Mission in a country to the country of his residence his intention to retain Pakistan citizenship.

(5) The Federal Government shall not make an order depriving a person of citizenship under this section unless it is satisfied that it is in the public interest that the person should not continue to be a citizen of Pakistan.

(6) Before making an order under this section the Federal Government shall give the person against whom it is proposed to make the order notice in writing informing him of the grounds on which it is proposed to make order and calling upon him to show cause why it should not be made.

(7) If it is proposed to make the order on any of the grounds specified in sub-sections (2) and (3) of this section and the person against whom it is proposed to make the order applies in the prescribed manner for an inquiry, the Federal Government shall, and in any other case may, refer the case to a committee of inquiry consisting of a Chairman, being a person possessing judicial experience, appointed by the Federal Government and of such other members appointed by the Federal Government as it thinks proper.

¹⁴**16-A. Certain persons to lose and others to retain citizenship.**— (1) All persons who, at any time before the sixteenth day of December 1971, were citizens of Pakistan domiciled in the territories which before the said day constituted the Province of East Pakistan and who—

- (i) Were residing in those territories on that day and are residing therein since that day voluntarily or otherwise shall cease to be citizens of Pakistan;
- (ii) Were residing in Pakistan on that day but after that day voluntarily migrate to those territories shall cease to be citizens of Pakistan;
- (iii) Were residing in Pakistan on that day and are voluntarily residing therein service that day shall continue to be citizens of Pakistan;
- (iv) Were residing in those territories on that day but voluntarily came to Pakistan after that day with the approval of the Federal Government shall continue to be citizens of Pakistan:

Provided that any person referred to in clause (i) whose repatriation to Pakistan has been agreed to by the Federal Government and who have, not been so repatriated before the commencement of Pakistan Citizenship (Amendment) Ordinance, 1978, shall continue to be citizens of Pakistan.

(2) Any person who, at any time before the sixteenth day of December 1971, was a citizen of Pakistan domiciled in the territories which before the said day constituted the Province of East Pakistan and who being under the protection of Pakistan passport, was on that day, or is residing in any country beyond those territories shall not be deemed to be a citizen of Pakistan unless, upon an application made by him to the Federal Government in this behalf the Federal Government has granted , him a certificate that at the date of the certificate he is a citizen of Pakistan.

17. Certificate of domicile.— The Federal Government may upon an application being made to it in the prescribed manner containing the prescribed particulars grant a certificate of domicile to any person in respect of whom it is satisfied that he has ordinarily

Resided in-Pakistan for a period of not less than one year immediately before the making of the application and has acquired a domicile therein.

18. Delegation of persons.— The Federal Government may, by order notified in the official Gazette, direct that any power conferred upon it or duly imposed on it by this Act shall, in such circumstances, and under such conditions, if any, as may be

¹⁴Inserted vide No. F 24 (1) 78, Pub in Gaz of Pakistan Extd. Pt I dt 18th march 1978. [PLD 1978 Cent. St P 74]

specified in the direction, be exercised or discharged by such authority or officer as may be specified.

19. Cases of doubt as to citizenship.— (1) Where a person with respect to show citizenship a doubt, exists, whether on a question of law or fact makes application in that behalf to the Federal Government, the Federal Government may grant him a certificate that at the date of the certificate he is a citizen of Pakistan.

(2) The certificate, unless it is proved to have been obtained by fraud false representation or concealment of any material fact, shall be conclusive evidence of the fact recorded in it.

20. Acquisition of Pakistan citizenship by citizens of Commonwealth' countries.— The Federal Government may upon such terms and conditions as it may be general or special order specify register a Commonwealth citizen or a British protected person as a citizen of Pakistan.

21. Penalties.— Any person who in order to obtain or prevent the doing of anything under the Act makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, shall be deemed to have committed an offence punishable under section 177 of the Pakistan Penal Code.

22. Interpretation.— (1) For the purposes of this Act a person born abroad a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country shall be deemed to have been born in the place in which the ship or aircraft was registered or as the case may be in that country.

(2) Any reference in this Act to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father be construed as a reference to the status or description of father at the time of the father's death; and where the death occurred before, and the birth occurs after the commencement of this Act, the status or description which would have been applicable to the father had he died after the commencement of this Act shall be deemed to be the status or description applicable to him at the time of his death,

23. Rules.— (1) The Federal Government may frame rules for carrying into effect the provisions of this Act.

(2) No rules framed under this Act shall have effect unless published in the official Gazette.