

Pakistan Citizenship Rules, 1952 (Bangladesh)

In exercise of the powers conferred by section 23 of the Pakistan Citizenship Act, 1951 (II of 1951), the Central Government is pleased to frame the following rules:

1.Short title.

(1)These rules shall be called the Pakistan Citizenship Rules, 1952.

(2)hey shall come into force at once.

2.Definitions.

In these rules:-

"Act" means the Pakistan Citizenship Act, 1951.

"Provincial Government" includes the Chief Commissioner of Baluchistan, the Administrator of Karachi and the Governments of acceding States.

"British Mission or Consulates" mean such British Mission or Consulates as are exercising functions on behalf of Pakistan.

3.Citizenship at the date of commencement of the Act.

Any person claiming citizenship of Pakistan at the commencement of this Act may be granted a certificate by the Provincial Government in the manner hereinafter prescribed:-

(a)Any person claiming citizenship under clause (a) of section 3 of the Act shall apply in Form A in duplicate to a Magistrate of the first class.

This application shall be supported by a certificate of birth of the applicant or any of his parents or grand-parents, as the case may be, issued by-

(i)a village officer or an officer in charge of a Police Station.

(ii)a Municipal or Town Committee or Corporation, or

(iii)a Registrar of Births and Deaths appointed under the Births, Deaths and Marriage Registration Act, 1886.

(b)the Magistrate shall In attestation of the truth of the statement in the application, administer an oath or affirmation to the applicant and shall examine the evidence, oral or documentary, adduced by the applicant in support of his claim. He may if he thinks it necessary, summon and examine any witnesses likely to know the facts of the application and may call for any records relevant to it.

(c)If the Magistrate is satisfied that the applicant is entitled to citizenship under clause (a) of section 3 of the Act, he shall recommend to the Provincial Government that a certificate of citizenship In Form A1 be granted.

(d)The Provincial Government shall pass such orders on the recommendation as it deems fit.

4.

(1)Any person claiming citizenship under clause (b) of section 3 of the Act shall apply in Form 'A' In duplicate to a Magistrate of the First Class. Each form shall be accompanied by a certificate of birth as provided in clause (a) of rule 3 and by a certificate of domicile under rule 23.

(2)The Magistrate shall-din attestation of the truth of the statement In the application, administer an oath or affirmation to the applicant.

(3)He shall examine any witness produced by the applicant and may summon any other witnesses likely to know the facts of the application and may call for any records relevant to it.

(4)If the Magistrate is satisfied that the applicant is entitled to citizenship under clause (b) of section 3 of the Act, he shall recommend to the Provincial Government that a certificate of Citizenship in Form A1 be granted.

(5) The Provincial Government shall pass such orders on the recommendation as it deems fit.

5.

(1) Any person claiming citizenship under clause (c) of section 3 shall apply in Form 'A' in triplicate to the Provincial Government.

(2) Each form shall be attested by a Magistrate and shall be accompanied by an attested copy of the certificate of naturalisation.

(3) The Provincial Government may, after making such enquiry as it deems fit and after examining the evidence required by rule 19, recommend to the Central Government that a certificate of citizenship in Form A1 be granted.

(4) The Central Government shall pass such orders on the recommendation as it deems fit.

6.

(1) Any person being on the 13th April 1951 ordinarily resident in a country outside Pakistan, who claims citizenship under the proviso to section 3 of the Act shall apply in Form A in triplicate to the Central Government.

(2) Each form shall be accompanied by-

(a) an affidavit of the truth of the statements made therein;

(b) a declaration attested by a Magistrate that the applicant is not a citizen of the country outside Pakistan where he is ordinarily resident; and

(c) a certificate attested by a Magistrate, of his own birth or that of his parents or grand-parents in the territory now included in Pakistan.

(3) The Central Government may require the Provincial Government of the area where the applicant or his parent or grand-parent through whom he claim citizenship was born, to enquire into the application and the Provincial Government shall take action as if the application were an application presented to it under rule 5 of these rules.

(4) If on the report of the Provincial Government and such other information as is available to it, the Central Government is satisfied that the applicant is not a national or citizen of such country outside Pakistan as aforesaid and that he or any of his parents or grand-parents was born in the territory now included in Pakistan, it may issue a certificate of citizenship in Form A1.

(5) No application under this rule shall be entertained except in the manner specially provided in rule 7, if the applicant is ordinarily resident in India.

7.

(1) Any person being at the commencement of the Act ordinarily resident in territories now included in India, but claiming citizenship of Pakistan under the proviso to section 3 of the Act shall apply in Form A in triplicate to the Central Government, explaining the circumstances of his ordinary residence in India.

(2) The Central Government may require such evidence as it thinks fit to prove that the residence was for purposes of bonafide business or employment and did not constitute migration or domicile or the acquisition or domicile.

(3) The Central Government shall, after due inquiry, pass such orders on the application as it deems fit.

8. Citizenship by birth.

(1) Any person claiming citizenship under section 4 of the Act shall apply in Form 'B' in duplicate to a Magistrate of the First Class of the District where he was born.

(2) Each form shall be accompanied by-

(a) a certificate of birth issued by a village officer or an officer in charge of a police station or a Municipal or Town Committee or Corporation, or a Registrar of Births and Deaths appointed under the Births, Deaths and Marriages Registration Act, 1886.

(b) If the applicant is below the age of 21 years, a statement by his parent or guardian recorded

(b) If the applicant is below the age of 21 years, a statement by his parent or guardian recorded on oath.

(3) If the Magistrate, after making such inquiry as may be necessary, is satisfied that the facts stated in the application are correct, he shall recommend to the Provincial Government that a certificate in Form RI be granted.

(4) The Provincial Government shall pass such orders on the recommendation as it deems fit.

9. Citizenship by descent.

(1) Any person claiming citizenship by descent under section 5 of the Act shall apply in Form B to the Provincial Government of the area in which he has his domicile of origin as defined in Part II of the Succession Act, 1925.

(2) Such application shall be in triplicate and each form shall be accompanied by-

(a) a certificate of citizenship of Pakistan granted to his father, and

(b) evidence establishing his relationship with his father:

Provided that where the certificate of citizenship indicates that the father is a citizen of Pakistan by descent only, then one of the following additional documents shall also be produced -

(i) Either a certificate of registration of birth at a Pakistan Mission or Consulate in the country where the applicant was born, or there is no Pakistan Mission or Consulate in that country, at a Pakistan Mission or Consulate in the country nearest to the country.

(ii) Or a certificate documentary proof that the applicant's father was in the service of a Government in Pakistan at the time of the applicant's birth in that other country.

(3) The Provincial Government after making such enquiries as it deems fit may pass orders in regard to such applications, except where additional documents are required under the proviso to sub-rule (2) in which case it shall forward the papers to the Central Government.

(4) The Central Government shall pass such orders on the application as it deems fit.

10. Citizenship by migration.

(1) Any person claiming citizenship under section 6 of the Act shall apply in Form B in duplicate to the Provincial Government.

(2) Such application shall be accompanied by

(a) an affidavit of the truth of the statements made therein.

(b) a certificate of domicile under rule 23, and

(c) any other evidence which proves that the applicant intended to reside permanently in Pakistan, and that he has migrated to Pakistan before the 13th April, 1951.

(3) The Provincial Government, after such inquiries as it may consider necessary, shall pass such orders on the application as it deems fit.

(4) Where the applicant, for reasons to be recorded in writing, claims exception from obtaining a certificate of domicile, he shall request the Provincial Government to forward the application to the Central Government.

(5) The Provincial Government shall, on a request made under the foregoing sub-rule, forward the application to the Central Government together with its own recommendation.

(6) The Central Government shall pass such orders on the recommendation as it deems fit.

(7) Any order passed by the Provincial Government or Central Government under this rule shall apply to the wife of the applicant and any minor child of his dependent wholly or partially upon him, provided, that the claim for citizenship for them is included initially in the application and satisfactory evidence of the applicant's marriage to the wife, and of the minor being dependent on him, is adduced to the satisfaction of Government.

11. Person migrating from the territories of Pakistan.-

(1) Any person claiming Citizenship under the proviso to section 7 of the Act shall apply in Form

C in triplicate to the Central Government.

(2) Each form shall be accompanied by

(a) an attested copy of the pen-nit for resettlement or permanent return;

(b) an affidavit of the truth of the statements made in the application.

(3) The Central Government, after such inquiries as it may consider necessary, shall pass such orders on the application as it deems fit.

12. Citizenship of certain persons resident abroad.

(1) Any person claiming citizenship under section 8 of the Act shall apply in triplicate in Form D for registration as a citizen in the manner hereinafter provided, namely:-

(a) If he is resident in a country outside Pakistan, he shall make an application to the Pakistan Mission or Consulate in that country, to a Pakistan Mission or Consulate in the country nearest to that country, or to the nearest British Mission or Consulate.

(b) Every application under this rule shall be accompanied -

(i) by a certificate of domicile issued by a District Magistrate in Pakistan, unless the applicant is exempted by the proviso to section 8 of the Act, or

(ii) here he has been unable to obtain a certificate by a statement on oath explaining why he claims exemption from producing it.

(2)(a) The Mission or Consulate may demand such evidence of the truth of the statements made in the application as it thinks necessary. Such evidence shall ordinarily include certificates of his birth or that of his father or father's father, and information in regard to his educational and other qualifications and his economic condition;

(b) the Mission or Consulate shall forward the application with its recommendation to the Central Government which shall pass such orders on it as it deems fit;

(c) If the applicant is resident in Pakistan at the time of making the application, he shall apply direct to the Central Government;

(d) the Central Government shall pass such orders on this application as it deems fit.

13. Citizenship by naturalisation.

(1) Any person claiming citizenship under section 9 of the Act shall apply in Form 'E' in triplicate to the Central Government.

(2) Each form shall be accompanied by

(a) an affidavit of the truth of the statements made therein;

(b) a certificate of naturalisation under the Naturalisation Act, 1926;

(c) a certificate that the applicant has taken the oath of allegiance to the Constitution of Pakistan within the period prescribed by section 6 of the Naturalisation Act, 1926.

(3) The Central Government, after making such inquiries as it considers necessary, may grant a certificate of registration in Form RI or reject the application.

(4) Where an exemption from producing certificate of naturalisation is sought, the applicant shall in a statement recorded on oath, specify the reasons for which he seeks the exemption.

(5) The Central Government shall pass such orders on the application as it deems fit.

14. Married women.

(1) Any woman who by reason of her marriage to a Commonwealth citizen has acquired the status of a Commonwealth citizen before the first day of January, 1949, shall, if she wishes to be registered as a citizen of Pakistan, apply in Form 'F' to the Central Government for registration.

(2) Such application shall be in triplicate and each form shall be accompanied by-

(a) her marriage certificate; and

(a)her marriage certificate, and

(b)her husband's certificate of citizenship.

(3)The Central Government shall, after such Inquiry as it considers necessary, pass such orders on the application as it deems fit.

(4)If the husband is dead at the time the application is made. a statement of facts, recorded on oath, which would prove that he had been alive he would have been entitled to Pakistan citizenship under sections 3, 4 or 5 of the Act, shall accompany the application.

(5)If the applicant is an alien, the application shall further be accompanied by a certificate -

(a)of domicile issued under rule 23 of these rules, and

(b)that she has taken the oath of allegiance set out in the Schedule to the Act.

(6)If the applicant's husband but for his death would have been a citizen of Pakistan under the provisions of subsection (1) of section 6 of the Act (whether he migrated as provided in that sub-section or is deemed under the proviso to section 7 to have so migrated), the application shall be accompanied by a certificate issued by the Provincial Government that the husband would have been entitled to a certificate under Rule 10 or Rule 11 of these rules.

(7)The Central Government shall, after such inquiries as it considers necessary. pass such orders on the application as it deems fit.

15.

Any woman who claims citizenship under sub-section (2) of section 10 of the Act shall apply in Form 'F' in triplicate to the, Central Government in the following manner namely

(a)If her husband is alive, each form shall be accompanied by the following documents:

(i)a certificate of Pakistan citizenship granted to her husband;

(ii)a marriage certificate or any other evidence establishing the applicant's marriage.

(b)If her husband is dead at the time of application, the application shall be accompanied by the certificate or other evidence mentioned in sub-clause (ii) of clause (a), and by the certificate mentioned in sub-clause (i) of that clause or by a statement of facts recorded on oath showing that had he been alive he would be entitled to citizenship of Pakistan under sections 3, 4 or 5 of the Act.

(c)If the applicant is an alien, the application shall further be accompanied by a certificate

(i)of domicile issued under Rule 23 of these rules, and

(ii)that she has taken the oath of allegiance set out in the Schedule to the Act.

(d)If the applicant's husband but for his death would have been a citizen of Pakistan under the provisions of sub-section (1) of section 6 of the Act (whether he migrated as provided in that sub-section or is deemed under the provisions to section 7 to have so migrated), the application shall be accompanied by a certificate issued by the Provincial Government that the husband would have been entitled to a certificate under rule 10 or 11 of these rules.

(e)The Central Government shall, after such enquiries at it considers necessary. pass such orders on the application as it deems fit.

16.

(1)Any woman claiming citizenship through marriage in accordance with rule 14 or rule 15 after she has been deprived of it under the Act. shall submit with her application a statement on oath giving the reasons justifying the restoration of her citizenship.

(2)The Central Government shall, after such enquiries considers necessary. pass such orders on the application as it deems fit.

17.Registration of Minors.

(1)Any person claiming citizenship for a minor shall apply in Form (b) in duplicate.

(2)The form shall be submitted to the authority to whom the parent or guardian would be required to apply under these rules if he were claiming citizenship for himself.

(3)The application shall be accompanied by

- (a)an affidavit of the child's relationship with the applicant, and his age; and
- (b)a certificate of citizenship, if any. of the parent or guardian.

(4)The Central Government may, on an application submitted to it in the manner aforesaid or of its own motion. register any minor as a citizen of Pakistan.

18.Citizenship by incorporation of territory.

The Central Government may, by notification in the Official Gazette and on such terms and conditions as may be specified In such notification, apply all or any of these rules to persons who, by reason of their connection with any territory which may be incorporated in Pakistan, are entitled to be citizen of Pakistan.

19.Renunciation of dual citizenship of nationality.

Any person who, under section 14 of the Act, makes a declaration of renunciation of his status as a citizen or national of another country, shall produce a satisfactory evidence that he has made such a declaration:

Provided that nothing in this rule shall apply where the other nationality is Commonwealth citizenship except as provided for under section 7 of the Act.

20. Acquisition of Pakistan Citizenship by Commonwealth citizens.

(1)Any Commonwealth citizen may apply in form R In duplicate for the citizenship of Pakistan.

(2)The application shall be submitted to the Pakistan Mission or Consulate in that country or where there is no Pakistan Mission or Consulate in that country to a Pakistan Mission or Consulate in the country nearest to that country or to the nearest British Mission or Consulate. But if the applicant is at the time of the application resident In Pakistan, he shall apply to the Central Government.

(3)The application shall be accompanied by an affidavit of the truth of the statements made therein.

(4)The Mission or Consulate or the Government of Pakistan may ask for such information in regard to-

- (a)the national status of the applicant in his country;
- (b)his knowledge of languages:
- (c)his special qualifications, if any
- (d)his income and its source: and
- (e)any disabilities to which citizens of Pakistan are subject in the country of the applicant.

(5)The Central Government may pass such orders on the application as it deems fit.

21.Registration of birth In countries abroad.

The birth of a child of a citizen of Pakistan occurring in a country outside Pakistan shall be registered at a Mission or Consulate in the manner following:

(a)Any parent or guardian shall, of the child within six months of the birth, report in writing in Form S the fact of the birth to the Pakistan Mission or Consulate in that country. or where there is no such Mission or Consulate in that country, to a Pakistan Mission or Consulate in the country nearest to that country, Such report shall, among other things, indicate the full name, parentage and addresses of the parents of the child, his date and place of birth and whether the parents, or if they are dead, the guardian is a servant of any Government In Pakistan or of an international organisation of which Pakistan has at any time during that period been a member.

(b)The Mission or Consulate may call for any other information before the registration of the child.

(c)Copies of the registration certificates issued by the Mission or Consulate shall be furnished

(c) Copies of the registration certificates issued by the Mission or Consulate shall be furnished to the applicant, and to the Government of Pakistan

22. Annual Registration of Pakistan Citizens abroad.

Every citizen of Pakistan resident abroad shall register himself annually at a Pakistan Mission or Consulate or in a country where there is no Pakistan Mission or Consulate, at the Pakistan Mission or Consulate in a country nearest to that country in the manner following

(a) He shall register himself by forwarding to the Mission or Consulate a statement indicating his intention to retain citizenship of Pakistan. This statement shall, among other things, indicate his full name and parentage, his address in Pakistan and in the country of his residence, details of the passport or other travel documents carried by him and details of the members of his family.

(b) This statement shall be forwarded in duplicate in the first quarter of every year following the year of his arrival in the country of residence.

(c) The Mission or Consulate shall acknowledge receipt of the form; and such acknowledgment shall be evidence of his having been formally registered.

23. Certificate of domicile.

The Central Government, the Provincial Government or any District Magistrate authorised by the Provincial Government in this behalf may on application made to it in this behalf issue a certificate of domicile in Form 'P' in the manner following:-

(a) An application for a certificate of domicile shall be made in Form. 'P' in duplicate. It shall be accompanied by an affidavit affirming the truth of the statements made in it and affirming further that the applicant had not migrated to India after the first day of March, 1947 or that, having so migrated, had returned to Pakistan under a permit for resettlement or permanent return issued by an officer authorised by the Government of Pakistan.

(b) Any authority to whom an application is presented may demand such evidence as it may consider for satisfying itself that the facts stated in the application are correct and that the applicant has been continually resident of A less than one year and Pakistan for a period no intends to live permanently in Pakistan.

(c) The authority shall pass such orders on the application as it deems fit.

24. Certificate of Citizenship in doubtful cases.

(1) The Central Government may on application made to it in that behalf grant a certificate of citizenship in Form QI to any person with respect to whose citizenship a doubt exists, whether on a question of law or of fact.

(2) An application in this behalf shall be made in Form QI in triplicate and shall be supported by an affidavit of the truth of the statements made therein.

(3) The Certificate of citizenship granted in Form QI shall be withdrawn as soon as possible and not later than the issue of a certificate of citizenship under any of these rules. It shall be granted for one year in the first instance but may be extended from time to time unless withdrawn as herein provided.

25. Deprivation of citizenship.

(1) The Central Government may on a report from the Provincial Government or on its own motion issue a notice to any person who being a citizen of Pakistan by naturalisation

(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 as 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 naturalised been sentenced in any country to imprisonment for a term of not less than twelve months, to show cause why an order depriving him of the citizenship of Pakistan should not be passed against him.

(2) Such notice shall contain information of the grounds on which it is proposed to make the

order depriving him of citizenship.

(3)(a) Any person served with a notice in accordance with the two foregoing sub-rules may, within sixty days of the service of such notice apply to the Central Government for the appointment of a committee of enquiry.

(b) Such an application shall among other things be accompanied by an affidavit that the allegations made against him are untrue, and by a bond for such sum not exceeding Rs.5.000 as the Central Government may demand to be forfeited to Government should the committee of enquiry find the application false and frivolous or given with a view to causing delay.

(c) On receiving the application, Government shall appoint a committee as prescribed in sub-section (7) of section 16 of the Act.

(4) The Central Government may of its own motion or on the application of any person appoint a committee of enquiry in the manner aforesaid for enquiring into an application submitted to it under sub-section (4) of section 16 of the Act or to enquire into the fact of the continued residence outside Pakistan of any citizen of Pakistan for a period of seven years.

(5) An application under sub-section (4) of section 16 of the Act shall be accompanied by an affidavit stating the grounds on which the application was made, and if the applicant is residing in a foreign country the application may be submitted to the Pakistan Mission or Consulate in that country and where there is no Mission or Consulate in that country to a Pakistan Mission or Consulate in the country nearest to that country or to the nearest British Mission or Consulate.

(6) The Central Government shall pass such orders on the report of the Committee of enquiry or, if a committee is not appointed, on the application itself as it deems fit.

26. Penalty for obtaining citizenship by representation.

(1) Any Magistrate of the first class, a Provincial Government or the Central Government, on receiving information that a person has obtained certificate of citizenship, certificate of a registration as a citizen of Pakistan, certificate of domicile or certificate of naturalisation, by fraud, false representation or the concealment of any material fact, or that his certificate of naturalisation has been revoked, may authorise or require a competent Magistrate to authorise a police officer under section 155 of the Code of Criminal Procedure, 1898, to investigate the truth of the information.

(2) If on the result of the investigation it appears that the said person has made a statement or furnished information which comes within the mischief of section 21 of the Act, the Central or Provincial Government may direct that the said person be prosecuted under section 177 of the Pakistan Penal Code or under any other law for the time being in force.

(3) A conviction by the Court shall render null and void any certificate mentioned in sub-rule (1).

27. Fees.

Application under these rules shall be accompanied by a bank draft, challan, or a revenue stamp of the denomination indicated in the schedule to these rules.

28. Photographs.

Any person to whom a certificate of citizenship or of registration as a citizen of Pakistan is issued may be required to furnish four photographs except in the case of a purdanashin woman.

29. Miscellaneous.

All things done by a Magistrate, District Magistrate or Provincial Government under these rules shall be deemed to be done by or on behalf of the Central Government.

30.

Notwithstanding anything contained in rule 29 above, the Central Government may at any time entertain any application, appeal, review or revision application and may cancel, suspend, invalidate, extend or revise any certificate issued under these rules or pass any other orders it may deem necessary or fit.