

## THE PAKISTAN CITIZENSHIP ACT, 1951

<sup>1</sup>ACT No. II OF 1951

[13th April, 1951]

## An Act to provide for Pakistan citizenship

WHEREAS it is expedient to make provision for citizenship of Pakistan ;

It is hereby enacted as follows:—

1.—(1) This Act may be called the Pakistan Citizenship Act, 1951.

Short title  
and com-  
mencement.

(2) It shall come into force at once.

2. In this Act—

Definitions.

“alien” means a person who is not a citizen of Pakistan or a Commonwealth citizen;

“Indo-Pakistan sub-continent” means India as defined<sup>2</sup> in the Government of India Act, 1935, as originally enacted;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; <sup>3\*</sup>

<sup>1</sup> For Statement of Objects and Reasons, see Gaz. of P., 1951, Pt. V pp. 45-46.

The Act has been applied to the Chittagong Hill-tracts and to the partially excluded areas of the Mymensingh district with effect from the 25th October, 1951, see Dacca Gazette, 1951, Pt. I, p. 1146.

It has also been brought into force in Baluchistan with effect on and from the 13th day of April, 1951, see Gaz. of P., 1952, Pt. I, p. 218; applied in the Federated Areas of Baluchistan, see *ibid.*, 1953, Pt. I, p. 152.

It has also been extended to—

(i) the Leased Areas of Baluchistan, by the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950).

(ii) the Baluchistan States Union by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953);

(iii) the Khairpur State by the Khairpur (Federal Laws) (Extension) Order, 1953 (G. G. O. 5 of 1953).

(iv) the State of Bahawalpur by the Bahawalpur (Extension of Federal Laws) Order, 1953 (G. G. O. 11 of 1953), as amended.

It has also been brought into force in Gwadar with effect from the 8th September, 1958, by the Gwadar (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

<sup>2</sup> Section 311 (1) which read as follows:—

“India” means British India together with all territories of any Indian Ruler under the suzerainty of His Majesty, all territories under the suzerainty of such an Indian Ruler, the tribal areas, and any other territories which His Majesty in Council may, from time to time, after ascertaining the views of the Federal Government and the Federal Legislature, declare to be part of India.”

<sup>3</sup> The word “and” omitted by the Pakistan Citizenship (Amdt.) Act, 1952 (5 of 1952), s. 2.

<sup>1</sup>["Commonwealth citizen" means a person who has the status of a Commonwealth citizen under the British Nationality Act, 1948;

11  
& 12,  
Geo. 6,  
c. 56.

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

11  
& 12,  
Geo. 6,  
c. 56.

Citizenship  
at the date  
of com-  
mencement  
of this Act.

3. 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, 1937, <sup>4</sup>[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 naturalised as a British subject in Pakistan; and who, if before the date of the commencement of this Act he has acquired the

xxx-  
ix of  
1925.

<sup>1</sup> S. abs. by the Pakistan Citizenship (Amdt.) Act, 1952 (5 of 1952), s. 2, for the original definition of "Commonwealth citizen".

<sup>2</sup> Section 1 which read as follows:—

"1.—(1) Every person who under this Act is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in any country mentioned in sub-section (3) of this section is a citizen of that country shall by virtue of that citizenship have the status of a British subject.

(2) Any person having the status aforesaid may be known either as a British subject or as a Commonwealth citizen; and accordingly in this Act and in any other enactment or instrument whatever, whether passed or made before or after the commencement of this Act, the expression "British subject" and the expression "Commonwealth citizen" shall have the same meaning.

(3) The following are the countries hereinbefore referred to, that is to say, Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon".

<sup>3</sup> "British protected person" means a person who is a member of a class of persons declared by Order in Council made in relation to any protectorate, protected state, mandated territory or trust territory to be for the purposes of this Act British protected persons by virtue of their connection with that protectorate, state or territory."

<sup>4</sup> Subs. by the Pakistan Citizenship (Amdt.) Act, 1952 (5 of 1952), s. 3, for "and has".

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; <sup>1</sup>[or

<sup>1</sup>(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.]

2\* \* \* \* \*  
4. Every person born in Pakistan after the commencement of this Act shall be a citizen of Pakistan by birth: Citizenship 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 envoy 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.

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

Provided that if the father 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 a Pakistan Consulate or Mission in that country, or where there is no Pakistan Consulate or Mission in that country <sup>3</sup>[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 father is, at the time of the birth, in the service of any Government in Pakistan.

<sup>1</sup> The word "or" and clause (d) ins. by the Pakistan Citizenship Act, 1952 (5 of 1952), s. 3.

<sup>2</sup> Proviso omitted, *ibid.*

<sup>3</sup> Ins. *ibid.*, s. 4,



Citizenship  
by migration.

6.—(1) The Central Government may, upon his obtaining a certificate of domicile under this Act, register as a citizen of Pakistan by migration any person who <sup>1</sup>[after the commencement of this Act and before the first day of January, 1952, has 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:

Provided that the Central Government may, by general or special order, exempt any person or class<sup>2</sup> of persons from obtaining a certificate of domicile required under this sub-section.

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

Persons  
migrating  
from the  
territories of  
Pakistan.

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

Provided that nothing in this section shall apply to a person who, after having so 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.

Rights of  
citizenship  
of certain  
persons  
resident  
abroad.

8. The Central 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, was 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 Central Government in this behalf, obtained a certificate of domicile:

Provided that a 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

<sup>1</sup> Subs. by the Pakistan Citizenship (Amdt.) Act, 1952 (5 of 1952), s. 5, for "before the commencement of this Act migrated".

<sup>2</sup> All Government servants including optees coming from the late Government of India, shall as a class be exempt from obtaining the Certificate of Domicile, *see* Gaz. of P., 1952, Pt. I, p. 113.