



THE PAKISTAN CITIZENSHIP ACT, 1951



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THE PAKISTAN CITIZENSHIP ACT, 1951

¹ACT 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. 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 a citizen of Pakistan or a Commonwealth citizen ;

“Indo-Pakistan sub-continent” means India as defined² in the Government of India Act, 1935 (26 Geo.5, c.2.), as originally enacted ;

“minor” means, notwithstanding anything in the Majority Act, 1875 (IX of 1875), any person who has not completed the age of twenty-one years ;

¹ This Act shall, during the continuance of the Defence of Pakistan Ordinance, 1971 (30 of 1971), have effect subject to the provision of section 7 (4) of that Ordinance. For Statement of Objects and Reasons, see Gazette of Pakistan, 1951, Pt. V, pp. 45-46.

It has also been brought into force in Baluchistan with effect on and from the 13th day of April, 1951, see Gazette of Pakistan, 1952, Pt. I, p. 218; applied in the Federated Areas of Baluchistan, see *ibid.*, 1953, Pt. I, p. 152; extended to the Leased Areas of Baluchistan by the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); extended to the Khairpur State by the Khairpur (Federal Laws) (Extension) Order, 1953 (G.G.O. 5 of 1953); extended to the Baluchistan States Union by the Baluchistan States Union (Federal Laws) (Extension) Order, 1953 (G.G.O. 4 of 1953) ; extended to the State of Bahawalpur by the Bahawalpur (Extension of Federal Laws) Order, 1953 (G.G.O. 11 of 1953), as amended; and also brought in to force in Gwadur with effect from the 8th September, 1958, by the Gwadur (Application for Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

² 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.”

“prescribed” means prescribed by rules made under this Act ; ¹*

²[“Commonwealth citizen” means a person who has the status of a Commonwealth citizen under the ³British Nationality Act, 1948 (11 & 12.Geo.c.56).

“British protected person” means a person who has the status of a British protected person for the ⁴purposes of the British Nationality Act, 1948] (11 & 12.Geo.6,c.56).

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,

¹ The word “and” omitted by the Pakistan Citizenship (Amendment) Act, 1952 (5 of 1952), s. 2.

² Subs. *ibid.*, for the original definition of “Commonwealth citizen”.

³ 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 herein before referred to, that is to say Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, India, Pakistan, Southern Rhodesia and Ceylon.”.

⁴ “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 :” .

1937, ¹[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 (XXXIX of 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 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; ²for

²**[(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.]**

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

¹ Subs. by the Pakistan Citizenship (Amendment) Act, 1952 (5 of 1952), s. 3, for "and has".

² The word "or" and clause (d) *ins.*, *ibid.*

³ *Proviso omitted, ibid.*

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. Citizenship by descent.— 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 ¹[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 a Pakistan Consulate or Mission in that country, or where there is no Pakistan Consulate or Mission in that country ²[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 ¹[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 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 :

¹ Subs. by Ord. 13 of 2000, s. 2.

² Ins. By the Pakistan Citizenship (Amendment) Act, 1952 (5 of 1952), s. 4.

³ Subs. by the Pakistan Citizenship (Amendment) Act, 1973 (48 of 1973), s. 3, for "Central Government".

⁴ Subs. by Act 5 of 1952, s. 5, for "before the commencement of this Act migrated".