

***SENATE OF PAKISTAN
HOUSE OF THE FEDERATION***

Report No.18



***Report of the Senate Standing Committee on Interior and Narcotics
Control on the issue "The Pakistan Citizenship (Amendment) Bill, 2017"
introduced by Senator Mohammad Azam Khan Swati on 13th March, 2017***

PRESENTED BY

SENATOR A. REHMAN MALIK
CHAIRMAN

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON INTERIOR & NARCOTICS CONTROL

I, Chairman of the Standing Committee on Interior and Narcotics Control, have the honour to present the report on "The Pakistan Citizenship (Amendment) Bill, 2017" introduced by Senator Mohammad Azam Khan Swati on 13th March, 2017 and referred by the House to the Standing Committee on Interior and Narcotics Control for consideration and report thereof.

2. The composition of the Standing Committee on Interior & Narcotics Control is as under:-

1.	Senator A. Rehman Malik	Chairman
2.	Senator Shahi Syed	Member
3.	Senator Mir Israrullah Khan Zehri	Member
4.	Senator Muhammad Saleh Shah	Member
5.	Senator Muhammad Talha Mehmood	Member
6.	Senator Col. (R) Syed Tahir Hussain Mashhadi	Member
7.	Senator Dr. Jehanzeb Jamaldini	Member
8.	Senator Chaudhary Tanvir Khan	Member
9.	Senator Muhammad Javed Abbasi	Member
10.	Senator Muhammad Ali Khan Saif	Member
11.	Senator Mukhtiar Ahmed Dhamrah @ Aajiz	Member
12.	Senator Syed Shibli Faraz	Member
13.	Minister for Interior	Ex-officio Member

3. The matter was taken up in the meeting of the Standing Committee held on 10th April, 2017.

4. The Committee disposed of the matter on 10th April, 2017 and allowed to submit the report to the House. The following members of the Committee attended the meeting.

1.	Senator A. Rehman Malik	Chairman
2.	Senator Shahi Syed	Member
3.	Senator Col. (R) Syed Tahir Hussain Mashhadi	Member
4.	Senator Dr. Jehanzeb Jamaldini	Member
5.	Senator Chaudhary Tanvir Khan	Member
6.	Senator Muhammad Javed Abbasi	Member
7.	Senator Muhammad Ali Khan Saif	Member
8.	Senator Mian Muhammad Ateeq Shaikh	Mover
9.	Senator Mohammad Azam Khan Swati	Mover

SUMMARY

The Mover explained objects and reasons of the Bill and regarded marriage as a fundamental right of every adult citizen of Pakistan. The Mover cited Article 35 of the Constitution and said that the State should ensure protection of marriage, family, mother and child. Islam has granted the right to Muslim males and females to marry each other within the norms of Sharia, anywhere in the world. International commitments and International instruments also require to be considered while enacting the laws. In Mover's point of view, the Pakistan Citizenship Act, 1951 must be reviewed and revisited as it contained provisions repugnant to the Constitution of Pakistan, injunctions of Islam and also the international laws. The above said Act does not allow the right of citizenship to those males who married with Pakistani women and intended to reside in Pakistan. It was discriminatory in nature as women or children having husband or father with foreign nationality could not be protected in accordance with the spirit of Article 35 of the Constitution. This Act would enable the foreign nationals who have married with Pakistani women to live in Pakistan as equal citizens of Pakistan.

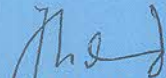
The Ministry differed with the Bill on the following grounds:

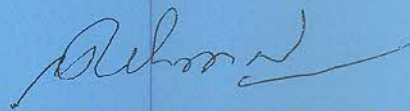
- a) The matter is sub-judice in the Supreme Court of Pakistan.
- b) The legislation would provide a blanket cover to the influx of immigrants, providing them an easy way to find a permanent abode in Pakistan through marriage.
- c) It may also be used by the hostile country to ingress through marriages and setup an espionage network.
- d) Almost a similar bill has been initiated in the National Assembly.

The Committee rejected the logic of the Ministry and regarded it unreasonable and baseless. However, the Committee felt that there was room for improvement in the Bill. The Bill needs to be dealt more comprehensively.

RECOMMENDATION

The Committee disposed of the Bill with the recommendation that the Bill may not be passed. The Bill is annexed.


(JAVAID IQBAL)
Secretary Committee


(SENATOR A. REHMAN MALIK)
Chairman

[TO BE INTRODUCED IN THE SENATE]

A

BILL

further to amend the Pakistan Citizenship Act, 1951

WHEREAS it is expedient further to amend the Pakistan Citizenship Act, 1951 (II of 1951), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Pakistan Citizenship (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Insertion of new sections 10A, 10B and 10C, Act II of 1951.- In the Pakistan Citizenship Act, 1951 (II of 1951), after section 10, the following new sections 10A, 10B and 10C shall be inserted, namely:-

"10A. Married men.- (1) Notwithstanding anything to the contrary contained in this Act, a man, who is not citizen of Pakistan and, who is married to a woman who is citizen of Pakistan, shall be entitled for registration as citizen of Pakistan, on making application in the prescribed manner to the Federal Government, by virtue of his marriage with a Pakistani woman:

Provided that a man, who is not citizen of Pakistan and, who has entered into a sham marriage with a Pakistani woman shall not be entitled for registration as citizen of Pakistan under this Act.

(2) Every man applying for registration as citizen of Pakistan under this section shall fulfil the conditions that,-

- (a) he has resided in Pakistan throughout the period of twelve months immediately preceding the date of the application, and has, during the ten year immediately preceding the said period of twelve months, resided in Pakistan for a period amounting in the aggregate to not less than seven years;
- (b) at least five years have passed since the man married Pakistani woman and the marriage has not been dissolved or vanished as yet;
- (c) the woman has not relinquished her Pakistani citizenship in favour of her husband's citizenship or citizenship of any other country;
- (d) he is of good character having no criminal record and, has not been convicted by a court of competent jurisdiction for any offence involving moral turpitude and, has not acted in any manner, prejudicial to the ideology of Pakistan, or the sovereignty, integrity or security of Pakistan; and

