

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

**A
BILL**

further to amend the Pakistan Citizenship Act, 1951,

Whereas it is expedient further to amend the Pakistan Citizenship Act, 1951 (Act 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, 2010.

(2) It shall come into force at once.

2. **Amendment of section 10, Act II of 1951.**- In the Pakistan Citizenship Act, 1951 (No. II of 1951), in section 10,-

(a) for the title “Married Women”, the words “Married persons” shall be substituted;

(b) for sub-section (1), the following shall be substituted namely:-

“(1) Any person who by reason of marriage to a British subject before the first day of January, 1949, has acquired the status of a British Subject and whose spouse has become a citizen of Pakistan, shall be eligible to become a citizen of Pakistan.”

(c) for sub-sections (2) and (3), the following shall be substituted, namely:-

“(2) Subject to the provisions of sub-section (1) and sub-section (4) a person who has been married to a citizen of Pakistan or to a person who but for her/his death would have been a citizen of Pakistan under sections 3, 4, or 5 shall be entitled, on making application therefore to the Federal Government in the prescribed manner, and, if an alien, on completing the prerequisites, to be registered as a citizen of Pakistan.”

(3) ‘Subject’ as aforesaid, means a person married to a person who for her/his death, could have been a citizen of Pakistan under the provisions of sub-section (1) of section 6 (whether she/he migrated as 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/he is an alien, to her/his obtaining the certificate and taking the oath therein mentioned.”

STATEMENT OF OBJECTS AND REASONS

Section 10 of Pakistan Citizenship Act, 1951 is discriminatory and in contradiction with Article 25 of the Constitution that ensures equality of rights for all. It is also against Pakistan’s International Commitments.

Further, the Federal Shariat Court, in exercise of its powers under clause (3) (a) of Article 203D of the Constitution took suo-moto notice of the discriminatory section of the Pakistan Citizenship Act, 1951 that denied a married Pakistani woman the right to get Pakistan’s citizenship for her foreign spouse; while a married man was entitled to obtain Pakistan citizenship for his foreign spouse; requiring the President of Pakistan to take suitable steps for amendment of Section 10(2) and other provisions of the said Act.

2. The proposed Bill seeks to achieve the aforesaid objective.

Sd/-
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Member, National Assembly