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ORDINANCE No. LIX OF 2009

AN

ORDINANCE

*further to amend the National Database and Registration Authority
Ordinance, 2000*

WHEREAS it is expedient further to amend the National Database and Registration Authority Ordinance, 2000 (VIII of 2000), for the purposes hereinafter appearing;

AND WHEREAS the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title and commencement.**—(1) This Ordinance may be called the National Database and Registration Authority (Amendment) Ordinance, 2009.

(2) It shall come into force at once and shall be deemed to have taken effect on the 17th September, 2007.

2. **Amendment of section 30, Ordinance VIII of 2000.**—In the National Database and Registration Authority Ordinance, 2000 (VIII of 2000), in section 30, in sub-section (2), for the words “one year” the words “ten years” shall be substituted.

3. **Amendment of section 31, Ordinance VIII of 2000.**—In the National Database and Registration Authority Ordinance, 2000 (VIII of 2000), in section 31, the word “gazetted” shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

1. The National Database and Registration Authority Act, 1973 was enacted for the registration of citizens and issuance of identity cards to them but it did not fulfill the requirement of modern ages. However, considering the need of the hour a new Ordinance National Database and Registration Authority Ordinance, 2000 (VIII of 2000) was promulgated by the President on March 10, 2000, for the registration of all persons and establishment and maintenance of multipurpose databases, warehouses, networking, interfacing of databases and related facilities, services and related matters. It also covers the aspects of security, secrecy and necessary safeguard for the protection of data and information. Under this Ordinance NADRA was established to develop a sophisticated Data Warehouses environment for the support of multiple database management systems at national level for use by authorized users. The purpose, objects, functions and powers of the Authority are given in section 5 of the Ordinance.

2. NADRA Ordinance is one of the Federal statutes on the schedule of FIA Act, 1974. However, FIA remained handicapped to take effective legal action because of the fact that majority of the offences under NADRA Ordinance are non-cognizable. Moreover, the FIA do not have sufficient manpower to take action against huge number of complaints / FIR under the NADRA Ordinance.

3. The offences enumerated in Sec-30 (2) of the National Database and Registration Authority Ordinance, 2000 deal with knowingly providing false statements / information for obtaining of NIC, forgery / changes in NIC, holding more than one NICs and attestation of false information etc. The punishment provided in the NADRA Ordinance Sec-30 (2) is imprisonment up to one year and fine up to Rs. 100,000/-. The offences in relation to NIC are serious in nature as it is the basic identification document which entitles the holder to a number of legal rights like obtaining a Pakistani Passport, enlistment as a voter and purchase / ownership of property etc. After

forgery in NIC, it becomes very easy to commit cheating like fraudulent transfer of property, which results in civil as well as criminal litigation. Moreover, foreign nationals / terrorists / human traffickers may also misuse fake NICs for getting Pakistani identity, which is a serious threat to the security of the country.

4. As offences having punishment of imprisonment less than 03 years are non-cognizable according to Schedule-II of the Code of Criminal procedure, therefore investigating agency cannot take cognizance of such violation / offences properly.

5. In order to make the said offence cognizable (so that investigating agency may arrest a culprit without a warrant). There is, therefore, a need for enhancement of punishment provided in sec-30 (2) of the said Ordinance (imprisonment for one year), to imprisonment of ten years.

6. Sec-31 of the Ordinance provides that no court shall take cognizance of any offence under this Ordinance except upon complaint in writing made by the Authority (NADRA) or any gazetted officer authorized by it in this behalf. It means that the Court cannot take cognizance of offences under the Ordinance on the basis of Police report, unless a complaint is made by the gazetted NADRA. The majority of officers in NADRA is employed on contract basis and is not gazetted officers; therefore the word "gazetted" may be omitted from section 31 of the Ordinance.

A. REHMAN MALIK
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Member-in-charge

