

A

Bill

further to amend the Naturalization Act, 1926

WHEREAS, it is expedient further to amend the Naturalization Act, 1926 (Act VII of 1926), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.** - (1) This Act shall be called the Naturalization (Amendment) Act, 2025

(2) It shall come into force at once.

2. **Amendment of section 3, Act VII of 1926.** - In the Naturalization Act, 1926 (Act VII of 1926), hereinafter referred to as the said Act, in section 3, in sub-section (1), for the words "Federal Government", occurring for the first and second time, the expression "Director General, Immigration and Passports" shall be substituted.

3. **Amendment of section 4, Act VII of 1926.** - In the said Act, in section 4, in subsection (3), for the words "Federal Government", the expression "Director General, Immigration and Passports", for the word "itself", the word "himself" and for the word "it", the word "he" shall respectively be substituted.

4. **Amendment of section 5, Act VII of 1926.** - In the said Act, in section 5, -

(a) in sub-section (1), for the words "Federal Government", the expression "Director General, Immigration and Passports" and for the word "it", the word "he" shall respectively be substituted; and

(b) for sub-section (3), the following shall be substituted namely:-

"(3) An appeal against the orders of Director General, Immigration and Passports under this section shall lie to Secretary of the administrative division and his decision shall be final."

5. **Amendment of section 6, Act VII of 1926.** - In the said Act, in section 6, for the word "Federal Government", the words "Secretary of the administrative division" and for the word "it", the word "he" shall respectively be substituted.

6. Amendment of section 7, Act VII of 1926. – In the said Act, in section 7, in sub-section (1) for the words “Federal Government”, occurring twice, the words “Secretary of the administrative division” shall be substituted.

7. Amendment of section 8, Act VII of 1926. – In the said Act, in section 8, for the words “Federal Government”, wherever occurring, the words “Secretary of the administrative division” and for the word “it”, occurring twice, the word “he” shall be substituted.

8. Amendment of section 9, Act VII of 1926. – In the said Act, section 9; in sub-section (2), for the words “Federal Government”, the words “Secretary of the administrative division” shall be substituted.

9. Amendment of section 11, Act VII of 1926. – In the said Act, in section 11, for the words “Federal Government”, the expression “Director General, Immigration and Passports” shall be substituted.

10. Amendment of section 12, Act VII of 1926. – In the said Act, in section 12, for the words “Federal Government”, occurring twice, the expression “Director General, Immigration and Passports”

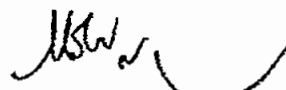
STATEMENT OF OBJECTS AND REASONS

It is submitted that the Cabinet in its meeting on 08.09.2017, under Case No. 419/19/2017-C decided, inter-alia as under:-

c. All Ministries and Divisions should in consultation with Law & Justice Division, make amendments in the respective Acts/ Rules and replace the words Federal Government with appropriate authority (ies)”

2. It is submitted that as per Section 3 of the Naturalization Act, 1926, the Federal Government may grant a certificate of Naturalization to any person who makes any application in this behalf and satisfies the Federal Government. Section 13 *ibid* provides that the Federal Government may by notification in the (Official Gazette) make rules to give effect to the provisions of this Act. Pakistan Naturalization Rules, 1961 were notified through SRO 1098(k)/61 on 24th November, 1961 under Section 13 of the Naturalization Act, 1926. Rule 5 of the Naturalization Rules, 1961 states that certificate of the naturalization shall be issued by the DG I&P and shall be sent to the Provincial Government for delivery to the applicant. However, Ministry of Law and Justice declared the SRO *ibid* ultra vires of the Naturalization Act 1926. The same is reproduced as under:

“In light of the principle established in the Mustafa Impex Judgment *supra*, with regards to the Naturalization Act, 1926 (Act NO. VI of 1926), since the exercise and function of grant of naturalization certificates has been entrusted to the Federal Government i.e. the Cabinet, the same cannot be done or performed by any other authority under the law. Hence, the functions of the Director General of Immigration and Passports performing on behalf of Federal Government empowered under the Pakistan Naturalization Rules, 1961 is ultra vires of the 1926 Act. To address the issue, amendment may be brought in the 1926 Act to substitute the words “Federal Government with the appropriate authority.”


(SYED MOHSIN RAZA NAQVI)
MINISTER