ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

W.P No.3627 of 23
(Muhammad Qadir Vs. Nadra and others).
&
W.P No.3906 of 23
(Mst. Nafees Gul Vs. Government of Pakistan and others)

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	10.04.2025	M/s. Khawaja Muhammad Imtiaz, Raja Rizwan Abbasi and Fawad Haider, Advocates for Petitioners. M/s. Nadeem Akhtar Afghan and Malik Muhammad Khalid, Law Officers, NADRA. Ms. Shaista Tabassum, Assistant Attorney General (AAG).

MUHAMMAD ASIF, J-. By this common order, I intend to dispose of the above-referred petitions, as identical questions of law and facts are involved in these petitions.

2. The ephemeral facts moved forward through memos of the petitions are that respondents have digitally impounded the CNIC of the petitioner *Abdul Qadir,* and have blocked the CNIC of the petitioner *Mst. Nafees Gul*. They have refused to unblock the same, hence the instant petition.

3. It is contended by learned counsel for petitioners that initially, the CNICs were issued to petitioners; however, subsequently, respondents have digitally impounded the CNIC of the petitioner *Abdul Qadir,* and have blocked the CNIC of the petitioner *Mst. Nafees Gul* without any just cause or reason. Per learned counsel, the respondents do not have the authority under the law to impound/block the CNICs of the petitioners and this act of the respondents is illegal; that National Database and Registration Authority (**"NADRA"**)/respondent No.02

acted in breach of the provisions of the NADRA Ordinance, 2000 (the **"NADRA Ordinance"**) by whimsically exercising authority and this action of the respondent No.02 is wholly illegal and unlawful.

4. Inversely, learned AAG assisted by M/s. Nadeem Akhtar Afghan and Malik Muhammad Khalid, learned Law Officers appearing on behalf of NADRA argued that the petitioners have failed to verify their National Status according to the Ministry of Interior Notification dated 19.04.2017. According to them, show cause notices were issued under Section 18 of the NADRA Ordinance and the same were served upon petitioners and their families. They further contended that since the CNICs, issued previously, were doubtful, as such, while exercising power conferred upon NADRA within the purview of section 18 of the NADRA Ordinance, certain documents were required to be placed before NADRA for verification and authentication. Per learned counsel, the petitioners have been advised to appear before the NADRA Zonal Verification Board and District Level Committee, respectively, for necessary verification, where their cases are pending, and the same will be decided upon the provision of any of the documents in terms of the applicable Notification dated 19.04.2017. Lastly, they submitted that the instant petitions be disposed of with directions to the petitioners to appear before the afore-referred forums for necessary verification.

5. I have considered the arguments advanced by the learned counsel for the parties and have also gone through the documents appended with the petitions.

6. It is unequivocally reflected from the record that the petitioners are aggrieved by the action of the Respondent/NADRA in regards to digital impounding/blocking

their CNICs owing to their Afghan National status. The matter is of historical importance because of the fact that millions of Afghan refugees were allowed into Pakistan on compassionate grounds after the outburst of the Afghan-Soviet war in 1979, and during their prolonged stay in Pakistan, a large number of them got married, had kids, bought property, started businesses, and secured identity documents based on dubious and unverifiable paperwork. The scrutiny of claims to citizenship alongside the entitlement to identity documents is done by the policies established by the Federal Government.

7. NADRA Ordinance grants power to NADRA regarding issuance of Pakistan Origin Cards, Overseas Identity Cards and Alien Registration Cards, subject to conditions prescribed in the relevant provisions thereof. Importantly, Section 18 of the NADRA Ordinance deals with the power to cancel, impound or confiscate cards issued thereunder. It provides that a card issued under the NADRA Ordinance shall be the property of the Federal Government and may, by an order in writing under the seal of NADRA or an officer authorized by it in this behalf, be required to be returned and shall also be liable to be cancelled, impounded or confiscated by a like order if there is reason to believe that the card has been obtained by a person not eligible to hold the same by posing himself as eligible; more than one cards have been obtained by the same person on the same eligibility criteria; the particulars shown on the card have been obliterated or tampered with; or the card is forged. The said Section also provides for a right of appeal to the Federal Government, with the provision of the right of hearing to the aggrieved person.

8. Rights qua entitlement to CNIC is the subject matter of the NADRA Ordinance. The Federal Government, representing the State itself or through its instrumentalities

created under the law is vested with the powers to regulate such rights and in the event of an adverse order, the aggrieved person is conferred the right to challenge the same by way of appeal, revision or review, as the case may be.

9. To sum up, it is crystal clear that the NADRA Ordinance provide self-contained mechanisms regarding all issues of CNICs and for this purpose, NADRA Zonal Verification Boards and the DLC (District Level Committee) were created to facilitate and streamline the verification process for various NADRA services, particularly those related to identity verification and CNIC issuance or renewal. These bodies play a crucial role in verifying the accuracy of information, reducing forgery, and ensuring the integrity of the national database.

10. Given the above, the petitioners are directed to appear before the aforesaid forums i.e. NADRA Zonal Verification Board, Islamabad and District Level Committee (DLC) Bajaur, respectively, which shall decide the cases of the petitioners within a month, after affording them opportunity of personal hearing. Even otherwise, in case of any adverse order, the aggrieved person(s) can file an appeal before the Federal Government within the purview of section 18(3) of the Ordinance of 2000.

11. Petitions stand ***disposed of*** in the above terms.

(MUHAMMAD ASIF)
JUDGE

ISLAMABAD | 10.04.2025
APPROVED FOR REPORTING
BLUE SLIP ADDED

/SHOAIB/