JUDGEMENT SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

Writ Petition No. 3925 of 2026

Saddique Khan

VERSUS

Federation of Pakistan, through Secretary, Ministry of Interior, Islamabad and another

PETITIONER BY:	Mr. Danish Ishraq Abbasi, Advocate
RESPONDENTS BY:	Mr. Fahad Khan Tareen, Assistant Attorney General. Ms. Kiran Zareef, Law Officer, NADRA
DATE OF HEARING:	11.09.2026

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***AYYAZ SHAUKAT, J*:-** Through this petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, the petitioner has impugned the action of respondent No.2 in blocking his Computerized National Identity Card (CNIC) bearing No.42401-0736227-9. He prays that a direction be issued to respondent No.2 for the unblocking of his identity card, together with such other relief as this Court may deem fit and proper in the interest of justice.

2. Learned counsel for the petitioner submitted that the petitioner is a citizen of Pakistan by birth, having been born on 01.01.1988 in District Karachi West, Sindh, and having resided within Pakistan ever since. He submitted that the petitioner's father, namely Toor Gul, was himself a registered citizen holding National Identity Card No.42401-1993658-7, which was renewed by the National Database and Registration Authority **(the "Authority")** from time to time, and who stands recorded in the database of the Authority as deceased. Upon attaining majority, the petitioner was registered and was issued Computerized National Identity Card No.42401-

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0736227-9 which was thereafter renewed on four occasions. The card last issued to him bears the date of issue 09.05.2023 and the date of expiry 09.05.2033.

3. It was submitted that the petitioner holds Pakistani passport No.FH4162271, issued on 17.12.2024 and valid until 17.12.2034; that he holds driving licence No.RI-25-105220 issued by the Licensing Authority, Rawalpindi on 27.06.2025 and valid until 27.06.2030; and that he maintains an account with MCB Bank Limited at its B-17 Multi Gardens branch, Islamabad. Learned counsel emphasised that each of these documents was issued upon the strength of the card which now stands cancelled. The counsel stated that each of these documents was issued by an office of the State after the card had been verified against the database of the Authority.

4. It was further submitted that the petitioner came to learn of the blocking of his card only when he attempted a banking transaction and found his account inoperative; that no show cause notice was at any time served upon him; that no order was at any time communicated to him; and that no reason was at any stage disclosed to him. Learned counsel submitted that the petitioner addressed an application dated 05.08.2026 to the Chairman of respondent No.2 seeking the unblocking of his card, which was dispatched through Leopards Courier Services on 07.08.2026 under consignment No.WC0582738111, but which was never responded to by the authorities.

5. Upon the legal plane, learned counsel made four submissions. The first was that under section 4 of the Pakistan Citizenship Act, 1951 every person born in Pakistan after the commencement of that Act is a citizen by birth. The second was that citizenship so acquired is acquired by operation of law. It cannot be taken away otherwise than in the manner which that Act provides. The third was that neither the Authority nor any intelligence

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agency is competent to adjudicate upon the citizenship of a person already registered as a citizen. The fourth was that the action impugned has rendered the petitioner stateless in the country of his birth. He also invoked Articles 4, 9, 14, 18 and 25 of the Constitution of the Islamic Republic of Pakistan, 1973, and Article 15 of the Universal Declaration of Human Rights, 1948.

6. Upon the preliminary hearing held on 13.08.2026, this Court issued notice to respondent No.2 for 09.09.2026 with a direction to file para-wise comments along with a concise report well before the date fixed. Upon the date so fixed, and again thereafter, time was sought on behalf of respondent No.2. No order of cancellation was produced upon either occasion. On 10.09.2026 respondent No.2 filed C.M. No.03 of 2026 seeking to place upon the record a copy of the order under sections 18(1) and 17(2) of the National Database and Registration Authority Ordinance, 2000 **(the "Ordinance of 2000")** and a copy of the record relating to the matching of Afghan nationals. That application was allowed and the documents are taken on record.

7. Learned Assistant Attorney-General, assisted by the Law Officer of the Authority, controverted the submissions of the petitioner and relied upon the concise report filed on behalf of respondent No.2. It is was submitted that the petition is not maintainable for the reason that an alternate remedy is available to the petitioner by appearing before the NADRA Zonal Verification Board along with documents prior to 1979 as required by the NADRA Rules, 2002. It was stated that during the course of verification it transpired that the petitioner's brother is the holder of an Afghan passport; that this constitutes relevant material for the purpose of examining the family lineage of the petitioner and the correctness of the particulars recorded in the national database; and that the Authority, being under a

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statutory obligation to maintain an accurate and credible database, is empowered to verify the identity and the citizenship status of any registrant whenever credible information or evidence comes to its notice.

8. The report proceeds to state that upon the receipt of a facial matching report and of a report of the Pakistan Online Visa System it transpired that the real brother of the petitioner, namely Yousaf Khan, is the holder of Afghan Passport No.P09096418 and had applied for a visa through the Pakistan Online Visa System vide application ID No.88005160448, the facial data of that applicant having matched the facial data held against his identity card issued to Yousaf Khan. It is then stated that proceedings under section 18 of the Ordinance of 2000 were initiated against the petitioner as well as against his family members by the issuance of show cause notices. It is further stated that the petitioner's card, as well as those of all members of his Alpha family, has been cancelled under the said provision. The reason given for the cancellation is non-appearance before the NADRA Zonal Verification Board. As to the remedy, the report states that the petitioner may approach the Regional Verification Board with documents prior to 1979. It adds that the remedy of his brother is to have his Afghan passport cancelled through the Ministry of Interior of Afghanistan and to obtain a certificate of resumption of citizenship.

9. Annexed to the report and to the said application are the family tree maintained by the Authority, a notice under section 23 of the Ordinance of 2000 dated 17.12.2025 requiring the petitioner to appear before the NADRA Zonal Verification Board on 30.12.2025, a show cause notice under section 18 of the Ordinance of 2000 dated 13.05.2026 fixing 20.05.2026 for appearance, the impugned order, and a minute sheet of the Authority's Verification Branch dated 12.04.2025 concerning the matching of CNIC

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records with the records of Afghan nationals repatriated under Phase-II of the Illegal Foreigners Repatriation Programme.

10. I have heard the learned counsel for the petitioner as well as the learned Assistant Attorney-General, and have carefully examined the record, the concise report and the documents placed upon the record by respondent No.2, and the applicable law.

11. Out of the pleadings in the petition, the action of respondent No.2 as disclosed in its report, the record produced before this Court, the divergent arguments addressed and the stances taken at the bar, the following questions arise for determination:

i. Could the Authority proceed against the card of the petitioner under section 18 of the Ordinance of 2000 upon a report touching the citizenship of another person, when the citizenship of the petitioner himself had not been determined by the authority competent under the Pakistan Citizenship Act, 1951?

ii. Does the impugned order meet the requirements of section 18 of the Ordinance of 2000; and does sub-section (2) of section 17, or section 23, of that Ordinance give any power to cancel a card?

iii. Could the card of the petitioner be blocked, or impounded, when no order under section 18 of the Ordinance of 2000 was in existence?

iv. Was the petitioner heard before the impugned order was made; and what follows from the dates which that order bears and from the manner in which it was produced before this Court?

12. Before turning to those questions, let us consider the scheme within which they arise for adjudication. It has three parts. The first is the guarantee of the Constitution. The second is the Pakistan Citizenship Act, 1951, which governs the status of a person as a citizen. The third is the Ordinance of 2000, which governs registration and the issuance of cards.

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The objects of the two statutes are distinct, and it is in the confusion of the one with the other that the present controversy originates from

13. First in order comes the Constitution. Article 4 guarantees to every citizen, and to every other person for the time being within Pakistan, the inalienable right to enjoy the protection of law and to be treated in accordance with law, and forbids any action detrimental to the life, liberty, body, reputation or property of a person save in accordance with law. Article 9 provides that no person shall be deprived of life or liberty save in accordance with law. Article 10-A guarantees due process in the determination of civil rights and obligations. Article 14 declares the dignity of man to be an inviolable right. Articles 18 and 25 secure the freedom of trade, business and profession, and the equality of citizens before the law.

14. In the working of the modern State, the identity card is the instrument through which almost all rights and entitlements are exercised or accessed. Without it a citizen cannot open or operate a bank account, obtain or renew a passport, hold a driving licence, obtain a connection for a utility or a telephone, register a vehicle or a title, take up employment, sit an examination, or in practice establish his true identity before any office of the State. The Ordinance of 2000 itself recognises as much, sub-section (4) of section 19 providing that a card issued thereunder shall be proof of the identity of its holder for any purpose for which his identity is required to be established. A statutory presumption of truth therefore attaches to the card and to the particulars recorded upon it. The Sindh High Court put the matter thus in ***Muhammad Umar v. Federation of Pakistan*** **(PLD 2017 Karachi 585)**, where Fahim Ahmed Siddiqui, J., speaking for a Division Bench, observed:

> *"In such a situation, blocking of CNIC is an extreme act as it amounts to depriving a Pakistani national from his/her identity and depriving*

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him to discharge his routine work. It means that 'blocking CNIC' is actually negating the very identity of a person, which amounts to depriving him nearly from all the necessities, leaving him helpless and even imposing restrictions to his freedom of movement. We consider that it is the serious violation of fundamental rights of a person if his identity is blocked on the ground of suspicion without giving him an opportunity of hearing."

15. Let us turn next to the Pakistan Citizenship Act, 1951. It was promulgated and notified in the official gazette on 13.04.1951 with the object of making provision for the citizenship of Pakistan. Section 2 defines an "alien" as a person who is neither a citizen of Pakistan nor of the Commonwealth. Section 3 is a deeming provision describing the categories of persons who were deemed to be citizens upon the commencement of the Act. Section 4 declares that every person born in Pakistan after that commencement shall be a citizen by birth, and admits of two exceptions only, being the child of an accredited envoy of a foreign State and the child of an enemy alien born in territory then under occupation by the enemy. Section 5 provides for citizenship by descent. Sections 6, 8, 9, 10, 11 and 13 provide for citizenship by migration, by registration, by naturalization, by marriage, in the case of a child, and upon the incorporation of territory. Section 14-A prescribes the conditions and the procedure for renunciation. Section 16 describes the power, the conditions and the procedure relating to depriving a person of citizenship. Section 16-A deals with the loss of citizenship in the context of the separation of East Pakistan. Section 19 provides for the issuance of a certificate of citizenship where a doubt exists. Rule 8 of the Pakistan Citizenship Rules, 1952 sets out the procedure to be followed where a person claims to be a citizen by birth.

16. Two features of section 16 deserve particular notice at this stage. The first is that the power which it confers is the power of the Federal Government, and of no one else. The second is that it is hedged about with

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safeguards. Sub-sections (2) and (3) are confined to citizenship obtained by migration or by naturalisation. Sub-section (4) applies to any citizen, but only upon proof of continuous residence abroad for seven years and upon the failure of the events described in its clauses. Sub-section (5) forbids any order at all unless the Federal Government is satisfied that it is in the public interest that the person should not continue to be a citizen. Sub-section (6) binds the Federal Government to the observance of due process before making an order. Sub-section (7) vests in the person proposed to be deprived a right to have his case referred to a Committee of Inquiry whose composition the legislature has itself described. The upshot was stated by the then learned Chief Justice of this Court in ***Hafiz Hamdullah Saboor v. Government of Pakistan through Secretary Ministry of Interior*** **(PLD 2021 Islamabad 305)** in the following terms:

> *"A careful reading of the Citizenship Act as a whole unambiguously shows that it is a complete self-contained special statute to deal with all matters relating to 'citizenship' of the State of Pakistan. The distinct categories have been expressly dealt with. Citizenship by birth or descent, as the case may be, are distinguishable from the other categories. In case of 'citizenship by birth' the person becomes a citizen of Pakistan automatically i.e. by operation of law. The status of such a person as a citizen is not subject to discretionary powers vested in the State as in the case of other categories e.g. citizenship by migration, naturalization etc. … In a nutshell, a person cannot be denied the right of being a citizen nor deprived of it otherwise as provided under the Citizenship Act."*

17. The scope of section 4, and the limits upon it, was described in the same judgment in these words:

> *"Section 4 is most crucial for the purposes of the adjudication of the petitions in hand because it explicitly declares that every person born in Pakistan after commencement of the Citizenship Act shall be a citizen by birth. The two exceptions are mentioned in clause (a) and (b) ibid. The scope of the exceptions is limited and restricted to only*

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two clearly described eventualities. Birth creates a right to become a citizen of Pakistan by operation of law. The legislature has used the expression 'shall' and thus birth in Pakistan is the sole ground to become a citizen."

18. It was further held that birth right citizenship is not a privilege granted by the State but a right acquired by law, and that the onus is upon the State to establish that a person born in Pakistan does not come within the mandate of section 4. Applying that standard and measure to the case in hand, the case of the petitioner is that he was born in Pakistan on 01.01.1988, that is to say nearly thirty-seven years after the commencement of the Citizenship Act, and it is upon that footing that the Authority itself registered him. Neither of the two exceptions has been pleaded against him. It is not the case of respondent No.2 that he has acquired the nationality of another State, nor that he has renounced the citizenship of Pakistan, nor that the Federal Government has made any order under section 16 depriving him of it. Where a doubt as to citizenship arises, section 19 of the Citizenship Act provides a statutory mechanism for seeking a certificate of citizenship from the Federal Government, the certificate being conclusive subject to the statutory exception contained therein. The existence of such a mechanism further reinforces that a dispute or doubt concerning citizenship is to be addressed under the Citizenship Act and not conclusively determined by the Authority in proceedings under the Ordinance of 2000. This Court is not called upon to decide, and does not decide, whether the petitioner is or is not a citizen of Pakistan. It is enough for the present purpose to record where the law places the onus. Upon the scheme described above that onus rests upon the State, and it is to be discharged before the authority competent under the Citizenship Act and in the manner which that Act prescribes.

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19. Let us now turn to the Ordinance of 2000. It was published in the official gazette on 10.03.2000. Its preamble declares its object to be the establishment of the Authority so as to facilitate the registration of all persons and the establishment and maintenance of multipurpose databases, data warehouses, networking and related facilities. In other words, it is a statute of registration and of record, and not a statute of status. Clause (e) of section 2 makes that plain, for it defines a citizen, for the purposes of the Ordinance, as a person who is or is deemed to be a citizen of Pakistan under the Citizenship Act. The Ordinance therefore borrows the concept of citizenship; it does not create it, and it does not confer upon anyone the power to determine it.

20. Section 9 of the Ordinance provides for the registration of citizens and section 10 for the issuance and renewal of the National Identity Card to a citizen who has attained the age of eighteen years and has been registered under section 9. The registration of a person and the issuance of a card to him under those two sections are an affirmation on behalf of the State that he is a citizen of Pakistan. Section 16 empowers a Registration Officer to require the production of a card for inspection. Section 17 is headed "Surrender of cards", and it is necessary to reproduce so much of it as was invoked in the impugned order:

> ***17. Surrender of cards.—(****1) In case of the death of any holder of a card or certificate issued under this Ordinance, his card or certificate shall be surrendered or given up to the District Registrar, or any other person or authority prescribed by regulations, by the spouse, heir, next of kin, parent or guardian, as the case may be, of such holder within sixty days of such death.*
>
> *(2) The holder of a card who ceases to be eligible to hold such card or whose card becomes invalid in accordance with the terms and conditions of his card or under the provisions of this Ordinance or any rules or regulations made thereunder, shall surrender or give up his*

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card to the District Registrar or any other person or authority prescribed by regulations within such period of his so ceasing to be eligible or his card becoming invalid, as may be prescribed.

21. Section 18 is the provision which confers the power to take a card away, and it is convenient to reproduce it in full:

18. Power to cancel, impound or confiscate cards.—*(1) A card issued under this Ordinance shall be the property of the Federal Government and may, by an order in writing under the seal of the Authority or an officer authorised 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:*

Provided that no order shall be made unless such person has been given notice in writing calling upon him to show cause why the order should not be made.

(2) An order under sub-section (1) cancelling, impounding or confiscating a card may be made only if there is reason to believe that—

(a) the card has been obtained by a person who is not eligible to hold such card, by posing himself as eligible;

(b) more than one cards have been obtained by the same person on the same eligibility criteria;

(c) the particulars shown on the card have been obliterated or tampered with; or

(d) the card is forged.

(3) Any person in respect of whose card an order under sub-section (1) has been made may, within thirty days of the order, appeal to the Federal Government against the order and the decision of the Federal Government in appeal shall be final:

Provided that no order on such appeal shall be passed unless the appellant has been given an opportunity of being heard.

22. Section 23, which is the third provision invoked against the petitioner, is in these terms:

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> ***23. Power to call for proof of information.—****The Authority or any person authorised by it in this behalf may require a person who has given any information to furnish such documentary or other evidence of the truth of that information as it is within the power of that person to furnish."*

23. Three observations follow from a reading of these provisions together, and each of them bears directly upon the questions framed by this Court. The first is that section 18 is the only provision of the Ordinance of 2000 which authorises the taking away of an identity card. Sub-section (1) permits the Authority to require the return of a card, and it renders the card liable to be cancelled, impounded or confiscated by what the legislature has called a like order, that is to say an order in writing under the seal of the Authority or of an officer authorised by it in that behalf. Impounding is therefore not an administrative step which precedes an order under section 18, nor one which follows it. It is one of the very things which section 18 permits, and it is to be brought about by an order of the same description as an order of cancellation. Sub-section (2) then confines the power to four grounds and to no others, the legislature having used the words "may be made only if". The second is that the making of an order under section 18 is conditional upon the prior issuance of a notice in writing calling upon the holder to show cause, the proviso to sub-section (1) being cast in the negative and being therefore mandatory in its operation. The third is that where the ground upon which the Authority proposes to act is eligibility having a nexus with citizenship, an order under section 18 is not a primary order at all. It is a consequential order, and it presupposes a determination already made elsewhere. The reason is to be found in the Ordinance itself. Clause (e) of section 2 borrows the expression "citizen" from the Citizenship Act and does not define it afresh, so that the eligibility spoken of in clause (a) of sub-section (2) of section 18 is, in a case of this description, citizenship under another name. The Authority cannot form the reason to

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believe which that clause requires until the question of citizenship has been determined by the authority competent under the Citizenship Act, and until that determination has attained finality. Such a determination is therefore a condition precedent to the exercise of the power, and not a step which may be taken afterwards or dispensed with altogether. The sequence which the law prescribes is a strict one. A determination under the Citizenship Act must precede any order under section 18 of the Ordinance of 2000, which may be passed only if that determination is adverse to the holder. An order made in the reverse sequence, or made when the first stage has never taken place at all, is premature, and it rests upon nothing.

24. It is equally important to see what the Ordinance of 2000 does not contain. It contains no mention of a Verification Board, whether zonal, regional or of the headquarters. It contains no requirement that a registered citizen produce documents of a date prior to 1979. It contains no reference to an alpha family, a beta family, a fraud table or digital impounding, nor, as will presently be seen, to the blocking of a card at all. These are administrative constructs. An administrative construct may well assist the Authority in the orderly discharge of its functions, and this Court says nothing against the making of internal arrangements for that purpose. It must, however, be observed that an administrative construct cannot enlarge the powers which the statute confers. It cannot supply a ground of cancellation which the statute does not contain. Nor can it convert the failure of a citizen to attend a meeting into a finding that he was never a citizen at all.

25. Before proceeding further it should be said that the field is certainly not *res integra*. The question which lies at the heart of this petition, namely whether the Authority may pronounce upon the citizenship of a person whom it has itself registered as a citizen, was answered by this Court in

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Hafiz Hamdullah Saboor (supra), and it was answered in the negative. The principles which emerge from that judgment, and which this Court respectfully adopts and applies, may be stated shortly. The Authority is not competent to adjudicate upon the citizenship of a person, that subject having been committed by the legislature exclusively to the Citizenship Act. It is not competent to initiate proceedings upon a report of an agency touching the citizenship of a registered citizen. Such a report, at its highest, is material to be placed before the authority competent under that Act. The power conferred by clause (a) of sub-section (2) of section 18, where the eligibility in question stems from citizenship, cannot be exercised until the competent authority has determined the matter and its determination has attained finality. And the Authority possesses no power to block or to suspend a card. Blocking is not among the things which section 18 permits, and a step of that description requires the order of a competent court.

26. Two further propositions follow from the same reasoning, and this Court considers them to be sound. The first is that a committee or a board constituted by administrative arrangement to pronounce upon the citizenship of a registered citizen has no statutory foundation. The defect lies not in what the body is called but in the fact that no law empowers it to decide the question placed before it. A Verification Board, whether zonal or regional, therefore stands upon the same footing as the District Committees which have been condemned before (e.g. Hafiz Hamdullah Saboor supra). The second is that where the material consists of a report and nothing more, and where the holder of the card is neither shown that material nor heard upon it, what results is not an adjudication at all. A pre-printed form filled in with the particulars of a citizen, followed by the cancellation of his registration without disclosure of the material and without a reasoned order, is the antithesis of due process.

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27. Those principles were applied by this Court in ***Saeed Zahir Zada v. Federation of Pakistan*** **(Writ Petition No.3680 of 2024)**. There too the card of a citizen was digitally impounded in the alien category upon the report of an agency, after he and his family had failed to appear before the Verification Board with documents prior to 1979 as required by a notification of the Ministry of Interior. This Court held:

> *"Pursuant to the report received by the Authority from the agency, the CNIC of the Petitioner was digitally impounded on the basis of mere suspicion and doubt; nothing in the said report could establish the alleged fraud and misrepresentation on the part of the Petitioner. Therefore, when a right gets accrued upon any person, the same cannot be taken back, withheld, and/or stripped away without adhering to due process of law; such right cannot be taken away on mere suspicious or feeble grounds."*

28. In the course of that judgment this Court adopted the exposition of the Balochistan High Court in ***Fatima v. National Database and Registration Authority through Director General*** **(PLD 2022 Balochistan 73)**, where it was held:

> *"The authority/respondent issued CNIC after fulfilling all codal and legal formalities which creates a right to the petitioner. Such right cannot be taken away on suspicious or flimsy grounds. When a right accrued to any person the same cannot be withheld or taken away without due process of law. Under the law the burden of proof lies on respondent to prove that petitioner is not citizen of Pakistan. Mere verbal assertion cannot be a ground to deprive a person from his fundamental rights. The right which is guaranteed by the Constitution cannot be taken away by notification."*

29. To the same effect is ***Abdul Qadir v. Federation of Pakistan*** **(2024 MLD 1774)**, where it was held that the Authority has no right under the Ordinance of 2000 to determine the question of citizenship, which can only be adjudicated by the competent authority under the Act and the rules framed thereunder. Reference may also usefully be made to ***Hafiz Awais***

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Zafar v. Judge Family Court, Lahore **(PLD 2022 Lahore 756)**, in which the Lahore High Court took the view that a card, being the property of the Federal Government, is not property of the holder which may be blocked or attached as a coercive measure.

30. Upon the procedure to be followed by the Authority when it does act under section 18, the guidance of the Sindh High Court in **Muhammad Umar** (supra) is of direct assistance, and it is convenient to reproduce it:

> *"It is also necessary that NADRA must ensure the service of notices to the concerned person through email, SMS, special messengers, post and/or courier services. After confirmation of service of all or any of the above mode, and expiry of at least 15 days' time if no response is received then impounding proceeding may be initiated. If service of notice cannot be done or confirmed, then NADRA is bound to publish such notice on their website as well as publish the same in a newspaper and after expiry of the aforesaid period impounding proceeding should be initiated. If a person appears before NADRA authorities, after service of notice or publication then NADRA is directed to complete an inquiry within a period of 30 days after giving full opportunity of the audience to him. If a person appears after 'impounding' and give reasons for his non-appearance, then NADRA must give him an opportunity of hearing and during hearing his CNIC may be restored. In any case, the final order passed under section 18 of NADRA Ordinance, must contain reasons for impounding, cancelling or confiscating the CNIC issued to cardholder."*

31. The standard which the words "reason to believe" import was described by a Division Bench of the same Court in ***Abbu Hashim v. Federation of Pakistan*** **(PLD 2021 Sindh 492)** thus:

> *"The purpose of providing procedure for cancellation and confiscation of cards by the legislature does not mean to exercise these powers callously or recklessly but the guiding principle under the law is that there must be some reason to believe and the phrase 'reason to believe' should not be based on figment of imagination but substantial and definite information and not on vague allegations."*

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32. Similarly, in ***Muhammad Ashraf Khan v. Ministry of Interior*** **(C.P. No.D-127 of 2025)** the Sindh High Court was seized of a case in which the card of a citizen had been impounded because a member of his family had surrendered a Pakistani passport while declaring himself an Afghan national, and in which the Authority relied upon the failure of the card holder to appear before its Verification and Revocation Board. The card was ordered to be restored for want of a valid notice under section 18(1), with the observation that any administrative decision affecting a citizen's nationality and identity must rest upon clear, verifiable and legally substantiated grounds, and with liberty to the Authority to hold a fresh inquiry provided that the person concerned is confronted with the material and afforded an opportunity to respond.

33. Having set out the statutory scheme and the law as it stands, let us now take the questions framed in paragraph 11 above in the order in which they arise. The first of them is not a question of the manner in which the power was exercised. It is a question of whether the power was the Authority's to exercise at all, and it is best approached through the language of the impugned order itself.

34. The ground recorded in the impugned order is that on account of non-appearance and want of cooperation before the NADRA Verification Board, and in the light of the recommendations of the Ministry of Interior, the petitioner is not eligible for the citizenship of Pakistan. This phrasing appears twice upon the face of the order. It is the entirety of the reasoning by which a man recorded by the Authority itself as born in Karachi in 1988 was removed from the roll of the citizens of his country.

35. It is necessary to attend closely to what that phrasing asserts. It does not assert that the card was obtained by a person not eligible to hold it who posed himself as eligible, nor that two cards were obtained upon the same

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criterion, or that the particulars were obliterated or tampered with. Nor does it assert that the card was forged. What it asserts is that the petitioner is not eligible for the citizenship of Pakistan. The Authority has thus done in terms the very thing which it has no power to do. Whether the Authority is vested with jurisdiction to initiate proceedings regarding eligibility stemming from citizenship is a question which, upon the principles set out in paragraph 25 above, admits of one answer only, and that answer is in the negative.

36. The position is not improved by the reference to the recommendations of the Ministry of Interior. A recommendation is not an order. The Citizenship Act vests the power of deprivation in the Federal Government, to be exercised upon the satisfaction and in the manner which section 16 prescribes. Nothing on this record shows that any case was ever referred to the Federal Government; that any notice under sub-section (6) of section 16 was ever issued; that the petitioner was ever told of his right under sub-section (7) to have his case placed before a Committee of Inquiry; or that any order of deprivation was ever made, let alone that it attained finality. What the record shows is a recommendation, of unspecified date and content, which the Authority treated as a warrant to decide the question for itself. It has been confirmed before this Court in earlier proceedings of this description that the Federal Government has not delegated its power to deprive a citizen of citizenship, and nothing has been placed before this Court to suggest that the position has since changed. What the Authority did in this case was to take the second step without the first ever having been taken. It decided the question of citizenship for itself and cancelled the card of the petitioner in the same breath, collapsing into a single order two stages which the law keeps apart and commits to different authorities. An order so made is not merely irregular in its form. It wants the very foundation upon which alone it could have stood.

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37. What follows from all of this can be put in a single proposition. Registration under section 9 and the issuance of a card under section 10 are an affirmation on behalf of the State that the holder is a citizen of Pakistan, and sub-section (4) of section 19 gives that card the quality of proof of his identity. Eligibility to hold the card is, in a case of this description, no more than citizenship in another form. A question about the card which is in truth a question about citizenship must therefore be answered where the legislature has placed it. An affirmation of that kind is not displaced by suspicion, a report or the opinion of an officer of the Authority. It can be undone only by the Federal Government, and only in the manner which the Citizenship Act prescribes: by an order under section 16 made with the safeguards contained in sub-sections (5) to (7) thereof, or, where citizenship by birth is asserted, by a determination reached under sub-sections (6) and (7) of that section or in the manner set out in rule 8 of the Citizenship Rules, 1952, or by the recognition of a renunciation under section 14-A or of a loss under section 16-A. It is accordingly declared that the Authority possesses no power to block, suspend, impound, confiscate or cancel a Computerized National Identity Card upon a ground relating to the citizenship of its holder, unless a determination of the competent authority under the Citizenship Act has attained finality, or the Authority has been informed that a renunciation or a loss of citizenship has been confirmed, or a competent court has passed an order to that effect. Until one or other of those things has happened the registration stands, and the Authority remains bound by its own affirmation.

38. Let us then examine the material upon which the Authority proceeded. It is a report that a person recorded in the family tree maintained by the Authority as the brother of the petitioner holds an Afghan passport, and that the facial data of that person, captured through the Pakistan Online Visa System, matched the facial data held against his

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identity card. Whether that is so, and what if anything it signifies, are matters upon which this Court expresses no opinion. Taking the material at its highest, two difficulties remain to be considered.

39. The first is that the material, even upon the Authority's own case, is information and not adjudication. Information of this kind is precisely what an agency or a department is entitled to place, along with the relevant material, before the competent authority under the Citizenship Act. It is not a finding, and it does not become one by being recited in an order. Applying the test approved in **Abbu Hashim** (supra), a report about the travel document of a third person is not substantial and definite information that this petitioner obtained his card by posing as eligible when he was not.

40. The second difficulty is disclosed by the minute sheet of 12.04.2025 which the Authority has placed on the record. It records that in the course of the Illegal Foreigners Repatriation Programme, Phase-II, two hundred and twenty-two repatriated persons were identified as card holders, and that nine hundred and thirty-two further persons were identified as members of their alpha and beta families. It then records the approval of a course of action by category: that the cards falling within certain categories be cancelled immediately, and that the cards of family members falling within others be served with notices under sections 23 and 18 and that further proceedings be completed as per procedure. Whatever else may be said of such a document, it is not a decision under section 18 of the Ordinance of 2000. That section speaks of a card and of a person, and it requires reason to believe in the individual case. It does not speak of families, and it does not permit a decision taken in respect of a class to be visited upon every person who happens to fall within it. The consequence in the present case is visible upon the face of the family tree, where ten members of the petitioner's alpha family stand recorded as cancelled or impounded under

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section 18, including his father, who is simultaneously recorded as deceased. Administration by category may be efficient, but it cannot substitute for the individualised determination required by section 18. The first question framed is, accordingly, answered in favour of the petitioner.

41. The second question may be taken shortly, for it follows from what has already been said. The impugned order purports to have been made under sub-section (1) of section 18 and sub-section (2) of section 17. As is evident from its text reproduced in paragraph 20 above, sub-section (2) of section 17 confers no power whatever upon the Authority, being a provision which imposes a duty of surrender upon a holder who has already ceased to be eligible. The show cause notice of 13.05.2026 adds to these a reference to rule 17 of the NADRA (National Identity Card) Rules, 2002 and to section 23 of the Ordinance. Rules are made under section 44 for carrying out the purposes of the Ordinance, and a rule cannot confer a power which the Ordinance withholds. Section 23, as has been seen, permits the Authority to call for proof of information and no more.

42. When the impugned order is tested against section 18 itself, it fails at every step. It does not identify which of the four clauses of sub-section (2) is said to be attracted. It does not disclose the material upon which the belief was formed. It does not record why the renewal of the petitioner's card in 2023, the issuance of his passport by the Ministry of Interior in 2024 and of his driving licence by the Licensing Authority in 2025 were considered to be of no consequence. The ground which it does record, namely non-appearance and want of cooperation before a Verification Board, is not among the four grounds to which the legislature confined the power by the words "may be made only if". Non-attendance is a fact about conduct, and not a fact about eligibility. To treat the one as proof of the other is to punish

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a citizen for a default of procedure by the forfeiture of his identity, and the statute nowhere contemplates a penalty of that description.

43. It must also be said that the order records no reasons within the meaning of section 24-A of the General Clauses Act, 1897, which requires every authority empowered to pass an order to do so for reasons to be recorded, and which the superior courts have consistently enforced in the exercise of administrative power. Reference in this behalf may be made to ***Airport Support Services v. The Airport Manager, Quaid-e-Azam International Airport, Karachi*** **(1998 SCMR 2268)**, in which it was held that public functionaries are duty bound to decide the applications of citizens after judicial application of mind, and to ***Muhammad Zarat Khan v. Federation of Pakistan*** **(PLD 2007 Karachi 597),** in which it was held to be mandatory upon an officer to give reasons as mandated by the said section. The requirement is not a formality. It is the mechanism by which the exercise of public power is rendered examinable, and it is the only means by which the holder of a right may know what was decided against him and upon what ground. The second question framed is answered accordingly.

44. The third question concerns the blocking of the card, which is the grievance with which the petitioner came to this Court and which preceded the impugned order by a considerable period. That the card had been rendered inoperative long before 04.09.2026 is not in dispute; it is implicit in the Authority's own narrative, which traces the exercise to the minute sheet of April 2025 and to a notice of December 2025. What the Authority has nowhere informed this Court is by what instrument, and upon whose authority, that was done. The position may be tested in either of the two ways in which the act is capable of being described, and it comes to the same thing upon each of them. If what was done is described as blocking,

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then it was done under a power which the Ordinance of 2000 does not confer. The Sindh High Court observed in **Muhammad Umar** (supra) that it is astonishing that nothing in the entire Ordinance could be noted about the blocking of a card, and that the term is alien to the statute; and it was there held that the act of blocking a card without giving a chance of hearing is illegal as not warranted under the law. As already noticed in paragraph 25 above, a step of that description requires the order of a competent court, and no order of any court has been placed before this Court. If, on the other hand, what was done is described as impounding, whether physical or digital, then it was a thing which section 18 does permit, but which section 18 permits only by an order in writing under the seal of the Authority, only upon one of the four grounds set out in sub-section (2), and only after a notice to show cause has been given.

45. Upon this record no order of either description was made before the card was disabled. That is the short answer to this part of the case, and it is an answer which the statute itself supplies. The Ordinance of 2000 permits nothing to be done to the card of a citizen except by an order, and the card of this petitioner was taken out of use at a time when no order under section 18 was in existence. A card cannot be disabled first and an order made for it afterwards. The order which the Authority has produced is dated 04.09.2026, and even upon the case of the Authority itself it came long after the petitioner had found his bank account inoperative. It follows that the disabling of the petitioner's card, at a time when no order under section 18 was in existence, was without lawful authority, and it would have been so even if the order which later came into existence had been unimpeachable. The suspension of a card is, in substance, the suspension of the citizenship of a registered citizen, and it visits upon him every consequence which

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follows from that suspension. The third question framed is answered in favour of the petitioner.

46. This brings the Court to the fourth and last of the questions framed, which is the one that has given this Court the greatest disquiet. The proviso to sub-section (1) of section 18 forbids the making of an order unless the person has been given notice in writing calling upon him to show cause. The right which the proviso secures is the right to be heard before, and not after, the decision is taken. It is the oldest of the principles by which the exercise of power is regulated, and it does not depend upon the generosity of the statute; the august Supreme Court held in ***Mrs. Anisa Rehman v. P.I.A.C.*** **(1994 SCMR 2232)** that there is judicial consensus that the maxim audi alteram partem is applicable to judicial as well as to non-judicial proceedings, and that it will be read in as a part of every statute if the right of hearing has not been expressly provided therein. Here the legislature has not left the matter to implication. It has provided the right expressly, and it has provided it in negative terms.

47. The record in this case does not meet that requirement. It is convenient to set out what the record contains. A notice under section 23, dated 17.12.2025 called upon the petitioner to appear before the NADRA Zonal Verification Board on 30.12.2025. A show cause notice under section 18, bearing No. Islamabad/00216/264917 and dated 13.05.2026, called upon him to appear on 20.05.2026 and allowed him fourteen days to reply. The impugned order, bearing No. Islamabad/00216/IFRP-7362279, is dated 04.09.2026, and carries upon its face, in manuscript, the endorsement "SCN 13.05.2026". Yet the order does not proceed upon the notice of 13.05.2026 at all. It recites that a show cause notice under section 18 was issued on 02.04.2026, and that upon the failure of the petitioner to appear a notice

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bearing No.PID(I)-1750/25 was published in the newspapers Jang and Express on 06.05.2026.

48. These difficulties are apparent upon the face of the record itself. The notice of 02.04.2026 upon which the order proceeds has not been produced before this Court, and forms no part of the record. The notice which has been produced, being that of 13.05.2026, is not the notice upon which the order proceeds, and is dated a week after the publication which is said to have been occasioned by non-compliance with the earlier one. The publication itself has not been produced, neither the cutting nor the requisition nor the bill. And the order which was made bears two dates, one printed against its number and the other written across its head, separated from each other by very nearly four months.

49. Whichever of the two dates is taken, the order cannot stand. If the order was made on 13.05.2026, then it was made on the very day on which the show cause notice was issued, seven days before the date fixed for appearance and long before the fourteen days allowed for a reply had expired. An opportunity to show cause which is closed before it opens is no opportunity at all, and an order made on the same day as the notice which precedes it is, upon its face, an order made before the answer could be given. If, on the other hand, the order was made on 04.09.2026, then it was made some three and a half months after the date fixed for appearance, after the petitioner had applied to the Chairman of the Authority on 05.08.2026, after this petition had been filed and served upon the office of the learned Attorney-General for the Islamabad Capital Territory on 11.08.2026, three weeks after this Court had issued notice on 13.08.2026, and five days before the date which this Court had fixed for the filing of comments.

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50. The second possibility has its own consequences. On the date fixed, and again on a later date, time was sought on behalf of respondent No.2 for the filing of its comments, and upon neither occasion was this Court informed that the registration of the petitioner had already been cancelled, or that an order had been made in the interval. The order was produced on 10.09.2026, through an application for the placement of additional documents on record. It was upon that occasion, and not before, that the petitioner and this Court first saw the order by which his registration as a citizen stood cancelled. This Court does not consider it necessary, and therefore does not consider it proper, to record a finding that the order was made after the event and given an earlier date. What it is necessary to observe here is that the Authority has not been able to inform this Court with certainty on what date the order impugned was made, upon which notice it proceeded, whether that notice was ever served, or what became of the reply if any was received. If the record cannot answer those questions, it cannot justify cancelling a citizen's identity either.

51. There is a further and more general point to the present controversy. Proper sequence of actions has a value of its own in the exercise of administrative power and in the dispensation of justice. The hearing must precede the order, and the reasons must exist at the moment at which the order is made. Reasons supplied afterwards, whether in a report to a court or by the production of a document at a hearing, cannot repair a defect in the order itself; were it otherwise the requirement of recording reasons would serve no purpose at all, for every order could be sustained by whatever justification its author was able to devise after the event. Where an order is produced for the first time after the constitutional jurisdiction of the Court has been invoked, and where the record does not disclose with certainty when it was made, the Court is entitled to look at the sequence of

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events, and it is bound to ask whether the citizen was in truth heard before his rights were taken away.

52. The answer to that question here is plain. The Authority has produced no proof of the service of any notice upon the petitioner, whether by acknowledgement due, by courier receipt, by dispatch register, by electronic mail or by short message. **Muhammad Umar** (supra) requires the confirmation of service before impounding proceedings are initiated, and permits recourse to publication only where service cannot be effected or confirmed. Neither step is evidenced here. The material upon which the Authority acted, being the facial matching report, the record of the Pakistan Online Visa System and the minute sheet of 12.04.2025, was never disclosed to the petitioner at any stage; it was disclosed for the first time in this Court on 10.09.2026, in answer to a petition. The petitioner has asserted upon oath that he was never heard, and his counsel has stated at the bar that he is ready and willing to appear before the Authority with such record as he possesses. In **Muhammad Umar** (supra) it was directed that where a person appears after the impounding of his card and furnishes reasons for his non-appearance, the Authority must give him an opportunity of hearing, and that during such hearing his card may be restored. The fourth question framed is answered in favour of the petitioner.

53. Before parting, two observations are called for. The first is addressed to the State. The Authority bears a statutory duty to maintain an accurate and reliable national database. This Court is mindful that this is no small or easy undertaking. At the same time, the Authority is under a continued obligation to act in the manner which the law prescribes. These prescriptions may be summed up here: the Authority must act upon material personal to the individual before it, upon one of the four grounds which section 18 provides, after a notice proved to have been served, after a hearing which is

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real, and by an order which records its reasons. Where the ground is one of eligibility stemming from citizenship, the matter must first go to the competent authority under the Citizenship Act and the outcome must be awaited. If ineligible persons obtained cards in years gone by because the policies of the day were loose, the remedy for that lies in the accountability of those who framed and administered those policies. It does not lie in proceedings taken against citizens in disregard of the law.

54. The second concerns the individual, and what is at stake for him. The consequences of an order of this kind are not confined to the physical card only which is surrendered. They reach the bank account which cannot be operated, the passport which cannot be renewed, the licence which cannot be used, the employment which cannot be taken, the school in which a child cannot be enrolled, and the ordinary business of living which the rest of the citizenry conducts without a thought. It was said in **Hafiz Hamdullah Saboor** (supra) that citizenship is the most valuable basic right of a human and that all other rights, whether social or political, cannot be enjoyed if a person does not have a bond of citizenship with a State. A right of that order is not to be taken away upon a printed form, by an officer who has not heard its holder, upon the strength of a document relating to somebody else.

55. Let us revert to the questions framed in paragraph 11 above. As to the first, respondent No.2 is not vested with jurisdiction to determine, directly or indirectly, the status of a registered citizen as a citizen of Pakistan, and a report touching the citizenship of another person furnished no ground for proceeding against the card of the petitioner under section 18; the citizenship of the petitioner himself never having been determined by the authority competent under the Citizenship Act, his card could not be touched upon that ground. As to the second, the impugned order answers none of the requirements of section 18, and neither sub-section (2) of

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section 17 nor section 23 of the Ordinance of 2000 confers any power to cancel a card or to declare a person ineligible for citizenship. As to the third, the card of the petitioner could be neither blocked nor impounded except by an order, and no order under section 18 was in existence when it was disabled, so that the action taken was without lawful authority. As to the fourth, the petitioner was not afforded any reasonable opportunity of being heard, and the order impugned is not shown to have been made upon any notice proved to have been served upon him or at any date which the Authority is able to identify with certainty. All four questions are answered in favour of the petitioner. There remains the objection to maintainability. The remedy suggested on behalf of respondent No.2, namely an appearance before a Verification Board with documents of a date prior to 1979, is not a remedy provided by any statute, the Board itself having no statutory foundation for the reasons given in paragraphs 24 and 26 above. The only remedy which the Ordinance of 2000 provides is an appeal to the Federal Government under sub-section (3) of section 18, and that remedy lies against an order under sub-section (1). No such order was in existence when the card of the petitioner was blocked or when this petition was filed, the order impugned having been produced for the first time on 10.09.2026, during the pendency of this petition. In any event, the availability of an alternative remedy is not a bar to the exercise of the jurisdiction of this Court under Article 199 of the Constitution where the action impugned is without jurisdiction, has been taken without notice and in violation of the fundamental rights of the citizen, and where the remedy suggested is neither adequate nor efficacious. Each of those conditions is met here. The objection is accordingly overruled.

56. It is, however, necessary to state with precision what has been decided by this judgment. Every question determined above is a question of

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law. This Court has held that the Authority cannot pronounce upon the citizenship of a person whom it has itself registered as a citizen; that the impugned order satisfies none of the requirements of section 18 of the Ordinance of 2000; that the card of the petitioner could not be disabled at a time when no order under that section was in existence; and that he was condemned without a hearing. Not one of those holdings touches the merits of the case which respondent No.2 may wish to make against him. This Court has not decided whether the petitioner is or is not a citizen of Pakistan. It has not decided whether the person named in the report is his brother, nor what would follow if he is. It has not weighed the facial matching report, the record of the Pakistan Online Visa System or the minute sheet dated 12.04.2025, and it expresses no opinion upon the worth of any of them. Those are questions of fact, and they are for the authority upon which the law confers that function to determine, after the petitioner has been confronted with the material and heard upon it. It is for that reason that the impugned order is set aside and the matter is left to be decided afresh, and not closed.

57. The petitioner is present in Court. He has stated before this Court that he is ready and willing to appear before respondent No.2 with such record as he possesses and to answer whatever may be put to him. The directions which follow are framed upon that footing, and they are directions to hear the petitioner and to decide, and not directions upon what the decision is to be.

58. For the foregoing reasons, this petition is **allowed.** The order bearing No. Islamabad/00216/IFRP-7362279 passed under sub-section (1) of section 18 and sub-section (2) of section 17 of the National Database and Registration Authority Ordinance, 2000, is declared to have been made without lawful authority and is of no legal effect, and is hereby **set aside**,

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without any expression of opinion upon the merits of the case which respondent No.2 may have against the petitioner. It is further declared that the blocking of Computerized National Identity Card No.42401-0736227-9 of the petitioner was without lawful authority. It is further declared that respondent No.2 possesses no power to block, suspend, impound, confiscate or cancel the card of a registered citizen upon a ground relating to his citizenship, save in the circumstances stated in paragraph 37 above. The following directions are therefore issued:

i. *Respondent No.2 shall forthwith, and in any case within seven days of the receipt of this judgment, restore and reactivate the Computerized National Identity Card of the petitioner bearing No.42401-0736227-9, and shall remove every flag, entry or remark placed against him in its database upon the basis of the order set aside by this Court or of the blocking declared by this Court to have been without lawful authority.*

ii. *The question of the petitioner's entitlement to hold his card is left to be determined by respondent No.2 afresh in accordance with law. Respondent No.2 shall afford the petitioner a proper and effective opportunity of hearing before any adverse order is passed. The petitioner, being present in Court, shall appear before the officer concerned of respondent No.2 within seven days of the announcement of this judgment, whereupon a date shall be fixed for hearing. Should respondent No.2 propose to proceed under section 18 of the Ordinance of 2000, it shall issue to the petitioner a fresh notice in writing under the proviso to sub-section (1) of that section, disclosing the ground relied upon and the clause of sub-section (2) which is said to be attracted, and shall effect and confirm its service in one or more of the modes described in* ***Muhammad Umar*** *(supra).*

iii. *Copies of all material upon which respondent No.2 proposes to rely, including the facial matching report, the record of the Pakistan Online Visa System and the minute sheet dated 12.04.2025, shall be furnished to the petitioner not less than seven days before the date fixed for hearing, and he shall be*

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permitted to file a reply, to produce his record and to be assisted by counsel.

iv. *The petitioner shall appear upon the date so fixed and shall cooperate with the proceedings, and shall produce such documentary or other evidence in support of the information furnished by him as it lies within his power to furnish.*

v. *The proceedings shall be concluded within **one month** of the date first fixed, and the matter shall be decided in accordance with law by a speaking order which records its reasons and deals with the case set up by the petitioner, a copy whereof shall be communicated to him.*

vi. *Where the ground upon which respondent No.2 proposes to act is one relating to the citizenship of the petitioner, it shall place the material before the competent authority under the Pakistan Citizenship Act, 1951 read with the Pakistan Citizenship Rules, 1952, and shall neither block, suspend, impound, confiscate nor cancel his card upon that ground until such determination has been made and has attained finality in accordance with law.*

59. Let a copy of this judgment be sent to the Chairman, National Database and Registration Authority, Islamabad, and to the Secretary, Ministry of Interior, Government of Pakistan, for information and compliance.

(AYYAZ SHAUKAT)
JUDGE

Announced in open court on **05.10.2026.**

JUDGE

Approved for reporting.

Saeed.

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