

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**  
C. P. No.D-630 of 2024  
(Sumbul Raza v. Govt. of Pakistan & others)

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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**BEFORE:**

**Mr. Justice Muhammad Saleem Jessar.**  
**Mr. Justice Adnan-ul-Karim Memon.**

**Date of hearing and Order: 19.03.2025**

Mr. Wakeel Ali Shaikh, advocate for the petitioner.

Mr. Oshaque Ali Sangi, Asstt. Attorney General for Pakistan.

Mr. Safdar Kamal, advocate files his Vakalatnama on behalf of respondents No.3 &5, taken on record.

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**ORDER**

**Adnan-ul-Karim Memon, J:-**

Through this petition, the petitioner

Sumbul Raza Kakepoto, claims for the following relief(s) :

- a) To direct the respondents to grant the application of the petitioner vide dated 01.08.2024 for acquiring citizenship in favor of the husband of the petitioner based on Nikahnama performed vide dated 14.12.2023.
- b) To direct respondent No.02 immediately to issue the visa to the husband of the petitioner as per the affidavit of sponsorship submitted before the respondents in favor of the husband of the petitioner vide dated 09.09.2024.
- c) Grant any other relief deemed just and appropriate in the circumstances of the case.

2. The petitioner, a Pakistani citizen, seeks to obtain Pakistani citizenship for her Afghan national husband, who holds a French passport. It is submitted that they were married on December 14, 2023, in the Islamic Republic of Iran, with the marriage endorsed by both the Pakistani and Iranian authorities. The petitioner submits that her husband's absence violates her right to a family life, protected by the Constitution of Pakistan (Articles 9, 14, 25, and 35) and international conventions (ICCPR, Article 23). She asserts that she has submitted applications and sponsorship affidavits to the relevant authorities for her husband's citizenship and visa, but has received no response. The petitioner submits that the respondents' inaction is arbitrary, illegal,



discriminatory, and violates her fundamental rights. She requests this court to direct the respondents to grant her husband Pakistani citizenship based on their marriage. She further seeks direction to the passport and immigration authorities to issue a visa to her husband.

3. The petitioner's counsel argues that she is entitled to her husband's nationality solely based on their Nikhah, which took place on December 14, 2023. Her husband is an Afghan national holding a French passport (Annexure-A). The counsel cited a previous judgment dated December 19, 2023 (Annexure G, page 41) rendered by the Division Bench of this Court, as precedent. However, it is admitted that the Rukhsati had not occurred, and the husband had never entered Pakistan. At this stage no reference was given to Section 10 of Citizenship Act, 1951, which outlines citizenship procedures for foreign wives of Pakistani citizens, but not for foreign husbands. While international conventions offer streamlined naturalization for wives, they do not grant automatic nationality or residency rights for husbands based on their wives' citizenship. He emphasized that the Act currently lacks a provision for foreign husbands. However, Nationality grants remain discretionary, subject to national security and public interest. Therefore, the Federal Shariat Court (FSC) directed the President of Pakistan to amend the Citizenship Act within six months to establish a procedure for granting Pakistani nationality to foreign husbands of Pakistani women in terms of the law laid down by the FSC in SUO MOTO NO. 11-K OF 2006 vide judgment dated 12.12.2007.

4. The Assistant Attorney General, contested the petition, asserting that the husband's absence from Pakistan precludes the petitioner's claim. He emphasized that Sections 3 and 4 of the Naturalization Act 1926 mandate a certificate from the Federal Government, contingent upon specific conditions, including a minimum four-year residency in Pakistan. Since the husband has neither resided in Pakistan nor applied for a nationality certificate based on residency, the petition lacks legal basis.

5. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

6. The Naturalization Act of 1926 requires a Federal Government certificate for citizenship through naturalization. To obtain this, the applicant must meet specific criteria outlined therein: he/she must be an adult, not already Pakistani citizens or citizens of countries barring Pakistani



naturalization, have resided in Pakistan for a prescribed period, demonstrate good character, and know a designated language. Citizenship by birth, as defined in Section 4, is granted to those born in Pakistan after the Act's commencement, with exceptions. The Federal Government holds sole discretion in granting or denying naturalization certificates, and its decision is final, with no right of appeal.

7. The petitioner's counsel argued that the petitioner's husband, Nawid Ahmadzai, is entitled to Pakistani citizenship based on their marriage, citing his current inability to reside with her due to the lack of necessary documentation. However, she has applied for his citizenship, and her own, under Section 10 of the Pakistan Citizenship Act, 1951. Counsel requested the court to apply the precedent set in the December 19, 2023, judgment, which directed the insertion of 'man/male' into Section 10(2) of the Act. He asserted that the husband's citizenship status should be processed accordingly within a reasonable time. This request has not been opposed by the learned AAG subject to exceptions provided under the law.

8. Section 10 of Citizenship Act, 1951, addresses foreign wives, not husbands. While international law eases wives' naturalization, it does not give husbands automatic rights. Since the Act 1951 lacks husband provisions, and nationality is discretionary, the Federal Shariat Court (FSC) in 2007 (**PLD 2008 FSC1**), ordered the President of Pakistan to amend the Act within six months to create a process for foreign husbands of Pakistani women.

9. In light of the current legal position, as discussed above, the respondents are hereby ordered to decide on the petitioner's application dated 1.8.2024, within two months from the date of receipt of this order, ensuring their decision is consistent with the ratios of the judgments previously discussed.

10. This petition stands disposed of in the above terms.

JUDGE  
19/3/2025  
JUDGE