

THE NATIONAL DATABASE AND REGISTRATION AUTHORITY

ORDINANCE, 2000

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THE NATIONAL DATABASE AND REGISTRATION AUTHORITY
ORDINANCE, 2000

ORDINANCE NO. VIII OF 2000
[10th March, 2000]

An Ordinance to provide for the establishment of the National Database and Registration Authority so as to facilitate the registration of all persons and the establishment and maintenance of multipurpose databases, data warehouses, networking, interfacing of databases and related facilities

WHEREAS it is expedient and necessary to provide for the registration of all persons and for the establishment and maintenance of multipurpose databases, data warehouses, networking, interfacing of databases and related facilities and services and matters connected therewith and ancillary thereto;

AND WHEREAS a new, improved and modernized registration and database system is the emergent need of time for its multiple beneficial uses and applications in efficiently and effectively running the affairs of the State and the general public thereby achieving (the goals of good governance, public service and minimizing scope for corruption and inefficiency;

AND WHEREAS it is expedient to establish the National Database and Registration Authority be established to achieve the aforesaid objectives;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999;

AND WHEREAS the President is satisfied that circumstances exist which renders it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the aforesaid Proclamation of the fourteenth day of October 1999, and the Provisional Constitution Order No. 1 of 1999, as well as Order No. 9 of 1999, and in exercise of all other powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:—

CHAPTER I
GENERAL

1. Short title, extent, and commencement. —(1) This Ordinance may be called the National Database and Registration Authority Ordinance, 2000.

**(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

*NADRA shall apply to FATA vide S.R.O. 754 (1)2005 dated 28*6+2005.

**Also extend N.A., vide S.R.O. 26(KE)2002 dated 8+1+2002

2. Definitions. In this Ordinance, unless there is anything repugnant in the subject or

context,—

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“Alien Registration Card” means a card issued under section 13;

“Authority” means the National Database and Registration Authority established under section 3;

“Card” means any card issued or deemed to be issued under this Ordinance;

“Chairman” means the Chairman of the Authority;

“citizen” means a person who is, or is deemed to be a citizen of Pakistan, under the Pakistan Citizenship Act, 1951 (II of 1951);

“emigrant” means a person who is an emigrant under the Emigration Ordinance, 1979 (XVIII of 1979);

“foreigner” means a person who is not a citizen;

“member” means a member of the Authority and, where the context so admits, includes the Chairman;

“National Data Form” means the National Data Form issued by the Planning Commission of the Federal Government during the National Census held in the year 1998 under the Census Ordinance, 1959 (X of 1959);

“National Database Organization” means the National Database Organization established pursuant to the Interior Division's; Notification No.F.10/3/98-CL., (NDO) dated the 15th May, 1998 read with Interior Division's Notification No.10/3/98*C. IL (NDO) dated 19th August, 1998;

“National Identity Card” means a card issued under sub-section (1) of section 14 and, where the context so admits, includes an identity card issued under the National Registration Act, 1973 (LVI of 1973);

“Overseas Identity Card” means a card issued under section 12;

“Pakistan Origin Card” means a card issued under section 11; (n)

“prescribed” means prescribed by rules;

“Registration Officer” means the Director General or a Director or Deputy Director or Assistant Director or District Registrar or Registrar or Inspector, appointed or deemed to have been appointed under section 35 and includes, subject to and for the purposes of section 37, any person to whom the powers of any such officer are delegated or deemed to have been delegated under this Ordinance;

“Registration Organization” means both the Registration Organization and the Directorate General of Registration as in rules made under the National Registration, Act, 1973 (LVI of 1973);

(q) "regulations" means regulations made under of this Ordinance;
(r) "rules" means rules made under this Ordinance; and

(s) "thing" or "things" means and includes all animate or inanimate things, plants animals, objects, substances, items, concepts, ideas, laws, customs, qualities, signs, symbols, circumstances, affairs, events, acts, deeds, works, transactions, documents, pieces of movable or immovable property, tangible or intangible property, rights, privileges, duties, entities, living or non-living beings other than a human being and anything that can be possessed, or owned, or explained, whether known or unknown.

CHAPTER II ESTABLISHMENT OF THE AUTHORITY

3. Establishment of the authority. —(1) As soon as may be, but not later than thirty days after the commencement of this Ordinance, the Federal Government shall, by notification in the Official Gazette, establish an Authority to be known as the National Database and Registration Authority for carrying out the purposes of this Ordinance.

(2) The Authority shall be a body corporate, with power to acquire, hold and dispose of property, having perpetual succession and a common seal and shall by that name sue and be sued.

(3) The Authority shall consist of a Chairman, also to be called the Registrar General of Pakistan, and [not less than] five members to be appointed by the Federal Government:

Provided that till such time the Authority is established the Chairman may exercise the powers and perform the functions of the Authority ![:]

'(Provided further that the Federal Government may, from time to time, by notification in the official Gazette, increase or decrease the number of members and prescribe mode of their appointment as it may deem fit].

(4) No person shall be appointed as the Chairman or a member if he has been declared insolvent, or convicted for an offence involving moral turpitude, or declared to be disqualified from employment in, or dismissed from Government Service.

(5) The Chairman and a member shall, unless he resigns or is removed from office earlier as hereinafter provided, hold office for a term of three years and shall be eligible for reappointment for

'a similar term or terms] as the Federal Government may determine:

Provided that a Chairman or a member shall retire on attaining the age of sixty five years.

Mins. Subs. and Added by Act V of 2007, s. 2.

(6) In case of vacancy occurring due to death, resignation or removal of the Chairman or a member, the Federal Government shall within a period not exceeding sixty days, appoint an other qualified person to fill such vacancy.

(7) The Chairman shall be an eminent professional of known integrity and competence with substantial experience in the field of computer science, engineering, statistics, demography, law, business, management, finance, accounting, economics, civil or military administration, or the field of registration.

(8) Every member shall also be a person of known integrity and competence with sufficient experience in the field of computer science, engineering, statistics, demography, law, business, management, finance, accounting, economics, civil or military administration, or the field of registration ![:]

(9) No act or proceeding of the Authority shall be invalid by reason only of the existence of a vacancy in, or defect in the constitution of, the Authority.

(10) The principal office of the Authority shall be at Islamabad and it may set up offices at such place or places as it may deem appropriate:

Provided that all offices including the District Registration Offices, other offices, counters and any other formation of the Registration Organization as well as that of the National Database Organization along with their entire respective record, shall become and be deemed to be the offices, the District Registration Offices, other offices, counters and other formations of the Authority respectively along with such record.

(11) The Chairman or a member may, by writing under his hand, resign from his office: Provided that his resignation shall not take effect until accepted by the Federal Government.

(12) The Federal Government may remove the Chairman or any member from office if—

(a) upon an inquiry, he is found incapable of performing the functions of his office by reason of mental or physical incapacity or has been found guilty of misconduct; or

(b) after his appointment he is disqualified from being so appointed as provided in sub-section (4).

4. Meetings of the Authority, etc. —(1) The meetings of the Authority shall be presided over by the Chairman and, in his absence, by such member attending a meeting who is most senior to other members.

(2) Three members shall constitute a quorum for a meeting of the Authority requiring a decision by the Authority.

(3) The members shall have reasonable notice of the time and place of the meeting and the matters on which a decision by the Authority shall be taken in such meeting.

Isubs. and Omitted by Act V of 2007, S. 2

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(4) The decisions of the Authority shall be taken by the majority of its members present, and in case of a tie, the member presiding a meeting shall have a casting vote.

(5) All orders, determinations and decisions of the Authority shall be taken in writing and shall identify the determination or decision of the Chairman and each member separately.

CHAPTER III

PURPOSE, OBJECTS, FUNCTIONS AND POWERS

5. Purpose, objects, functions and powers of the authority. —(1) The purpose and objects of the Authority shall be to formulate and implement policies and plans for—

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(c)

the development and establishment of an improved and modernized system of registration in the country through appropriate means including technologically advanced, effective and efficient means like computerization, automation, creation of databases, data warehousing, networking, interfacing of databases and related facilities and services;

the broadening of the registration base to bring within its purview all persons and things, wherever and whatever they may be, to the extent and in the manner laid down in this Ordinance; and

the establishment and maintenance of multi-purpose databases, data warehousing, networking, interfacing of databases and related facilities and services.

(2) The purposes of developing, establishing or maintaining a registration or database system may include facilitation of identification, planning, or any other purpose permitted by law.

(3) The Authority may take such measures and exercise such powers and perform such functions as it considers necessary for carrying out the purposes of this Ordinance.

(4) In particular and without prejudice to the generality of the foregoing powers and functions, the Authority—

(a)

(b)

may develop and maintain, or cause to be developed and maintained, registration systems, automated or otherwise, in the prescribed manner for such class or classes of persons wherever they may be including citizens, foreigners and emigrants, and for such things whatever they may be prescribed;

may issue or renew, or cause to be issued or renewed, to any prescribed class or classes of persons, including citizens, foreigners and emigrants, or to any

prescribed class or classes of things, who have got themselves, or who or which have been, registered in the prescribed manner issued cards in the prescribed form and manner and on such criteria and for such period of validity thereof on such terms and conditions as may be prescribed and may receive applications therefor in the prescribed form;

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shall establish and maintain, or cause to be established and maintained, such prescribed or other multipurpose databases, data warehouses, networking, interfacing of databases and related facilities and services in relation to any class or classes of persons or things for carrying out the purposes of this Ordinance and, in this behalf, exercise all such powers and perform all functions under this section and sub-section (3) of section 6;

shall ensure and provide by regulations for the due security, secrecy and necessary safeguards for protection and confidentiality of data and information contained in the registration and database systems developed, established or maintained, or so caused to be developed, established or maintained, under this Ordinance including any database, data warehouse and networking infrastructure;

shall prepare and submit annual reports to the Federal Government in respect of performance and exercise of its functions, powers and its achievements;

shall perform any other function and exercise any other power as may be entrusted to or vested in the Authority by the Federal Government which is supplemental, incidental or consequential to any of the aforesaid powers and functions and the objects and purpose of the Authority;

may prescribe and enforce by regulations, and shall be exclusively responsible for so prescribing and enforcing, standards for establishment and maintenance of databases, data warehouses, networking, interfacing of databases and related facilities and services and allied matters in all entities, agencies, bodies, departments, offices, commissions, boards, or other formations established, funded, controlled, or administered by the Federal Government in order to achieve the optimum utilization and application of such databases, data warehouses, networking, interfacing of databases and related facilities and services or the registration systems based thereon, if any;

may charge the prescribed fees or other sums for its services and other transactions, operations and matters including fees or other sums charged for registration, or received for or in relation to the issuance or renewal of cards, or for provision of any information or report, automated or otherwise, to any governmental, private, or any other person or entity from its databases.

may cause research, studies, surveys, experiments and other investigations to be made or contribute towards the cost of any such research, studies, surveys, experiments or other investigations made by any person or entity in relation to

the purpose and objects of the Authority;

may seek advice and assistance for carrying out the purposes of this Ordinance from any governmental or private body, person or entity; and

may regulate, determine and administer all matters concerning the Authority and do all such acts and things which may be necessary for the purpose.

(5) The Authority may, for carrying out the purposes of this Ordinance, manage and conduct its affairs, perform any or all of its functions and exercise any or all of its powers under this Ordinance

especially for the development, establishment or maintenance of registration and database systems in such integrated, co-ordinated or other efficient or effective manner as it may deem fit to the Authority.

6. Powers regarding schemes of databases, data ware-houses, networking, interfacing and registration. —(1) The Authority may frame any scheme, proposal or plan for the development, establishment or maintenance of registration systems or databases, data warehouses, networking, or interfacing of databases or related facilities or services, for the diversified optimum utilization thereof at the national, provincial or other regional or local level and submit the same for approval of the Federal Government or concerned Provincial Government or local authority with the following information, namely:—

(a) a description of the scheme, proposal or plan and the manner of its execution;

(b) an estimate of costs and benefits, the allocation of costs to the various purposes to be served by the scheme and the amounts to be repaid by the beneficiaries; and

(c) any other information necessary for taking an informed and reasoned judgment as to the desirability and feasibility of a scheme, proposal or plan.

(2) The Federal Government or concerned Provincial Government or local authority may sanction, refuse to sanction or return for reconsideration any scheme, proposal or plan submitted to it by the Authority and may call for such further details or information regarding the scheme, proposal or plan, or require such further examination of the scheme as it may consider necessary.

(3) The Authority may execute or supervise the execution of any scheme, proposal or plan sanctioned by the Federal Government or concerned Provincial Government and local authority and the Authority may—

(a) incur any expenditure, procure plant, machinery, equipment, supplies, services, computer software and hardware and any other materials, equipment or services required for implementing a scheme, proposal or plan or for the performance of its functions;

(b) enter into and perform all such contracts as it may consider necessary or expedient including consultancy services contracts;

(c) acquire by purchase, lease, exchange or otherwise and dispose of by sale, lease, exchange or otherwise any movable or immovable property or any interest in such property; and

(d) do any other thing and exercise any other power supplemental, incidental or consequential to the above functions and powers including the power to take such measures and exercise such powers as the Authority considers necessary or expedient for carrying out the purposes of this Ordinance.

CHAPTER IV

NATIONAL DATA WAREHOUSE

7. National Data Warehouse. —(1) The Authority shall be responsible for—

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development and establishment, or causing the development and establishment, of a central database by collection and collation of multi-faceted data regarding citizens thereby establishing a database of multi-purpose information relating to citizens to be known as Citizen Database;

maintenance, or causing the maintenance, of Citizen Database by all possible means including enhancement and updation of data by, among other things—

- (i) necessary liaison with different entities, agencies, bodies, commissions, boards, departments, offices or other formations established, funded, controlled, or administered by the Federal Government, or any Provincial Government or local authority; and
- (ii) by continuous stream of inputs from systems of registration of birth, death, marriage, divorce and any other system of registration or databases, data warehouses, networking, interfacing and related facilities and services established or maintained by it;

development, establishment and maintenance, or causing the development establishment and maintenance, of a central data warehouse, to be known as National Data Warehouse, based on the data and information extracted from the Citizen Database as its first and foremost basic input and any or all other data or information contained in the systems of registration or databases, data warehouses, networking, interfacing and related facilities and services established or maintained by it;

identification of user and feeder agencies from private and public sector, including all private persons or entities and entities, agencies, bodies, commissions, boards, departments, offices or other formations established, funded, controlled, or administered by the Federal Government or any Provincial Government or local authority (hereinafter collectively referred to as “user or feeder agencies” and individually as “user or feeder agency”);

establishment and maintenance, or causing the establishment and maintenance, of interfacing of user or feeder agencies and their respective databases with the National Data Warehouse;

data sharing, data exchange, data interchange, data mining, data cleansing, data normalization, data summarization, maintenance of historical data and any other function or process in the National Data Warehouse related to data or information from the user or feeder agencies, or the Citizen Database, or any other system of registration, or databases, data warehouses, networking, interfacing and related facilities and services established or maintained by it;

(g) maintenance and continuous updation, or causing the maintenance and continuous updation, of National Data Warehouse by managing and co-ordinating flow of inputs from all the sources of data and information;

(h) establishment, or causing the establishment, of an intranet-like environment, to be called National Information Infrastructure, for the purpose of providing online access into the National Data Warehouse;

(i) provision of requisite access, whether online or offline, into National Data Warehouse to all government, semi-government and private institutions in such manner and for such fee as may be prescribed by regulations; and

Gj) ensuring of due security, secrecy and necessary safeguards for protection and confidentiality of data and information contained in or dealt with by the National Data Warehouse at individual as well as collective level.

(2) The Authority shall take such measures, exercise such powers and perform such functions as it considers necessary, expedient, incidental or consequential for or to the performance of its aforesaid functions and responsibilities. In particular and without prejudice to the generality of the foregoing powers and functions, the Authority shall have all enabling powers in this behalf as laid down in section 5 and sub-section (3) of section 6.

(3) All user or feeder agencies shall be responsible for the continuous, timely and effective updation of their respective databases for the purposes of National Data warehouse and shall further be responsible for maintenance of their respective link with the National Data Warehouse strictly in accordance with as per the standards and other details as the Authority may, by regulations, prescribe.

CHAPTER V

REGISTRATION

8. Registration of persons, etc—(1) The Federal Government may by rules provide for the registration of different persons or classes thereof wherever they may be including citizens, foreigners and emigrants, and for different things or classes thereof whatever they may be and along therewith provide for the method of such registration, manner and form of applications to be made therefore, fee or other sum to be charged therefor.

(2) Notwithstanding anything contained in any other law for the time being in force the Federal Government may, by rules, for the purpose of incentivizing registration of a particular class of persons under this Ordinance, provide for any right, interest, privilege, benefit, reward or other advantage, tangible or intangible, available under Pakistan Law, to be extended to, or made available to or withdrawn from such class of persons required to be registered under this Ordinance and such right, interest, privilege, benefit, reward or other advantage shall accordingly become extended, or available to or withdrawn from, as the case may be, to such class of persons.

9. Registration of citizens —(1) Every citizen in or out of Pakistan who has attained the age of eighteen years shall get himself and a parent or guardian of every citizen who has not attained that age shall, not later than one month after the birth of such citizen, get such citizen registered in accordance with the provisions of this Ordinance:

Provided that the Authority may, on case-to-case basis, extend the period for registration of a citizen who has not attained the age of eighteen years:

Provided further that all such citizens who stand validly registered under any law immediately before the commencement of this Ordinance shall be deemed to have been registered under this Ordinance and their registration shall, subject to sections 17, 18 and 30 remain valid till the expiry of two years from the commencement of this Ordinance, or such time as may be notified by the Federal Government, or till such time as such citizen is registered afresh as hereinafter provided, whichever is earlier.

(2) At any time before the expiry of two years from the date of commencement of this Ordinance or such period as may be notified under the second proviso to sub-section (1), all citizens registered under the National Registration Act, 1973 (LVI of 1973), the parents or guardians of such citizens, in case of those who have not attained the age of eighteen years, shall get themselves or them, as applicable, registered afresh under sub-section (1):

Provided that any such citizen as aforesaid who is registered on the basis of his having applied or opted as provided in the second proviso to sub-section (3) shall be deemed to have been registered.

(3) An application for registration shall be made in such form and to such person or forum as the Authority may, by regulations prescribe:

Provided that any application competently and validly made pursuant to sub-section (2) of section 4 of the National Registration Act, 1973 (LVI of 1973), and pending immediately before the commencement of this Ordinance shall be deemed to have been made under this Ordinance.

(4) Any person having competently and validly applied or opted for obtaining a computerized identity card by means of a National Data Form shall be deemed to have applied under this.

(5) The Authority may issue to a citizen who has not attained the age of eighteen years but is registered under subsection (1), such certificate of registration in such form and manner and containing such information relating to such registered citizen as may be prescribed.

(6) A certificate issued under sub-section (5) shall be admissible in evidence for the purpose of proving the identity of, and other information or particulars contained in such certificate relating to, a citizen to whom such certificate relates.

CHAPTER VI CARDS

10. National Identity Cards. —(1) The Authority shall issue or renew, or cause to be issued or renewed, in such manner and on terms and conditions, subject to every citizen who has attained the age of eighteen years and got himself registered under section 9, a card to be called National Identity Card in such form, with such period of validity upon payment of such fee in such form and manner as may be prescribed:

Provided that all cards issued under section 5 of the National Registration Act, 1973 (LVI of 1973), to such citizens as stood registered under section 4 of the said Act immediately before the commencement of this Ordinance shall be deemed to have been issued under this Ordinance and shall,

subject to sections 17, 18 and 30 remain valid till such period as the underlying registration of the citizens to whom such cards are issued remains valid in terms of the first proviso to sub-section (1) of section 9:

Provided further that before issuing or renewing a card under this section, the Authority may require a person to surrender a National Identity Card earlier issued to him under this Ordinance or the National Registration Act, 1973 (LVI of 1973), or otherwise satisfy the Authority as to the factum of his having totally abandon the use of any such earlier card and, till such time as he surrenders such earlier card or otherwise satisfies the Authority as aforesaid, the Authority may not issue or renew a card.

(2) Notwithstanding anything contained in this Ordinance, all such National Identity Cards as are to be issued to a citizen under this Ordinance by means of a manual or computerized laser printing process (as applicable in the Districts of Islamabad and Rawalpindi) shall not be issued for a period of validity beyond two years after the commencement of this Ordinance, or such longer or shorter period as may be notified by the Federal Government with a view to promoting uniformity, authenticity and technological advancement in the registration for and issuance of National Identity Cards.

11. Pakistan Origin Cards. The Authority shall issue or renew, or cause to be issued or renewed, in the prescribed manner and on prescribed criteria, terms and conditions, cards to such prescribed class of foreigners and such prescribed class of citizens with dual nationality who have got themselves registered in the prescribed manner, in such form and with such periods of validity thereof upon payment of such fee in such form and manner as may be prescribed, to be called Pakistan Origin Cards and receive applications for registration therefor in the prescribed form.

12. Overseas Identity Cards. The Authority shall issue or renew, or cause to be issued or renewed, in the prescribed manner and on prescribed criteria, terms and conditions, cards to such prescribed class of citizens resident abroad or such prescribed class of emigrants who have got themselves registered in the prescribed manner, in such form and with such periods of validity thereof and upon payment of such fee in such form and manner as may be prescribed, to be called Overseas Identity Cards and receive applications for registration therefor in the prescribed form.

13. Alien Registration Cards. The Authority shall issue or renew, or cause to be issued or renewed, in the prescribed manner and on prescribed criteria, terms and conditions, cards to such prescribed class of foreigners resident in Pakistan, whether legally or otherwise, who have got themselves registered in the prescribed manner, in such form with such periods of validity thereof and upon payment of such fee in such form and manner as may be prescribed, to be known as Alien Registration Cards and receive applications for registration therefor in the prescribed form '[:]

'TProvided that the cards issued and registered under the Foreigners Act, 1946 (XXXI of 1946) shall be deemed to have been issued under this Ordinance and shall remain valid till such period as the Federal Government may notify in the official Gazette.]

14. Powers and functions regarding issuance of cards, etc. The Authority shall take such measures, exercise such powers and perform such functions as it considers necessary, expedient, incidental or consequential for or to the issuance and renewal of the cards provided for in sections 10, 11, 12 and 13. In particular and without prejudice to the generality of the foregoing powers and functions, the Authority shall have all enabling powers in this behalf as laid down in section 5 and sub-section (3) of section 6.

'subs. and added by Act No. XXVII of 2016, s. 2

15. Safe and proper custody of cards.—(1) Every person to whom a card is issued by the Authority shall be responsible for its safe custody and for maintaining it in proper shape.

(2) The Authority may by regulations prescribe standards for custody and maintenance of various cards issued by it.

16. Inspection of cards. A Registration Officer or any officer under the control of and authorized by the Authority in this behalf may require a person to whom any card has been issued to produce the card for inspection before him or, if it is not in his possession when so required to produce it within such time, before such officer and at such place as the Registration Officer or the officer so authorized may direct.

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 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.

(3) The Authority shall issue such receipt in relation to the card or certificate surrendered under this section in such form and manner and containing such information relating to the person whose card or certificate has been surrendered as may be prescribed.

(4) A receipt issued under sub-section (3) shall be admissible in evidence for the purpose of proving the information or particulars contained in such receipt relating to the person to whom such receipt relates.

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.

19. Cards necessary for certain purposes. —(1) No citizen who has attained the age of eighteen years but does not possess or produce a National Identity Card shall be granted a passport, permit or other travel document for going out of Pakistan.

(2) Any officer charged with the duty of conducting the poll at an election to the National Assembly or a Provincial Assembly or to a municipal committee, cantonment board or other local authority or body may, for the purpose of satisfying himself as to the identity of any person, require such person to produce his National Identity Card.

(3) The Federal Government may, by notification in the Official Gazette, specify any other purpose for which the production of any card or certificate or receipt issued under this Ordinance shall be necessary.

(4) A card including a National Identity Card, issued to a person under this Ordinance shall be proof of his identity as could be established from the contents of such card for any purpose for which his identity is required to be established.

20. Power to exempt. The Federal Government, or with the approval of Federal Government, the Authority or any officer authorised by the Authority in this behalf may, by order, in special circumstances to be recorded in writing exempt any person or class of persons from the requirement of possessing or producing any card for any purpose for which it is required by or under this Ordinance, or any rules or regulations made thereunder, to be possessed or produced.

CHAPTER VII INFORMATION TO THE AUTHORITY

21. Information relating to births, deaths, marriages, divorces, etc. —(1) The birth of a newly born citizen and the death of a citizen or any other prescribed persons or class thereof, shall be reported to the District Registrar by such authority or officer in such manner as the Authority may, by regulations, prescribe.

(2) The marriage or divorce of a citizen or any other prescribed persons or class thereof, shall be reported to the District Registrar by such authority or officer as may be prescribed by regulations.

22. Information and assistance by user or feeder agencies. —(1) The Authority may request a user or feeder agency for information or other necessary assistance and cooperation.

(2) All user or feeder agencies shall comply with all such reasonable requests of the Authority as are made in order to carry out the purposes of this Ordinance.

(3) Any such compliance shall be made in a timely, complete and effective manner and the Authority may, if deemed fit in a particular case, fix such reasonable period of time for compliance with its request by a user or feeder agency as may be necessary in the circumstances and the concerned user or feeder agency shall be bound by such deadline.

(4) It shall be the duty of the head of a user or feeder agency to whom a request is made by the Authority to ensure compliance with the provisions of this section and sub-section (3) of section 7 on part of his user or feeder agency.

23. Power to call for proof of information. The Authority or any person authorized 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.

CHAPTER VIII FUND, ACCOUNTS AND AUDIT

24. NADRA Fund.—(1) There shall be formed a non-lapsable fund vesting in the Authority to be known as the “NADRA Fund” for the purpose of meeting charges in connection with the functions and operations of the Authority under this Ordinance, including payment of salaries and other remuneration payable to the Chairman, members, Registration Officers, members of its staff, experts, consultants, advisers and other officers and employees of the Authority.

(2) There shall be placed to the credit of NADRA Fund, all funds received by the Authority from which the Authority can incur expenditure related to its functions and operations, including—

(a) grants made by the Federal Government or any Provincial Government or local authority;

(b) funds provided by the Federal Government or any Provincial Government or local authority;

(c) loans obtained from the Federal Government or any Provincial Government or local authority;

(d) other loans obtained by the Authority;

(e) foreign aid, grants and loans negotiated and raised, or otherwise obtained, by the Authority;

(f) fees and other sums charged for the provision of services and other transactions,

operations and matters, etc. including fees or other sums charged for registration, or received for or in relation to the issuance or renewal of cards, or for the provision of any information or report, automated or otherwise, to any governmental, private or any other person or entity, etc;

(g) income from the sale of movable or immovable property;

(h) funds from floating bonds, shares, debentures, commercial papers, modarbas or other securities issued by the Authority or through any other means; and

(i) all other sums received by the Authority.

(3) The NADRA Fund shall be kept in one or more accounts maintained by the Authority in local or foreign currency in any scheduled bank in Pakistan and shall be operated in accordance with regulations of the Authority.

(4) Notwithstanding anything contained in this Ordinance or any rules or regulations made thereunder, all charges in connection with the functions and operations of the Authority under this Ordinance, except such functions and operations as are envisaged to be funded by any Provincial Government or local authority or as may be notified by the Authority to the Federal Government from time to time, shall be exclusively funded by the Federal Government including all administrative, operating and any other expenses like payment of salaries and other remuneration to the Chairman, the members, the Registration Officers, its staff, experts, consultants, advisers and other officers and employees appointed or employed or deemed to have been appointed or employed under section 35 of this Ordinance and any such funding or budgetary allocation furnished or made by the Federal Government for the establishment charges of the Authority shall be placed to the credit of NADRA Fund but shall be lapseable unlike the rest of NADRA Fund and the concerned account shall be operated as a Personal Ledger Account to the extent of such funding or budgetary allocation furnished or made as aforesaid:

Provided that responsibility of the Federal Government to exclusively fund the operations and functions of the Authority shall cease at such appropriate time, but not in any case earlier than the expiry of three calendar years from the date of establishment of the Authority, when in the opinion of the Federal Government, the Authority shall have become capable of funding its functions and operations envisaged under this Ordinance to be funded by the Authority:

Provided further that the Federal Government shall notify such time as aforesaid to the Authority with precision at least three months prior to such precise time being so notified.

25. Authority to be deemed to be a local authority. The Authority shall be deemed to be a local authority under the Local Authorities Loans Act, 1914 (IX of 1914), for the purpose of borrowing money under the said Act, and the making and execution of any scheme, proposal or plan or the performance of any of its functions laid down in this Ordinance shall be deemed to be a work which such authority is legally authorised to carry out.

26. Budget. The Authority shall, in respect of each financial year submit for the approval of Federal Government by such date and in such form as may be specified by the Federal Government a statement showing the estimated receipts and current and development expenditure and the sums which are likely to be required from the Federal Government during the next financial year.

1126A. Surplus to be remitted to Federal Consolidated Fund — Any surplus of receipts over the actual expenditure in a year, after payment of tax, shall be remitted to the Federal Consolidated Fund (FCF) and any deficit from the actual expenditure shall be made up by the Federal Government to the extent of funds deposited in FCF]

27. Accounts and Audit. —(1) The Authority shall maintain complete and accurate books of accounts of its actual expenses and receipts.

(2) The Authority shall cause to be carried out audit of its accounts by one or more auditors who are chartered accountants within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961) appointed by the Federal Government in consultation with the Auditor General of Pakistan from a panel of Chartered accountants proposed by the Authority on such remuneration as the Federal Government may determine.

'Ins. by financial act No V of 2019 s.10.

CHAPTER IX OFFENCES, PENALTIES AND PROCEDURE

28. Information not to be divulged. Any person who—

(a) being a person employed for the purposes of this Ordinance, publishes or communicates to any person, otherwise than in the ordinary course of such employment, any information acquired by him in the course of the employment; or

(b) having possession of any information which to his knowledge has been disclosed in contravention of this Ordinance, publishes or communicates that

information to any other person,

shall be punishable with imprisonment for a term which may extend to five years, or with fine which may extend to one million rupees, or with both:

Provided that nothing in this section shall apply to any publication or communication of information made—

(a) for the purpose of any criminal proceedings; or

(b) to any gazetted officer authorised by the Authority.

29. Security, secrecy, etc. of data not to be breached. —(1) No person shall use, or deal with, or do any other thing or act of omission or commission in relation to—

(a) the registration or database systems developed, established or maintained, or so caused to be developed, established or maintained, under this Ordinance including any database, data warehouse or networking infrastructure; or

(b) the data or information contained, or housed, or transmitted therein,

in contravention of the regulations made under clause (d) of sub-section (4) of section (5).

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to fourteen years, or with fine commensurate with the nature of offence and harm, if any, caused to a particular registration or database system as aforesaid

by such contravention, but in any case not less than one million rupees, or with both.

30. Other offences and penalties —(1) Any person who—

(a) does not, without reasonable cause, apply for registration required under this Ordinance;

(b) conceals, or refuses to furnish, any information he ought to disclose or furnish;

(c) fails, without reasonable cause, to report to any Registration Officer any loss of a card within thirty days of such loss;

(d) refuses or fails to produce or surrender a card as required respectively under section 17 or section 18 of this Ordinance or the rules and regulations made thereunder;

(e) does not, without reasonable cause, apply for a National Identity Card within ninety days of his attaining the age of eighteen years; or

(f) knowingly contravenes any other provision of this Ordinance or the rules or regulations except regulations made under clause (d) of sub-section (4) of section 5,

shall, in addition to any other penalty to which he may be liable under any other law, be punishable with rigorous imprisonment for a term which may extend to six months, or with fine not exceeding fifty thousand rupees, or with both.

(2) Any person who—

(a) makes any statement or furnishes any information which he knows or has reason to believe to be false in any material particular or which he does not believe to

be true;

(b) obliterates or changes any particulars written or printed on any card;

(c) forges any card or makes or has in his possession any document so closely resembling a card as to be calculated to deceive;

(d) allows any other person to have possession of a card for the custody of which he is responsible;

(e) holds more than one card on the same eligibility criteria; or

(f) who attests or verifies any statement or information made or furnished for the purpose of this Ordinance which he knows or has reason to believe to be false in any material particular or which he does not believe to be true,

'I(g) is an employee of Authority, and is involved in the issuance of a fake National Identity Card, or the officers in charge of that Branch] and

shall, in addition to any other penalty to which he may be liable under any other law, be punishable with rigorous imprisonment for a term which may extend to ![five years] or with fine not exceeding one hundred thousand rupees, or with both:

Provided that nothing in this section shall apply to a person acting pursuant to a request made by the Authority under section 22.

T added and Subs. by Act XIX of 2011, s. 2

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130A. Fines and penalties to be credited to the Federal Consolidated Fund. All fines and penalties recovered by the Authority shall be credited to the Federal Consolidated Fund.]

31. Cognizance of offences. No court shall take cognizance of any offence under this Ordinance except upon complaint in writing made by the Authority or any gazetted officer authorised by it in this behalf.

32. Trial of offences. —(1) No court inferior to that of a Magistrate of the first class shall try an offence punishable under this Ordinance.

(2) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, (Act V of 1898) it shall be lawful for any Magistrate of the first class to pass any sentence authorised by this Ordinance even if such sentence exceeds his powers under the said section 32.

(3) Any Magistrate of the first class empowered, for the time being, to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898), may try in accordance with the provisions contained in sections 262 to 265 of the Code any offences punishable under this Ordinance.

CHAPTER X MISCELLANEOUS

33. Remuneration. The Chairman and members shall be paid such emoluments as may be determined by the Federal Government and shall not be varied to their disadvantage during their term of office.

34. Chairman and members not to engage in certain business, etc. —(1) The Chairman and members shall not, during their term of office, engage themselves in any other service, business, vocation or employment, or enter into the employment of, or accept any advisory or consultancy relationship with any person or entity engaged in providing services or products whatsoever to the Authority on, any of the projects, schemes, proposals or plans undertaken, executed or supervised by the Authority or any related undertaking of such aforesaid person or entity.

(2) The Chairman and members shall not have any direct or indirect financial interest, or have any connection with any such person, entity or related undertaking as mentioned in sub-section (1) for so long as he holds office.

35. Registration Officers, officers, employees, etc. To carry out the purposes of this Ordinance, the Authority may, from time to time, appoint Registration Officers, members of its staff, experts, consultants, advisers and other officers and employees on such terms and conditions as it may deem fit.

36. Registration Officers, etc. deemed to be public servants. The Chairman, members, Registration Officers, members of its staff, experts, consultants, advisors, other officers and employees of the Authority shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).

'Ins. by financial act No V of 2019 s.10.

37. Delegation. The Authority may by general or special order delegate to the Chairman or a member or a Registration Officer, or any member of its staff, or an expert, consultant, adviser, or other officer or employee of the Authority, any of its powers or functions under this Ordinance subject to such conditions as it may think fit:

Provided that any person to whom the powers of a Registration Officer, not including the Director General, stood delegated under the provisions of the National Registration Act, 1973 (LVI of 1973), immediately before the commencement of this Ordinance shall be deemed to have been delegated under this section unless revoked by the Authority by a general or special order.

38. Reports to the Governments. —(1) The Authority shall submit at the end of every calendar year, but not later than 31st of January of the following year—

(a) a report to the Federal Government on the performance of its functions and exercise of its powers and the carrying out of its purpose and objects during the year so ending and the anticipated developments for the following year; and

(b) a report on the state of development, establishment and maintenance of registration and database systems in the country and all related matters identifying the problems, prospects and other necessary areas and matters for the Federal Government, or concerned Provincial Government or local authority's consideration and action, if any suggested in the report.

(2) Copies of the report, or relevant portions thereof, mentioned in clause (b) of sub-section (1) identifying problems, prospects and other necessary areas and matters for a particular Provincial Government's or local authority's consideration or action shall also be furnished simultaneously to the concerned Provincial Government or local authority.

39. Certain arrangements to continue. All contracts, agreements, promises, negotiations and working arrangements made and understandings reached including any bidding process initiated as a result of any requests for proposals sought from prospective contractors, and all liabilities incurred including any contingent or future liability on account of availing any services, etc., by the National Database Organization and the Registration Organization on behalf of the Federal Government in connection with, or for the purpose of, or in relation to the same objects, purposes, functions and powers as those of the Authority, before the establishment of the Authority, shall be deemed to have been made, reached or incurred, as applicable, by the Authority under this Ordinance and shall have effect accordingly.

40. Indemnity. No suit, prosecution or other legal proceeding shall lie against the Federal Government or any Provincial Government or Local Authority, any Registration Officer or any other person exercising any power or performing any function under this Ordinance, for anything which is in good faith done or purporting or intended to be done under this Ordinance or any rule.

41. Transfer of employees and assets etc.—(1) Notwithstanding anything contained in any law, rules regulations, contract, agreement, or in the terms and conditions of their service or in the provisions of the National Registration Act, 1973 (LVI of 1973), the Civil Servants Act, 1973 (LXXI of 1973), on the establishment of the Authority, all persons appointed or employed in the National Database Organization and the Registration Organization, immediately before the establishment of the Authority, in particular, all Registration Officers appointed pursuant to section 3 of the National Registration Act, 1973 (LVI of 1973), and other officers and employees, whether recruited initially or

absorbed or inducted subsequently, including a person on deputation to any other organization, department, agency or formation in Pakistan or abroad but not being person on deputation or secondment to the Registration Organization or the National Database Organization from any other organization, department, agency or formation, shall stand transferred to and become Registration Officers and other officers and employees, as applicable, of the Authority on the same terms and conditions including remuneration, tenure of service, rights and privileges as to pension and gratuity and other matters which were applicable to them immediately prior to the establishment of the Authority.

(2) The Federal Government shall pay to the Authority, pension charges and gratuity in respect of, and provident fund accumulations of, persons transferred to the Authority by virtue of sub-section (1) or sub-section (9), as they have become entitled to, or have been earned by them, or have accumulated till their transfer to the Authority as aforesaid.

(3) On transfer to the Authority as provided in sub-section (1) or sub-section (9), all Registration Officers and other officers and employees shall, where applicable, cease to be civil servants and shall be deemed to have been appointed and have respectively become the Registration Officers and other officers and employees of the Authority as if originally appointed under this Ordinance as if they were always the Registration Officers, officers and employees of the Authority, as applicable, except for the purposes of financial benefits which they shall not claim from a date prior to the date of their transfer to the Authority as aforesaid.

(4) On transfer as aforesaid, such a Registration Officer, other officer or employee, until his employment in the Authority is terminated in accordance with his terms and conditions of service or his terms and conditions as altered by regulations which shall not be less favourable than those by which he was governed immediately before his transfer to the Authority, shall continue to be so governed.

(5) Notwithstanding anything to the contrary in this section, any person referred to in sub-section (1) may within three months from the date of establishment of the Authority opt not to be transferred to the service of the Authority and the option so exercised shall be final and those persons who do not exercise their right of option in writing within the aforesaid period shall be deemed to have opted to be transferred to the Authority.

(6) All persons who opt under sub-section (5) not to be transferred to the service of the Authority shall be provided a suitable posting elsewhere within six months from the date of exercise of their option and till that time they shall remain on surplus pool of the Federal Government.

(7) The service of a person who does not accept the alternative appointment or posting offered to him within the time allowed by sub-section (6) shall stand terminated on the date on which he declines the offer or the time allowed to accept the offer expires, whichever is earlier, and such persons shall be entitled to be paid for a maximum period of three months.

(8) The termination of services of an employee under sub-section (7) shall be deemed to be discharge from service owing to abolition of a permanent post for the purposes of admissibility of compensation pension, etc.

(9) Every person on deputation or secondment to the Registration Organization or the National Database Organization from any other organization, department, agency or formation immediately before the establishment of the Authority shall, on such establishment, have an option either—

(a) to remain employed in the Authority as a deputationist on the same terms and conditions of deputation as were applicable to him immediately before the establishment of the Authority; or

(b) to opt for being absorbed in the Authority whereupon, if his option is so accepted by the Authority, he shall stand and be deemed to have been transferred to the Authority from the date of establishment of the Authority on such terms and conditions of service as the Authority may deem fit, which shall however not be less favourable, than those applicable to him as per his terms and conditions of deputation immediately before the establishment of the Authority:

Provided that the aforesaid option must be exercised within one month of the establishment of the Authority, where after a person not exercising either of the above options, or having opted under clause (b) but not accepted by the Authority, shall be deemed to have opted under clause (a) and all consequences shall thereafter accrue as if he had so opted under the said clause.

(10) No person who stands transferred to the Authority by virtue of sub-section (1) or sub-section (9) shall, notwithstanding anything contained in any law for the time being in force, be entitled to any compensation because of such transfer.

(11) Any assets or other property of the Federal Government assigned or allocated for their use or any other purpose to such offices including the District Registration Offices, other offices, counters and any other formation of the Registration Organization as well as that of the National Database Organization shall stand transferred to and vested in the Authority.

(12) All suits and other legal proceedings instituted by or against the Federal Government, the Directorate of National Registration and the National Database Organization immediately before the commencement of this ordinance shall be deemed to be suits and proceedings by or against the Authority, as the case may be, and may proceed and be dealt with accordingly.

(13) All debts and liabilities incurred, contracts entered into or rights acquired and all matters and things, engaged to be done, by with and for the Directorate of National Registration and the National Database Organization before the commencement of this ordinance shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for the Authority as the case may be.

'141-A. Transfer of assets and liabilities of Alien Registration Authority.— (1) On transfer of the Alien Registration Authority (NARA) under Section 17 of the Foreigners Act, 1946 (XXXI of 1946), all employees of the NARA shall, subject to the following provisions, cease to be civil servants within the meaning of the Civil Servants Act, 1973 (LX XI of 1973) and shall be deemed to have always been appointed on comparable posts of the Authority, except for the purposes of financial benefits which shall not be admissible to them prior to the date of their transfer to the Authority.

(2) Notwithstanding anything to the contrary contained in this section, any person referred to in sub-section (1) may, within three months of the transfer, exercise an irrevocable option either to remain civil servant or, as the case may be, become employee of the Authority:

Provided that where any person does not exercise the option within the said period he shall be deemed to have opted to become employee of the Authority.

(3) Any person who opts under sub-section (2) to remain civil servant shall be provided with a comparable posting elsewhere within three months of the exercise of option and till such posting remain on surplus pool of the Federal Government.

(4) On transfer as aforesaid, a person, until his employment in the Authority is terminated in accordance with his terms and conditions of service or his terms and conditions as altered by regulations which shall not be less favourable than those by which he was governed immediately before his transfer, shall continue to be governed accordingly.

(5) No person who stands transferred to the Authority by virtue of sub-section (2) shall, notwithstanding anything contained in any law for the time being in force, not entitled to any compensation because of such transfer.

(6) All assets and liabilities of the NARA including its counters and other formations shall, on commencement of the Foreigners (Amendment) Act, 2016 (XX of 2016), stand transferred to and vested in the Authority.

(7) The Federal Government shall pay to the Authority capitalized value of pension and gratuity in respect of employees, transferred to the Authority under sub-section (1) to which they have become entitled to or have been earned by them or have accumulated till their transfer to the Authority.

(8) All suits and other legal proceedings instituted by or against the Federal Government and NARA in respect of the matters of the foreigners registration immediately before commencement of the Foreigners (Amendment) Act, 2016 (XX of 2016) shall be deemed to be suits and legal proceedings of the Authority on and from such commencement and shall be dealt with by the Authority accordingly.

(9) All debts and liabilities incurred, contracts entered into or rights acquired and all matters and things done, engaged or to be done by or for the NARA immediately before commencement of the Foreigners (Amendment) Act, 2016 (XX of 2016) shall be deemed on such commencement to have been incurred, entered into, acquired, done, engaged or, as the case may be, to be done by or for the Authority.]

42. Exemption from taxes. Notwithstanding anything contained in the '[Income Tax Ordinance, 2001 (XLIX of 2001)] or any other law for the time being in force relating to income-tax, super tax and wealth tax, the Authority shall not be liable to pay and be exempted from paying any such taxes as aforesaid on its incomes, profits or gains for a period of five years beginning from the date of its establishment.

¹Subs. by Act No. V of 2007, s. 3

43. Ordinance ![XCI of 2002] not to apply to Authority. The Industrial Relations Ordinance, 12002 (XCI of 2002) shall not apply to or in relation to the Authority or any person in the service of the Authority.

44. Power to make rules. The Federal Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Ordinance:

Provided that till the time any amendments are made or any fresh rules are made in this behalf, the rules made under section 15 of the National Registration Act, 1973 (LVI of 1973) and in force at the time of the establishment of the Authority shall be applied as nearly as practicable in the same manner as before to the extent the same are not inconsistent with the provisions of this Ordinance with any references to the Registrar General, Director General Registration Organization, or any competent authority by whatever nomenclature therein to be deemed to be a reference to the Authority.

45. Regulations—(1) The Authority may, by notification in the official Gazette, make regulations, not inconsistent with the provisions of this Ordinance or the rules, for the carrying out of its functions under this Ordinance and any other matter for which, under this Ordinance, provision may be made by regulations.

(2) Without prejudice to the generality of the foregoing powers, such regulations may provide for appointment of Registration Officers, members of its staff, experts, consultants, advisers and other officers and employees and the terms and conditions of their service:

Provided that, subject to the provisions of section 40 till the time any amendments are; made or any fresh regulations are made in this behalf, any rules or regulations governing the terms and conditions of their service and in force at the time of the establishment of the Authority shall be applied as nearly as practicable in the same manner as before to the extent the same are not inconsistent with the provisions of this Ordinance, with any references to the Directorate General of Registration, or any competent authority by whatever nomenclature therein to be deemed to be a reference to the Authority.

46. Ordinance to override other laws. The provisions of this Ordinance shall have effect notwithstanding anything contained in any other law for the time being in force.

47. Removal of difficulties. If any difficulty arises in giving effect to any provision of this Ordinance, the Federal Government may make such order, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary for the purpose of removing the difficulty.

48. Repeal.—(1) The National Registration Act, 1973 (LVI of 1973), is hereby repealed.

(2) Notwithstanding the repeal of the National Registration Act, 1973 (LVI of 1973), any notification issued, powers delegated, contracts entered into, proceedings commenced, rights and liabilities incurred, fee or charges levied, things done or actions taken under any provision of the said Act shall, so far as they are not inconsistent with the provision of this Ordinance, be deemed to have been made, passed, issued, delegated, entered into, commenced, acquired, incurred, levied, done or taken under this Ordinance.

'Subs by Act V of 2007, s. 4

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