

Form No.: HCJD/C
JUDGEMENT SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Writ Petition No. 187 of 2020

Salma Naz Zaidi

VERSUS

**Federation of Pakistan through its Secretary, Ministry of
Interior, Islamabad.**

For the Petitioner: Mrs. Sarkar Abbas, Advocates.

**For Respondent No.1: Mr. Muhammad Aftab Ahmed,
Assistant Attorney General.**

**For Respondent No.2 & 3: Mr. Junaid Jaffar, Advocate.
Date of hearing: 31.01.2020.**

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LUBNA SALEEM PERVEZ. J: Present petition has been filed against refusal to grant Family Registration Certificate (hereinafter referred to as the "*FRC*"), in respect of petitioner's husband, and his family in Pakistan by NADRA.

2. Facts, in brief, are that Petitioner is a dual national of UK and Pakistan. She married with one Syed Sheraz Haider Zaidi on 15.08.2009, in Rawalpindi and obtained CNIC with her husband's name. The Petitioner came to know that her husband contracted 2nd marriage without her permission and due to this marriage, matrimonial relationship of the petitioner with her husband became strained and presently case of financial distributions between the petitioner and her husband is pending before UK Courts.

3. Learned counsel for petitioner has, *inter-alia*, argued that she needs the evidence of her husband's family members in Pakistan in shape of FRC for submission before UK court where the dissolution of marriage and distribution of assets proceedings are pending, and for this purpose, Petitioner approached National Database and Registration Authority (hereinafter referred to as the "*Authority*"), however, the Authority has refused to issue the said certificate due to reason that 2nd wife is separate family and only the member of that family can obtain the said information/FRC. Learned counsel has argued that Petitioner is entitled of having information regarding her husband's other family as she is not demanding information of any other person but of her husband's family members, for which she is legally entitled.

4. On the other hand, learned counsel appearing on behalf of the Authority vehemently opposed contentions of the Petitioner on the ground that the Authority maintains family wise data and treat every spouse and his/her children as separate family, therefore, information/FRC of second wife and their children cannot be provided to Petitioner. Learned counsel for the Authority, in support of his contentions, relied on Section 28 and 30 of the National Database and Registration Authority Ordinance, 2000, (hereinafter referred to as the "*Ordinance of 2000*"), and also on the SOP/NADRA Registration Policy Version 5.0.0.

5. I have heard the learned counsel for the parties and have also perused the relevant record with their able assistance.

6. Perusal of the **Ordinance of 2000** revealed that it does not contain any provision relating to maintenance and/or issuance of FRC, whereas, its issuance is mentioned in SOPs contained in NADRA Registration Policy 5.0.0 relevant provision of which is given as under:

- Presence of any blood relative
- Presence of minor(s) if below 18 years of age.

7. With regard to placing reliance on SOP by the Respondent, Hon'ble Lahore High Court in case of "*Muhammad Salah Ud Din Vs. NADRA*" [PLD 2012 Lahore 378] has held as follows:

"Standard Operating Procedures and Registration Policy were internal instructions to enable NADRA to achieve optimum level of efficiency and to ensure consistency and uniformity in its procedure and process. Standard Operating procedures did not have the force of law and were not binding on the NADRA. Standard Operating procedures were internal documents, at best, and could not form the basis of denying the petitioner the right to have the correct information maintained in the citizen database and printed on the CNIC."

I am also in respectful agreement with the above observation of the Hon'ble High Court that the SOPs are only the internal documents formulated for prescribing procedures for smooth functioning of the affairs of the Authority and for regulating their own working system, as such, having no legal binding on other issues.

8. The perusal of Ordinance of 2000 shows that it has been promulgated with the main object of establishment registration Authority with improved and modernized system of registration so as to facilitate the registration of all the persons and for the establishment and maintenance of multipurpose database, data

warehouses, networking, interfacing of databases and related facilities.

09. I do not find any prohibition under the Ordinance of 2000, regarding issuance of information/FRC of one family member to any other family member and thus I am of the view that the Petitioner being the wife of Syed Sheraz Haider Zaidi is entitled to have information maintained with Authority regarding all of this family members in Pakistan, therefore, the Authority is directed to provide the desired information/FRC relating to her husband namely Syed Sheraz Haider Zaidi and his entire family members from both the spouses to her.

10. With the above said direction, the petition stands disposed of.

(LUBNA SALEEM PERVEZ)
JUDGE

M. JUNAID USMAN