

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No. D-4983 of 2025
(*M/s Sarim Burney Welfare Trust International versus Federation of Pakistan and others*)

Constitutional Petition No. D-5500 of 2025
(*Legal Aid Society versus Federation of Pakistan and others*)

Date	Order with signature of Judge(s)
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Before:

Mr. Justice Adnan-ul-Karim Memon

Mr. Justice Zulfiqar Ali Sangi

1. For orders on office objection
2. For hearing of Main Case.

Date of hearing and Order 19.02.2026

Ms. Shehla Anjum, Advocate for the Petitioner in C.P. No.D-4983/2025
Ms. Farah Khan and Mr. Saif Akbar, Advocates for petitioner in C.P. No.D-5500/2025
Ms. Wajiha Mahdi, Assistant Attorney General
Mr. Ali Safdar Depar, Assistant AG
Mr. Abdus Samad Khattak, Advocate for NADRA
Mr. Hafiz Nouman, Deputy Director, Social Welfare Department

Adnan-ul-Karim Memon, J. – Petitioners have filed these Constitutional Petitions under Article 199 of the Islamic Republic of Pakistan 1973 seeking following relief:

C.P. No. D-4983 of 2025

- a. *Direct the Concerned Union Council for issuance of birth certificates regarding children who are residing with shelter homes of Sarim Burney Trust.*

C.P. No. D-5500 of 2025

- (i) *Declare that the actions of the Respondents are violative of Article 9, 14, 25, 25-A, and 35 of the Constitution and are therefore illegal, unlawful, without lawful authority and of no legal effect.*
- (ii) *Declare that the actions of the Respondent No.1 to demand Parental Information from the orphaned and abandoned children, and consequent denial of registration and issuance of national identity documents, including CNICs, under the pretext of non-provision thereof are contrary to the scheme enshrined the NADRA Ordinance, 2000, Orphan Registration Policy, 2016 and the Pakistan Citizenship Act, 1951 and are therefore illegal, unlawful, without lawful authority and of no legal effect.*
- (iii) *Declare that the Respondents, collectively, are under a legal obligation, in view of the Constitutional and the respective International Instruments' guaranteed safeguards and mandate, to afford nationality and*

citizenship to the orphaned and abandoned children without any discrimination as to their maintenance in the registered or unregistered orphanages and CPIs.

- (iv) *Declare that all orphaned and abandoned children residing within the Province of Sindh in any orphanage(s) or CPIs are entitled to registration and issuance of national identity documents.*
- (v) *Direct Respondent No. 1 and any or all other concerned and relevant Provincial Authorities, including Respondent Nos.2 and 3, to immediately prepare, operationalize and publicize a uniform mechanism for registration of all abandoned or orphaned children and issuance of their national legal identification documents, including CNICs, residing in the registered or unregistered orphanage and CPIs within the Province of Sindh, OR, in the alternative,*
- (vi) *Direct the Respondent No.1 to amend the existing ORP, 2016, harmoniously to include the orphaned and abandoned children currently residing at unregistered orphanages and CPIs.*
- (vii) *Direct the Respondent Nos.2 and 3 to ensure the establishment and supervision of an effective and coordinated mechanism for the registration and issuance of birth certificates to all orphaned and abandoned children residing in registered or unregistered orphanages and CPIs.*
- (viii) *Issue directions to all the Union Councils within the Province of Sindh to issue birth certificates to all orphaned and abandoned children within their respective jurisdictions, without any delay and delving into questions of parentage, based on available particulars.*

2. At the outset, learned counsel for the petitioner in C.P. No. D-5500 of 2025 submitted that the petition raises questions of public importance regarding the continued failure of Respondent No.1 (NADRA), in coordination with provincial authorities, to register orphaned and abandoned children of unknown parentage in Sindh and to issue them identity documents, including birth certificates and CNICs. Despite a statutory framework under the NADRA Ordinance, 2000 and the Orphanage Registration Policy, 2016, NADRA insists on parental particulars, resulting in the exclusion of such children from the national database. It was contended that the petitioner, a registered public interest organization working for access to justice and child rights, has approached this Court due to the absence of a coordinated mechanism among NADRA, Union Councils, and child protection authorities, leading to arbitrary procedures and denial of legal identity to orphaned and abandoned children. Union Councils have also failed to issue birth certificates to children of unknown parentage, preventing their registration with NADRA and rendering them legally invisible, thereby depriving them of access to education, healthcare, and social protection. It was further submitted that such inaction violates fundamental rights guaranteed under Articles 4, 9, 10-A, 14, 25, 25-A, and 35 of the Constitution, and breaches the

State's obligations under the doctrine of *parens patriae*. Learned counsel prayed that the petitions be allowed.

3. Learned counsel for Respondent No.2 / NADRA submitted that the contents of paras 1 to 12 and prayer clauses (a) and (b) of the petition are denied. He stated that orphan children are registered under two categories, i.e., with known parentage and with unknown parentage, and those residing under the supervision of registered orphanage institutions may apply for Child Registration Certificate / SNIC upon submission of the requisite undertaking containing particulars of the child, including parentage and date of birth, along with biometric verification by the orphanage administrator, subject to attestation and validation by the concerned Zone. He further submitted that as per NADRA policy, a birth certificate is mandatory for orphan registration, and completion of codal formalities, including an affidavit and verification letter from the head of the orphanage as well as attestation of the CNIC Form by a Gazetted Officer, is required for further processing. It was contended that upon fulfilment of all such requirements, the orphanage administrator may resubmit the CNIC Form before NADRA for necessary action in accordance with law and policy. Learned counsel lastly submitted that the petitioner has failed to satisfy the maintainability of the instant petition and prayed that the same be dismissed in limine with direction to approach the concerned Union Council for issuance of a birth certificate prior to seeking registration with NADRA.

4. Learned AAG submitted that the Social Welfare Department, being the regulatory authority responsible for registration and monitoring of such institutions under the applicable provincial policy framework, has compiled a comprehensive list of orphan institutions along with their registration status and administrative particulars, which has been provided. He submits that there are 39 orphanages in entire Sindh. Learned AAG further submitted that while the issuance of birth certificates and CNICs falls within the statutory domain of Union Councils and NADRA respectively, the Department remains willing to facilitate coordination, if so directed by this Court, to ensure that children residing in registered institutions are not deprived of legal identity. He assured that the department is fully conscious of the constitutional mandate relating to the protection of children and shall extend full cooperation in compliance with any further directions of this Court in the larger public interest.

5. We have heard the learned counsel for the parties and perused the available record.

6. The controversy in the present petitions pertains to the denial of legal identity to orphaned and abandoned children of unknown parentage on account of procedural impediments in the issuance of birth certificates and CNICs. It is now a settled principle of law that the right to legal identity is intrinsically linked with

the right to life and dignity guaranteed under Articles 9 and 14 of the Constitution of the Islamic Republic of Pakistan, 1973. It is well-settled that the State, under the doctrine of *parens patriae*, is under a constitutional obligation to protect vulnerable and marginalized segments of society and to ensure that their fundamental rights are not rendered illusory due to administrative or procedural constraints. Similarly, access to identity and recognition before law is a foundational requirement for the enjoyment of other fundamental rights, including access to education, healthcare, and social protection. Any policy or administrative practice that results in the systematic exclusion of a class of citizens from the national database is, therefore, liable to be struck down as being violative of Articles 4, 25, and 25-A of the Constitution.

7. In the instant case, the insistence upon parental particulars in respect of children of unknown parentage, particularly where such children are residing in registered orphanage institutions duly regulated by the Social Welfare Department, defeats the very object of the statutory framework and perpetuates legal invisibility and social exclusion. Administrative formalities cannot be allowed to override constitutional guarantees, especially where the rights of children are involved.

8. In view of the above, both petitions are allowed and Respondent No.1 NADRA, in coordination with the concerned Union Councils and the Social Welfare Department, is directed to devise and implement a uniform and child-sensitive mechanism for the registration of orphaned and abandoned children of unknown parentage residing in registered orphanage institutions in the Province of Sindh, without insisting upon parental particulars, upon verification by the head of the institution in accordance with law and policy. Necessary steps shall also be taken to facilitate issuance of birth certificates and CNICs / Child Registration Certificates to such children within a reasonable time, so as to ensure that they are not deprived of their fundamental rights to legal identity, education, healthcare, and social protection. Compliance report in this regard shall be submitted before the MIT within a period of eight (08) weeks.

JUDGE

JUDGE