

IN THE HIGH COURT OF SINDH, KARACHI

C.P No. D- 5960 of 2025

Kainat V. Province of Sindh & others.

Present:

Mr. Justice Yousuf Ali Sayeed,

Mr. Justice Muhammad Osman Ali Hadi

Date of hearing: 08.04.2026.

Date of decision: 08.04.2026.

Petitioner: Through M/s. Barrister Ali Thair and M. Hashim, Advocates.

Respondents: Through Mr. M. Hisham Mahar, A.A.G.

ORDER

Muhammad Osman Ali Hadi, J: The Petitioner has filed the instant Petition seeking that her Domicile and PRC in Form-D be granted.

2. Learned counsel for the Petitioner submits that the Petitioner was born in the city of Karachi and has been educated here. He submits that for all intents and purposes, the Petitioner is a permanent resident of Karachi, and has requested that the Respondents issue her Domicile and PRC in Form-D accordingly. In support of his contentions, counsel for the Petitioner has referred to the Petitioner's Birth Certificate, B.A / L.L.B Degree, Higher Secondary Certificate and Certificate of Domicile, as well as certain other documents¹ which all show Karachi as her domicile / habitation.

3. The Petitioner has previously made an application to Respondent No. 2, and thereafter to Respondent No.3 (in Appeal), for issuing her a proper Residence Certificate, being a permanent resident of Karachi. Counsel submits that the Petitioner's

¹ Available at pages 15-31 of the file

documents all clearly show that she is a resident of Karachi, and nothing to the contrary has been brought on record. He continues the Petitioner has run from pillar to post trying to obtain her Residence Certificate, but the relevant authorities have remained unhelpful and have willfully created obstacles. Learned counsel further concludes that there is no impediment in granting the said Certificate, and Respondents while failing to have done so, have acted in derogation of law, which has resulted in violation of the Petitioner's fundamental rights.

4. Learned AAG has appeared on behalf of the Respondents and submitted that the Petitioner should approach NADRA to get the matter resolved from them. He further contended that the Petitioner's Domicile is not Karachi, and that accordingly she is not entitled to such Certificate.

5. We have heard the learned counsels and have through the record. The Petitioner has undisputedly been educated and stayed at Karachi. Furthermore, documents such as school and university educational certificates, as well as her Birth Registration Certificate, and most pertinently the Respondents have already issued her a Permanent Residence Certificate under Form 'C',² whereas nothing has been placed before us by the Respondents to show any irregularity with the said documents. Furthermore, the Petitioner has been approaching all forums in a bid to simply get her Residence Certificate under Form 'D', which is a fundamental right due to her. Rule 6 of the Sindh Permanent Certificate Rules 1971 reads as follows:-

“6. No person shall be eligible for grant of a certificate in Form 'C' unless-

(i) he was born in any area forming a part of Sind, and further-

² Available at page 29 of the File

- (a) in the case of a person of legitimate birth, at the time of his birth, his father was domiciled in Sind, or if he was born after the death of his father, the father, at the time of his death, was domiciled in the Sindh, or
- (b) in the case of a person of illegitimate birth, his mother, at the time of his birth, was domiciled in Sindh; or
- (ii) in the case of a person who was not born in Sind-
 - (a) his parents are domiciled in Sind, and have resided in Sind for a period of not less than 3 years; or
 - (b) if his parents are not domiciled in Sind, he is domiciled in Sind, and further has either resided in Sind or has been educated in Sindh for a period of not less than 3 years; or
- (iii) his father or mother is in the service of the Government of Sindh and has put in not less than one year service as such.”

6. A perusal of Rule-6(ii)(b) (ibid) would show that even a person who has not been born in the province of Sindh, but having been educated in Sindh for a period not less than three (3) years would be entitled to grant of a Certificate for Permanent Residence (“**PRC**”). Even just on this basis, since the Petitioner has shown copies of her LLB Degree, Higher Secondary Certificate as well as her Sindh Bar Council Enrollment Certificate which are all issued from Karachi (and which remain unrebutted), would establish she has been residing at least during her educational period for over three (3) years in Karachi, when obtaining these degrees / certificates, which would entitle her to a PRC under the prevalent law and Rules. Additionally, the Respondents have already granted her a PRC under **Form ‘C’**. Her only grievance is that the Respondents are not providing her a Certificate under **Form ‘D’**, which is required by her for potential recruitment in Public Service.

7. **Form ‘D’** is granted as per Rule 7 of the Rules, which reads:
 “7. (1) No person shall be eligible for a grant of a certificate of Permanent Residence in Form ‘D’ unless-

- (i) he is a citizen of Pakistan; and
- (ii) fulfills the conditions at clause(i) or clause(ii) of rule 6

(2) A person who is domiciled in or has acquired a domicile of another Province shall not be granted a certificate in Form 'D', unless he renounces such domicile and produces satisfactory evidence before the District Magistrate of such renunciation.”

8. A perusal of Rule 7 (*ibid.*) shows the requirement for grant of a Certificate under Form 'D' requires the applicant to fall within clauses (i) or (ii) of Section 6 (*supra*), which the Petitioner does (as elaborated in the preceding Para No.6).

9. Therefore, the actions of the Respondents denying the Petitioner her a PRC under **Form 'D'** are in violation of the Petitioner's fundamental rights, particularly under Articles 18 & 25, as well as being contrary to Article 4 of the Constitution of Islamic Republic of Pakistan 1973. The Impugned Order is without rationale or legal justification, and in derogation of the Sindh Permanent Certificate Rules 1971.

10. It is for the foregoing reasons that this Petition was allowed vide our short Order dated 08.04.2026, whereby the Respondents were directed to issue the Petitioner a PRC under **Form 'D'** accordingly, within fifteen (15) days from that date.

Judge

Judge