

Stereo. H C J D A 38.
Judgment Sheet

**IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT**

Case No. CrI. Org. No. 39725-W of 2017.

Muhammad Nazak. **Versus** Usman Yousaf Mobeen etc.

JUDGMENT

Date of Hearing:	15.09.2017.
Petitioner by:	Mr. A. D. Naseem, Advocate.
Respondents by:	Mr. Muhammad Jamil Khan, Advocate. M/s Saqib Jamal and Hamid Rafiq, Law Officers NADRA. Mohsin Matloob, Deputy Director (Operations), NADRA.

Shahid Jamil Khan, J. This petition is for initiation of contempt proceedings on alleged defiance of order dated 07.04.2017 in Writ Petition No.8999 of 2017.

2. Petitioner approached this Court through referred petition, being a certified disabled person, having amputated hands from shoulders. Grievance of petitioner was that Computerized National Identity Card (“CNIC”), issued without foot toe impression, had deprived him from availing certain facilities like issuance of mobile sim card; opening of bank account etc. It was pleaded that respondents were not implementing Regulation No.13 of the National Database and Registration Authority (Application for National Identity Card) Regulation, 2002, (“**Regulations of 2002**”). The Regulation No.13 is reproduced:-

“13. **Treatment of certain persons under these regulations.**--(1)
An eunuch shall be treated as male and an identity card shall be issued accordingly.

(2) An application whose hands are amputated shall put the impression of his left foot toe on the application form and, if the left

foot toe is also amputated, the impression of the right foot toe shall be put on the application form at the prescribed place in the application form.”

3. Mr. Mohsin Matloob, Deputy Director (Operations), NADRA appeared and informed that certain amendments in software module were required to implement the regulations. Six weeks’ time was given for the amendments and issuance of CNIC with foot toe impression. Operative part of order is reproduced:-

“3. Needless to say that each and every day of the petitioner, without facilities to which he is entitle, is important, therefore, only six weeks’ time is granted to respondents to make the necessary changes in the software and issue revised CNIC with foot toe impressions to the petitioner.

Mr. Mohsin Matloob, Deputy Director (Operations), has undertaken to call the petitioner himself for issuance of revised CNIC after completing the formalities noted above.

Disposed of.”

4. Petitioner has approached this Court again through captioned petition, contending that order of this Court has not been implemented in letter and spirit. It was apprised that CNIC, as directed has been issued, but the foot toe impression is not being recognized/verified by the software of the respondents, enabling him to avail the facilities.

In response to the notices, Mr. Mohsin Malik Deputy Director (Operations), appeared but could not reply satisfactorily. Chairman NADRA was directed to look into the matter directly and submit report.

Today, following Notification is produced in the Court, whereby the Regulation 13 has been amended”-

“Government of Pakistan
Ministry of Interior

Islamabad, dated 21st July, 2017

NOTIFICATION

No. 8/37/2016-NADRA. Further to amend the National Database and Registration Authority (Application for National Identity Card) Regulation, 2002.

WHEREAS it is expedient further to amend the National Database and Registration Authority (Application for National Identity Card) Regulation 2002;

NOW THEREFORE, in exercise of the powers conferred by Section 45 of National Database and Registration Authority Ordinance, 2000, the National Database and Registration Authority is pleased to amend National Database and Registration Authority (Application for National Identity Card) Regulation, 2002, as under:-

1. **Short title and commencement.**- (1) This Regulation be called the National Database and Registration Authority (Application for National Identity Card) (amendment) Regulation, 2017.

(2) It shall come into force at once.

2. **Amendment of Regulation 13 National Database and Registration Authority (Application for National Identity Card) Regulation, 2002.**- In the National Database and Registration Authority (Application for National Identity Card) Regulation, 2002, existing Regulation 13(1) and 13(2) shall be replaced with:-

“(1) Cards of eunuchs shall be processed under any of three gender options (i) “Male Eunuchs”, (ii) “Female Eunuchs” and (iii) “Unisex”. This is the choice of applicant to select the gender. Moreover, cardholder may apply for modification of gender as per desire or appearance.

(2) An applicant whose hands/arms are fully amputated shall apply for card through “Fully Amputated” option. Applicant having at least one finger/thumb of any hand shall put the impression of available fingers/thumbs of hands whereas remaining impressions shall be skipped through “Partially Amputated” option. An applicant whose hands are injured or bandaged due to medical reasons and he/she needs the card urgently, shall apply for card through “Bandaged” option. The applicants whose fingerprints cannot be computed due to chronic skin disease, old age, worn out or fade fingerprints shall apply through “Problematic Fingerprints” option of card processing”.

(Asad Ullah Nasar)
Section Officer (NADRA)
Phone No.9206673

The Manager,
Printing Corporation of Pakistan Press,
Karachi.

Copy to Chairman NADRA HQrs, Islamabad.

(Asad Ullah Nasar)
Section Officer (NADRA)
Phone No.9206673”

5. It is apprised that the Regulation 13, after substitution, *ibid*, has been rationalized.

On assurance that petitioner and other persons having similar disabilities shall not suffer due to any laps on part of respondent NADRA, contempt notice is discharged.

Disposed of accordingly.

(Shahid Jamil Khan)
Judge

APPROVED FOR REPORTING.

Judge

A.W.