

Sl. No. 22**Government Servants (Marriage with Foreign Nationals) Rules, 1962**

In exercise of the powers conferred by clause (2) of Article 178 of the Constitution, the President is pleased to make the following rules, namely:-

1. **Short title, application and commencement.**— (1) These rules may be called the Government Servants (Marriage with Foreign Nationals) Rules, 1962.

(2) They shall apply to every person who is a member of an All-Pakistan Service or who is serving in a civil capacity in connection with the affairs of the Central* Government, but shall not apply to any person who is employed on contract.

(3) They shall come into force at once.

2. **Definitions.**— In these rules, unless there is anything repugnant in the subject or context:-

- (a) "foreign national" means a person who is not a citizen of Pakistan;
- (b) "government servant" means a person in the service of Pakistan to whom these rules apply whether such person is, for the time being, on 'foreign service' or not;
- (c) "marriage" means matrimonial relationship entered into in accordance with any law for the time being in force or any religious rites or ceremonies, and its grammatical variations and cognate expressions shall be construed accordingly;
- (d) "misconduct" has the same meaning as in the Government Servants (Efficiency and Discipline) Rules, 1960.

"3. **Marriage with Foreign nationals prohibited.**-(1) Subject to the provisions of sub-rule (2), a government servant who marries or promises to marry a foreign national shall be guilty of misconduct and render himself liable to any of the major penalties under the Government Servants (Efficiency and Discipline) Rules, 1973***.

* Federal.

** deputation.

*** Subs. vide Estt. Div.'s Notification No. S.R.O 497 (I)/81, dated 27-5-1981.

(2) A government servant, may with the prior permission of the Federal Government marry or promise to marry a [foreign national of any country recognized by Federal Government].

(3) The grant of permission under sub-rule (2) shall be at the discretion of the Federal Government, and may be subject to such conditions, if any, as it may specify."

4. Supersession of previous rules, notifications, etc.-These rules shall supersede all previous rules, notifications and instructions relating to the conditions of marriage of a government servant.

[Authority.- Estt. Division's Notification No. S.R.O. 341 (K)/63 (4)/103/5, dated 29-4-1963 as amended up to 13-9-1965].

Note.- Officials who propose to marry Indian nationals should submit applications on the form prescribed vide Establishment Division O. M. No. 4/103/59-D-II, dated the 11th June, 1963.

NEW PROFORMA FOR MARRIAGE WITH A FOREIGN NATIONAL

Name of Ministry/Division/Department: _____

1. Name, Designation and Department in which the official is employed:
2. Particulars of the lady whom the applicant wishes to marry:
 - (a) Name:
 - (b) Father's Name:
 - (c) Age:
 - (d) Qualification:
 - (e) Profession:
 - (f) Full Address:
3. Political affiliation of the lady and her family, if any.
4. Family commitments and relationship, if any.
5. Whether the lady would come to Pakistan to marry, or the official proposes to go to _____?
6. If the official wishes to go to * _____ why cannot the lady come over to Pakistan to get married?
7. Whether the lady has visited Pakistan previously and if so, on what date and for what purpose? With whom and where did she stay.
8. Near relations of the lady in * _____ if employed, where and in what status.
9. Relations of the lady in Pakistan with address and profession.
10. Work on which the official is engaged at present stating the nature of work secret or ordinary.
11. Work on which the official has been engaged during the last two years stating the nature of work secret or ordinary.
12. (a) Number of visits made to* _____ by the applicant with approximate date and purpose of visit in each cases.
 (b) Where and with whom did he stay in * _____
 (c) Passport number with date and place of issue.
13. Place visited in * _____
14. Proof, if any, in support of the statement made at Serial No.4.
- 15.
16. Present Pakistani address of the Government Servant

Date: _____ Signature _____

Designation _____

Certificate to be recorded by Secretary/Joint Secretary/Incharge/Deputy Secretary/Head of the Department.

It is certified that the information given above represents true position in respect of _____ according to his own statement. Information relating to items No.10, 11 and 12 has been verified from the official record.

Place: _____ Signature of the recommending officer

Date _____ Designation _____
 "Note: * _____ stand for name of the foreign Country."

22.1 Marriage or Promise of Marriage with Foreign Nationals (Except Indian) to be Considered 'Misconduct'

Attention is invited to the Government Servants (Marriage with Foreign Nationals) Rules, 1962, whereunder marriage or promise of marriage with foreign nationals, except those of India, by any government servant is not permitted and contravention of these rules is considered as misconduct rendering the government servants found guilty, liable to be removed from service. Marriage or promise thereof with the citizens of India is possible only with prior permission of the government.

2. It has come to notice that in some cases, the government servants concerned were not fully aware of these rules. Ministries/Divisions are, therefore, requested to draw attention of their officers to the provisions of these rules and advise their strict observance. The attention of all those who enter service in future may also be specifically drawn to these rules at the time of assumption of duties.

3. There is also need for forewarning the officers particularly the young at the time of their going abroad. The officers on such occasions may be granted interviews by Secretaries or heads of departments under whom they work in which the risk involved in violating the marriage rules may be explained.

[Authority.- Estt. Div.'s O.M. No. 3/13/68-D.II, dated 14-6-1968].

22.2 Observance of Government Servants (Marriage with Foreign Nationals) Rules, 1962 and Guidelines

The competent authority in the Chief Executive Secretariat has directed that all government servants be directed to:-

- (i) scrupulously observe the requirements of the Government Servants (Marriage with Foreign Nationals) Rules, 1962 and policy guidelines issued from time to time; and

- (ii) abstain from applying for or acquiring green cards/foreign nationality etc. in contravention of the conduct and discipline laws/rules etc.

2. All Ministries/Divisions are requested to bring the above instructions to the notice of all employees working under them or in the Attached Departments/Subordinate Offices or in the autonomous/ statutory bodies etc. under their administrative control for strict compliance.

[Authority: Estt. Div.'s Circular No. 2/7/81-D4/D3, dated 15th June, 2000]

22.3 Bar Against Making Requests for 'Ex-Post Facto' Approval for Marriages with Foreign Nationals

Lately, there has been an increase in requests of ex-post facto approval for marriages with foreign nationals in relaxation of the above rules. Invariably, the excuse for having contracted such marriages by the government servants is ignorance of the rules.

2. The competent authority has taken serious notice of this tendency and has been pleased to direct that all Ministries/ Divisions/ Departments be asked to disseminate the rule position to government servants for strict compliance. The competent authority has further directed that in future no more *ex-post facto* permission will be granted in such cases.

3. Ministries/Divisions are requested to please bring the above instructions to the notice of all employees working under them and also to the employees of autonomous statutory bodies under their administrative control.

[Authority.- Estt. Div.'s O.M. No.2/7/81-D.IV/D.3, dated 26-9-1988].

22.4 Marriage with Foreign Nationals – Request Ex-Post Facto a Misconduct

Under the Government Servants (Marriage with Foreign Nationals) Rules, 1962, marriage or promise of marriage with a foreign national by any government servant, except with those of Indian Muslims with prior approval of the government, is a misconduct under the Government Servants (Efficiency & Discipline) Rules, 1973. Further, under Establishment Division's O.M. of even number, dated 26-9-1988, it has been made clear that no request is entertained for *ex-post facto* approval in such cases.

2. All Ministries/Divisions are again requested to bring the above position to the notice of all employees working in the Ministries/Divisions or in the autonomous/statutory bodies under their administrative control, for strict compliance and not to forward cases of 'ex-post facto' approval to the Establishment Division.

[Authority.- Estt. Div.'s O.M.No.2/7/81-D.IV/D.3, dated 8-1-1996].