

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Date

Order with Signature of Judge

PRESENT:

**MR. JUSTICE ADNAN-UL-KARIM MEMON, J.  
MR. JUSTICE ZULFIQAR ALI SANGI, J.**

**C.P.No.D-5773 of 2025**

*[Awab Alvi V. Federation of Pakistan and another]*

**C.P.No.D-5774 of 2025**

*[Aftab Jhangir V. Federation of Pakistan and others]*

**Date of hearing : 19.02.2026**

**Date of order : 19.02.2026**

M/s. Ali Tahir and Muhammad Hashim, Advocates for petitioners.

Ms. Wajeeha Mehdi, DAG *along with* Mehvish Iftikhar, Sub-Inspector, FIA, JIAP, Karachi.

**ORDER**

**ZULFIQAR ALI SANGI, J:** By this single consolidated Order, we propose to decide the above-captioned Constitutional Petitions, as both matters involve identical and interlinked questions of law and fact. The controversy in both petitions revolves around the alleged unlawful and arbitrary placement of the Petitioners' names on the Provisional National Identification List (PNIL) by Respondent No.2, namely the Federal Investigation Agency, and the consequential restriction upon their fundamental right to travel abroad. Since the nature of relief sought, the constitutional provisions invoked, and the grounds of challenge are substantially common, joint adjudication is both expedient and necessary to ensure consistency and to avoid multiplicity of proceedings.

2. In C.P. No. D-5773 of 2025, the Petitioner, a dental specialist practicing at Alvi Dental Hospital, Karachi, and holder of a valid Pakistani passport, was offloaded on 24.03.2025 at Jinnah International Airport while intending to travel to Istanbul. His exit was marked as "cancelled." It subsequently transpired that his name had been placed on the PNIL at the instance of the recommending authority. Although an earlier constitutional petition was disposed of

on the statement that his name had been removed from the PNIL, it was allegedly reinserted thereafter, compelling him to re-approach this Court.

3. In C.P. No. D-5774 of 2025, the Petitioner, a Pakistani citizen and political worker of Pakistan Tehreek-e-Insaf (PTI), holding a valid passport, asserts that his name was placed on the PNIL with effect from 21.05.2023 without due process or lawful authority. Despite being on bail and not subject to any judicial order restraining his movement, his name remained on the stop list for over two years. An earlier petition was disposed of on the assurance of removal of his name; however, the same was allegedly reinserted, prompting the present proceedings.

4. Both petitions have been instituted under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking enforcement of fundamental rights, particularly the right to freedom of movement and travel abroad as guaranteed under Articles 4, 9, and 15 of the Constitution.

5. In response to notice, the FIA submitted a report stating that the Petitioner in C.P. No. D-5773 of 2025 was placed on the PNIL at the request of Punjab Police in connection with a criminal case. It is contended that FIA merely acts upon the recommendation of the concerned law enforcement agency and that removal from the PNIL can only be affected upon express recommendation of the originating authority. It has further been argued that the Petitioner has an alternate and efficacious remedy by approaching the recommending authority for withdrawal of its request.

6. Learned counsel for the Petitioners contended that the impugned actions are arbitrary, mala fide, and violative of the Petitioners' fundamental rights. It is argued that the right to travel abroad is an integral component of personal liberty, and in the absence of any judicial order restraining the Petitioners' movement, the executive cannot curtail such right through administrative measures. Reliance has been placed upon the authoritative pronouncement of the august Supreme Court of Pakistan in ***Pakistan Muslim League (N) v. Federation of Pakistan, (PLD 2007 SC 642)***, wherein it was held

that the right to travel is a valuable right and any restriction thereupon must be lawful, reasonable, proportionate, and in the public interest.

7. Learned Deputy Attorney General supported the report of the FIA and contended that the petitions are not maintainable in view of the alternate remedy available to the Petitioners and that the FIA has acted strictly in accordance with the recommendations received from the competent authority.

8. We have heard the learned counsel for the parties at considerable length and have examined the record with their able assistance.

9. The pivotal question for determination is whether the placement and continued retention of the Petitioners' names on the PNIL, without notice, hearing, or a reasoned order, and in the absence of any judicial restraint, is sustainable in law.

10. Article 15 of the Constitution guarantees to every citizen the right to remain in and, subject to any reasonable restriction imposed by law in the public interest, enter and move freely throughout Pakistan. The right to travel abroad has consistently been recognized as an extension of personal liberty protected under Article 9 of the Constitution. Any curtailment of such right must therefore meet the test of legality, necessity, and proportionality.

11. In the present cases, it is an admitted position that no judicial order restrains the Petitioners from traveling abroad. The FIA has justified its action on the basis of recommendations made by the concerned provincial police authority. However, it is equally evident from the record that no notice was issued to the Petitioners prior to placement of their names on the PNIL, nor were they afforded an opportunity of hearing. Furthermore, no speaking order assigning reasons has been produced before this Court demonstrating independent application of mind by the competent authority.

12. The contention regarding alternate remedy is misconceived. Where a fundamental right is allegedly infringed through executive action lacking lawful authority and due process, the constitutional

jurisdiction of this Court under Article 199 is not ousted. The existence of an alternate remedy does not bar constitutional relief where the impugned action is ex facie without jurisdiction or violative of fundamental rights.

13. We are also constrained to observe that once a statement was made before this Court in earlier proceedings that the Petitioners' names had been removed from the PNIL, their subsequent reinsertion, without disclosure and without fresh lawful justification, raises serious concerns regarding fairness and transparency in administrative action. Executive authorities are bound by the principles of good governance, legitimate expectation, and respect for judicial proceedings.

14. While the State undoubtedly possesses the authority to impose travel restrictions in appropriate cases in the larger public interest, such power must be exercised strictly in accordance with law and subject to constitutional safeguards. Administrative mechanisms such as PNIL or watch lists cannot operate as substitutes for statutory regimes like the Exit Control List, nor can they be used to impose indefinite or undisclosed restrictions upon citizens without due process.

15. In view of the foregoing discussion, we hold that the continued placement of the Petitioners' names on the PNIL, in the absence of any subsisting judicial order restraining their travel and without affording them due process of law, is arbitrary, unlawful, and violative of Articles 4, 9, and 15 of the Constitution.

16. Consequently, both Constitutional Petitions are allowed in the following terms:

*(i) The impugned action of placing and retaining the Petitioners' names on the PNIL/stop list is declared to be without lawful authority and of no legal effect.*

*(ii) Respondent No.2, FIA, is directed to forthwith remove the Petitioners' names from the PNIL/stop list and to ensure that no obstruction is caused to their international travel, unless restrained by a competent court of law or in accordance with a lawful order passed under a valid statutory framework after due process.*

*(iii) It is, however, clarified that this Order shall not preclude the competent authorities from taking action strictly in accordance with law, subject to constitutional safeguards and after providing due opportunity of hearing to the affected persons.*

17. The petitions stand allowed in the above terms, along with all pending applications.

Judge

Judge