

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

**C.P. No. D-1819 of 2020**

[Sarah Riaz Ahmed Vs. 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 order on Misc. No.3784/2026.
2. For order on Misc. No.3785/2026.
3. For order on Misc. No.3786/2026.
4. For order on Misc. No.22578/2026.
5. For orders as to maintainability of petition.

**Date of hearing and Order:26.02.2026**

Mr. Irfanullah Khan, Advocate for the Petitioner.

Ms. Wajiha Mahdi, D.A.G.

Mr. Mudasir Amin Qazi, Deputy Secretary, Ministry of Interior.

Mr. Amin Ahmed, Assistant Director Passport.

Mr. Jahanzaib Sheikh, Deputy Assistant Director Passports.

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**ORDER**

**Adnan-ul-Karim Memon, J.** – Petitioner has filed this Constitution Petition under Article 199 of the Constitution of Islamic Republic of Pakistan 1973 seeking following relief:

- i) *To direct the Respondent Nos. 2 and 3 to Unblock the CNIC of the Petitioner with immediate effect;*
- ii) *To direct the Respondent No. 1 to remove the name of the Petitioner from ECL;*
- iii) *To direct the Respondent No. 1 to allow the Petitioner to travel on her Pakistani Passport;*
- iv) *To direct the Respondents to rectify and update the particulars of the Petitioner according to the record filed with Constitutional Petition No. S-397/2015 and instant Constitutional Petition;*
- v) *To direct the Respondents to complete their pending investigation on the Immediate basis, if any, for the Petitioner for grant of her citizenship certificate;*
- vi) *To restrain the Respondents, their Officers, Sub-Ordinates, Staff Members, Employees etc., from taking the law in hands and not to harass the Petitioner;*

- vii) *To issue the directions to the Respondents and their agencies not to arrest the Petitioner without the permission of the Hon'ble Court;*
- viii) *To issue the directions to the Respondents and their agencies to ensure the security of life of the Petitioner;*
- ix) *Any other further or better relief(s) which this Hon'ble Court may deem appropriate in the circumstances.*

2. Learned counsel for the Petitioner submits that the Petitioner is a citizen of the Islamic Republic of Pakistan, holding CNIC No. 42201-0438228-6, a previously issued old NIC, and a Pakistani passport duly issued by the competent authorities. It is contended that the Petitioner, aged about 62 years, has been residing in Pakistan since 1991 and served as a teacher at Beacon House School System, Karachi, from 1997 till her retirement in 2019 as Senior Mistress. Counsel further submits that although the Petitioner was born in the Republic of Uganda and married Respondent No.4, a Pakistani citizen by birth, she lawfully entered Pakistan, whereafter her passport and identity documents were processed at the instance of her husband. Out of wedlock, three children were born, all Pakistani citizens by birth, who completed their education in Pakistan and are now settled in their respective lives. It is argued that due to matrimonial disputes and subsequent divorce by Respondent No.4, the Petitioner has been subjected to continuous harassment, including frivolous complaints lodged by the said respondent before various authorities. Learned counsel submits that in 2015, the Petitioner had approached this Court through Constitutional Petition No. S-397/2015, wherein interim protection was granted in her favour. Counsel contends that despite applying for a citizenship certificate before the Ministry of Interior in 2015 and completing all codal formalities, no decision has been communicated to the Petitioner to date. It is further submitted that upon applying for renewal of her CNIC in 2018, the Petitioner was informed that her CNIC had been blocked and her name had been placed on the Exit Control List (ECL), on the basis of complaints made by Respondent No.4. however, no lawful justification or inquiry report has been supplied to her. Learned counsel emphasizes that the blocking of CNIC and placement on ECL have gravely prejudiced the Petitioner, preventing her from travelling abroad, attending to family matters, pursuing legal remedies including dissolution proceedings, and living a dignified life. He added that despite repeated visits and follow-ups, the authorities have neither concluded any

investigation nor provided reasons for such adverse actions. It is, therefore, submitted that the impugned actions of the Respondents are arbitrary, unlawful and violative of the Petitioner's fundamental rights. Counsel prays that this Court may direct the concerned authorities to unblock the CNIC, remove the Petitioner's name from the ECL, permit her to travel on her Pakistani passport, decide her pending citizenship application expeditiously, and restrain the Respondents from harassing or taking any coercive action against her without due process of law.

3. After passing of order dated 16.01.2025, a speaking order dated 09.01.2026 was issued by the Assistant Director (Immigration), stating that the petitioner's case has been referred to the concerned security agencies through Ministry of Interior letter No.4/26/2022-Citz (P&C) for mandatory security clearance under Section 20 of the Pakistan Citizenship Act, 1951 read with Rule 20 of the Pakistan Citizenship Rules, 1952, and reply is still awaited. The petitioner was also directed to renew her Ugandan passport from the Ugandan Embassy/Consulate and approach NADRA for issuance of ARC or POC.

4. Learned D.A.G submitted that the petitioner's citizenship application is pending security clearance and will be processed upon receipt thereof. As the order dated 16.01.2025 has not yet been complied with, a contempt application was filed. Time was sought to submit the compliance report.

5. We have heard the learned counsel for the parties and perused the record with their assistance.

6. In the facts and circumstances of the present case, it is an admitted position that the Petitioner has been residing in Pakistan since 1991, remained in gainful employment for over two decades, and is the mother of Pakistani citizens by birth. Her citizenship application, submitted to the Ministry of Interior in 2015, has remained pending without final determination. The subsequent blocking of her CNIC and placement of her name on the Exit Control List (ECL), without issuance of any speaking order or conclusion of inquiry, prima facie offend the mandate of due process as envisaged under Articles 4, 9, 14, and 25 of the Constitution of the Islamic Republic of Pakistan.

7. Under Section 20 of the Pakistan Citizenship Act, 1951, read with Rule 20 of the Pakistan Citizenship Rules, 1952, the competent authority is empowered to seek security clearance; however, such statutory discretion cannot be exercised in a manner that results in indefinite deprivation of civil rights without lawful justification. It is a settled principle of law that administrative inaction or prolonged pendency of proceedings, particularly where fundamental rights are at stake, amounts to an arbitrary exercise of authority.

8. The Supreme Court held that inclusion of a person's name in the ECL without reasonable justification and due process is violative of fundamental rights, particularly the right to movement and liberty. Similarly, it was observed that executive authorities are bound to decide matters within a reasonable time and cannot withhold statutory rights on the pretext of pending inquiries indefinitely. Further the apex Court categorically held that where a statute requires satisfaction of certain conditions by a public authority, such satisfaction must be based on objective material and is amenable to judicial review if exercised arbitrarily or mala fide.

9. In Agha Abid Majeed Khan case, the Supreme Court of Pakistan held that a CNIC cannot be blocked as it is a basic necessity for accessing services, and doing so violates fundamental rights. The ruling affirms that blocking a CNIC without express legal authority is unconstitutional and legally impermissible.

10. In the present case, the continued blocking of the Petitioner's CNIC and restriction on her movement through placement on the ECL, without culmination of the security verification process or communication of any adverse material, cannot be sustained in law. The statutory framework governing citizenship does not contemplate indefinite suspension of civil status or identity pending verification.

11. Accordingly, the direction issued to the competent authority to finalize the Petitioner's citizenship case within a stipulated period of four weeks upon receipt of security clearance is in consonance with the principles of fairness, reasonableness and expeditious disposal of statutory claims. Failure to comply with such directions would entail consequences

under Article 204 of the Constitution, as administrative authorities are bound to act strictly within the confines of law and judicial mandate.

The petition stands disposed of in the above terms.

JUDGE

JUDGE

Ayaz Gul