

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

**C.P. No. D-224 of 2026**

[Abdul Bais Baloch V. 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

**Date of hearing and Order: 04.03.2026**

M/s. Muhammad Jamil and Sarosh Jamil, Advocates for Petitioner.

Ms. Wajiha Mahdi, D.A.G.

Mr. Waqas Ahmed, D.D. FIA, Gawadar.

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**ORDER**

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

- a) *Declare that the placement of the Petitioner's name on the Passport Control List (previously known as Blacklist) is perverse, arbitrary and without legal sanction;*
- b) *Direct the Respondents to remove the name of the Petitioner immediately from the Passport Control List (previously known as Blacklist) forthwith on the grounds as mentioned in foregoing paras of Fact;*
- c) *Direct the Respondents to remove any all further possible restrictions on the Petitioner's travel to and from Pakistan;*
- d) *Declare the actions of the Respondents insofar as the grievances of the Petitioner remains unaddressed, are in clear gross violation of the Petitioner's constitutionally safeguarded rights, particularly under Articles 4, 8, 9, 10A, 14, 15, 19A & 25A,*
- e) *Grant any other relief or reliefs which this Hon'ble Court deems fit and appropriate under the aforementioned circumstances of the case;*
- f) *Grant cost of the Petition.*

*The prayer is made in the interest of justice and equity.*

2. It is the case of the petitioner that he is a long-term resident of Dubai and a businessman with an established family-owned enterprise there, submitted that he has been arbitrarily placed on the Passport Control List (PCL, formerly known as the Blacklist) by certain officials of the Federal Investigation Agency (FIA) and the Directorate General of Immigration & Passports. He submitted that this action was

mala fide, unlawful, and violated his fundamental rights under Articles 4, 8, 9, 10A, 14, 15, 19A, and 25A of the Constitution of Pakistan.

3. The petitioner's counsel explained that the petitioner was detained briefly in Balochistan in January 2025 due to an FIR lodged against him for traveling abroad via sea without proper documentation. He added that although the FIR was disposed of by the relevant court, his name was placed on the PCL on 09-04-2025, resulting in significant restrictions on his travel and causing severe personal and business losses. He stated that despite repeated applications to the competent authorities for removal of his name from the list, no action was taken, leaving him with no adequate remedy except to approach this Court. The petitioner's counsel emphasized that the PCL placement lacked lawful justification, was delayed after the FIR disposal, and was imposed despite his long-standing residence, family, and business ties in Dubai. He prayed to allow this petition.

4. The learned Assistant Attorney General (AAG) for the respondents contended that the petitioner's name was placed on the PCL pursuant to a list of 144 apprehended illegal immigrants provided by the Pakistan Coast Guard. She added that the placement was made under Rules 21, 22, and 23 of the Passport Rules, 2021. The AAG also emphasized that the petitioner's case falls within Category B of the rules, which allows the Review Committee, headed by the Director General of Immigration & Passports, to consider removal of names before the stipulated five-year period. The AAG submitted that an alternative statutory remedy exists under the Passport Rules, and the petitioner should first approach the Review Committee rather than invoking constitutional jurisdiction. She also highlighted that the Director General possesses the power to include or remove any person from the PCL and to manage passports under Section 21 of the General Clauses Act. Accordingly, the writ jurisdiction of this Court cannot be invoked as a general remedy where a statutory mechanism is already available. She prayed to dismiss the petition.

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

6. The Constitution of Pakistan guarantees freedom of movement and travel, which can only be restricted by valid statutory authority, due process, and reasonable justification. Articles 4, 8, 9, 10A, 14, 15, 19A, and 25A protect life, liberty, and legal rights. Courts have held that placing a person on the Passport Control List (PCL) without notice, hearing, or lawful authority violates these fundamental rights. Authorities must provide show-cause notice, written reasons, and an opportunity to be heard; administrative discretion must be exercised

lawfully, reasonably, and fairly. Arbitrary action lacking procedural safeguards is unconstitutional.

7. Section 8 of the Passports Act, 1974, empowers the Federal Government to cancel, impound, or confiscate passports, but does not authorize placing a person on the Passport Control List (PCL) as a travel restriction. The Passport Rules, 2021, particularly Rules 22 and 23, regulate PCL matters, but courts have held that powers to inactivate passports or impose long bans exceed the Act and are ultra vires. Delegated legislation must stay within the parent statute and comply with constitutional safeguards. While the Rules provide for a Review Committee to consider early removal from PCL, the availability of a statutory remedy does not excuse violations of due process. Placement on PCL requires notice, reasoned grounds, opportunity of hearing, and competent authority approval; without these, fundamental rights are infringed.

8. It is well settled that placement on the PCL without due process is arbitrary and unconstitutional. Executive actions restricting freedom of movement must have statutory backing and procedural safeguards; secret or indiscriminate listings violate Articles 4, 10A, and 15. Additionally, excessive discretionary powers under the Passport Rules, 2021, should align with the Passports Act, and even the statutory Review Committee cannot cure the original constitutional violation; therefore, Judicial review under Article 199 of the Constitution remains available to strike down arbitrary listings and ensure procedural fairness. The petitioner's placement on the PCL without notice, reasons, or hearing is therefore not in accordance with the law as such he must be heard by the competent authority, by moving fresh application in one week.

09. When confronted with the legal position, the petitioner's counsel agreed and requested disposal of the petition so that the Review Committee may decide the matter after hearing him within two weeks. The request is reasonable and is accordingly accepted.

10. The petition, along with the pending application(s), is disposed of in the above terms. Copies of this order shall be communicated to all concerned for compliance in time, they be served through electronic and WhatsApp applications.

JUDGE

JUDGE