

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Constitutional Petition No. D-5572 of 2025
(Joshua Paul & another versus Federation of Pakistan & others)

Date	Order with signature of Judge
------	-------------------------------

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Zulfiqar Ali Sangi

Date of hearing and order: 13.4.2026

Mr. Taimur Ijaz advocate for the petitioner
Ms. Wajiha Mehdi, Assistant Attorney General

ORDER

Adnan-ul-Karim Memon, J. Petitioners Joshua Paul and Mst. Sameen Hasan have filed this Constitutional Petition under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, seeking following relief: -

Declare that the petitioner's name is not on the ECL and that consequently no restriction exists on the travel of the petitioner within, without or outside Pakistan and any order of the Court is self-executory and is to be implemented forthwith by the respondents and all functionaries superior or subordinate to them.

2. Learned counsel for the Petitioners submits that the Petitioners are citizens of Pakistan who have made significant contributions to the national economy by working abroad and remitting valuable foreign exchange to the country. Their professional engagement as teachers of English as a foreign language necessitates their travel overseas for employment. Counsel further submits that the Petitioners had earlier approached this Court through C.P. No. 4621 of 2025, wherein they were directed to array proper respondents. It is emphasized that the Petitioners possess an unblemished record and were honorably acquitted in Special Case No. 64/2024 titled "The State v. Joshua Paul & Others" vide judgment dated 19.04.2025, and therefore no legal impediment remains against them. It is contended that on 27.05.2025, when the Petitioners visited the pExecutive Passport Office for renewal of the passport of Petitioner Sameen Hasan, they were informed that their names had been placed on the Exit Control List (ECL), allegedly by the Anti-Narcotics Force (ANF) during the pendency of the aforesaid case. The counsel argues that such placement was purportedly treated as a standard operating procedure, despite the absence of any lawful authority. Learned counsel submits that upon approaching the learned Judge, Court of Narcotic Substances No. 1, Karachi, the Court expressed concern over the placement of the Petitioners' names on the ECL without the approval of the Federal Cabinet or an order of a competent court. Consequently, the trial court addressed letters dated 05.08.2025 and 22.08.2025 to the Ministry of Interior seeking clarification; however, no response has been received to date,

demonstrating the respondents' inaction and mala fide conduct. Counsel argues that the continued and unexplained placement of the Petitioners' names on the ECL has unlawfully curtailed their fundamental right to freedom of movement guaranteed under Article 15 of the Constitution, and has also infringed their right to due process and fair trial under Article 10-A of the Constitution. It is urged that the restriction has severely affected their livelihood, as they are unable to resume their overseas employment, thereby causing financial hardship to their families and depriving the country of valuable foreign exchange. It is further contended that under the Exit from Pakistan (Control) Ordinance, 1981 and the Exit from Pakistan (Control) Rules, 1981, any order placing a person on the ECL must be duly approved by the competent authority and served upon the concerned individual, enabling them to seek legal redress. It is submitted that in the present case, no such order has ever been served upon the Petitioners, rendering the action illegal, arbitrary, and void ab initio. He emphasized that the failure to provide notice also violates the cardinal principle of audi alteram partem, as recognized in settled law, including PLD 1999 Lahore 451. Learned counsel maintains that even if the placement was initially made during the pendency of the criminal proceedings, the same ceased to have any legal basis after the Petitioners' acquittal. It is submitted that the respondents' failure to review or remove their names from the ECL, despite repeated efforts and the intervention of the trial court, reflects arbitrariness and misuse of authority. Counsel concludes by submitting that the Petitioners have exhausted all available remedies but to no avail, leaving them with no alternative except to invoke the constitutional jurisdiction of this Court. He, therefore, prays that this Court may declare that the Petitioners' names are not on the ECL, direct the respondents to remove any such restriction forthwith, and grant any other relief deemed just and proper in the circumstances, including costs.

3. At the very outset, learned Assistant Attorney General submits a statement with the narration that the Ministry of Interior has already removed the names of the petitioners from the Passport Control List (PCL) vide letter dated 24.11.2025.

4. When this position was confronted to learned counsel for the petitioners, he seeks disposal of this petition in terms of report so submitted on behalf of the Secretary, Ministry of Interior.

5. Without touching the merits of the case and with the consent of the parties Petition stands disposed of along with listed / pending applications in terms of the statement of learned AAG.

JUDGE

JUDGE