

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

C.P. No. D-1494 of 2025

[Abubakar Hassan 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 Muhammad Hasan Akbar

Date of hearing and Order: 21.05.2026

Malik Ayaz Sharif, advocate for the Petitioner.

Mr. Abdul Samad advocate for NADRA

Mr. Akbar Khan Assitant Attorney General

ORDER

Adnan-ul-Karim Memon, J. – It is prayed by the Petitioner that this Court direct the Respondents No 1 and 2 to perform their statutory duties in accordance with provisions of the National and Database Registration Authority Ordinance 2000, and to consider the case and valuable documents/ evidence, and to clear/ Unblock the CNIC of the petitioner and further to renew the CNIC of the petitioner.

2. The learned counsel for the petitioner submits that the petitioner is a bona fide citizen of Pakistan by birth, born in Karachi on 27.07.1992 to Pakistani parents who were lawful citizens holding valid CNICs. It is stated that the petitioner's CNIC was duly issued but later expired and has not been renewed, allegedly due to an unlawful "blocking" by the respondents without lawful authority or due process. It is further submitted that the petitioner was subjected to enforced disappearance in late 2018 and remained in unlawful custody until May 2021, after which he was placed in a de-radicalization program run under the supervision of state institutions and completed the same, earning a certificate of recognition. The learned counsel contends that during a short leave from the program, the petitioner discovered the existence of FIR No. 33/2014 registered at Karachi (East), in which he was named as an accused. However, it is submitted that the petitioner was already admitted to bail and was subsequently acquitted by the learned trial court under Section 265-K Cr.P.C., thereby extinguishing any lawful basis for adverse action against him. It is further argued that despite repeated applications, the NADRA authorities failed to renew or unblock the petitioner's CNIC, allegedly on the vague assertion that it was blocked by some law-enforcement agency without any communicated order or lawful justification. It is contended that this inaction has resulted in severe prejudice to the petitioner, including disruption of his education, inability to pursue employment, and violation of basic civic rights. The learned counsel submits that the respondents have acted without lawful authority, in violation of statutory duties under the NADRA Ordinance, 2000, and in breach of fundamental rights guaranteed under

Articles 9, 10-A, 25, and 25-A of the Constitution, particularly the rights to due process, equality, dignity, and education. It is finally submitted that any blocking or impounding of CNIC by NADRA without lawful authority, without specific reasons to believe under Section 18, and without due process of law is illegal, ultra vires the NADRA Ordinance, and liable to be struck down under Article 199 of the Constitution, therefore the petitioner seeks directions for immediate unblocking and renewal of his CNIC, along with any other relief deemed just and proper in the circumstances.

3. The learned counsel for Respondent No. 2 submits that the instant petition is misconceived, false, and liable to be dismissed, as the allegations raised by the petitioner are emphatically denied. It is stated that the petitioner's CNIC was not unlawfully blocked but was digitally impounded in accordance with approved Standard Operating Procedures of NADRA, pursuant to a competent Head Office directive dated 05.10.2017, based on credible information received from a law enforcement agency, namely ISI Islamabad. It is further submitted that, according to the official record, the petitioner's case falls within the category of "confirmed alien family" based on intelligence input, and therefore, the CNIC was subjected to digital impounding. The learned counsel contends that such action was taken strictly in accordance with law, rules, and internal policy, and based on verified security reports, which cannot be lightly interfered with in constitutional jurisdiction. It is also submitted that the petitioner failed to provide the requisite documentary evidence required under Section 23 of the NADRA Ordinance, 2000, at the time of renewal, despite being called upon to do so. Consequently, in the absence of satisfactory verification and supporting documentation, NADRA was justified in withholding renewal of the CNIC. The learned counsel further submits that the petitioner has an alternate and efficacious remedy of approaching the Verification & Revocation Branch, Awami Markaz, NADRA, for review and resolution of objections raised by the verifying agency. It is contended that without exhausting this prescribed mechanism, the constitutional petition is not maintainable. It is finally prayed that in view of the lawful and policy-based action of NADRA, supported by intelligence reports and verification requirements, the instant petition be dismissed. However, without prejudice, the petitioner may be directed to approach the competent NADRA verification forum for reconsideration of his case in accordance with due process and applicable law.

4. We have heard the learned counsel for the parties and perused the record with their assistance and case law cited at the bar.

5. Primarily, NADRA has no lawful authority to arbitrarily block or digitally impound CNICs without strict compliance with Section 18 of the NADRA Ordinance, 2000, and any such action taken without proper "reason to believe" and due process is unconstitutional and void. Blocking of CNIC is not expressly authorized under the NADRA Ordinance, 2000. The Ordinance only provides for

cancellation, impounding, or confiscation under Section 18 after due process; “blocking” as an interim or administrative measure is not contemplated by law. Section 18 can only be invoked upon “reason to believe” based on concrete and definite material. NADRA must have substantive, objective, and verifiable information (not vague allegations or intelligence input alone) before initiating adverse action against a citizen’s identity documents. Due process and fair hearing under Article 10A are mandatory. Even where action is contemplated under Section 18, a proper show cause notice with specific allegations and reasons must be issued, and the affected person must be given a meaningful opportunity of defence. Citizenship cannot be indirectly questioned through CNIC blocking. Any deprivation or doubt regarding citizenship must be dealt with strictly under section 16 of the Citizenship Act, 1951 and not through NADRA administrative action. NADRA cannot lightly disregard its own earlier records without showing fraud, misrepresentation, or forged documents. “Cut-off dates” or rigid policy requirements, e.g., pre-1978 proof without legal basis, are arbitrary. Administrative policies cannot override statutory law. CNIC blocking mechanism is against the NADRA Ordinance. This Court has already held that no provision authorizes “blocking” of CNICs as a standalone measure; therefore, such practice is illegal. Judicial remedy under Article 199 of the Constitution is maintainable against such illegal action. The High Court can intervene where the action is without jurisdiction, an abuse of process, or violative of fundamental rights of the citizen. NADRA authorities shall keep in mind such legal position all the time when that deal with the cases of similar nature.

6. The controversy primarily revolves around the legality of “blocking/digital impounding” of the petitioner’s CNIC without explicit recourse to the procedure prescribed under Section 18 of the NADRA Ordinance, 2000, and without fulfillment of the constitutional and statutory safeguards of due process.

7. The law, as settled, makes it abundantly clear that NADRA does not possess any unfettered or inherent power to suspend or block a citizen’s CNIC as an interim administrative measure. Its authority is strictly confined to the modes expressly provided under Section 18, namely cancellation, impounding, or confiscation, and even those actions are conditional upon the existence of a clear, objective, and demonstrable “reason to believe” supported by tangible material. Mere intelligence input, generalized allegations, or internal administrative directives cannot substitute the statutory threshold required by law.

8. Equally important is the constitutional mandate under Article 10-A, which guarantees fair trial and due process. Any adverse action affecting the civil status, identity, or legal capacity of a citizen must be preceded by a meaningful notice, specific allegations, and an effective opportunity of defence. A vague or non-

speaking action based on undisclosed intelligence reports fails this constitutional test and is, therefore, unsustainable.

9. Furthermore, the citizenship status of a person cannot be indirectly adjudicated through CNIC blockage. If the respondents' case is that the petitioner is a foreigner or "alien family," such a determination must be made, if at all, strictly under the Pakistan Citizenship Act, 1951, which provides a complete and self-contained mechanism including inquiry, show-cause notice, and final determination by the competent authority. NADRA, being a registration authority, cannot assume jurisdiction to determine or suspend citizenship through administrative devices.

10. The record also shows that the petitioner has previously been issued CNICs, passports, and domicile certificates by competent state authorities. These documents carry a strong legal presumption of validity and continuity. Such settled recognition cannot be disregarded arbitrarily without proving fraud, misrepresentation, or forgery through a proper adjudicatory process. No such finding has been shown on record.

11. The reliance placed by NADRA on internal SOPs, intelligence-based classification, or "cut-off criteria" such as pre-1978 documentation, also lacks statutory backing. Administrative policies cannot override or supplement the parent statute. Any such policy, if inconsistent with the Ordinance, must yield to the law enacted by Parliament.

12. In these circumstances, the impugned action suffers from multiple legal infirmities: lack of statutory authority, absence of jurisdictional foundation under Section 18, violation of Article 10-A, and reliance on undisclosed and untested material. Consequently, it amounts to an arbitrary exercise of power, abuse of process, and a measure beyond the lawful competence of NADRA.

13. Accordingly, the blocking/digital impounding of the petitioner's CNIC cannot be sustained in law and is liable to be declared without lawful authority. The petitioner is, therefore, entitled to relief under Article 199 of the Constitution, with a direction to the respondents to restore and renew the CNIC in accordance with law. The petitioner shall approach the Verification & Revocation Branch, Awami Markaz, NADRA, for the aforesaid purpose, without prejudice to any lawful inquiry strictly conducted under the relevant statutory framework, if so warranted. The aforementioned exercise shall be completed within two weeks. However, the respondents shall not create any bottlenecks in such legal process.

14. This petition, along with pending application(s), stands disposed of in the above terms.

JUDGE

JUDGE