JUDGMENT SHEET

IN THE ISLAMABAD HIGH COURT,
ISLAMABAD.

W.P. NO. 4304 OF 2025

NAEEM ULLAH
VS.
FEDERATION OF PAKISTAN ETC.

Petitioner by	**:**	**Sardar Abdul Wahab Farid and Ms. Maham Fatima, Advocates.**
Respondents by	**:**	**Raja Zamir-ud-Din Ahmed, A.A.G.** **Mr. Mazhar Kiyani, A.D Passport.**
Date of hearing	**:**	**03.11.2025**

MUHAMMAD AZAM KHAN, J.

1. Naeem Ullah **("Petitioner**"), through the instant Writ Petition filed under Article 199 of the Constitution of the Islamic Republic of Pakistan, 1973, (hereinafter referred to as the **"Constitution"**) has challenged the speaking order dated 22.09.2025 **("Impugned Order")** issued by the Deputy Director (Admin/Coord), Directorate General Immigration & Passports (HQ) **("Respondent No.3")** whereby the request of the Petitioner for removal of his name from PCL, has been regretted.

2. The brief facts of the case, as per the contents of the instant petition, are that the Petitioner was offered admission by Flyon Aero Srl, Republic of Italy, in the "Integrated Skilled Worker Course" for the academic session of 2025. After depositing the full tuition fee amounting to Thirteen Thousand Five Hundred Euros and upon completion of all procedural formalities, he was officially issued an Invitation Letter and Enrollment Confirmation by the Institution to facilitate his visa process. On 30th June, 2025, he was issued a student visa by the Embassy of Italy in Islamabad. The petitioner, after purchasing a Qatar Airways ticket for 25.07.2025, when he reached Islamabad International Airport on 25.07.2025, was offloaded by the Federal Investigation Agency (FIA) officials on the ground that his name appeared on the blacklist/stop list/PNIL. He was again offloaded in August 2025 on the same basis. Being aggrieved, the Petitioner filed a Writ Petition No.5574-P/2025

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before the Hon'ble Peshawar High Court, Peshawar. Vide order dated 03.09.2025, the said writ petition was converted into a representation under Rule 22(3) of the Passport Rules, 2021, and was disposed of with the direction to the respondents to decide the petition within 30 days positively. In compliance of the order dated 03.09.2025, the Petitioner personally appeared before the Directorate General of Immigration and Passports (DGIP), Islamabad. Vide impugned speaking order dated 22.09.2025, the respondent No.3 rejected the request of the Petitioner for removal of his name from the Passport Control List. Being aggrieved by the impugned speaking order dated 22.09.2025, the Petitioner has filed the instant petition.

3. Learned counsel for the Petitioner submitted that in October 2024, the Petitioner and his friends, during a recreational tour to Quetta, inadvertently crossed the Pakistan-Iran border without any criminal intent. Upon realizing the mistake, he voluntarily surrendered to Iranian authorities, was treated respectfully, and repatriated to Pakistan without any charges or prosecution. Despite the absence of any offence, inquiry, or notice, the Respondents arbitrarily placed his name in the Passport Control List (PCL), unlawfully restricting his movement. The Petitioner has never been declared a security risk, nor accused of any unlawful activity by any law enforcement or intelligence agency. He holds a valid passport issued after due verification in November 2024. The isolated, unintentional incident cannot justify the continued curtailment of his fundamental right to travel. The Petitioner is a student at Flyon Aero Srl, Italy, holding a valid student visa. His university has repeatedly warned that prolonged absence may lead to cancellation of enrollment. Due to the impugned travel restriction, he has been unable to attend classes, complete coursework, or participate in assessments, jeopardizing his academic and professional future. He has already incurred over PKR 5 million in educational expenses and is suffering financial loss, mental anguish, and academic disruption. The Petitioner has a clean record, as confirmed by his Police Clearance Certificate, and has never been involved in any criminal or anti-state activity. The Respondents' action of blacklisting him, without show-cause

notice, hearing, or evidence, violates Articles 4, 9, 10-A, 15, 19-A, and 25 of the Constitution. The Speaking Order dated 22.09.2025 is mechanical, non-speaking, and devoid of legal justification. Under Rules 21–23 of the Passport Rules, 2021, a person's name may only be placed on the PCL if involved in criminal proceedings, under court order, or posing a security threat. The Petitioner meets none of these criteria; thus, the impugned order is ultra vires and unconstitutional. The vague reference to "undesirable activities" is baseless and reflects malice, violating the principles of proportionality, fairness, and equality before law. The arbitrary restriction also breaches Pakistan's obligations under the Universal Declaration of Human Rights and the ICCPR, which guarantee freedom of movement and the right to education. The Respondents' conduct demonstrates bureaucratic disregard for due process and has caused the Petitioner irreparable harm to his career, finances, and dignity. It is settled law that the right to travel abroad is a fundamental right under Articles 4, 9, 10-A, and 15 of the Constitution, as reaffirmed in *Federation of Pakistan v. Pervez Musharraf (PLD 2016 SC 570)* and *Wajid Shamsul Hassan v. Federation of Pakistan (PLD 1997 Lahore 617)*. The Islamabad High Court, in *Umar Sultan v. Federation of Pakistan (W.P. No. 51/2025)* and *Bilal Abbas v. FOP (W.P. No. 3434/2025)*, has similarly held that restrictions on travel must strictly comply with the Passport Rules and due process.

4. On behalf of Respondents No.1 to 3, it was submitted that the name of the Petitioner has been placed on Passport Control List (PCL) as per provisions contained in Rule 21(1), 22(2)(b), 22(2)(c), 22(4) and Rule 23(2) of the Passport Rules, 2021, on 20.12.2024 after his deportation from Iran due to "*illegal entry"* as reported by the Federal Investigation Agency (FIA). The involvement of the Petitioner in such undesirable activities is a source of defamation for the country, and is a contributory element to facts which create employment hurdles for the overseas Pakistani diaspora. It was further submitted that the Government of Pakistan has taken stern measures to curb the illegal activities and menace of human trafficking, which caused bad name to Pakistan. Moreover, after the recent unfortunate incidents of boat capsizing, there is

immense pressure from the International Organizations on Pakistan to ensure strict border security protocols to regulate the entry and exit from the country. The GCC Countries are also observing restrictions in the issuance of visas to Pakistani nationals at large until strict action is taken against Pakistanis due to their undesirable/unlawful conduct abroad. The Government of Pakistan has taken serious notice of such practices that malign the image of the country globally and, therefore, decided to place the names of such individuals on the PCL in order to create deterrence against this menace.

5. As per report submitted on behalf of F.I.A, the name of the petitioner has been found active on Blacklist/Passport Control List, category of Stop list/Watchlist, by the Directorate General of Immigration & Passports, Islamabad (DGIP) in exercise of power conferred under the Passport Rules, 2021 for being deported and placed vide file serial IS8517, deportees data October 2024. The sole authority to place or remove the name of the petitioner from the said PCL is vested with the Directorate General of Immigration and Passports, Islamabad, in exercise of powers conferred under the Passport Rules, 2021. The database of FIA IBMS is integrated with the system of the DGIP, Islamabad, for the purposes of transmission of real-time information. That the petitioner also has an alternate effective remedy in the matter to approach the Review Committee constituted under Rule 22(3)(b) of Passport Rules, 2021, by the DGIP, Islamabad, for removing his name from PCL.

6. I have heard arguments of learned counsel for the Petitioner, learned A.A.G., and perused the record.

7. The perusal of the record reveals that the name of the Petitioner was placed on the Passport Control List (PCL) merely on the basis of a report forwarded by the Federal Investigation Agency (FIA), asserting that the Petitioner had been deported from the Islamic Republic of Iran on account of "*illegal entry*." It is, however, ostensible from the record that no show cause notice, explanation, or opportunity of hearing was ever afforded to the Petitioner prior to the placement of his name on PCL. The Directorate General of

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Immigration & Passports (DGIP), while acting under Rules 21, 22, and 23 of the Passport Rules, 2021, was legally bound to comply with the mandatory requirements of Section 8 of the Passport Act, 1974, particularly to issue a show-cause notice and pass a reasoned order before curtailing a citizen's fundamental right to travel. Section 8 of the Passport Act, 1974, is reproduced hereunder: -

> *Section 8.* ***Power to cancel, impound or confiscate passport****. (1) A passport issued by or on behalf of the Federal Government shall be the property of the Federal Government and may by an order under the head of a secretary to the Government of Pakistan, or an officer authorised by the Federal Government in this behalf be required to be returned and shall also be liable to be cancelled, impounded or confiscated by like order.*
>
> *(2)* ***Subject to sub-section (3), before making an order under sub-section (1) in respect of the passport issued to any person, the Federal Government shall give such person notice in writing calling upon him to show cause why the order should not be made****:*
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> *Provided that no such notice need be given in the case of an order impounding a passport if it is necessary in the opinion of the Secretary or such other officer to take immediate action, but an opportunity to show cause against the making of the order shall be afforded to the person to whom the order relates, within two weeks from the making of the order.*
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> *(3) If the Federal Government has reason to believe that the person in respect of whose passport it is proposed to make an order under subsection (1) is; or has been engaged in subversive or in activities which are prejudicial to the interest of Pakistan or Pakistan's relations with any foreign power, it shall not be necessary to give such person the notice provided for in sub-section (2) or to afford him an opportunity of being heard.*
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> *(4) Any person in respect of whose passport an order under subsection (i) has been made in the circumstances referred to in subsection (3), may within thirty days of the date of the order, apply in the Federal Government for a review of the order; and the decision of the Federal Government in review shall be final.*
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> *5) Any expenditure incurred by the Federal Government on the repatriation to Pakistan of a citizen of Pakistan who gets stranded or*

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> *becomes a destitute while he is in a foreign country, or for any other reason, shall be recoverable, as an arrear of Land Revenue. 9. Burden of proof. The burden of proving that a statement made in any document.*

The mechanical reliance on the FIA's deportee data, without independent application of mind or adherence to due process, renders the impugned action contrary to law and violative of Articles 4, 9, 10-A, and 15 of the Constitution.

8. Rule 21(l) of the Passport Rules, 2021 empowers the authorities to refuse issuance of a passport to a person who has been deported from abroad on account of undesirable activities, illegal entry, or criminal charges. However, imposition of such penal action cannot, in itself, justify the restriction of a citizen's right to liberty or freedom of movement. The Petitioner has neither been convicted of any offence abroad nor prosecuted within Pakistan; the record is devoid of any adjudication or reasoned order by the competent authority determining that his conduct falls within the ambit of Rule 21(l). Hence, the placement of his name on the PCL without such determination amounts to an arbitrary exercise of authority and is inconsistent with the principles of fairness envisaged under Article 10-A of the Constitution.

9. Rule 22 of the Passport Rules, 2021 provides for the maintenance of a Passport Control List in categories 'A' and 'B', but such inclusion must follow a lawful order under Rule 23 after affording the citizen an opportunity to be heard. The right to a fair hearing is not merely a procedural formality but a substantive safeguard flowing from Articles 4, 9, and 10-A of the Constitution. The principles of law that apply to the placement of a citizen's name within the PCL, thereby suspending the right to liberty and travel guaranteed by Articles 9 and 15 of the Constitution, came before this Court in *"Dr. Shireen M. Mazari Vs. Federation of Pakistan" (2024 MLD 1020)*, wherein it was held that placement of the petitioner's name without due process and without the Federal Government's approval, was without lawful authority and of no legal affect. In the present case, the Respondents have failed to establish that any order was passed by the Federal Government or an authorized officer under Section 8 of

the Passport Act directing the impounding, cancellation, or inactivation of the Petitioner's passport. The FIA's report, being an internal communication, cannot substitute the statutory obligation to issue notice or to provide the Petitioner an opportunity to explain his position. Consequently, the placement of his name on the PCL in the absence of a lawful order and without notice stands vitiated in law.

10. Rule 23 of the Passport Rules, 2021, when read with Section 8 of the Passport Act, envisages that penal action in the form of impounding, confiscation, cancellation, or inactivation of a passport can only be undertaken after due adjudication by the competent authority and upon satisfaction that the individual's conduct attracts one of the prescribed grounds. In the instant case, no criminal proceedings were ever initiated against the Petitioner by either Iran Government or FIA Authorities, qua his illegal entry. The impugned order is, therefore, devoid of reasoning and fails to meet the statutory and constitutional standards of fairness, reasonableness, and due process. The Respondents' conduct amounts to colorable exercise of authority.

11. It is also not disputed that the Petitioner holds a valid student visa issued by the Republic of Italy and possesses a passport duly verified and issued by the competent authority in November 2024. In the absence of any criminal proceeding or conviction, there exists no lawful justification to prevent the Petitioner from proceeding abroad for education. Moreover, the name of the Petitioner was only placed on PCL to prevent him from illegal attempt to travel abroad again. Now that he has obtained a valid student visa to travel abroad, no such restriction therefore, is justified under the law. Thus, his inclusion in the PCL constitutes an unlawful restraint on his fundamental rights guaranteed under Articles 4, 9, 10-A, and 15 of the Constitution, which protect every citizen's liberty, fair treatment, and freedom of movement. The right to travel abroad, being an incident of personal liberty, cannot be abridged except in accordance with law and upon due process. Accordingly, the instant petition is ***allowed*** and the FIA's report dated 19.12.2024 as well as the Impugned Order

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dated 22.09.2025 are hereby set aside as being without legal effect, and the continuation of the Petitioner's name on the PCL is declared to be unconstitutional and without lawful authority.

(MUHAMMAD AZAM KHAN)
JUDGE

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