

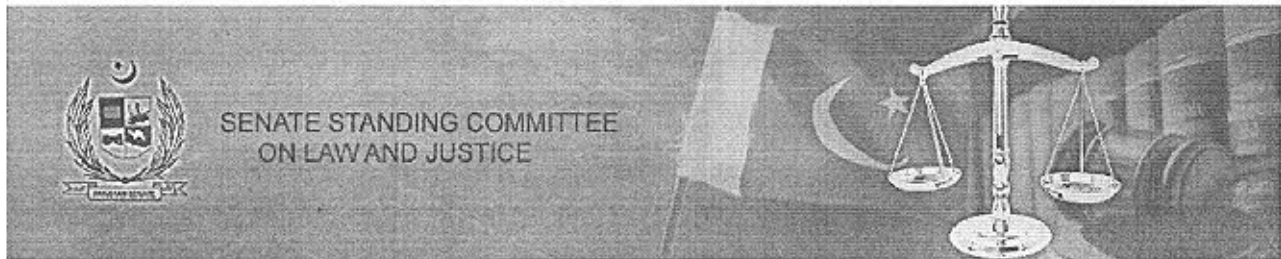


SENATE SECRETARIAT

Report No. 07

**REPORT OF THE
SENATE STANDING COMMITTEE ON LAW AND JUSTICE**

Adopted by the Senate on 28-January, 2019



**“PROCEDURE FOR PUTTING NAMES IN THE BLACK
LIST AND LEGAL VALUE OF THE SAID LIST”**

PRESENTED BY

**Senator Muhammad Javed Abbasi
Chairman
Standing Committee on Law and Justice**

on 25-January, 2019

SENATE SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON LAW AND JUSTICE ON "PROCEDURE FOR PUTTING NAMES IN THE BLACK LIST AND LEGAL VALUE OF THE SAID LIST"

I, Chairman of the Standing Committee on Law and Justice, have the honour to present report on a Point of Order raised in the House on 14th December, 2018 regarding "procedure for putting names in the black list and legal value of the said list". The Point of Order was referred by the Chairman Senate to the Standing Committee on Law and Justice for consideration and Report.

2. The composition of the Standing Committee on Law and Justice is as under:-

1.	Senator Muhammad Javed Abbasi	Chairman
2.	Senator Mian Raza Rabbani	Member
3.	Senator Farooq Hamid Naek	Member
4.	Senator Mir Hasil Khan Bizenjo	Member
5.	Senator Siraj ul Haq	Member
6.	Senator Syed Muzafar Hussain Shah	Member
7.	Senator Ayesha Raza Farooq	Member
8.	Senator Dr. Muhammad Farogh Naseem	Member
9.	Senator Musadik Masood Malik	Member
10.	Senator Dr. Ghous Muhammad Khan Niazi	Member
11.	Senator Mustafa Nawaz Khokar	Member
12.	Senator Sana Jamali	Member
13.	Senator Walid Iqbal	Member
14.	Minister for Law and Justice	Ex-Officio Member

3. The Committee considered the matter in its meetings held on 21st December, 2018, 14th January, and 22nd January, 2019, under the Chairmanship of Senator Muhammad Javed Abbasi. Final consideration of the Bill was held in the meeting dated 22nd January, 2019, which was attended by the following members:-

- i. Senator Muhammad Javed Abbasi
- ii. Senator Mian Raza Rabbani



- iii. Senator Syed Muzafar Hussain Shah
- iv. Senator Ayesha Raza Farooq
- v. Senator Dr. Ghous Muhammad Khan Niazi
- vi. Senator Sana Jamali
- vii. Senator Walid Iqbal

4. The Committee invited Ministries of Interior and Human Rights to give their input on the matter. The Committee acknowledged the attendance of Dr. Shireen M. Mazari, Minister for Human Rights and her valuable input with regard to humanitarian aspect of the issue.

5. During the course of briefings, Mr. Ishrat Ali, Director General, Immigration and Passports, briefed the Committee that the Black List is being maintained in pursuance of para 51 of the Passport Manual, 2006. This provision has remained part of the Manual since 1957, however, some of its parts/categories were incorporated in the Passport Act, 1974, and remaining continued to be part of passport manuals, as and when issued. He further briefed that the Directorate General of Immigration and Passports do not initiate this list but the names are added on the recommendations of Judicial and Quasi-Judicial forums.

6. Mr. Bashir Memon, Director General, FIA, briefed that FIA only implements the black list and this implementation is done through an automated system which does not process case of a person whose name has been added in the black list.

7. Dr. Shireen M. Mazari, Minister for Human Rights, stated that such like lists are not acceptable in democracy as the same impinge upon the fundamental rights and have no legal sanctity behind it. The Hon'ble Minister also referred to two cases of Members National Assembly, which were taken up in the meeting of Senate Functional Committee on Human Rights and shared that when the Committee enquired about the legal status of black list then their names were part of the Exit Control List. In a way, the concerned authorities recognized that there is no legal value of black list and ECL is the only valid list in this regard.




8. All Members present deplored the long standing practice of issuing / maintaining black list and termed it as ultra-vires the law and in violation of fundamental rights. The Committee was of the view that the black list has no legal cover thus an illegal exercise is being carried out since long and citizens were being denied of their fundamental rights without any due process of law. The Committee also noted that Passport Act was enacted by the Parliament and no such power of maintaining black list was delegated to the executive and in absence of any such power, the Government has no authority to maintain the black list.

9. In view of the constitutional and legal position, the Committee has concluded that the black list has no legal value and is ultra-vires the constitution and the law i.e. the Passport Act, 1974 and therefore recommends that,-

- (i) Practice of putting names on the black list should be stopped forthwith and all such existing lists be abolished.
- (ii) Ministry of Interior shall submit a compliance report regarding abolition of black list before the Senate within a period of ten days.


(RABEEA ANWAR)
J.S / Secretary Committee


(SENATOR MUHAMMAD JAVED ABBASI)
Chairman
Standing Committee on Law & Justice