

**CASELAW SEARCH**

<b>KEY WORD</b>	<b>LAW</b>	<b>CITATION</b>	<b>SUMMARY</b>
<b>28 MAY 2008</b>			
Freedom of Movement	Article 15, Constitution	PLD 2005 KHI 252	<ul style="list-style-type: none"> <li>every citizen of this country is safeguarded/guaranteed under Articles 4,9, 14 and 15 of the Constitution</li> <li>Any action without sufficient cause depriving/curtailing the liberty of a citizen is not warranted by law and liable to be struck down</li> </ul>
	Article 15 and 4 Constitution	PLD 2004 SC 583	<ul style="list-style-type: none"> <li>Article 184(3): Without prejudice to the provisions of Article 199, the Supreme Court shall, if it considers that a question of public importance with reference to the enforcement of any of the Fundamental Rights conferred by Chapter 1 of Part II is involved, have the power to make an order of the nature mentioned in the said Article."</li> <li>The issues arising in a case cannot be considered as a question of public importance, if the decision of the issues affects only the rights of an individual or a group of individuals. The issue in order to assume the character of public importance must be such that its decision affects the rights and liberties of people at large. The adjective 'public' necessarily implies a thing belonging to people at large, the nation, the State or a community as a whole. Therefore, if a controversy is raised in which only a particular group of people is interested and the body of the people as a whole or the entire community has no interest, it cannot be treated as a case of public importance.</li> <li>"Now, what is meant by a question of public importance? The term 'public' is invariably employed in contradistinction to the terms private or individual, and connotes, as an adjective, something pertaining to, or belonging to the people, relating to a nation, State or community..."</li> </ul>
	Article 199 Constitution	PLD 2003 Pesh. 102	<ul style="list-style-type: none"> <li>No doubt the statute has provide a remedy by way of making representation for review of the order passed under section 2(1) of the Ordinance, but such remedy could only be availed if the person concerned knows about the grounds behind the action taken. If neither an opportunity of hearing is provided before the action taken or disclosure of grounds in the order, the persons concerned would not be able to ask for review</li> <li>If no reasons are assigned to an aggrieved person the remedy of review under section 3 of the Ordinance by making a representation becomes redundant. A citizen would not be in a position to make any effective representation in the absence of any reason or a speaking order."</li> </ul>
	Articles 10,	PLD 2000	<ul style="list-style-type: none"> <li>That Fundamental Right provided in Part II. Chapter I</li> </ul>

	15, 16, 17, 18, 19, 23, 24 and 25 Constitution	SC 869	of the Constitution shall continue to hold the field but the State will be authorized to make any law or take any executive action in deviation of Articles 15, 16, 17, 18, 19 and 24 as contemplated by Article 233(1) of the Constitution, keeping in view the language of Articles 10, 23 and 25 thereof.
	Articles 15, 16, 17, 19 & 184(3) Constitution	2000 SCMR 770	<ul style="list-style-type: none"> <li>• News item appearing in the national press, about Government imposing country-wide ban on all political meetings at public place, strikes and processions</li> <li>• whether ban on political activities had been validly imposed and if so, under what provision of law and whether the restrictions, so imposed, were ultra vires of the Fundamental Rights guaranteed under Arts. 15, 16, 17 &amp; 19 of the Constitution of Pakistan</li> </ul>
General Clause Act	Section 21	Functus officio	<ul style="list-style-type: none"> <li>• Law does not allow 'Volte Face' to the authority.</li> </ul>
<b>29 MAY 2008</b>			
Rights of Individual	Article 4 Constitution	PLD 2004 LHR 86	<ul style="list-style-type: none"> <li>• all actions of the State functionaries must have the backing of a contemporaneous law, failing which the action would be regarded as without jurisdiction and illegal</li> <li>• A citizen cannot be deprived of such protections and guarantees on the basis of any supposed assumption</li> </ul>
	Article 4 Constitution	PLD 2004 Pesh. 251	<ul style="list-style-type: none"> <li>• The action of the Executive depriving a person of his property must carry the sanction of law behind it and unless that is shown/proved and unit substantial compliance with the law itself is made while taking the action, the result which flowing therefrom would render such action nullity in the eye of law, coram non-judice and the same would be reduced to naught</li> <li>• Whenever powers are given to Executive Authority relating to the determination of rights of citizen, those being in the nature of sacred trust are, therefore, to be exercised justly, fairly, judiciously and in accordance with law. Any violation of such principles would render their impugned orders nugatory.</li> <li>• Constitutional Courts of the country are the main guarantors of the fundamental rights of the people</li> </ul>
		2005 YLR 264	<ul style="list-style-type: none"> <li>• It is settled principle of law that it is the duty and obligation of public functionaries to decide the application of the citizens without fear, favour, nepotism, with reasons and within reasonable time as is envisaged by Article 4 of the Constitution read with section 24-A of the General Clauses Act as per law laid down by the Honourable Supreme Court in "Messrs Airport Support Service v. The Airport Manager Karachi 1998 SCMR 2268</li> </ul>
<b>30 MAY 2008</b>			
Xx		PLD 1961 Khi 88	<b>Pending for research</b>
Xx		PLD 1973 Quetta 14	<b>Pending for research</b>
Xx		PLD 1980 Pesh. 128	<b>Pending for research</b>

Xx		PLD 1985 AJ&K 17	<b>Pending for research</b>
Xx		PLD 1969 SC 407	<ul style="list-style-type: none"><li>• Power of rescinding till a decisive step is taken, is available to the Government or the relevant authorities.</li></ul>