

employment.

(Exceptions:

prisoners and any
duty for public
service required
by law.

but compulsory
service cannot be
cruel or
incompatible with
human dignity)

Dignity of Man
and Privacy of
Home:Article 14

- guarantees
privacy of home
and forbids
torture for the
purpose of
extraction of
evidence
- Police or any
other state agency
can enter a home

can be restricted
by law in the
public interest)

- every citizen has
the right to: join
an
association/union;
freedom of
speech and
expression;
freedom of the
Press is
guaranteed
(Exceptions: can
be restricted by
law on grounds of
sovereignty &
integrity of
Pakistan, public
order or morality;
government
servant cannot be

Supreme Court has recently taken suo moto notice of the killings in Karachi.

The basis of fundamental rights is laid out in Article 4, which states that it is the inalienable right (i.e., can never be taken away) of individuals (citizens wherever they may be as well as individuals currently in Pakistan) to enjoy the protection of law and be treated in accordance with law. It also guarantees the protection of life, liberty, body, reputation & property of an individual.

A person cannot be:

- prevented from doing something which is legal
- compelled to do something which the law does not require him/her to do

Right to Life &
Liberty:
Articles 9, 10, 12
& 13

- no person can be deprived of life or liberty, save in accordance with law
- on arrest or detention in custody, person is to be told grounds for such action & has the right to consult and be defended by legal practitioner of his/her choice.
- arrested person is to be produced before the Magistrate within 24 hours of arrest; any detention beyond

this period
without the
Magistrate's
authority is
illegal.

(Exceptions:

people taken into
preventive
detention.

However, there is
also a specified
procedure for
such detention.)

- a person cannot
be punished for
an act which was
legally not a
crime at the time
of its occurrence
- no punishment
other than that
prescribed in law

Fundamental Rights which are to be available to all citizens, women as well as men wherever they may be, as well as all people temporarily or permanently in Pakistan. However, the freedoms guaranteed can be curtailed or taken away by the government on the grounds of the sovereignty or integrity of Pakistan, maintenance of public order, public morality. BUT these restrictions can be challenged in the superior courts – see What to do if your Rights have been Violated below. The executive is bound to implement these rights while the judiciary is bound to take notice of any violations and provide redress on individual complaints or take notice of its own (called ‘suo moto’ notice) of any gross violations of a collective right. For example, the Supreme Court has recently taken suo

at the time of
occurrence

- for one
crime/offence the
accused cannot
be punished twice
- the accused
cannot be forced
to give witness
against
herself/himself

Prohibition of
Slavery &
Forced Labour:
Article 11

- slavery, all forms
of forced labour
and trafficking of
human beings are
prohibited
- no child under 14
can work in a
factory or a mine
or any other
hazardous

only after
obtaining lawful
authority (in
writing, naming
person & purpose
of entry – e.g.,
arrest or recovery
of stolen goods)

Basic Freedoms:
Articles 15, 16,
17, 18 & 19

- every citizen is free to: move, live and settle in any part of the country, and also has the right to a passport and to travel abroad
- every citizen has the right to assemble peacefully
(Exceptions: these

Fundamental Rights in the Constitution

In this chart, rather than going in numerical order as they appear in the Constitution, we have grouped Fundamental Rights according to the issues they deal with.

Topic	Rights
Fundamental Rights are Supreme: Article 8	any law or custom or usage having force of law inconsistent with Fundamental Rights shall be void
Right to Life & Liberty: Articles 9, 10, 12 & 13	<ul style="list-style-type: none"> • no person can be deprived of life or liberty, save in accordance with law • on arrest or



[The Constitution of Pakistan and Fundamental Rights](#)

[What to do if your Rights have been Violated?](#)

The Constitution of Pakistan and Fundamental Rights

The currently enforced 1973

Constitution is the supreme law of the country and all laws passed should be in line with the Constitution.

However, this Constitution has undergone various amendments, specially during the previous Martial Law period (1977-1985), which have weakened the guarantees it provides for equal rights.

Articles 8 to Article 28 of the 1973 Constitution describe the

Fundamental Rights which are

member of a political party)

- every citizen, subject to qualifications can enter a trade, business or profession of his/her choice (Exceptions: regulations of trade & commerce can be made by the government)

Religious Freedom & Safeguards: Articles 20, 21 & 22

every citizen has the right to believe, practice and propagate their religion
every religious