



## THE SUPREME COURT (PRACTICE AND PROCEDURE) ACT, 2023.



### CONTENTS

1. Short title and commencement
2. Constitution of Benches
- 2A. Practice and procedure of Constitutional Benches
3. *[Omitted]*
4. *[Omitted]*
5. Appeal
6. Right to appoint counsel of choice
7. Application for fixation of urgent matters
- 7A. Hearing, etc.
- 7B. Recording and transcript of proceedings
8. Act to override other laws etc.

# THE SUPREME COURT (PRACTICE AND PROCEDURE) ACT, 2023

ACT No. XVII of 2023

[21st April, 2023]

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ACT

*to provide for certain practices and procedures of the Supreme Court*

<sup>1</sup>[WHEREAS Articles 191 and 191A of the Constitution of the Islamic Republic of Pakistan enables the *Majlis-e-Shoora* (Parliament) to provide for the practice and procedure of the Supreme Court including, Constitutional Benches thereof;]

It is hereby enacted as follows:—

**1. Short title and commencement.**— (1) This Act shall be called the Supreme Court (Practice and Procedure) Act, 2023.

<sup>1</sup>[(2) It shall come into force at once and shall be deemed to have taken effect on and from the date of commencement of the Constitution (Twenty-sixth Amendment) Act, 2024 (XXVI of 2024).]

**2. Constitution of Benches.**— <sup>1</sup>[(1) Every cause, matter, petition, appeal or review application before the Supreme Court, other than those falling within clause (3) of Article 191A of the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the Constitution, shall be heard and disposed of by a Bench constituted by the Committee comprising the Chief Justice of Pakistan, the most senior Judge of the Supreme Court and the most senior Judge of the Constitutional Benches:

Provided that until the most senior Judge of the Constitutional Benches is nominated, the Committee shall comprise the Chief Justice of Pakistan and the most senior Judge of the Supreme Court:

Provided further that if either the Chief Justice or the most senior Judge of the Supreme Court or both are nominated to the Constitutional Benches, the next most senior Judge of the Constitutional Benches shall be the member of the Committee:

Provided also that if a member declines to sit on the Committee, the Chief Justice may nominate any other Judge of the Supreme Court or a member of the Constitutional Benches, as the case may be, as a member of the Committee.

(2) As soon as may be expedient, after the commencement of this Act, the Committee constituted under sub-section (1) shall immediately hold its first meeting and shall formulate its procedure for regulating the working of the Committee:

Provided that, till such time the procedure is formulated under this sub-section, the meeting of the Committee for the purposes of sub-section (1) shall be convened by the Chief Justice.]

(3) The decisions of the Committee shall be by majority.

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<sup>1</sup>Subs. by Act No. XXXI of 2024, ss.2-4.

**<sup>1</sup>[2A. Practice and procedure of Constitutional Benches.—** (1) Where a question arises as to whether a cause, matter, petition, appeal or review application falls within clause (3) of Article 191A of the Constitution and is to be heard and disposed of by a Constitutional Bench or another Bench of the Supreme Court, the committee constituted under clause (4) of Article 191A of the Constitution shall, through a speaking order, determine the question and if it decides that a matter—

- (a) falls within clause (3) of Article 191A of the Constitution, assign it to a Constitutional Bench for hearing and disposal; or
- (b) does not fall within clause (3) of Article 191A of the Constitution, send it to the Committee constituted under section 2 for disposal by another Bench.

(2) The Registrar of the Supreme Court of Pakistan shall provide the requisite administrative and secretarial support to the Constitutional Benches.

(3) Subject to the availability of Judges, Constitutional Benches shall comprise equal number of Judges from each Province.]

3. <sup>1</sup>[\* \* \* \* \*]

4. <sup>1</sup>[\* \* \* \* \*]

**<sup>1</sup>[5. Appeal.—** An appeal shall lie, within thirty days, from an order of a Constitutional Bench, exercising jurisdiction under clause (3) of Article 184 of the Constitution, to a larger Constitutional Bench if practicable:

Provided that the appeals filed against orders passed under clause (3) of Article 184 prior to the commencement of the Constitution (Twenty-sixth Amendment) Act, 2024 (XXVI of 2024) shall stand transferred to a Constitutional Bench.]

**6. Right to appoint counsel of choice.—** For filing a review application under Article 188 of the Constitution, a party shall have the right to appoint counsel of its choice.

**Explanation:** For the purpose of this section, ‘counsel’ shall mean an Advocate of the Supreme Court.

**7. Application for fixation of urgent matters.—** An application pleading urgency or seeking interim relief, filed in a cause, appeal or matter, shall be fixed for hearing within fourteen days from the date of its filing.

**<sup>1</sup>[7A. Hearing, etc.—** Unless law requires a decision within a stipulated period, every cause, matter or appeal in the Supreme Court shall be heard at its turn based on first in, first out, which is to say, the cases filed first shall be heard first.

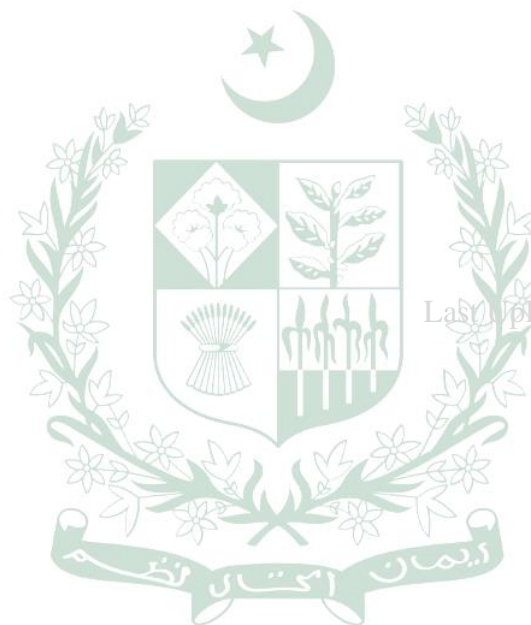
**7B. Recording and transcript of proceedings.—** Hearing of every cause, matter or appeal in the Supreme Court shall be recorded and transcript thereof duly prepared. For the purposes of reliance thereon in any court proceedings, only a certified copy of the transcript against payment of a fee amounting to Rupees fifty per page shall be used.]

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<sup>1</sup>Ins., Omitted and Subs. by Act No. XXXI of 2024, ss.5-8.

**8. Act to override other laws etc.**— The provisions of this Act shall have effect notwithstanding anything contained in any other law, rules or regulations for the time being in force or judgment of any Court including the Supreme Court and a High Court.

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**THE PAKISTAN CODE**