

Judiciary and Law of Pakistan



Formerly known as : Federal Judiciary

Founded : 14 August 1947

Country : Pakistan

Controlling authority : Supreme Court, High Court, Federal Shariat Court

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Judiciary and Law of Pakistan title can be described as the The judiciary of Pakistan is the national system of courts that maintains the law and order in the Islamic Republic of Pakistan. Pakistan uses a common law system, which was introduced during the colonial era, influenced by local medieval judicial systems based on religious and cultural practices. The Constitution of Pakistan lays down the fundamentals and working of the Pakistani judiciary.

Pakistan has two classes of courts: the superior (or higher) judiciary and the subordinate (or lower) judiciary. The superior judiciary is composed of the Supreme Court of Pakistan, the Federal Shariat Court and five High Courts, with the Supreme Court at the apex. There is a High Court for each of the four provinces as well as the federal capital. The Constitution of Pakistan entrusts the superior judiciary with the obligation to preserve, protect and defend the constitution.

Superior judiciary

Supreme Court of Pakistan

The Supreme Court (KAS), established in 1956, is the apex court in Pakistan's judicial hierarchy, the final arbiter of legal and constitutional disputes. The court consists of a Chief Justice and sixteen other judges. There is also provision for appointment of acting judges as well as ad hoc judges in the court. It has a permanent seat in Islamabad as well as branch registries in Lahore,

Peshawar, Quetta and Karachi. The Supreme Court Judges are supervised by the Supreme Judicial Council. After the appointment of Justice Qazi Faez Isa, there has come a significant change in the working of the apex court of the land. In an unprecedented act, the judicial proceedings are now televised in order to show the country how the superior court of the land works. Additionally, following the amendments by the Parliament, the suo moto powers of the Chief Justice have been curtailed as now in order for a suo moto case to be initiated, the 3 senior most judges must be in agreement that the matter is indeed of public importance and the court must act upon its powers and take up the case.

Federal Shariat Court of Pakistan

The Federal Shariat Court of Pakistan is a constitutional Islamic religious court, established in 1980 to scrutinise all Pakistani laws and determine if they conform to Islamic values "as laid down in the Quran and the Sunnah". If a law is found to be 'repugnant', the Court notifies the relevant government, specifying the reasons for its decision. The court also has appellate jurisdiction over penalties (hudud) arising out of Islamic law, although these decisions can be reviewed by the Shariat Appellate Bench of the Supreme Court. The decisions of the court are binding on the high courts as well as the subordinate judiciary. The court appoints its own staff and frames its own rules of procedure.

The court consists of eight Muslim judges, appointed by the President of Pakistan, on the advice of a judicial committee of the chief justices of the Supreme Court and the Federal Shariat Court. The committee chooses from amongst serving or retired judges of the Supreme Court or the high courts or from amongst persons possessing the qualifications of judges of a high court. Of the eight judges, three are required to be Islamic scholars/Ulema qualified in Islamic law. The judges serve terms of three years, subject to extension by the President. The current Chief Justice of the Federal Shariat Court is Justice Iqbal Hameed Ur Rehman.

High courts

There is a high court for the Islamabad Capital Territory and four provincial high courts. A high court is the principal court of its province.

*The Lahore High Court in Lahore, Punjab, with circuit benches at Bahawalpur, Multan and Rawalpindi.

*The Sindh High Court in Karachi, Sindh, with circuit benches at Hyderabad, Larkana, Mirpurkhas and Sukkur.

*The Peshawar High Court in Peshawar, Khyber Pakhtunkhwa, with circuit benches at Abbottabad, Bannu, Dera Ismail Khan, Mingora and Swat.

*The Balochistan High Court in Quetta, Baluchistan, with circuit benches in Sibi and Turbat.

*The Islamabad High Court in Islamabad, ICT

Subordinate judiciary

District judiciary

District judiciary or district courts exist in every district of each province, and have civil and criminal jurisdiction ordinarily governed by Civil Procedure Code, 1908 for civil cases and by Code of Criminal Procedure in criminal cases. The administrative head of district judiciary is the 'district and sessions judge'. In each district headquarters, there are a number of courts of additional district and sessions judges having same judicial powers like the court of district and sessions judge, including trial for offences shown in schedule II of Code of Criminal Procedure as

exclusively triable by the Court of Session i.e. Qatl e Amd (culpable homicide), rape, defamation dacoity etc. These courts have also jurisdiction to try cases under the Hudood Laws of Pakistan, certain offences under Control of Narcotic Substances Act etc. These courts also work as ex officio Justice of Peace to entertain complaints against police officials.

All convictions awarded by judicial magistrates and convictions up to four years awarded by courts of assistant sessions judges or magistrates especially empowered under section 30 Cr.P.C. are appealable to a court of sessions judge which also transfer the criminal Appeals and criminal revisions to Additional Sessions Judges.

*The high court of each province has appellate jurisdiction over the lower courts.

* The Supreme Court has exclusive jurisdiction over disputes between and among provincial governments, and appellate jurisdiction over high court decisions.

Court usually starts early in the morning, with the hearing of pre-arrest bail applications, followed by post-arrest bail applications and civil appeals from the orders of the judicial magistrates' courts and civil judges. Decisions are usually announced later in the day, once the judge has had time to peruse the case files after the hearings. The rest of the day is allocated for the recording of the evidence in sessions cases such as in offences murder, rape and robbery etc. Cases are usually allotted by administrative orders of district and sessions judges. The court of the district and sessions judge usually hears administrative applications against lower courts orders.

Challenges Facing the Judiciary

Despite being constitutionally protected, the judiciary in Pakistan continues to face a range of serious challenges that hinder the delivery of effective and timely justice. One of the most pressing issues is the massive backlog of cases, which leads to prolonged delays in legal proceedings—often stretching over several years. This delay undermines public trust in the legal system and denies many citizens their right to speedy justice. Corruption and inefficiency, particularly at the lower levels of the judiciary, further erode confidence in the system. Many litigants report having to navigate a complex web of bureaucracy and unofficial payments just to move their cases forward. In addition, there is limited access to justice, especially for the poor and those living in remote or rural areas, where courts may be far away or under-resourced. Judges in Pakistan are often overburdened with heavy caseloads and lack the necessary administrative and technical support to efficiently manage proceedings. Furthermore, the inconsistent application of laws—often due to unclear legal interpretations or political influence—creates uncertainty and perceived unfairness in the legal process. While various judicial reform efforts have been initiated, including the digitization of records and the promotion of alternative dispute resolution (ADR) mechanisms, these have met with limited success. Structural issues such as outdated procedures, lack of accountability, and resistance to change continue to impede meaningful progress. Overall, systemic reform is urgently needed to restore public confidence and ensure justice is both accessible and equitable for all.

Role in Politics and Society

The judiciary has played a prominent role in Pakistan's political landscape. It has been involved in disqualifying elected leaders, validating military coups (e.g., under the "doctrine of necessity"), and checking executive overreach. While some see it as a defender of constitutionalism, others criticize it for being politicized or selective in delivering justice.