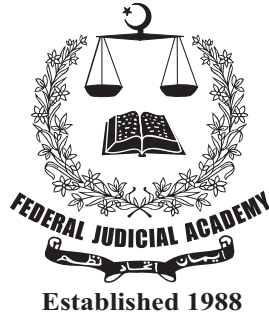




# The Judicial System of Pakistan



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## **1. Introduction**

The roots of the current judicial system of Pakistan stretch back to the medieval period and even before. The judicial system that we practice today has evolved over a long period of time, spanning roughly over a whole millennium. The system has passed through several epochs, covering the Hindu era, Muslim period including the Mughal Empire, British colonial period and post-independence chapter. Notwithstanding the successive changes i.e. one rule/dynasty substituted by the other, which naturally resulted in the socio-economic and political transformation of the Indian society, the judicial system generally maintained a steady growth and gradual advance towards consolidation and improvement/refinement, without indeed, having to undergo any major disruption or breakdown.

All in all, the system experienced and passed through 3 distinct stages of historical development, namely, Hindu Kingdom, Muslim Rule and British Colonial Administration. The 4th and current era, commenced with the partition of India and the establishment of Pakistan, as a sovereign and independent State. The system, thus, has evolved through a process of reform and development. This conclusion enjoys near unanimity among historians and commentators of Indian legal history.

During this process of evolution and growth, the judicial system did receive influences and inspirations from foreign doctrines/notions and indigenous norms/practices, both in terms of organizing courts' structure, hierarchy, jurisdiction and adopting trial procedures/practices. Therefore, the present judicial system is not an entirely foreign transplant, as is commonly alleged, but has acquired an indigenous flavour and national colour. And whereas the system may not fully suit the genius of our people or meet the local conditions, its continued application and practice has made it intelligible to the common man. The very fact that increasing number of people are resorting to the courts for the resolution of their conflicts/disputes, indicates that the system enjoys a degree of legitimacy and acceptance.

## **2. Historical Retrospect**

### **2.1 Hindu Period**

The Hindu period lasts for 3 millennia i.e. from 1500 BC until 1500 AD. Information on the judicial system during Hindu period has been somewhat sketchy, gathered mostly from scattered sources, such as ancient books like Dharamshastra, Smiritis and Arthashastra, and commentaries of the same by historians and jurists. These sources construct a well-defined system of administration of justice during the Hindu period. The King was regarded as the fountain of justice who also discharged judicial functions. In this task, judges as well as his ministers and counselors assisted him. He was the final judicial authority and court of ultimate appeal. At the Capital, besides the King's Court, the Court of Chief Justice existed. This Court, in hierarchy, was next to the King's Court and appeal against its decisions lay to the King's Court. The judges were appointed on the basis of their qualifications and scholarship but the choice was mostly restricted to upper caste i.e. Brahmins.

At the village level, tribunals dispensed justice, which consisted of the assembly of the village, or the caste or the family.<sup>1</sup> The village Headman acted as Judge/Magistrate for the community. Decisions by such tribunals were usually through conciliation. The decisions of village/town courts/tribunals were appealable in the higher courts and final appeal lay before the King's Court. Besides adjudication, the system of arbitration was also in vogue.

As regards the procedure followed in the courts/tribunals, no formal rules existed, as the law applicable was not statutory but customary or moral. The determination of truth and punishment of the wrong-doer was regarded as a religious duty. Civil proceedings commenced with the filing of a claim which was replied to by the opposite party. Both parties were allowed to produce witnesses so as to prove their respective claims. On the conclusion of the trial, decision was pronounced which was duly enforced. It appears thus, that the system of administration of justice, as it operated in ancient India, was not substantially different from what it is in the modern times. In a sense, the current system seems to be a continuation of the former practices and procedures.

## **2.2 Muslim Period**

The Muslim period in the Indian sub-continent roughly begins in the 11th century A.D. This period may be divided into two parts i.e. the period of early Muslim rulers who ruled Delhi and some other parts of India and the Mughal period, which replaced such Muslim and other rulers in 1526 A.D. The Mughal Dynasty lasted until the middle of 19th century.

During the period of Muslim rulers, the Islamic law remained the law of the land in settling civil and criminal disputes. However, common customs and traditions were also invoked in settling secular matters. These rulers were not particularly keen on applying the Islamic law to each and every sphere of life, and let the indigenous customs and institutions continue side by side with Islamic law and institutions. During this period, different courts were established and functioned at the central, provincial, district and tehsil (Pargana) level. These courts had defined jurisdiction in civil, criminal and revenue matters and operated under the authority of the King. On the top of judicial hierarchy was the King's Court, presided over by the King himself, exercising original as well as appellate jurisdiction. The King was the head of judicial administration and he made all appointments to judicial posts. Persons of recognised scholarship, known competence and high integrity were appointed to such posts. The judges held office during the pleasure of the King.

The Mughals improved upon the previous experience and created an organised system of administration of justice, all over the country. Courts were created at each and every unit of the administrative division. At the village level, the Hindu system of Panchayats (Council of Elders) was retained, which decided petty disputes of civil and criminal nature, using conciliation and mediation as means of settling disputes. At the town level, there existed courts, presided over by

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<sup>1</sup> 14<sup>th</sup> Report of Law Commission of India, 1958, Vol. I, p 26

Qazi-e-Parganah. Similarly, at the district (Sarkar) and provincial (Subah) level, courts of Qazis were established. The highest court at the provincial level was that of Adalat Nazim-e-Subah. Similarly, for revenue cases, officers known as Ameen were appointed at the town level. At the district level, revenue cases were dealt with by Amalguzar and at the provincial level by Diwan.

The supreme revenue court was called, the Imperial Diwan. Side by side, with civil and revenue courts, criminal courts, presided over by Faujdar, Kotwal, Shiqdar and Subedar functioned.<sup>2</sup> The highest court of the land was the Emperor's Court, exercising original and appellate jurisdiction.

Although these courts generally exercised exclusive jurisdiction in different categories of cases, however, sometimes their jurisdiction was inter-mixed, in as much as, officers dealing with criminal cases were also required to act as revenue courts. Furthermore, whereas territorially, these courts formed a concentric organization, their jurisdiction was not always exclusive on the basis of territorial limits. Thus, a plaintiff may choose to file his suit in a town or a district or a province. The pecuniary jurisdiction of the courts was also not defined; hence, a case of higher value may be filed in a court of small town. Similarly, appellate jurisdiction existed but was not well defined. Thus, a plaintiff or a complainant, not satisfied with a decision, may file a second suit/complaint in another court. Such later court would decide the matter afresh, without indeed taking into consideration the earlier finding of the court.

The emperor made the judicial appointments and persons of high scholarship and good reputation were appointed to the posts. Instructions were given to the judges to be neutral and impartial; and complaints against them were taken seriously. Corrupt officials were removed. Consequently, the scales of justice were very high.<sup>3</sup>

The procedure followed in civil cases was not much different from the procedure, which is applicable today. On a suit being filed, the court summoned the opposite party to admit or deny the claim. Issues were framed in the presence of both the parties who were then required to produce evidence in support of their respective claims. Simple cases were decided, based on such evidence, however, in complicated cases, the judge may launch his own investigation into the matter.<sup>4</sup> Maximum effort was made to find the truth. On the conclusion of the proceedings, judgment was pronounced and duly executed. Litigants were allowed to present their cases either personally or through agents. Such agents were not exactly lawyers (in the modern sense of the term) but were fully conversant with the judicial procedure. An officer of the court called Mufti, attached to the court, made the interpretation of law.<sup>5</sup>

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<sup>2</sup> Dr. Nasim Hassan Shah, *Constitution, Law and Pakistan Affairs*, 1986, Wajidalis Limited, Gulberg, Lahore, p 99

<sup>3</sup> B.R. Sharma, *Judiciary on Trial*, 1989, Deep & Deep Publications, Rajouri Garden, New Delhi, p 14

<sup>4</sup> Report of (Justice Hamood-ur-Rahman) Law Reform Commission, 1967-70, p 60

<sup>5</sup> Ibid



### **2.3 British Period**

The East India Company was authorized by the Charter of 1623 to decide the cases of its English employees. The Company therefore established its own courts. The President and Council of the Company decided all cases of civil or criminal nature. The subsequent charters further expanded such powers. Thus, the Charter of 1661 authorized the Governor and Council to decide not only the cases of the Company employees but also of persons residing in the settlements. In deciding such cases, the Governor and the Council applied the English laws. As the character of the Company changed from one of a trading concern into a territorial power, newer and additional courts were established for deciding cases and settling disputes of its employees and subjects. The administration of justice was initially confined to the Presidency Town of Bombay, Calcutta and Madras. In view of the huge distances between these Towns and the peculiar conditions prevailing there, the administration of justice, which developed in these Towns, was not uniform. There were established two sets of courts, one for the Presidency Towns and the other for the Mufussil. The principal courts for the town were known as the Supreme Courts and Recorders Courts. These courts consisted of English judges and applied English laws. The English people, residing in such towns alone, were subject to their jurisdiction. The native inhabitants, who were mostly living in the Mufussil, were governed under separate courts called Sadar Dewani Adalat and Sadar Nizamat Adalat, dealing with civil and criminal cases respectively. Such courts applied the local laws and regulations.

The Supreme Court of Calcutta was established under the Regulating Act 1773. The Court consisted of a Chief Justice and other judges, exercising both civil and criminal jurisdiction. The Court could also issue certain prerogative writs. In 1798, the Recorders Courts were established at Madras and Bombay, with powers identical to the Supreme Court of Calcutta. Afterwards, the Recorders Court at Madras was substituted by the Supreme Court (under the Parliament Act 1800). A few years later, the Recorders Court at Bombay was also replaced by the Supreme Court (under the Parliament Act 1823). These new courts had indeed the same composition, jurisdiction and powers as exercised by the Supreme Court of Calcutta.

The High Court of Judicature Act 1861 abolished the Supreme Courts as well as the Sadar Adalats, and in their place, constituted the High Court of Judicature for each Presidency Town. This Court consisted of a Chief Justice and such other number of judges, not exceeding 15. The Act prescribed professional qualifications for such judges together with the mode of their appointment. Thus, it was provided that 1/3rd of the judges should be appointed from amongst the barristers with 5 years standing and 1/3rd from amongst the civil servants, having 3 years experience as a District Judge. The remaining 1/3rd seats were filled from amongst pleaders and members of Subordinate Judiciary, having 5 years experience. The judges were appointed by the Crown and held office during his pleasure. The High Courts exercised original as well as appellate jurisdiction in civil and criminal matters and were also required to supervise the functioning of the Subordinate Courts in their respective domain. Besides the Presidency Towns, High Courts were also established in Allahabad in 1866, Patna in 1919, Lahore in 1919 and Rangoon in 1936. The Sindh Chief Court was established under the Sind Courts Act 1926. Similarly, under the NWFP Courts Regulation 1931 and

the British Balochistan Courts Regulation 1939, the Court of Judicial Commissioner was created in each such area.

The Code of Civil Procedure 1908 created principal civil courts, namely, the Court of District Judge, the Court of Additional District Judge, the Court of Civil Judge and the Court of Munsif. Their territorial and pecuniary jurisdictions were also defined.

The Government of India Act 1935 retained the High Courts and also provided for the creation of a Federal Court.<sup>6</sup> The Federal Court was established in 1937. Its judges were appointed by the Crown and held office till completing the age of 65 years. The qualifications prescribed were, 5 years experience as a judge of a High Court or 10 years experience as a barrister or 10 years experience as a pleader in a High Court. The Act further provided that the judges of the Federal Court and High Courts should hold office during good health and behaviour, meaning, they may not be removed except on the grounds of infirmity of mind or body or misbehaviour, only when on a reference made by the Crown, the Judicial Committee of Privy Council so recommends. The Federal Court exercised original, appellate and advisory jurisdiction.<sup>7</sup>

### **3. Post-Independence Evolution**

On independence, the Government of India Act 1935 was retained as a provisional Constitution. As a consequence, the legal and judicial system of the British period continued, of course, with due adaptations and modifications, where necessary, to suit the requirements of the new Republic. This way, there occurred no vacuum or breakdown, and the operation of the legal system continued uninterrupted. The judicial structure also remained the same. The Lahore High Court continued to function and so did the Sindh Chief Court and the courts of Judicial Commissioner in NWFP and Balochistan. A new High Court was set up at Dacca.<sup>8</sup> Similarly, a new Federal Court for Pakistan was also established.<sup>9</sup> The powers, authority and jurisdiction of the Federal Court and High Courts, as prescribed in the Government of India Act 1935, remained intact.

The Government of India Act 1935 was amended in 1954 with a view to empower the High Courts to issue the prerogative writs.<sup>10</sup> The subsequent Constitutions i.e. 1956, 1962 and 1973 did not drastically alter the judicial structure or the powers and jurisdiction of the superior courts. The changes effected were, renaming the Federal Court as the Supreme Court by the 1956 Constitution and the upgradation of the Chief Court of NWFP and Judicial Commissioner Court of Balochistan into full-fledged High Courts, by the 1973 Constitution. Later on, a new court called, Federal Shariat

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<sup>6</sup> Section 200

<sup>7</sup> Section 204, 205, 207, 213

<sup>8</sup> By the High Court (Bengal) Order 1947

<sup>9</sup> By the Federal Government of Pakistan Order 1948

<sup>10</sup> Section 223-A

Court was created in 1980<sup>11</sup> with jurisdiction to determine, suo moto or on petition by a citizen or the Federal or a provincial Government, as to whether or not a certain provision of law is repugnant to the injunctions of Islam.<sup>12</sup>

Pakistan being a Federal Republic, the provinces enjoy wide powers, and subjects to administer including the administration of justice. The High Court is the principal court of the province, which exercises original jurisdiction (issuing writ for enforcement of Fundamental Rights) and appellate jurisdiction (against orders/judgments of Subordinate Courts and special courts). The Subordinate Courts function under the administrative control of the High Court. All such courts are funded by the Provincial Government.

#### **4. Superior Judiciary**

The Constitution of Pakistan deals with the superior judiciary in a fairly comprehensive manner and contains elaborate provisions on the composition, jurisdiction, powers and functions of these courts. The Constitution provides for the “separation of judiciary from the executive” and the “independence of judiciary”<sup>13</sup> It entrusts the superior courts with an obligation to “preserve, protect and defend” the Constitution.<sup>14</sup> The qualifications of judges, their mode of appointment,<sup>15</sup> service conditions, salary, pension,<sup>16</sup> etc. are also laid down in the Constitution. The remuneration of judges and other administrative expenditures of the superior courts are charged on the Federal/Provincial Consolidated Fund,<sup>17</sup> which means it may be discussed but cannot be voted upon in the legislature.

The Constitution also provides for the grounds as well as forum and procedure for the removal of judges of the superior courts.<sup>18</sup> The Supreme Judicial Council, consisting of the senior judges of the Supreme Court and High Courts, on its own or on a reference made by the President, may recommend the removal of a Judge on the ground of misconduct or physical or mental incapacity. Thus, the Constitution ensures the freedom, independence and impartiality of the superior judiciary.

The Supreme Court and High Courts have recently been given a degree of financial autonomy. This measure followed the Supreme Court ruling in the case of Government of Sind v Sharaf Faridi.<sup>19</sup> The

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<sup>11</sup> Art 203-C

<sup>12</sup> Art 203-D

<sup>13</sup> Preamble, Art 2 A and Art 175 (3)

<sup>14</sup> Art 178 & 194, read with the 3rd Schedule

<sup>15</sup> Art 177 & 193

<sup>16</sup> Art 205 read with the 5th Schedule

<sup>17</sup> Art 81 & 118

<sup>18</sup> Art 209

<sup>19</sup> PLD 1994 SC 105

Court held that the independence of judiciary also means the elimination of financial control of the Executive over the judiciary, and therefore, the Chief Justice of the Supreme Court and High Courts should be authorized to make re-appropriation of funds within the budgetary allocation, without the approval of Finance Ministry. The Court went on to elaborate that the Chief Justices would thus be competent to re-appropriate amounts from one head to another and may also create or abolish posts and upgrade or downgrade the same.<sup>20</sup>

This ruling came during the course of interpretation of Article 175(3) of the Constitution, which provides that “judiciary shall be separated progressively from the Executive within 14 years”. The Court held that as per such constitutional mandate, the functions of magistracy should be bifurcated and the judicial magistrates must be placed under the administrative control of the High Court. The Court fixed the 23rd of March 1994 as the last date for carrying out this measure.

In its order dated 24th January 1996 on the review petition, the Supreme Court extended the said date to 23rd March 1996 and reiterated that separation must be effected by the due date and added that no request for further extension in time will be entertained. Consequently, through appropriate amendments in law, judicial magistrates were placed at the disposal of High Courts. Later, the Supreme Court in the cases of *Al-Jehad Trust v Federation*<sup>21</sup> and *Asad Ali v Federation*<sup>22</sup> further interpreted various provisions in the Constitution and clarified the procedure and qualifications for appointment to the Supreme Court and High Court and appointment of the Chief Justices of the said courts.

This procedure was changed by the Constitution 18th & 19th (Amendments) Acts 2010. Before such amendments, the standing practice was that the Chief Justice of Pakistan used to recommend a panel to the President and the President would select a suitable judge from the said panel. Similarly, for the appointment of judges in the High Courts, the respective Chief Justice would forward a panel to the President which was routed through the Governor of the Province and Chief Justice of Pakistan. The recommendation of the Chief Justice was binding on the President, except for sound reasons to be recorded by the President.

#### **4.1 New Procedure for Appointment**

Following the adoption of Constitutional (18th & 19th) Amendments Acts 2011, new process/procedure was prescribed for appointment of judges to the superior judiciary. The 18th Amendment was aimed at strengthening the parliamentary system and transferring additional subjects to the provinces. The Parliament also prescribed a new fora and procedure for the appointment of judges. Cases of appointment in superior courts i.e. Supreme Court, Federal Shariat Court, High Courts are to be processed through two forums i.e. Judicial Commission of

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<sup>20</sup> Ibid, p 115

<sup>21</sup> PLD 1996 SC 324

<sup>22</sup> PLD 1998 SC 33

Pakistan and Parliamentary Committee. The Judicial Commission is headed by the Chief Justice of Pakistan and comprises senior judges of Supreme Court, Chief Justice and senior puisne judges of High Court, Attorney General for Pakistan, Federal and Provincial Law Ministers, representatives of the Federal and Provincial Bar Councils, etc. The Commission nominates names for each vacancy and forwards it to the Parliamentary Committee for confirmation.

The Parliamentary Committee comprises eight members: four from National Assembly and four from Senate. The Committee scrutinizes the nominations and names confirmed are forwarded to the President, through the Prime Minister, for appointment.

The 18th Amendment was challenged in the Supreme Court and examined by a 17-member bench, which decided to send a reference to the Parliament with certain recommendations to improve the process and procedure of appointment of judges. The Parliament graciously considered the reference and approved many a recommendations through the adoption of Constitution (19th Amendment) Act 2010.

In the light of 18th and 19th amendments, judges of Supreme Court are appointed through the Judicial Commission which consists of Chief Justice of Pakistan as Chairman and four senior judges of the Supreme Court, one former Chief Justice or judge of the Supreme Court, nominated by the Chairman, in consultation with the four member judges, as members. The remaining members are, the Attorney General for Pakistan, Federal Minister for Law and Justice and a senior advocate, Supreme Court, nominated by the Pakistan Bar Council. Once the Judicial Commission approves a new name for appointment as judge of the Supreme Court, it goes to the eight-member Parliamentary Committee that has equal representation of the Government and the Opposition as well as of the two houses i.e. National Assembly and Senate. This Committee has two weeks to consider the nomination. If approved, the name is forwarded to the President, through the Prime Minister, for appointment. The Parliamentary Committee, for reasons to be recorded, may not confirm the recommendation by three-fourth majority, in which instance, the decision is forwarded to the Commission through the Prime Minister; and in that eventuality, the Commission is required to send another nomination.<sup>23</sup>

Notwithstanding the procedure provided in Article 175A, the President has to appoint the most senior judge of the Supreme Court as the Chief Justice of Pakistan. As per opinion of the Supreme Court, on a Reference received from the President, the Government is not authorized to decide inter se seniority of the judges.<sup>24</sup> The issue was resolved by another verdict of the Supreme Court, wherein it was held that the inter se seniority of judges of High Court shall reckon from the date of their appointment as Additional Judge of High Court; however if appointed on the same day, then it shall reckon from their seniority in age.<sup>25</sup>

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<sup>23</sup> Art 175A

<sup>24</sup> Reference No.1 of 2012

<sup>25</sup> Muhammad Aslam Awan v Federation, 2014 SCMR 1289

For appointment of Chief Justice and judges of Federal Shariat Court, the Chief Justice and most senior judge of the said court are added to the composition of the Judicial Commission, provided that for appointment of the Chief Justice, the most senior judge is excluded from such composition. Similarly, for appointment of Chief Justices and judges of High Courts, the Chief Justice and senior most judge of the respective High Court, provincial minister for law and an advocate of High Court (15 years standing), as nominee of the provincial bar council, are added to the composition of the Commission. However, for appointment of Chief Justice, the senior most judge is excluded from such composition. Just like appointments in the Supreme Court, the Chief Justices and judges of the Federal Shariat Court and High Courts are appointed by the President through their nomination by the Judicial Commission and confirmation by the Parliamentary Committee.

## **4.2 Accountability**

The system of accountability is an essential prerequisite of the independence of judiciary. The Constitution of Pakistan prescribes such procedure in the form of Supreme Judicial Council. The Supreme Judicial Council is a unique institution, which comprises the senior most judges in judicial hierarchy and entrusted with the onerous responsibility of deciding complaints that are referred to it. The Supreme Judicial Council is comprised of the Chief Justice of Pakistan, as Chairman, with two most senior Judges of the Supreme Court and two most senior Chief Justices of High Courts, as members. The Registrar, Supreme Court of Pakistan acts as its Secretary. On a reference received from President or through suo moto action, the Supreme Judicial Council investigates the matter and presents its finding to the President. If the Council decides that the Judge is incapable of performing the duties of office or is guilty of misconduct, and therefore should be removed from office, the President may order the removal of such judge. A judge may not be removed from service except on the specified grounds and subject to the prescribed procedure.<sup>26</sup>

## **4.3 Supreme Court**

The Supreme Court is the apex Court of the land, exercising original, appellate and advisory jurisdiction.<sup>27</sup> It is the Court of ultimate appeal and final arbiter of law and the Constitution. Its decisions are binding on all other courts.<sup>28</sup> The Court consists of a Chief Justice and other judges,<sup>29</sup> appointed by the President as per procedure laid down in the Constitution.<sup>30</sup> An Act of Parliament has fixed the number of Judges at 17 i.e. Chief Justice and 16 judges.<sup>31</sup> There is also a provision for appointment of acting judges as well as ad hoc judges in the court.<sup>32</sup> A person with 5 years experience as a Judge of a High Court or 15 years standing as an advocate of a High Court, is eligible to be appointed as judge of the Supreme Court.<sup>33</sup>

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<sup>26</sup> Art 209

<sup>27</sup> Art 184, 185 & 186

<sup>28</sup> Art 189

<sup>29</sup> Art 176

<sup>30</sup> Art 175 A

<sup>31</sup> The Supreme Court Number of Judges Act (Act No. XXXIII) of 1997

<sup>32</sup> Art 181 & 182

<sup>33</sup> Art 177

The Court exercises original jurisdiction in settling inter-governmental disputes,<sup>34</sup> be that dispute between the Federal Government and a provincial government or among provincial governments. The Court also exercises original jurisdiction concurrently with High Courts for the enforcement of Fundamental Rights, where a question of 'public importance' is involved.<sup>35</sup> The Court has appellate jurisdiction in civil and criminal matters.<sup>36</sup> Furthermore, the Court has advisory jurisdiction in giving opinion to the Government on a question of law.<sup>37</sup>

To provide an expeditious and inexpensive remedy, in matters relating to infringements of Fundamental Rights, enshrined in Chapter II of the Constitution, a Human Rights Cell has been established in the Court which now includes Expatriate Pakistanis Complaint Wing. The Cell functions under the direct supervision of the Chief Justice of Pakistan. It is mandated to expeditiously process the complaints and grievances received from the general public. Many such letters, applications and complaints are received. At the initial stage, a report is called from the head of the Department/Agency, complained against. In case the grievance is redressed, the matter is disposed of. Cases requiring hearing are however fixed in Court and decided. In this way, relief is provided to the poor and vulnerable section of society without going through the traditional protracted litigation process. The public interest litigation in this form paved way for bringing relief as well as statutory reforms in matters of general public importance, e.g., the enactment of the Bonded Labour System (Abolition) Act 1992, Human Organs and Tissues Act 2010, Prohibition of Kite Flying (Amendment) Act 2009, Prohibition of Smoking and Protection of Non Smokers Health Ordinance, 2002, etc.

The Supreme Court appoints its own staff and determines their terms and conditions of service.<sup>38</sup> The Supreme Court (Appointment of Officers and Servants and Terms of Service) Rules 1982 prescribe the qualification for and mode of appointment and promotion of staff together with penalties and procedure for disciplinary proceedings against them. The Court may also frame its own rules of procedure. The Supreme Court Rules 1980 laid down detailed procedure for the filing of petitions and appeals and their processing through the Court.

As compared to the practice elsewhere in the world, particularly the United States and United Kingdom, where fewer cases reach the apex court, the Supreme Court of Pakistan deals with cases, far beyond its capacity to handle. Its jurisdiction — original as well as appellate — is fairly wide. Besides entertaining civil and criminal appeals from the High Courts, the Court also hears appeals from the judgments against the Federal Shariat Court, Federal/provincial service tribunals and some special courts. The Court also entertains cases of violation of Fundamental Rights under its original

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<sup>34</sup> Art 184(1)

<sup>35</sup> Art 184(3)

<sup>36</sup> Art 185

<sup>37</sup> Art 186

<sup>38</sup> Art 208

jurisdiction i.e. Art 184(3). As a consequence, there is always huge number of pending cases before the Court. As per latest data available, on 31st December 2013, a total of 20,480 cases were pending in the Supreme Court.<sup>39</sup> Approximately, 14000 – 16000 cases (both petitions and appeals) are annually filed in the Court. The current backlog is about 2200 cases. In addition, thousands of applications/letters are annually received under Article 184(3) of the Constitution and processed by the Court. Obviously, the Court has a very heavy workload.

To facilitate the litigant public and ensure prompt disposal of cases, the Court generally operates through benches, working at the Principal Seat and the 4 Branch Registries, one at each provincial metropolis. Such benches work, almost round the year. Whereas the constitution of Benches and their operation in various cities facilitate the public and ensures justice at the doorstep; the system does affect the quality of judgments and deprives the Court of collective wisdom, so very vital for the apex Court, dealing with important issues, involving the interpretation of law/Constitution. There is, therefore, perhaps a need to re-examine the wisdom of bench system, which is however not possible with the present workload, and rising trend of institution of cases, due to the wider jurisdiction of the Court. A way out may be the transfer of the court appellate jurisdiction under Art 212 (appeals in service matters) to High Courts. The High Courts could handle the extra workload, as there strength was recently increased (in 2008) and they are currently operating with full strength. Thus, they could deal with appeals arising out of the judgments of the provincial service tribunals. The appeals against verdicts of (Federal) Service Tribunal may be filed at the Islamabad High Court; its strength however requires increase due to heavy pendency before it.

#### **4.4 High Courts**

There is a High Court in each province and yet another High Court for the Islamabad Capital Territory. Each High Court consists of a Chief Justice and other puisne judges. The strength of Lahore High Court is fixed at 60, High Court of Sindh at 40, Peshawar High Court at 20, High Court of Balochistan at 11 and Islamabad High Court at 7. Qualifications mentioned for the post of a judge are, 10 years experience as an advocate of a High Court or 10 years service as a civil servant, including 3 years experience as a District Judge or 10 years experience in a judicial office.<sup>40</sup>

For the appointment of judges of High Courts, in the past, the practice used to be that initially the Chief Justice of the concerned High Court would prepare a list of candidates which was submitted to the President, through the Governor of the province and the Chief Justice of Pakistan. The President made the final selection from the said list. Subsequently, however the Supreme Court, in the case of *Al-Jehad Trust v Federation*<sup>41</sup> ruled that the recommendation of the Chief Justice of Pakistan and Chief Justice of the High Court shall be binding on the President, except for sound reasons to the contrary. The court further ruled that the most senior judge would have legitimate expectancy of

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<sup>39</sup> Judicial Statistics of Pakistan 2013, published by the Law and Justice Commission of Pakistan, Islamabad

<sup>40</sup> Art 193

<sup>41</sup> PLD 1996 SC 324



being appointed as the Chief Justice, except for concrete and valid reasons, to be recorded by the President.

As mentioned earlier, the procedure of appointment of judges in the High Courts has been changed after the 18th and 19th amendments. The judges of High Courts are appointed by the Judicial Commission and Parliamentary Committee. For appointment of judges of High Courts, the Judicial Commission comprise the Chief Justice of Pakistan, as Chairman with four senior most judges of the Supreme Court, one former Chief Justice or a retired judge of the Supreme Court, appointed by the Chairman, in consultation with the four member judges of Supreme Court, Attorney General for Pakistan, Federal Minister for Law & Justice, Chief Justice and most senior judge of the High Court to which appointment is being made, provincial Minister for Law and an Advocate, (of fifteen years standing), nominated by the respective provincial Bar Council, as members. For appointment of Chief Justice, the requirement of most senior judge of the High Court, as member of the Commission is excluded. Once the Judicial Commission approves a new name for appointment as judge of High Court, it goes to an 8-member Parliamentary Committee that has equal representation of the Government and the Opposition as well as of two houses i.e. National Assembly and Senate. This Committee has two weeks to review the recommendation. If the recommendation is approved, it goes to the Prime Minister who forwards the same to the President for appointment. The Parliamentary Committee, for reasons to be recorded, may not confirm the recommendation by three-fourth majority; in which instance, the decision is forwarded to the Judicial Commission through the Prime Minister, and the Commission is then required to send another nomination.

The Court exercises original jurisdiction in the enforcement of Fundamental Rights and appellate jurisdiction in respect of judgments/orders of the Subordinate Courts in all civil and criminal matters. Appeals are also entertained against orders/judgments of Special Courts. A large number of cases are pending in various High Courts. In the Lahore High Court, a total of 1,73,037 cases, in the High Court of Sindh, 66,457 cases, in Peshawar High Court, 26,716 cases and in the High Court of Balochistan, 4,923 cases were pending on 31st December 2013. In the newly established Islamabad High Court, a total of 13,387 cases (both civil and criminal) were pending on 31st December 2013,<sup>42</sup> around 10,000 of such cases were transferred to it from Lahore High Court.

The High Court supervises and controls all the courts subordinate to it.<sup>43</sup> It appoints its own staff<sup>44</sup> and frames rules of procedure for itself as well as courts subordinate to it.<sup>45</sup>

An extremely controversial provision in the Constitution had been the transfer of a judge from one High Court to another, without his consent or after consultation with the Chief Justice of Pakistan or

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<sup>42</sup> Judicial Statistics of Pakistan, op.cit.

<sup>43</sup> Art 203

<sup>44</sup> Art 208

<sup>45</sup> Art 202

Chief Justices of the concerned High Courts.<sup>46</sup> The original 1973 Constitution made such a transfer subject to such consent as well as consultation. A proviso added by the Constitution (Fifth Amendment) Act 1976, empowered the President to order such transfer for a period, not exceeding one year; and the President Order No. 14 of 1985 extended such period from one to two years. This clause was however deleted by the Constitution 18th Amendment and the original clause resorted. Now a judge of a High Court cannot be transferred without his consent and consultation with the Chief Justice of Pakistan and Chief Justices of both the High Courts.

#### **4.5 Federal Shariat Court**

The Court consists of 8 Muslim judges including the Chief Justice.<sup>47</sup> Procedure for appointment of judges of Federal Shariat Court has been changed after 18th and 19th amendments as previously such judges were appointed by the President from amongst the serving or retired judges of the Supreme Court or a High Court or from amongst persons possessing the qualifications of a judge of the High Court. At present, the judges of Federal Shariat Court are also appointed through the Judicial Commission, which comprises the Chief Justice of Pakistan, as Chairman with four senior most Judges of the Supreme Court, one former Chief Justice or a retired judge of the Supreme Court, appointed by the Chairman, in consultation with the four member judges of the Supreme Court, Attorney General for Pakistan, the Federal Minister for Law and Justice, Chief Justice of Federal Shariat Court and most senior judge of the Federal Shariat Court, as members. For appointment of Chief Justice, however, the most senior judge of the Federal Shariat Court is excluded from the composition of the Commission. Once the Judicial Commission approves a new name for appointment as a judge of the Federal Shariat Court, it goes to an 8-member Parliamentary Committee that has equal representation of the Government and the Opposition as well as of two houses i.e. National Assembly and Senate. This Committee has two weeks to review the recommendation. If the recommendation is approved, it goes to the Prime Minister who forwards the same to the President for appointment. The Parliamentary Committee, for reasons to be recorded, may not confirm the recommendation by three-fourth majority, in which instance, the decision is forwarded to the Commission through the Prime Minister, and the Commission is required to send another nomination.

Of the 8 judges, 3 are required to be Ulema (Islamic scholars), who are well versed in Islamic law. The judges hold office for a period of 3 years and the President may further extend such period.<sup>48</sup>

The Court may, on its own motion or through petition by a citizen or a government (Federal or provincial), may examine and determine as to whether or not, a certain provision of law is repugnant to the injunctions of Islam.<sup>49</sup> Appeal against its decision lies to the Shariat Appellate Bench of the

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<sup>46</sup> Art 200

<sup>47</sup> Art 203-C

<sup>48</sup> Art 203-C

<sup>49</sup> Art 203-D

Supreme Court, consisting of 3 Muslim judges of the Supreme Court and not more than 2 Ulema (Islamic scholars), appointed by the President.<sup>50</sup> If a certain provision of law is declared to be repugnant to the injunctions of Islam, the Government is required to take necessary steps to amend the law, so as to bring it in conformity with the injunctions of Islam. The Court also exercises appellate and revisional jurisdiction over the criminal courts, deciding Hudood cases.<sup>51</sup>

The decisions of the Court are binding on the High Courts as well as Subordinate Judiciary.<sup>52</sup> The Court appoints its own staff<sup>53</sup> and frames its own rules of procedure.<sup>54</sup> On 31st December 2013, a total of 997 cases were pending before the Court.<sup>55</sup>

Ever since its establishment in 1980, the Federal Shariat Court has been the subject of controversy in the country. Created as an Islamisation measure by the Military regime<sup>56</sup> and subsequently protected under the controversial 8th Amendment,<sup>57</sup> its opponents question the very rationale and utility of this institution. It is argued that this Court merely duplicates the functions of the existing superior courts. The composition of the Court, particularly the loose qualifications of judges and the insecurity of their tenure, is taken exception to; and it is alleged, that this Court does not fully meet the criterion prescribed for the independence of the judiciary, hence, susceptible to pressure and influence from the Executive. In the past, this Court was used as a dumping ground for the recalcitrant judges. And whereas some of its judgments, particularly the ones which relying on the Islamic concept of equity, justice and fair play, expanded and enlarged the scope and contents of individual's rights were commended, others that validated the controversial Hudood laws, in particular, the sentence of Rajam (stoning to death) are severely criticised and deplored. With the adoption of Protection of Women (Criminal Laws Amendment) Act 2006, the jurisdiction of the Court is considerably curtailed, inasmuch as, appeals/applications for revision arising out of trial of offences are taken out from the Offence of Zina (Enforcement of Hudood) Ordinance 1979, hence are no longer filed before this Court. They are filed before the High Court. In a recent verdict (Shariat Petition 1/1 of 2010), the Court sought to extend its jurisdiction to all matters mentioned as Hudood in the Islamic injunctions and further declared certain amendments to the Protection of Women (Criminal Law Amendment) Act 2006 as repugnant to the injunctions of Islam. However an appeal against this decision has been filed before the Supreme Court and as such the implementation of this judgment is stayed. Appeals against the judgments of the Federal Shariat are heard by the 5-member Shariat Appellate Bench of the said Court.

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<sup>50</sup> Art 203-F

<sup>51</sup> Art 203-D

<sup>52</sup> Art 203-G

<sup>53</sup> Art 208

<sup>54</sup> Art 203-J

<sup>55</sup> Judicial Statistics of Pakistan, op.cit.

<sup>56</sup> By the Constitution (Amendment) Order 1980

<sup>57</sup> Constitution (8th Amendment) Act

## 5. Subordinate Courts

The Subordinate Judiciary may be broadly divided into two classes; one, civil courts, established under the Civil Courts Ordinance 1962, and two, criminal courts, created under the Code of Criminal Procedure 1898. In addition, there also exist other courts and tribunals of civil and criminal nature, created under special laws. Their jurisdiction, powers and functions are specified in the statutes, creating them. The decisions and judgments of such special courts are assailable before the superior judiciary (High Court and/or Supreme Court) through revision or appeal.

The provincial governments fund the justice sector. The civil and criminal courts judges and their terms and conditions are regulated under the provincial rules. The High Court, however, exercises administrative control over such courts. The civil courts consist of District Judge, Additional District Judge, Senior Civil Judge and Civil Judge Class I, II & III. Similarly, the criminal courts comprise of Sessions Judge, Additional Sessions Judge and Judicial Magistrate Class I, II & III. Law fixes their pecuniary and territorial jurisdictions. Appeal against the decision of civil courts lies to the District Judge and to the High Court, if the value of the suit exceeds specified amount. Similarly, in keeping with the quantum of penalty, appeals against criminal courts lie to Sessions Judge or High Court.

## 6. Special Courts and Administrative Tribunals

The Constitution authorizes the Federal Legislature to establish special courts as well as administrative courts and tribunals for dealing with federal subjects.<sup>58</sup> Consequently, several special courts/tribunals have been created which operate under the administrative control of the Federal Government. Most of these courts function under the Ministry of Law & Justice, however, certain courts also operate under other ministries/departments. Such courts/tribunals include: Special Courts (Control of Narcotics Substances), Banking Courts (Recovery of Loans), Special Courts (Offences in Banks), Special Courts (Customs, Taxation & Anti-smuggling), Income Tax Appellate Tribunal, Environmental Tribunal, Insurance Appellate Tribunal, Customs, Excise & Sales Tax Appellate Tribunal, Special Judges (Central), Drugs Courts, Anti-terrorism Courts, Accountability Courts. Similarly, the provincial governments have their own special courts/tribunals, established under statutes. Such provincial courts/tribunals include Labour Courts, Consumer Protection Courts, Anti-terrorism Courts and Anti-corruption Courts. The judicial officers presiding over these courts are mostly appointed on deputation from the provincial judicial cadre.

Besides, there exist revenue courts, operating under the WP Land Revenue Act 1967. The revenue courts may be classified as the Board of Revenue, Commissioner, Collector, Assistant Collector of the First Grade and Second Grade. The provincial government that exercise administrative control over them, appoints such officers. The WP Land Revenue Act 1967 prescribes their powers and functions.

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<sup>58</sup> Item 14 of the Federal Legislative List

## **6.1 Service Tribunals**

Under Article 212 of the Constitution, the government is authorized to set up administrative courts and tribunals for exercising exclusive jurisdiction in matters, relating to the terms and conditions of service of civil servants. Accordingly, service tribunal has been established at the Federal level.<sup>59</sup> The provincial governments have established their own service tribunals. The members of these tribunals were previously appointed by the respective government. However, as the service tribunals, both Federal and provincial, perform judicial functions, the Supreme Court has directed the government to make appropriate legislation to ensure the independence and impartiality of such bodies and ensure their financial autonomy.<sup>60</sup> Appeals against the decision of the Federal/provincial service tribunals lie to the Supreme Court.

## **7. Procedural Law**

The Code of Civil Procedure 1908 prescribes the procedure for proceedings in civil cases. The Code is in two parts i.e. Sections, which contain the basic and fundamental principles and can be amended only by the legislature, and Orders, which contain rules of procedure and can be amended by the High Court. The Code is indeed a consolidating statute, prescribing detailed procedure for instituting suit (meaning who may file a suit, how and where), pleadings (filing complaints/written statements, their form and particulars), proceedings, writing of judgment and execution of decrees. The Code has been reviewed from time to time and its provisions amended to keep pace with time and changing conditions of the society. Similarly, the Code of Criminal Procedure 1898 prescribes the criminal procedure. The Qanun-e-Shahadat Order 1984 prescribes the competency of witnesses, the examination of witnesses, form of evidence and the procedure for presenting the same. The procedure prescribed in the law applies to judicial proceedings and investigations by a court of law in civil or criminal cases. The special courts follow the procedure prescribed in the above-mentioned codes, whereas some such courts follow special procedure, laid down in the respective statute.

## **8. Terms and Conditions of Service of Subordinate Judiciary**

The Subordinate Courts (civil and criminal) have been established and their jurisdiction defined by law.<sup>61</sup> They are supervised and controlled by the respective High Court.<sup>62</sup> The administration of justice, however, is a provincial subject and thus the Subordinate Courts are organised and the terms and conditions of service of judicial officers determined under the provincial laws and rules. The issues of recruitment, promotions and other terms and conditions of service, together with disciplinary proceedings, etc, are dealt with under the provincial civil servants acts and the High

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<sup>59</sup> Service Tribunal Act 1973

<sup>60</sup> Riazul Haq v Federation, PLD 2013 SC 30

<sup>61</sup> Art 175

<sup>62</sup> Art 203

Court rules. Until recently, the appointing authority for judicial officers happened to be the provincial government but with the separation of judiciary from the executive, such authority has been transferred to the High Court. Initial recruitment as Civil Judge-cum-Judicial Magistrate is made through written tests and viva voce examination, conducted by the respective High Court.

A Committee of the judges of the High Court, decides the issue of promotion of judges. For appointment as Additional District & Sessions Judge, quota is fixed for service personnel as well as induction from the Bar. Appointment as District & Sessions Judge is by promotion on the basis of seniority-cum-fitness from among the serving judicial officers.

After appointment, the civil judges-cum-Judicial Magistrate receive specialized training at the Federal Judicial Academy and/or the respective provincial judicial academy. Such training includes education in various substantive/procedural laws, court management, case processing, judicial procedure, and code of conduct, etc.

As mentioned earlier, the High Courts exercise supervision and control over the functioning of the Subordinate Judiciary. Such supervision and control is both administrative as well as judicial. In the administrative sphere, disciplinary proceedings may be initiated against a judicial officer by the High Court. Judicial control is also exercised through revision and appeals being filed in the High Court against the orders/decisions of the Subordinate Courts. The High Court carries out its supervisory functions through inspections and calling of record from the courts. The Member Inspection Team (MIT) mostly deals with the issue; however, the Chief Justice of the High Court or any other judge deputed by the Chief Justice also carries out regular as well as surprise inspections. The Chief Justice is competent to initiate disciplinary proceedings against a judge and take appropriate action in the matter.

Disciplinary proceedings against judicial officers are usually initiated and action taken under the (provincial) Government Servants (Efficiency and Discipline) Rules. Such rules were primarily designed for the executive officers, whose duties and functions are different from judicial officers. Certain High Courts have adopted codes of conduct for Subordinate Judiciary, but they are quite sketchy/inadequate. Thus, in their application to judicial officers, the current rules do contain many gaps and anomalies. There is, therefore, a need for preparing a separate comprehensive code of conduct for the members of the Subordinate Judiciary, covering their private and public life and in particular, their conduct in the court so as to maintain propriety and decorum in the court and enhance public confidence in the administration of justice.

As regards the grievances of the judicial officers with regard to the terms and conditions of service, mechanism exists for resolving it. There exists a Provincial Judicial Service Tribunal for deciding appeals against the final orders of departmental authority. The judges of the respective High Court man such tribunals. Appeal against their decision lies to the Supreme Court.

## **8.1 Workload**

The judiciary works under heavy workload. As against the bulging population and surge in litigation, the strength of judges has not increased in equal proportion. Thus, there are around 4200 judges (combined strength of judges of Superior Courts, Subordinate Courts and Special Courts/Administrative Tribunals) for a population of 180 million in Pakistan. It means that there is one judge for 42857 persons, which is far below the international standards. And whereas all the courts have heavy dockets, the Subordinate Courts have to bear the brunt. As first instance trial courts, most of the civil and criminal litigation is conducted at this level. According to one estimate, around 90% of litigation in Pakistan is conducted at the level of Subordinate Courts and the rest at the level of High Courts and Supreme Court. The Subordinate Courts also operate under many constraints. There exists shortage of courtrooms, judicial officers, ministerial staff and office equipment. The strength of Subordinate Judiciary has not kept pace with the rise in litigation due to which huge backlog of pending cases is accumulated, and there are enormous delays in deciding cases. As against the recommendations of several law reform commissions and committees that the number of cases pending with a civil judge should not be more than 500 and the number of units pending with a District & Sessions Judge should not be more than 450 at a time, in actual practice, the number of cases and units is far in excess of this prescribed limit.

## **8.2 National Judicial Policy**

In an effort to reduce the backlog and streamline the judicial system in the country, and make it responsive to the present-day requirements of society, the National Judicial Policy 2009 was framed. The Policy was formulated by the National Judicial (Policy Making) Committee, headed by the Chief Justice of Pakistan, with Chief Justices of Federal Shariat and High Courts as members.

The National Judicial Policy was aimed at ensuring easy access to justice at the grassroots level. It was formulated in the aftermath of Judges-Restoration Movement (2007-2009), with a view to improve the performance of justice sector in order to enhance public trust in the administration of justice. The salient features of the Policy were: strengthening the independent of judiciary, its complete separation from the executive, eradication of corruption and expeditious disposal of cases.

The major thrust of the Policy was on disposal of pending cases in the superior courts as well as Subordinate Courts all over the country. The courts, especially the Subordinate Courts, performed very well and achieved the targets, set for disposal. During the first year of its operation i.e. 1st June 2009 till 31st May 2010, the Supreme Court, Federal Shariat Court, all High Courts and all Subordinate Courts in the country, decided a total of 30,93,658 cases. The Policy worked well, made the people aware of their rights and motivated them to approach the courts for quick disposal of their cases.

In the subsequent years, the backlog was further curtailed. As a result, currently in the province of Balochistan, there is no backlog at any level. A civil or criminal case is decided within a year of its institution. In the province of KP, the trial span is reduced to 1-1/2 year. The remaining provinces i.e. Sindh and Punjab are catching up. As per latest data available, on 31st December 2013, in the

Province of the Punjab, the number of pending cases was 1,107,634, in Sindh, 124,190, in KPK, 132,762, in Balochistan 8444 and in Islamabad Capital Territory 30300.<sup>63</sup>

The courts worked hard and extra hours to achieve the disposal targets. The bar and litigants also cooperated and extended support in the endeavour to reduce to backlog and decide cases more expeditiously. During the year 2012-13, the superior courts i.e. the Supreme Court, Federal Shariat Court, and High Courts decided a total of 25,19,674 cases, whereas in 2007 and 2008, 93,378 and 117,738 cases respectively were adjudicated upon, which shows a rising trend in the disposal of cases. The number of cases decided by the Lahore High Court is 53, 877, 74542 and 116338 in 2007, 2008 and 2012-13 respectively, which clearly shows increased disposal of cases during 2012-13, as compared to the disposal of cases in 2008. Similarly, in the High Court of Sindh, 18145 cases were decided in the year 2012-13, which was previously 12493 and 16524 in 2007 and 2008 respectively. In the Peshawar High Court, the disposal is 11627, 11556 and 20457 in 2007, 2008 and 2013 respectively. Hence, there is increased disposal of cases. In the High Court of Balochistan the disposal rate was 3297, 3627 and 3896 respectively in 2007, 2008 and 2013.

Details of institution/disposal of cases by the Superior Courts and Subordinate Courts in the year 2013, is given below:<sup>64</sup>

| <b>Name of Court</b>              | <b>Pendency on 1-1-2013</b> | <b>Institution during the year</b> | <b>Disposal during the year</b> | <b>Balance on 31-12-2013</b> |
|-----------------------------------|-----------------------------|------------------------------------|---------------------------------|------------------------------|
| Supreme Court of Pakistan         | 20314                       | 18154                              | 17988                           | 20480                        |
| Federal Shariat Court             | 1320                        | 326                                | 649                             | 997                          |
| Lahore High Court, Lahore         | 155827                      | 133548                             | 116338                          | 173037                       |
| High Court of Sind, Karachi       | 54290                       | 30358                              | 18145                           | 66475                        |
| Peshawar High Court, Peshawar     | 27295                       | 19878                              | 20457                           | 26716                        |
| High Court of Balochistan, Quetta | 4878                        | 3941                               | 3896                            | 4923                         |
| Islamabad High Court, Islamabad   | 9166                        | 9349                               | 5063                            | 13387                        |
| District Courts, Punjab           | 1024517                     | 1929236                            | 1759600                         | 1107634                      |
| District Courts, Sind             | 114832                      | 225999                             | 216151                          | 124190                       |
| District Courts, KPK              | 111062                      | 309437                             | 294726                          | 132762                       |
| District Courts, Balochistan      | 8505                        | 27349                              | 27410                           | 8444                         |
| District Courts, Islamabad        | 27797                       | 59955                              | 39251                           | 30300                        |
| <b>Total</b>                      | <b>1559803</b>              | <b>2767530</b>                     | <b>2519674</b>                  | <b>1709345</b>               |

The discrepancy in figure between various High Courts is on account of variation between sanctioned and working strength and delays in the appointment of judges in such courts. Even though there is lack of basic infrastructure, judicial and administrative staff and other paraphernalia, these targets have been achieved within the existing resources. The strength of judges in the

<sup>63</sup> Judicial Statistics of Pakistan, op.cit.

<sup>64</sup> Judicial Statistics of Pakistan, op.cit.



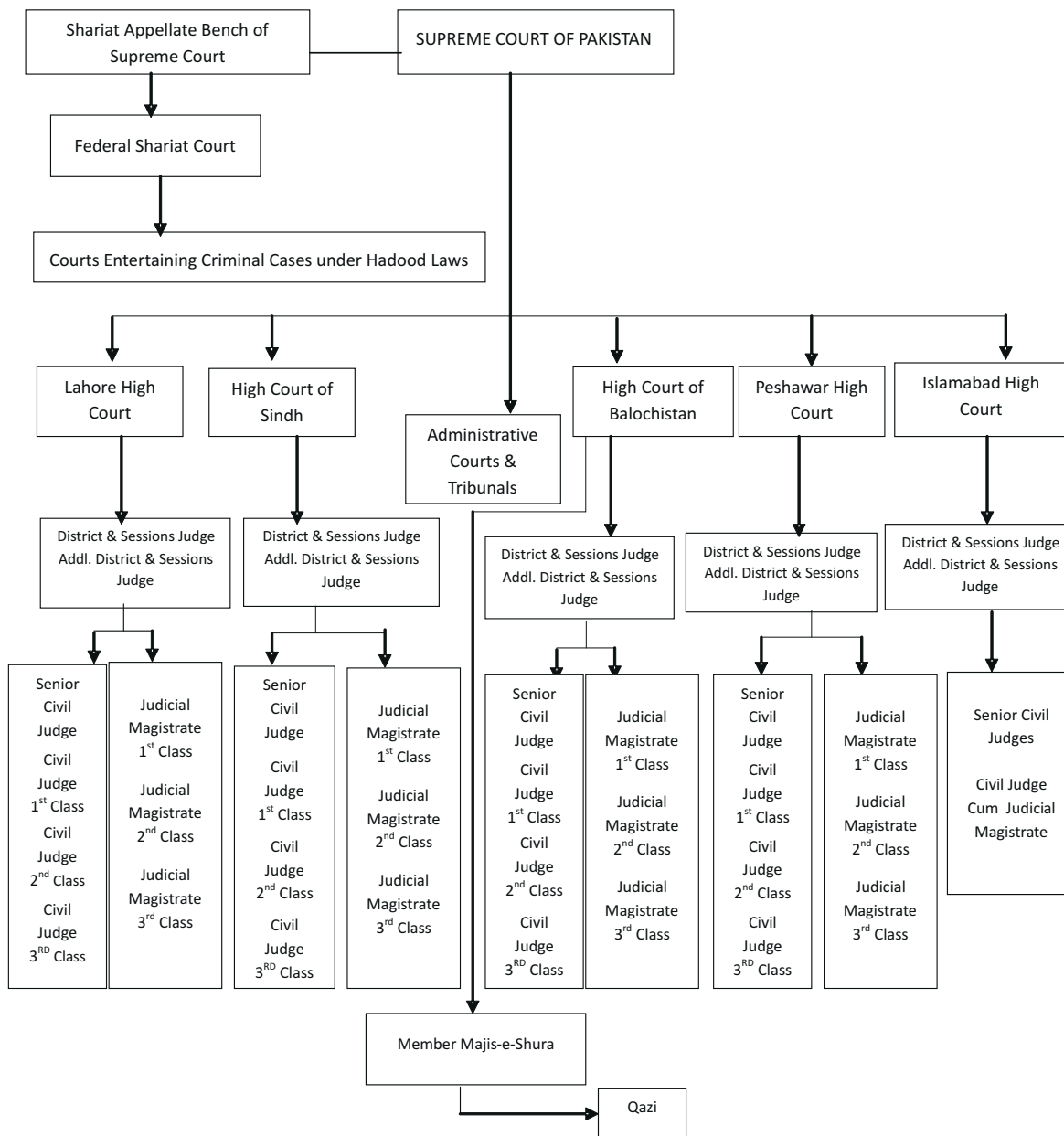
Supreme Court came down from 29 to 18, following a ruling of this Court in the case of Sindh High Court Bar Association v Federation wherein the judges who had taken oath under the Provisional Constitution Order (PCO) 2007. Similarly, close to one hundred judges of High Courts were also hit by the ruling and were denotified. The High Courts then took some time to regain their strength, through fresh induction.

The Subordinate Courts continue to face the daunting challenge of shortage of strength, support staff, equipment and other budgetary constraints. The judiciary – 3rd pillar of the State – is not getting even 1% of the total budgetary allocation of the federal/provincial governments. Notwithstanding the deficiency in strength and budgetary constraints, due to efficient performance and better service delivery, the institution of cases in courts is a sign of enhanced public confidence in the judiciary.

## 9. Organization of Judicial Administration

The judicial system is structured like a pyramid, with the Supreme Court at the apex and the court of Civil Judge-cum-Judicial Magistrate at the base. The apex Court is the Court of ultimate appeal and final arbiter of deciding all civil and criminal disputes and interpreting the law and the Constitution. Its precedents are binding on all other courts in the country. The High Court is the principal court of the province and exercises control/supervision over the Subordinate Courts.

### 9.1 Organogram of Courts



## 9.2 Strength of Judges

The sanctioned strength of judges of the superior and administrative courts is listed below:

## 9.3 Superior Courts

| Court    | Supreme Court of Pakistan | Federal Shariat Court    | Lahore High Court | High Court of Sindh | High Court of Balochistan | Peshawar High Court | Islamabad High Court |
|----------|---------------------------|--------------------------|-------------------|---------------------|---------------------------|---------------------|----------------------|
| Strength | CJ+16                     | CJ+7<br>(3 to be Ullema) | CJ+59             | CJ+39               | CJ+10                     | CJ+19               | CJ+6                 |

## 9.4 Subordinate Courts

| Court  | Punjab             | Sindh      | Balochistan  | KPk        | ICT       |
|--|--------------------|------------|--|------------|-----------|
| District & Sessions Judge                                  | 37 (+ 84 ex-cadre) | 27         | 30   | 25         | 2         |
| Addl. District & Sessions Judge                            | 607                | 115        | 32   | 103        | 30        |
| Senior Civil Judge & Civil Judges-cum-Judicial Magistrates | 1722               | 362        | 204<br>(Member Majlis-e-Shura)<br>16<br>(Qazi)<br>30 | 322        | 56        |
| <b>Total</b>   | <b>2450</b>        | <b>504</b> | <b>312</b>   | <b>450</b> | <b>88</b> |

## 9.5 Administrative Staff of Superior Courts

| Court | Supreme Court of Pakistan | Federal Shariat Court | Lahore High Court | High Court of Sindh | Peshawar High Court | High Court of Balochistan | Islamabad High Court |
|-------|---------------------------|-----------------------|-------------------|---------------------|---------------------|---------------------------|----------------------|
| Staff | 746                       | 250                   | 2070              | 1307                | 637                 | 498                       | 387                  |

## 9.6 Special Courts/Tribunals

There exists many special courts and administrative tribunals in the country, which deal with specialised subjects. They are established under various Federal/provincial statutes. There also exists the offices of Federal/provincial Ombudsman. The offices of Federal Ombudsman are as under:

1. Wafaqi Mohtasib
2. Banking Mohtasib
3. Federal Tax Ombudsman
4. Federal Insurance Ombudsman
5. Federal Ombudsman for Protection Against Harassment of Women at Workplace

The following table shows the institution/disposal of cases by special courts/tribunals during the year 2013.<sup>66</sup>

| Sr. #       | Title of Tribunals/ Special Courts                      | Number of Courts | Pendency on 1-1-2013 | Institution during the year | Transferred during the year | Total  | Disposal during the year | Balance on 31-12-2013 |
|-------------|---|------------------|----------------------|-----------------------------|-----------------------------|--------|--------------------------|-----------------------|
| 1           | Accountability Courts                                   | 22               | 388                  | 280                         | 109                         | 559    | 159                      | 400                   |
| 2           | Anti Dumping Appellate Tribunal                         | 1                | 2                    | 44                          | 0                           | 46     | 0                        | 46                    |
| 3           | Appellate Tribunal Inland Revenue                       | 4                | 9447                 | 11179                       | 294                         | 20920  | 6966                     | 13954                 |
| 4           | Customs Appellate Tribunals                             | 8                | 2712                 | 4873                        | 790                         | 6795   | 2416                     | 4379                  |
| 5           | Drug Courts   | 9                | 2473                 | 3784                        | 0                           | 6257   | 3680                     | 2577                  |
| 6           | Environmental Protection Tribunals                      | 4                | 279                  | 86                          | -15                         | 350    | 138                      | 212                   |
| 7           | Foreign Exchange Regulation Appellate Boards            | 2                | 39                   | 302                         | 0                           | 341    | 21                       | 320                   |
| 8           | Special Courts (Central)                                | 8                | 6046                 | 5918                        | 486                         | 11478  | 4738                     | 6740                  |
| 9           | Special Courts (CNS)                                    | 6                | 1024                 | 1580                        | 33                          | 2571   | 1008                     | 563                   |
| 10          | Special Courts (Customs, Taxation & Anti Smuggling)     | 4                | 677                  | 566                         | 0                           | 1243   | 437                      | 806                   |
| 11          | Special Courts (Offences in Banks)                      | 4                | 1215                 | 403                         | 119                         | 1499   | 186                      | 1313                  |
| 12          | Insurance Appellate Tribunal                            | 1                | 53                   | 18                          | 0                           | 71     | 1                        | 70                    |
| 13          | Banking Courts  | 30               | 45841                | 24067                       | 175                         | 69732  | 26785                    | 43130                 |
| 14          | Commercial Courts                                       | 2                | 23                   | 0                           | 0                           | 23     | 1                        | 22                    |
| 15          | Federal Service Tribunals                               | 3                | 3556                 | 3092                        | 0                           | 6648   | 1268                     | 5380                  |
| 16          | Competition Appellate Tribunal                          | 1                | 51                   | 24                          | 0                           | 75     | 26                       | 49                    |
| 17          | Provincial Service Tribunals                            | 4                | 7588                 | 5163                        | 258                         | 13009  | 3302                     | 9707                  |
| 18          | Anti Corruption Courts (Provincial)                     | 17               | 5325                 | 3666                        | -7                          | 8984   | 2897                     | 6087                  |
| 19          | Anti Terrorism Courts                                   | 47               | 2176                 | 3901                        | 744                         | 5333   | 2828                     | 2505                  |
| 20          | Consumer Courts   | 11               | 2690                 | 4990                        | 505                         | 8185   | 5061                     | 3124                  |
| 21          | Labour Courts   | 26               | 11802                | 14896                       | 101                         | 26799  | 13367                    | 13432                 |
| 22          | Labour Appellate Tribunals                              | 9                | 7296                 | 2651                        | 395                         | 10342  | 3082                     | 7260                  |
| 23          | Child Protection Court                                  | 1                | 349                  | 905                         | 0                           | 1254   | 936                      | 318                   |
| 24          | Lahore Development Authority Tribunal                   | 1                | 73                   | 15                          | 1                           | 89     | 1                        | 88                    |
| 25          | Special Court Public Property (Removal of Encroachment) | 2                | 62                   | 11                          | 0                           | 73     | 24                       | 49                    |
| Grand Total |   | 227              | 111187               | 92414                       | 924                         | 202676 | 79328                    | 123531                |

<sup>66</sup> Source: The Annual Report 2013 of Administrative Tribunal and Special Courts, published by the Law and Justice Commission of Pakistan, Islamabad

## 10. Courts Jurisdiction

### 10.1 Supreme Court

- 1 Art 184(1) Original jurisdiction in inter-governmental disputes, issues declaratory judgments;
- 2 Art 184(3) Enforcement of Fundamental Rights involving an issue of public importance;
- 3 Art 185(2) Appeal from judgment/order of High Court in criminal cases, tried in original and/or appellate capacity and having imposed death penalty or life imprisonment;
- 4 Art 185(2) Appeal in civil cases when the value of claim exceeds fifty thousand rupees;
- 5 Art 185(2) Appeal when High Court certifies that the case involves interpretation of the Constitution;
- 6 Art 185(3) Appeal (subject to grant of leave) from High Court judgment/order;
- 7 Art 186 Advisory jurisdiction on any question of law involving public importance, referred by the President;
- 8 Art 187 Issues directions/orders for doing complete justice in a pending case/matter;
- 9 Art 188 Review of its judgment/order;
- 10 Art 204 Punishment for contempt;
- 11 Art 212 Appeal from administrative courts/tribunals; and
- 12 Art 203F Its Shariat Appellate Bench hears appeals from judgments/orders passed by Federal Shariat Court.

### 10.2 Federal Shariat Court

- 1 Art 203-D To determine whether a provision of law is repugnant to the Injunctions of Islam
- 2 Art 203 DD Revisional jurisdiction in cases under Hudood laws;
- 3 Art 203 E Review of its judgment/order;
- 4 Art 203 E Punishment for contempt; and
- 5 Entertains appeals from judgment/order of criminal courts trying Hudood cases.

### 10.3 High Court

- 1 Art 199(1) Issues 5 writs, namely, mandamus, prohibition, certiorari, habeas corpus and quo warranto;
- 2 Art 199(2) Enforcement of Fundamental Rights;
- 3 Art 203 Supervision/control of Subordinate Courts;
- 4 Art 204 Punishment for contempt;
- 5 Appeal under S.100 of CPC;
- 6 Review under S.114 of CPC;
- 7 Revision under S.115 of CPC;

- 8 Appeals under S. 410 of CrPC;
- 9 Appeals against acquittal under S. 417 of CrPC;
- 10 Appeals against judgment/decreed/order of tribunals under special laws;
- 11 Issues directions of the nature of habeas corpus under S. 491 of CrPC;
- 12 Intra-court appeal at Lahore High Court, High Court of Sindh and Islamabad High Court.
- 13 The Karachi Bench of High Court of Sindh has original jurisdiction in civil cases of the value of rupees fifteen million and above. The Islamabad High Court has original jurisdiction in civil cases of the value of rupees on hundred million and above.

#### **10.4 Subordinate Courts**

##### **District & Sessions Judge/Additional District & Session Judge**

1. Appeal against judgment/decreed of a Civil Judge under S. 96 of CPC as well as other laws specifically provided in the respective enactments eg rent law and family law, etc.
2. Appeal against order under S.104 of CPC;
3. Revision under S.115 of CPC;
4. Original jurisdiction in suits upon bills of exchange, Hundies or promissory notes under Order XXXVII of CPC;
5. Murder trial under S. 265 A of the CrPC and all other trials involving death penalty under the Anti-terrorism Act, Control of Narcotic Substances Act, etc.
6. Criminal trial under Hudood laws;
7. Appeals under S. 423 of CrPC;
8. Revision under S. 435 of CrPC;
9. Issues directions of the nature of habeas corpus under S. 491 of CrPC as well as Justice of Peace under S.22-A & B of Cr.PC; and
10. Decides pre-arrest bail applications under S. 498 of Cr. PC.  
(The original jurisdiction of District Judge is limited to rupees fifteen million and in Islamabad Capital Territory rupees one hundred million)

##### **Civil Judge 1st Class**

1. Tries all civil suits, there is no pecuniary limit on its jurisdiction;
2. In certain jurisdictions, also designated as Rent Controller;
3. In certain jurisdictions, also designated as Judge, Family Court and Guardian Judge;
4. At Karachi, pecuniary jurisdiction limited to rupees fifteen million (Karachi Courts Order 1956); at Islamabad limited to rupees one hundred million;
5. In certain jurisdictions designated as Magistrate empowered under S. 30 of CrPC.

##### **Civil Judge 2nd Class**

1. Tries civil suit upto the value of rupees five hundred thousand in Punjab, rupees fifty thousand in Khyber Pakhtunkhwa and rupees fifteen thousand in Balochistan.
2. In certain jurisdictions, designated as Rent Controller/Judge, Family Court and Guardian Judge.

### Civil Judge 3rd Class

Tries civil suit up to the value of rupees one hundred thousand in Punjab.

### Magistrate 1st Class

Tries offences punishable upto 3 years imprisonment and fine upto rupees fifty thousand.

### Magistrate 2nd Class

Tries offences punishable upto 1 year imprisonment and fine upto rupees fine thousand.

### Magistrate 3rd Class

Tries offences punishable up to 1 month imprisonment and fine upto rupees one thousand.

## 11 Strength of Law Officers and Lawyers

### 11.1 Law Officers of Federation and Provinces

| Designation   | Federal | Punjab | Sindh | KPk                         | Balochistan           | ICT |
|---|---------|--------|-------|-----------------------------|-----------------------|-----|
| Attorney General for Pakistan                       | 1       | -      | -     | -                           | -                     | -   |
| Additional Attorney General                         | 4       | -      | -     | -                           | -                     | -   |
| Deputy Attorney General                             | 42      | -      | -     | -                           | -                     | -   |
| Standing Council                                    | 100     | -      | -     | -                           | -                     | -   |
| Prosecutor General Accountability                   | 1       | -      | -     | -                           | -                     | -   |
| Deputy Prosecutor General Accountability            | 7       | -      | -     | -                           | -                     | -   |
| Additional Deputy Prosecutor General Accountability | 16      | -      | -     | -                           | -                     | -   |
| Legal Consultants                                   | 44      | -      | -     | -                           | -                     | -   |
| Advocate General                                    | -       | 1      | 1     | 1                           | 1                     | 1   |
| Additional Advocate General                         | -       | 20     | 10    | 12                          | 5                     | -   |
| Deputy Advocate General                             | -       | -      | -     | 5                           | -                     | -   |
| Assistant Advocate General                          | -       | 45     | 18    | 12                          | 3                     | -   |
| Prosecutor General                                  | -       | 1      | 1     | 1                           | 1                     | -   |
| Additional Prosecutor General                       | -       | 18     | 9     | 42 Sr. Public Prosecutor    | 8                     | -   |
| Deputy Prosecutor General                           | -       | 50     | 11    | 45 Public Prosecutor        | 5                     | -   |
| Assistant Prosecutor General                        | -       | 3      | 18    | 130                         | -                     | -   |
| Law Officer/District Attorney                       | -       | 364    | 218   | 67                          | -                     | -   |
| District Public Prosecutor                          | -       | 53     | 27    | 50 Deputy Public Prosecutor | 30                    | -   |
| Deputy District Public Prosecutor                   | -       | 328    | 94    | -                           | 34                    | -   |
| Divisional Prosecutor General                       | -       | -      | -     | -                           | 1                     | -   |
| Assistant District Public Prosecutor                | -       | 796    | 224   | 130                         | 2 Special Prosecutors | -   |

## 11.2 Advocates, Supreme Court

| Senior Advocates | Advocates | Advocates-on-Record | Total |
|------------------|-----------|---------------------|-------|
| 324              | 4412      | 245                 | 4984  |

## 11.3 Advocates, High Courts

| Punjab | Sindh | Khyber Pakhtunkhwa | Balochistan |
|--------|-------|--------------------|-------------|
| 48620  | 12577 | 6498               | 1590        |

## 11.4 Advocates, Subordinate Courts

| Punjab | Sindh | KPK  | Balochistan |
|--------|-------|------|-------------|
| 36172  | 11726 | 8692 | 904         |



## 12 List of Affiliated Law Colleges<sup>67</sup>

| Serial #                      | Name of College  | University                            |
|-------------------------------|--|---------------------------------------|
| <b>Azad Jammu and Kashmir</b> |  |                                       |
| 1.                            | Kashmir Law College, Muzaffarabad                              | University of Azad Jammu & Kashmir    |
| 2.                            | Kashmir College of Education & Law, Mirpur                     |                                       |
| <b>Khyber Pakhtunkhwa</b>     |  |                                       |
| 3.                            | College of Legal & Ethical Studies, Abbottabad                 | Hazara University, Mansehra           |
| 4.                            | Saani Law College, Haripur                                     |                                       |
| 5.                            | Qazi Jamil Institute of Legal Studies, Peshawar                |                                       |
| 6.                            | Frontier Law College, Dera Ismail Khan <sup>68</sup>           | Gomal University, Dera Ismail Khan    |
| 7.                            | Luqman College of Law, D.I.Khan <sup>69</sup>                  |                                       |
| 8.                            | Abbot Law College, Mansehra                                    | University of Peshawar                |
| 9.                            | Abbot Law College, Abbottabad                                  |                                       |
| 10.                           | Ayub Law College, Haripur                                      |                                       |
| 11.                           | Centre for Studies in Law & Democracy, Peshawar (LLM)          |                                       |
| 12.                           | Frontier Law College, Peshawar                                 |                                       |
| 13.                           | Institute of Legal Studies, Peshawar                           |                                       |
| 14.                           | Islamia Law College, Peshawar                                  |                                       |
| 15.                           | Jinnah Law College, Peshawar                                   |                                       |
| 16.                           | Justice Law College, Abbottabad                                |                                       |
| 17.                           | Kohat Law College, KDA Kohat                                   |                                       |
| 18.                           | Mardan Law College, Mardan Cantt.                              |                                       |
| 19.                           | Muslim Law College, Swat                                       |                                       |
| 20.                           | Peshawar Law College, Peshawar                                 |                                       |
| 21.                           | Swabi Law College, Distt. Swabi                                |                                       |
| 22.                           | Supreme Law College, Peshawar                                  |                                       |
| 23.                           | Women Law Department, Abbottabad                               |                                       |
| 24.                           | Quaid-e-Azam Institute of Legal Studies, Nowshehra, Cantt.     |                                       |
| <b>Sindh</b>                  |  |                                       |
| 25.                           | Govt. Islamia Law College, Karachi                             | University of Karachi                 |
| 26.                           | S.M Govt Law College, Karachi                                  |                                       |
| 27.                           | Sukkur Institute of Science & Technology, Sukkur <sup>70</sup> | University of Sindh                   |
| 28.                           | Indus College of Law, Hyderabad <sup>71</sup>                  |                                       |
| 29.                           | Govt. Sindh Law College, Hyderabad                             |                                       |
| 30.                           | Govt. Pil illahi Bux Law College, Dadu                         |                                       |
| 31.                           | Govt. Jinnah Law College, Hyderabad                            |                                       |
| 32.                           | Mirpur Khas Law College, Mirpur                                |                                       |
| 33.                           | Quaid-e-Azam Law College, Nawabshah                            |                                       |
| 34.                           | Agha Badar- e- Alem Law College, Sukkur                        |                                       |
| 35.                           | Govt. Law College, Khairpur                                    | Shah Abdul Latif University, Khairpur |
| 36.                           | Govt. Law College, Naushahr-e-Feroze                           |                                       |
| 37.                           | HMB Govt Law College, Shikarpur                                |                                       |
| 38.                           | Law College Ghotki   |                                       |
| 39.                           | Law College Larkana  |                                       |
| 40.                           | SALU Law College, Naushehro Feroze <sup>72</sup>               |                                       |
| 41.                           | Qazi Mian Ahmed Qureshi (QMAQ) Law College, Moro <sup>73</sup> |                                       |

<sup>67</sup> Source: <http://www.hec.gov.pk/InsideHEC/.../List%20of%20Affiliated%20Colleges.pdf>

<sup>68</sup> [http://www.gu.edu.pk/New/home\\_data/AffiliatedInst.asp](http://www.gu.edu.pk/New/home_data/AffiliatedInst.asp)

<sup>69</sup> [http://www.gu.edu.pk/New/home\\_data/AffiliatedInst.asp](http://www.gu.edu.pk/New/home_data/AffiliatedInst.asp)

<sup>70</sup> <http://www.usindh.edu.pk/academics/affiliated-colleges.html>

<sup>71</sup> <http://www.usindh.edu.pk/academics/affiliated-colleges.html>

<sup>72</sup> <http://old.salu.edu.pk/sites/exams/affiliated.aspx>

<sup>73</sup> <http://old.salu.edu.pk/sites/exams/affiliated.aspx>

|                     |  |   |
|---------------------|--|---|
| 42.                 | Law Department, DIHE <sup>74</sup>                                   | Dadabhoy Institute of Higher Education, Karachi |
| 43.                 | Hamdard School of Law <sup>75</sup>                                  | Hamdard University, Karachi                     |
| <b>Federal Area</b> |  |   |
| 44.                 | Al Mizan Law College, Rawalpindi                                     | Federal Urdu University                         |
| 45.                 | Muhammadan Law College, Multan <sup>76</sup>                         |   |
| 46.                 | East & West Education System, Islamabad <sup>77</sup>                |   |
| 47.                 | School of Law, QAU <sup>78</sup>                                     | Quaid-i-Azam University, Islamabad              |
| 48.                 | Department of Law, IIU <sup>79</sup>                                 | International Islamic University Islamabad      |
| <b>Balochistan</b>  |  |   |
| 49.                 | Law College, Sibi  | University of Balochistan                       |
| 50.                 | City School Law, Quetta <sup>80</sup>                                |   |
| 51.                 | Jhalawan Law College, Khuzdar <sup>81</sup>                          |   |
| <b>Punjab</b>       |  |   |
| 52.                 | Ali Law College, Rahimyar Khan                                       | Islamia University, Bahawalpur                  |
| 53.                 | Ali Law College, Khanpur   |   |
| 54.                 | Australian Institute of Professional Studies Law College, Bahawalpur |   |
| 55.                 | Bahawalnagar Law College, Bahawalnagar                               |   |
| 56.                 | Bahawalpur Law College, Bahawalpur                                   |   |
| 57.                 | Jinnah Muslim Law College, Islamabad                                 |   |
| 58.                 | Millat Law College, Bahawalpur                                       |   |
| 59.                 | Sutluj Law College, Bahawalnagar                                     |   |
| 60.                 | Pakistan M.A Law College, Gujrat <sup>82</sup>                       |   |
| 61.                 | National College of Computer Science, Hafizabad <sup>83</sup>        |   |
| 62.                 | Premier College, Gujranwala <sup>84</sup>                            |   |
| 63.                 | Al-Mizan Institute of Legal Studies, Islamabad <sup>85</sup>         |   |
| 64.                 | Islamabad Law College, Islamabad <sup>86</sup>                       |   |
| 65.                 | East & West Education System, Islamabad <sup>87</sup>                |   |
| 66.                 | Farabi Law College, Mandi Bahao-ud-Din <sup>88</sup>                 |   |
| 67.                 | Central Law College, Multan  |   |
| 68.                 | Indus Law College, D.G.Khan  |   |
| 69.                 | LICCS Law College, Layyah  |   |
| 70.                 | Limit College of Law, Sahiwal  |   |
| 71.                 | Leads University Law College, Khanewal                               |   |
| 72.                 | Multan Law College, Multan   |   |
| 73.                 | Muhammadan Law College, Sahiwal                                      |   |

<sup>74</sup> <http://www.dadabhoy.edu.pk/admission-2>

<sup>75</sup> <http://www.hamdard.edu.pk/contact-us/#>

<sup>76</sup> [http://www.fuuastisb.edu.pk/index.php?option=com\\_content&view=article&id=222&Itemid=223](http://www.fuuastisb.edu.pk/index.php?option=com_content&view=article&id=222&Itemid=223)

<sup>77</sup> [http://www.fuuastisb.edu.pk/index.php?option=com\\_content&view=article&id=222&Itemid=223](http://www.fuuastisb.edu.pk/index.php?option=com_content&view=article&id=222&Itemid=223)

<sup>78</sup> <http://law.qau.edu.pk/>

<sup>79</sup> [http://www.iiu.edu.pk/index.php?page\\_id=2099](http://www.iiu.edu.pk/index.php?page_id=2099)

<sup>80</sup> <http://www.uob.edu.pk/AFFILIATED%20COLLEGES%20Jan%202015.htm>

<sup>81</sup> <http://www.uob.edu.pk/AFFILIATED%20COLLEGES%20Jan%202015.htm>

<sup>82</sup> <http://www.iub.edu.pk/affiliated.php>

<sup>83</sup> <http://www.iub.edu.pk/affiliated.php>

<sup>84</sup> <http://www.iub.edu.pk/affiliated.php>

<sup>85</sup> <http://www.iub.edu.pk/affiliated.php>

<sup>86</sup> <http://www.iub.edu.pk/affiliated.php>

<sup>87</sup> <http://www.iub.edu.pk/affiliated.php>

<sup>88</sup> <http://www.iub.edu.pk/affiliated.php>

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|------|--|--------------------------------------|---|
| 74.  | Multan Law College, D.G.Khan   |                                      |   |
| 75.  | Multan Law College, Sahiwal  |                                      |   |
| 76.  | Muhammadan Law College, Multan                                       |                                      |   |
| 77.  | Noor Law College, Multan   |                                      |   |
| 78.  | Pak Law College, D.G. Khan   |                                      |   |
| 79.  | Quaid-e-Azam Law College, Sahiwal                                    |                                      |   |
| 80.  | Supreme Law College, Multan  |                                      |   |
| 81.  | Allama Iqbal Law College, Multan <sup>89</sup>                       |                                      |   |
| 82.  | Askari Law College, Burewala <sup>90</sup>                           |                                      |   |
| 83.  | Ghazi Khan Law College <sup>91</sup>                                 |                                      |   |
| 84.  | Johar Law College, Sahiwal <sup>92</sup>                             |                                      |   |
| 85.  | Progressive Law College, Vehari <sup>93</sup>                        |                                      |   |
| 86.  | Sir Syed Law College, Multan <sup>94</sup>                           |                                      |   |
| 87.  | The Toppers Law College, Multan <sup>95</sup>                        |                                      |   |
| 88.  | The College of Law, Gujranwala <sup>96</sup>                         |                                      |   |
| 89.  | School of Law, University of Gujrat <sup>97</sup>                    |                                      | University of Gujrat                                    |
| 90.  | Shaikh Ahmad Hassan School of Law <sup>98</sup>                      |                                      | Lahore University of Management Sciences (LUMS), Lahore |
| 91.  | Department of Law, GCUF <sup>99</sup>                                |                                      | Government Colleges University, Faisalabad              |
| 92.  | Department of Law, University of South Asia <sup>100</sup>           |                                      | University of South Asia, Lahore                        |
| 93.  | Department of Law, University of Central Punjab <sup>101</sup>       | University of Central Punjab, Lahore |   |
| 94.  | Allama Iqbal Law College, Sialkot                                    | University of the Punjab, Lahore     |   |
| 95.  | Aptech Law College, Faisalabad                                       |                                      |   |
| 96.  | City Law College, Lahore   |                                      |   |
| 97.  | East & West Education System, Department of Legal Studies, Islamabad |                                      |   |
| 98.  | Gujrat Law College, Gujrat   |                                      |   |
| 99.  | Ghausia Law College, Depalpur Okara                                  |                                      |   |
| 100. | Himayat-i-Islam College for Women, Lahore                            |                                      |   |
| 101. | Himayat-i-Islam Law College, Lahore                                  |                                      |   |
| 102. | Jinnah Law College, Jhelum   |                                      |   |
| 103. | Lyallpur Law College, Faisalabad                                     |                                      |   |
| 104. | Lahore Law College, Lahore   |                                      |   |
| 105. | London College of Law, Islamabad                                     |                                      |   |
| 106. | Muhammadan Law College, Sheikhpura                                   |                                      |   |
| 107. | Muhammad Ali Jinnah Law College, Gujranwala                          |                                      |   |
| 108. | National Law College, Lahore   |                                      |   |
| 109. | National Institute of Legal Studies, Attock Cantt.                   |                                      |   |
| 110. | Pakistan College of Law, Lahore                                      |                                      |   |

<sup>89</sup> [http://www.bzu.edu.pk/v2\\_affiliatedcolleges.php](http://www.bzu.edu.pk/v2_affiliatedcolleges.php)

<sup>90</sup> [http://www.bzu.edu.pk/v2\\_affiliatedcolleges.php](http://www.bzu.edu.pk/v2_affiliatedcolleges.php)

<sup>91</sup> [http://www.bzu.edu.pk/v2\\_affiliatedcolleges.php](http://www.bzu.edu.pk/v2_affiliatedcolleges.php)

<sup>92</sup> [http://www.bzu.edu.pk/v2\\_affiliatedcolleges.php](http://www.bzu.edu.pk/v2_affiliatedcolleges.php)

<sup>93</sup> [http://www.bzu.edu.pk/v2\\_affiliatedcolleges.php](http://www.bzu.edu.pk/v2_affiliatedcolleges.php)

<sup>94</sup> [http://www.bzu.edu.pk/v2\\_affiliatedcolleges.php](http://www.bzu.edu.pk/v2_affiliatedcolleges.php)

<sup>95</sup> [http://www.bzu.edu.pk/v2\\_affiliatedcolleges.php](http://www.bzu.edu.pk/v2_affiliatedcolleges.php)

<sup>96</sup> <http://www.uog.edu.pk/component/content/article/122-quick-links/148-affiliated-colleges.html>

<sup>97</sup> <http://www.uog.edu.pk/academic-programmes/school-of-law.html>

<sup>98</sup> <http://lums.edu.pk/sahsol/>

<sup>99</sup> <http://gcuf.edu.pk/faculties/arts/law/>

<sup>100</sup> <http://www.usa.edu.pk/Departments/Programs/61?Dept=Law>

<sup>101</sup> [http://www.ucp.edu.pk/current\\_academics](http://www.ucp.edu.pk/current_academics)

|      |   |                        |
|------|---|------------------------|
| 111. | Punjab Law College, Faisalabad                                    |                        |
| 112. | Punjab Law College, Lahore  |                        |
| 113. | Punjab Law College, Rawalpindi                                    | University of Sargodha |
| 114. | Quaid-e-Azam Law College, Lahore                                  |                        |
| 115. | Quaid-e-Azam Law College, Okara                                   |                        |
| 116. | Quaid-e-Azam Law College, Sargodha                                |                        |
| 117. | Rawalpindi Law College, Rawalpindi                                |                        |
| 118. | Superior Law College, Lahore                                      |                        |
| 119. | The Institute of Legal Studies, Lahore                            |                        |
| 120. | Faisalabad College of Law, Faisalabad <sup>102</sup>              |                        |
| 121. | Gujranwala Law College, Gujranwala <sup>103</sup>                 |                        |
| 122. | Premier Law College, Gujranwala <sup>104</sup>                    |                        |
| 123. | The College of Law, Gujranwala <sup>105</sup>                     |                        |
| 124. | Chenab Law College, Gujrat <sup>106</sup>                         |                        |
| 125. | Global Law College, Lahore <sup>107</sup>                         |                        |
| 126. | School of Law, Lahore <sup>108</sup>                              |                        |
| 127. | Toppers Law College, Lahore <sup>109</sup>                        |                        |
| 128. | The College of Law, Narowal <sup>110</sup>                        |                        |
| 129. | Capital Law College, Rawalpindi <sup>111</sup>                    |                        |
| 130. | Muslim Law College, Rawalpindi <sup>112</sup>                     |                        |
| 131. | Punjab Law College, Sheikhupura <sup>113</sup>                    |                        |
| 132. | Shamas Tabrez Law College, Ferozewala, Sheikhupura <sup>114</sup> |                        |
| 133. | Islam Law College, Sialkot <sup>115</sup>                         |                        |
| 134. | Shadab Law College, Sialkot <sup>116</sup>                        |                        |
| 135. | Faisalabad College of Law, Faisalabad <sup>117</sup>              |                        |
| 136. | City Law College, Lahore <sup>118</sup>                           |                        |
| 137. | University Law College, University of Sargodha <sup>119</sup>     |                        |

<sup>102</sup> <http://pu.edu.pk/affiliation/district>

<sup>103</sup> <http://pu.edu.pk/affiliation/district>

<sup>104</sup> <http://pu.edu.pk/affiliation/district>

<sup>105</sup> <http://pu.edu.pk/affiliation/district>

<sup>106</sup> <http://pu.edu.pk/affiliation/district>

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<sup>108</sup> <http://pu.edu.pk/affiliation/district>

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<sup>110</sup> <http://pu.edu.pk/affiliation/district>

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<sup>112</sup> <http://pu.edu.pk/affiliation/district>

<sup>113</sup> <http://pu.edu.pk/affiliation/district>

<sup>114</sup> <http://pu.edu.pk/affiliation/district>

<sup>115</sup> <http://pu.edu.pk/affiliation/district>

<sup>116</sup> <http://pu.edu.pk/affiliation/district>

<sup>117</sup> <http://uos.edu.pk/affiliated-colleges/>

<sup>118</sup> <http://uos.edu.pk/affiliated-colleges/>

<sup>119</sup> <http://uos.edu.pk/faculty-of-arts-law/university-law-college/>

