

Part VII
The Judiciary
Chapter 1-The Court

175. (1) There shall be a Supreme Court of Pakistan, a High Court for each Province and such other Courts as may be established by law. Establishment and Jurisdiction of Courts
(2) No Court shall have any jurisdiction save as is or may be conferred on it by the Constitution or by or under any law.
(3) The Judiciary shall be separated progressively from the Executive within [fourteen] years from the commencing day.

Chapter 2-Supreme Court of Pakistan

176. The Supreme Court shall consist of a Chief Justice to be known as the Chief Justice of Pakistan and so many other Judges as may be determined by Act of [Majlis-I-Shoora (Parliament)] or, until so determined, as may be fixed by the President. Constitution of Supreme Court
177. (1) The Chief Justice of Pakistan shall be appointed by the President, and each of the other Judges shall be appointed by the President after consultation with the Chief Justice. Appointment of Supreme Court Judges
(2) A person shall not be appointed a Judge of the Supreme Court unless he is a citizen of Pakistan; and-
(a) has for a period of, or for periods aggregating, not less than five years been a judge of a High Court (including High Court which existed in Pakistan at any time before the commencing day); or
(b) has for a period of, or for periods aggregating, not less than fifteen years been an Advocate of a High Court (including a High Court which existed in Pakistan at any time before the commencing day).
178. Before entering upon office, the Chief Justice of Pakistan shall make before the President, and any other Judge of the Supreme Court shall make before the Chief Justice, oath in the form set out in the Third Schedule. Oath of Office
179. 1 A Judge of the Supreme Court shall hold office until he attains the age of sixty-five years, unless he sooner resigns or is removed from office in accordance with the Constitution. Retiring Age
1 Subs. by Act No III/2003,dated 31-12-2003
180. At any time when- Acting Chief Justice
(a) the Office of Chief Justice of Pakistan is vacant; or
(b) the Chief Justice of Pakistan is absent or is unable to perform the functions of his office due to any other cause,
the President shall appoint [the most senior of the other Judges of the Supreme Court] to act as Chief Justice of Pakistan.
181. (1) At any time when- Acting Judges
(a) the office of a Judge of the Supreme Court is vacant; or
(b) a Judge of the Supreme Court is absent or is unable to perform the functions of his office due to any other cause,
the President may, in the manner provided in clause (1) of Article 177, appoint a Judge of a High Court who is qualified for appointment as a Judge of the Supreme Court to act temporarily as a Judge of the Supreme Court.
[Explanation._ In this clause 'Judge of a High Court' includes a person who has retired as a Judge of a High Court].
(2) An appointment under this Article shall continue in force until it is revoked by the President.

182. If at any time it is not possible for want of quorum of Judges of the Supreme Court to hold or continue any sitting of the Court, or for any other reason it is necessary to increase temporarily the number of Judges of the Supreme Court, the Chief Justice of Pakistan may, in writing,-
- (a) With the approval of the President, request any person who has held the office of a Judge of that Court and since whose ceasing to hold that office three years have not elapsed; or
- (b) with the approval of the President and with the consent of the Chief Justice of a High Court, require a Judge of that Court qualified for appointment as a Judge of the Supreme Court, to attend sittings of the Supreme Court as an ad hoc Judge for such period as may be necessary and while so attending an ad hoc Judge shall have the same power and jurisdiction as a Judge of the Supreme Court.
183. (1) The permanent seat of the Supreme Court shall, subject to clause (3), be at Islamabad.
- (2) The Supreme Court may from time to time sit in such other places as the Chief Justice of Pakistan, with the approval of the President, may appoint.
- (3) Until provision is made for establishing the Supreme Court at Islamabad, the seat of the Court shall be at such place as the President may appoint.
184. (1) The Supreme Court shall, to the exclusion of every other Court, have original jurisdiction in any dispute between any two or more Governments.
- Explanation. _ In this clause, "Governments" means the Federal Government and the Provincial Governments.
- (2) In the exercise of the jurisdiction conferred on it by clause (1), the Supreme Court shall pronounce declaratory judgments only.
- (3) Without prejudice to the provisions of Articles 199, the Supreme Court shall, if it considers that a question of public importance with reference to the enforcement of any of the Fundamental Rights conferred by Chapter I of Part II is involved, have the power to make an order of the nature mentioned in the said Article.
185. (1) Subject to this Article, the Supreme Court shall have jurisdiction to hear and determine appeals from judgments, decrees, final orders or sentences of a High Court.
- (2) An appeal shall lie to the Supreme Court from any judgment, decree, final order or sentence of a High Court-
- (a) if the High Court has on appeal reversed an order of acquittal of an accused person and sentenced him to death or to transportation for life or imprisonment for life; or, on revision, has enhanced a sentence to a sentence as aforesaid;
- (b) if the High Court has withdrawn for trial before itself any case from any Court subordinate to it and has in such trial convicted the accused person and sentenced him as aforesaid; or
- (c) if the High Court has imposed any punishment on any person for contempt of the High Court; or
- (d) if the amount or value of the subject-matter of the dispute in the Court of first instance was, and also in dispute in appeal is, not less than fifty thousand rupees or such other sum as may be specified in that behalf by Act of [Majlis-I-Shoora (Parliament)] and the judgment, decree or final order appealed from has varied or set aside the judgment, decree or final order of the Court immediately below; or
- (e) if the judgment, decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value and the judgment, decree or final order appealed from has varied or set aside the judgment, decree or final order of the Court immediately below; or
- (f) if the High Court certifies that the case involves a substantial question of law as to the interpretation of the Constitution.
- (3) An appeal to the Supreme Court from a judgment, decree, order or sentence of a High Court in a case to which clause (2) does not apply shall lie only if the Supreme Court grants leave to appeal.
186. (1) If, at any time, the President considers that it is desirable to obtain the opinion of the Supreme Court on any question of law which he considers of public importance, he may refer the question to the Supreme Court for consideration.

Appointment of ad hoc Judges

Seat of the Supreme Court

Original Jurisdiction of Supreme Court

Appellate Jurisdiction of Supreme Court

Advisory Jurisdiction

- (2) The Supreme Court shall consider a question so referred and report its opinion on the question to the President.
- 186A The Supreme Court may, if it considers it expedient to do so in the interest of justice, transfer any case, appeal or other proceedings pending before any High Court to any other High Court.] Power of Supreme Court to transfer cases
187. (1) [Subject to clause (2) of Article 175, the] Supreme Court shall have power to issue such directions, orders or decrees as may be necessary for doing complete justice in any case or matter pending before it, including an order for the purpose of securing the attendance of any person or the discovery or production of any document.
 (2) Any such direction, order or decree shall be enforceable throughout Pakistan and shall, where it is to be executed in a Province, or a territory or an area not forming part of a Province but within the jurisdiction of the High Court of the Province, be executed as if it had been issued by the High Court of that Province.
 (3) If a question arises as to which High Court shall give effect to a direction, order or decree of the Supreme Court, the decision of the Supreme Court on the question shall be final. Issue and Execution of Processes of Supreme Court
188. The Supreme Court shall have power, subject to the provisions of any Act of [Majlis-I-Shoora (Parliament)] and of any rules made by the Supreme Court, to review any judgment pronounced or any order made by it. Review of Judgments or Orders by the Supreme Court
189. Any decision of the Supreme Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law, be binding on all other Courts in Pakistan. Decisions of Supreme Court binding on other Courts
190. All executive and judicial authorities throughout Pakistan shall act in aid of the Supreme Court. Action in aid of Supreme Court
191. Subject to the Constitution and law, the Supreme Court may make rules regulating the practice and procedure of the Court. Rules of Procedure