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THE SUPREME COURT (PRACTICE AND PROCEDURE)

ACT, 2023

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THE SUPREME COURT (PRACTICE AND PROCEDURE)
ACT, 2023

ACT No. XVII of 2023

[21st April, 2023]

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ACT

to provide for certain practices and procedures of the Supreme Court

'TWHEREAS Articles 191 ?[**] of the Constitution of the Islamic Republic of Pakistan enables the Majlis-e-Shoora (Parliament) to provide for the practice and procedure of the Supreme Court
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["*h]

It is hereby enacted as follows:—

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

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

2[2. Practice and Procedure of the Supreme Court.—(1) Every cause, matter, petition, appeal or review application before the Supreme Court, shall be heard and disposed of by a Bench constituted by the Committee comprising the Chief Justice, the next senior most Judge in order of seniority and a Judge to be nominated by the Chief Justice:

Provided that if a member for any reason is unable to attend meeting of the Committee, the Chief Justice may nominate any other Judge of the Supreme Court as a member of the Committee.

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

112A. Practice and procedure of Constitutional Benches. — (1) Where a question arises as to whether a cause, matter, petition, appeal or review application falls within clause (3) of Article 191A of the Constitution and is to be heard and disposed of by a Constitutional Bench or another Bench of the Supreme Court, the committee constituted under clause (4) of Article 191A of the Constitution shall, through a speaking order, determine the question and if it decides that a matter—

(a) falls within clause (3) of Article 191A of the Constitution, assign it to a Constitutional Bench for hearing and disposal; or

(b) does not fall within clause (3) of Article 191A of the Constitution, send it to the Committee constituted under section 2 for disposal by another Bench.

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

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

'Subs. by Act No. XXXI of 2024, ss. 2-5.

Omitted and subs. by Act No. XXXVI of 2025, ss. 2-3 (w.e.f. 13-11-2025).

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

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

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

117A. Hearing, etc.— Unless law requires a decision within a stipulated period, every cause, matter or appeal in the Supreme Court shall be heard at its turn based on first in, first out, which is to say, the cases filed first shall be heard first.

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

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

'Omitted and ins. by Act No. XXXI of 2024, ss. 6 and 8.

Omitted by Act No. XXXVI of 2025, s. 4 (w.e.f. 13-11-2025).