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PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 4th November, 2024

No. F. 9(25)/2024-Legis.—The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on 4th November, 2024 and is hereby published for general information:—

ACT NO. XXXI OF 2024

AN

ACT

further to amend the Supreme Court (Practice and Procedure) Act, 2023

WHEREAS it is expedient further to amend the Supreme Court (Practice and Procedure) Act, 2023 (XVII of 2023), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**—(1) This Act shall be called the Supreme Court (Practice and Procedure) (Amendment) Act, 2024.

Price: Rs. 6.00

[8915(2024)/Ex. Gaz.]

(2) It shall come into force at once.

2. **Substitution of preamble, Act XVII of 2023.**—In the Supreme Court (Practice and Procedure) Act, 2023 (XVII of 2023), hereinafter referred to as the said Act, for the preamble, the following shall be substituted, namely:-

"WHEREAS Articles 191 and 191A of the Constitution of the Islamic Republic of Pakistan enables the *Majlis-e-shoora* (Parliament) to provide for the practice and procedure of the Supreme Court including, Constitutional Benches thereof;".

3. **Amendment of section 1, Act XVII of 2023.**—In the said Act, in section 1, for sub-section (2), the following shall be substituted, namely:-

"(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).".

4. **Amendment of section 2, Act XVII of 2023.**—In the Act, in section 2, for sub-sections (1) and (2), the following shall be substituted, namely:-

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

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

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

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

(2) As soon as may be expedient, after the commencement of this Act, the Committee constituted under sub-section (1) shall immediately hold its first

meeting and shall formulate its procedure for regulating the working of the Committee:

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

5. **Insertion of section 2A, Act XVII of 2023.**—In the said Act, after section 2, amended as aforesaid, the following new section 2A shall be inserted, namely:-

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

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

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

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

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

6. **Omission of sections 3 and 4, Act XVII of 2023.**—In the said Act, sections 3 and 4 shall be omitted.

7. **Substitution of section 5, Act XVII of 2023.**—In the said Act, for section 5, the following shall be substituted, namely:-

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

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

8. **Insertion of sections 7A and 7B, Act XVII of 2023.**—In the said Act, after section 7, the following new sections 7A and 7B shall be inserted, namely:-

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

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

SYED HASNAIN HAIDER,
Secretary.

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