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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN
MINISTRY OF LAW AND JUSTICE

Islamabad, the 20th September, 2024

F. No. 2(1)/2024-Pub.—The following Ordinance Promulgated on 19th September, 2024 by the President is hereby published for general information:-

ORDINANCE NO. VIII OF 2024

AN

ORDINANCE

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

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

(505)

Price: Rs. 6.00

[8623(2024)/Ex. Gaz.]

AND WHEREAS, the Senate and the National Assembly are not in session and the President of the Islamic Republic of Pakistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

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

(2) This Ordinance shall come into force at once.

2. **Amendment of section 2, Act XVII of 2023.**—In the Supreme Court (Practice and Procedure) Act, 2023 (XVII of 2023), hereinafter called as the said Act, in section 2, for sub-section (1), the following shall be substituted, namely:-

“(1) Every cause, appeal or matter before the Supreme Court shall be heard and disposed of by a Bench constituted by the committee comprising the Chief Justice of Pakistan, the next most senior Judge of the Supreme Court and a Judge of the Supreme Court nominated by the Chief Justice of Pakistan, from time to time.”.

3. **Amendment of section 3, Act XVII of 2023.**—In the said Act, in section 3, the existing provision thereof shall be numbered as sub-section (1) and after sub-section (1), numbered as aforesaid, the following new sub-section (2) shall be added, namely:-

“(2) A Bench hearing a matter under clause (3) of Article 184 of the Constitution shall, before proceeding with the matter on merits, decide and identify through a reasoned and speaking order the question of public importance involved in the matter and the fundamental right which is sought to be enforced.”.

4. **Amendment of section 5, Act XVII of 2023.**—In the said Act, in section 5,—

(a) in sub-section (1), after the word “Bench”, occurring for the first time, the expression “, including an order passed under sub-section (2) of section 3,” shall be inserted; and

(b) sub-section (2) shall be omitted.

5. **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 a transparent criteria is already mentioned or the applicable law requires a decision within a stipulated time, every cause, matter or appeal in the Supreme Court shall be heard at its turn based on first in, first out, that is to say, the cases filed first shall be heard first. Any Bench hearing a case out of its turn shall record its reasons for doing so.

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. Such recordings and transcripts shall be made available to the public. For the purposes of reliance thereon in any court proceedings, only a certified copy of the transcript against payment of a fee amounting to fifty Rupees per page shall be used.”

ASIF ALI ZARDARI,
President.

RAJA NAEEM AKBAR,
Secretary.

STATEMENT OF OBJECTS AND REASONS

Article 191 of the Constitution of the Islamic Republic of Pakistan provides that subject to the Constitution and law, the Supreme Court may make rules regulating the practice and procedure of the Supreme Court of Pakistan. For certain matters the Supreme Court (Practice and Procedure) Act, 2023 is also in force. The Supreme Court in its Judgment dated 11.10.2023, in various cases including Raja Amer Khan and others vs. Federation of Pakistan [2023 SC 399] has declared sub-section (2) of section 5 of the said Act as *ultra vires the Constitution*. Also, in order to make the right of appeal meaningful and effective, against an order passed under clause (3) of Article 184 of the Constitution, some amendments in the Supreme Court (Practice and Procedure) have been prepared.

2. The Bill is designed to achieve the aforesaid objectives.


Minister-in-charge