

ASSIGNMENT 1st

DEFINE HIERACHY OF COURTS IN PAKISTAN.

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HIERARCHY OF COURTS IN PAKISTAN

Introduction:

Before discussing hierarchy of courts in pakistan, I will define what is Hierarchy.

Hierarchy is define as a system in which members of an organization or society are ranked according to relative status or authority.

EXPLANATION:

A court hierarchy establishes which decisions are binding on which courts. There are some exceptions and complications to what follows but, in general and for most purposes, the higher up a court is in the hierarchy, the more its decisions.

Hierarchy of courts in pakistan:

- Supreme court of pakistan.
- Federal Shariat court of Pakistan.
- High court.
- District and session court.
- Special tribunals and board.

The judiciary of Pakistan is a hierarchical system with two classes of courts: the superior (or higher) judiciary and the subordinate (or lower) judiciary. The superior judiciary is composed of the Supreme Court of Pakistan, the Federal Shariat Court and five High Courts, with the Supreme Court at the apex. There is a High Court for each of the

four provinces as well as a High Court for the Islamabad Capital Territory. The Constitution of Pakistan entrusts the superior judiciary with the obligation to preserve, protect and defend the constitution. Neither the Supreme Court nor a High Court may exercise jurisdiction in relation to Tribal Areas, except otherwise provided for. The disputed regions of Azad Kashmir and Gilgit–Baltistan have separate court systems.

SUPREME COURT OF PAKISTAN:

The Supreme Court has a special role to play in Pakistani system of government. It has two fundamental functions. On the one hand, the primary role of the Supreme Court is to interpret the Constitution and the law and to ensure that different state-organs created by the Constitution remain within their boundaries.

On the other hand, it has power to examine statutes and executive actions to determine whether they conform to the Constitution of Pakistan. The Constitution gives it the power to check, if necessary, the actions of the Executive. It can tell President or Prime Minister that his actions are not allowed by the Constitution of Pakistan. The Supreme Court is also the custodian and upholder of citizen's rights, liberties and freedoms. The court has been given a very significant role of protecting the fundamental rights of citizens.

FUNCTIONS OF SUPREME COURT:

- Ultimate appeal
- Explicit power
- Overturn presidential order
- Custodian of citizens right.

FEDERAL SHARIAT COURT OF PAKISTAN:

Article 227 makes it incumbent that all existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy Qur'an and the Sunnah of the Holy Prophet (peace be upon him), and Chapter 3-A which pertains to the functions and organization of Federal Shariat Court, empowers the court and entrusts the court with the responsibility to examine and decide the question whether or not any law or provision of law is repugnant to the injunctions of Islam as laid down in the Holy Qur'an and the Sunnah of the Holy Prophet (peace be upon him).

FUNCTIONS OF FEDERAL SHARIAT COURT OF PAKISTAN:

- Examine the provision of law.
- Appeal against its decision.

HIGH COURTS:

The High Court is an appellate court for all civil and criminal matters in the respective province. High Court may make rules

regulating the practice and procedure of the Court or of any court subordinate to it. Further, High Court decides a question of law or is based upon or enunciates a principle of law, be binding on all courts subordinate to it.

Branches of High courts in Pakistan

- ❖ Lahore High Court – for the province of Punjab
- ❖ Sindh High Court – for the province of Sindh
- ❖ Peshawar High Court – for the province of Khyber Pakhtunkhwa
- ❖ Balochistan High Court – for the province of Balochistan
- ❖ Islamabad High Court – for the federal capital city of Islamabad

DIRECT AND SESSION COURTS OF PAKISTAN:

District courts exist in every district of each province, and have civil and criminal jurisdiction. In each District Headquarters, there are numerous Additional District & Session Judges who usually preside the courts. District & Sessions Judge has executive and judicial power all over the district under his jurisdiction.

The Sessions court is also a trial court for heinous offences such as Murder, Rape (Zina), Haraba offences (armed robbery where specific amount of gold and cash is involved), and is also appellate court for summary conviction offences and civil suits

of lesser value. Each Town and city now has a court of Additional District & Sessions judge, which possess the equal authority over, under its jurisdiction. When hearing criminal cases, it is called the Sessions Court, and when it hears civil cases, the District Court.

SPECIAL TRIBUNALS AND BOARD:

It includes

- Banking courts
- Services tribunals
- Income tax tribunals
- Anti corruption courts
- Anti Narcotics courts
- Anti terrorist court.