

Islamabad, 23rd December, 2024

NOTIFICATION

No. F.1/52/2010-SCA (JCP):- In exercise of the powers conferred by clause (4) of Article 175A of the Constitution of the Islamic Republic of Pakistan, the Judicial Commission of Pakistan makes the following rules:

PART-I **PRELIMINARY**

1. Short Title and Commencement.

- (1) These rules may be called the Judicial Commission of Pakistan (Appointment of Judges) Rules, 2024.
- (2) They shall come into force at once.

2. Definitions.

In these rules, unless the context otherwise provides, -

- (a) "Aalim" means any person who is master in Islamiyat or has an equivalent degree in Islamic law from a recognised institute under the relevant law.
- (b) "Advocate" means an advocate enrolled on any roll under the provisions of the Legal Practitioners and Bar Councils Act, 1973, who is not suspended or removed from practice under the provisions of that Act;
- (c) "Chairperson" means the chairperson of the Commission;
- (d) "Commission" means the Judicial Commission of Pakistan established under clause (2), (5), (6) or (7), as the case may be, of Article 175A of the Constitution;
- (e) "Constitution" means the Constitution of the Islamic Republic of Pakistan;
- (f) "Judge" means the Judge of a High Court including an Additional Judge, or of the Federal Shariat Court including an Aalim Judge, or of the Supreme Court including an Acting Judge and an ad hoc Judge;
- (g) "Member" means the member of the Commission and includes the Chairperson;
- (h) "Prescribed" means as prescribed in these rules;
- (i) "Secretariat" means the secretariat of the Commission; and
- (j) "Secretary" means the secretary of the Commission.

PART-II **SECRETARIAT OF THE COMMISSION**

3. Secretariat of the Commission.

- (1) There shall be a Secretariat of the Commission, housed in the Supreme Court Building at Islamabad or such other place as may be determined by the Chairperson, which shall maintain records of all proceedings of the Commission.

- (2) The Secretariat shall be headed by a Secretary and shall include such other officers and staff as may be determined by the Chairperson.
- (3) The officers and staff of the Secretariat shall perform such duties to assist the Commission in performance of its functions, as may be assigned to them by the Chairperson or the Member authorised by him in this regard.
- (4) The records of the Secretariat shall be maintained in the forms, and other operational matters of the Secretariat shall be conducted in the manner, specified by the general or special orders of the Chairperson.

PART-III

CRITERIA AND OTHER CONSIDERATIONS

4. Criteria for Determining Merit.

(1) The merit of a person for appointment as a Judge shall be determined in accordance with the criteria set out in the oath of office of a Judge under the Constitution.

(2) In assessing the merit of a nominee, the following factors shall be taken into consideration:

- (a) professional qualifications and experience;
- (b) legal ability;
- (c) professional conduct;
- (d) efficiency;
- (e) communication skills;
- (f) integrity and independence; and
- (g) any other matter deemed relevant by the Commission.

5. Representation of Advocates and Judicial Officers.

(1) In initiating and finalising the nominations for the appointment of Judges in the High Courts, the Members shall ensure fair representation of both the advocates and the judicial officers.

Provided that, in the case of judicial officers, in addition to the fitness determined in accordance with the prescribed criteria, their seniority in judicial service may also be considered.

(2) For the purpose of initiating nomination of a judicial officer, a Member other than the Chief Justice of the High Court concerned shall, through the Registrar of the High Court concerned, obtain the information required to be mentioned in and the material to be attached with the nomination form from the judicial officer concerned and may, for the aforesaid purpose, request the Registrar of the High Court concerned for any report regarding the service record of the judicial officer concerned from the respective High Court.

Explanation: No member, other than the Chief Justice of a High Court, shall directly contact a judicial officer for the purpose of initiating his or her nomination.

6. Diversity in Appointments.

In initiating and finalising the nominations for the appointment of Judges in the High Courts, the Members shall, subject to the prescribed criteria, ensure proper diversity in terms of gender, region and religion.

7. Procedure for Confirmation of Additional Judges.

The Commission shall consider the following factors when deciding on the confirmation of an Additional Judge:

- (a) quantity and quality of judgments delivered and other judicial work performed;
- (b) compliance with judicial ethics and conduct during the tenure, including the impartiality, objectivity, temperament and attitude; and
- (c) concerns, if any, that were not identified at the time of initial appointment.

PART-IV

INITIATION OF PROCESS OF APPOINTMENT

8. Record of Vacancies and Inviting Nominations.

(1) The Secretariat shall maintain a complete record of all anticipated and actual vacancies of Judges in the Supreme Court, the High Courts and the Federal Shariat Court and shall keep the Commission informed of the same.

Explanation: Anticipated vacancies mean such vacancies that are expected to occur within three months.

(2) Without prejudice to sub-rule (1), for the appointment of Judges to the Supreme Court, the Chairperson shall determine the number of vacancies for which nominations are to be invited.

(3) For the appointment of Judges to the High Courts or the Federal Shariat Court, the Chairperson, in consultation with the respective Chief Justice, shall determine the number of vacancies for which nominations are to be invited.

PART-V

INITIATING NOMINATIONS

9. Nominations for Appointment.

(1) Upon the invitation for nominations by the Chairperson for an anticipated or actual vacancy of a Judge in the Supreme Court, the Chief Justice of the Federal Shariat Court, the Chief Justice of a High Court, a Judge in the Federal Shariat Court or a Judge in a High Court, any Member of the Commission may give nominations in the Commission for appointment against such vacancy.

Explanation-I: Nomination for the appointment of a Judge to the Supreme Court shall be made with due regard to ensuring fair representation of all High Courts.

Explanation-II: Nominations for the appointment of a Judge to the Supreme Court shall be made from among the five most senior Judges of the High Court concerned.

Explanation-III: Nominations for the appointment of the Chief Justice of a High Court shall be made from among the three most senior Judges of that High Court:

Provided that a Member nominating the second or third most senior Judge shall state reasons in the nomination letter for not nominating the most senior Judge or the two most senior Judges, as the case may be.

Provided further that if the Commission does not appoint the most senior Judge as the Chief Justice, the Commission shall state the reasons for not appointing the most senior or the two most senior judges, as the case may be.

(2) The nominations for the appointment of Judges to the High Courts and Federal Shariat Court shall be submitted to the Secretariat on the prescribed forms given in Schedule-I to these rules.

(3) The nominations shall be submitted to the Secretariat within fifteen days of the date on which nominations are invited.

Explanation: Nominations received after the prescribed time shall not be placed before the Commission for consideration.

(4) A nominee whose nomination is not approved by the Commission shall not be disqualified from being re-nominated for future vacancies, unless decided by the Commission to be not fit for reconsideration..

10. Verification of Information and Antecedents of Nominees.

(1) The Secretariat shall, upon receiving the nominations within the prescribed time, obtain reports from the relevant authorities regarding the verifiable information provided in the nomination forms, and shall also obtain reports from two civil intelligence agencies on the general antecedents of the nominees.

(2) In cases where adverse remarks are included in the reports obtained under clause (1), the officer making such remarks shall provide the supporting material and sign the report, stating his name and designation.

(3) The reports obtained under clause (1) shall remain in the custody of the Secretariat and placed before the Commission in its meeting for considering and finalising the nominations.

(4) The Secretariat shall prepare two consolidated lists of nominees for the consideration of the Commission: the first containing the names of advocates, including law officers and the second containing the names of judicial officers.

(5) The Secretariat shall not include the names of the Members proposing the nominations in the consolidated lists prepared under sub-rule (4).

PART-VI **FINALISATION OF NOMINATIONS**

11. Convening of Meeting of the Commission.

(1) The Chairperson shall, upon receiving the reports under Rule 10 at the Secretariat, convene a meeting of the Commission to deliberate on and finalise the nominations.

(2) The Secretary shall notify all Members at least fourteen days in advance of the scheduled meeting of the Commission, providing the agenda and supporting materials.

(3) The quorum for the meeting shall be the majority of the total membership of the Commission.

12. Procedure of Deliberation on Nominations.

- (1) The Chairperson shall regulate the proceedings of the meetings of the Commission and ensure that all Members are given equal opportunity to express their views during deliberations.
- (2) The Commission shall deliberate on the nominations in an orderly manner, in such sequence as determined by the Chairperson.
- (3) The Chairperson shall ensure that the deliberation remains focused on the merits of each nominee, in accordance with the prescribed merit criteria.
- (4) The Commission may call for such additional information regarding a nominee as it considers necessary.
- (5) After the deliberations, voting on the nominations shall be conducted by a show of hands
- (6) A nominee must secure the votes of a majority of the total membership of the Commission to be selected for nomination by the Commission under clause (8) of Article 175A of the Constitution.
- (7) Where no nominee secures the required majority for a vacancy, the Commission shall hold an additional round of voting among those nominees who secured the highest number of votes in the first round, but not exceeding two nominees for each vacancy required to be filled.

Illustration: If more than two nominees secure the highest number of votes, the second round of voting shall be held between the top two nominees.

Explanation: If, in the second round of voting, no nominee secures the required majority, the voting process shall stand closed, and fresh nominations may be called in accordance with these rules.

- (8) The Secretary shall prepare the minutes of the meeting, including the decisions and voting results, and shall, within two days of the meeting, forward the names of the selected nominees to the Principal Secretary to the Prime Minister for further action in accordance with the Constitution.

PART-VII **MISCELLANEOUS**

13. Confidentiality of Proceedings and Publication of Decisions of the Commission.

- (1) Unless otherwise directed by the Commission, all proceedings of the Commission shall be conducted in camera to maintain confidentiality.
- (2) Only the decisions, and not the deliberations, of the Commission shall be published in a summarised form on the official website or webpage of the Commission.
- (3) Members shall not disclose the content of the deliberations, held in the meetings of the Commission, except as authorised by the majority of the Commission or as required by law.
- (4) The Commission may, by a majority of its total membership, decide to hold specific proceedings or portions thereof in public where it considers this necessary in the public interest.

14. Committees of the Commission.

- (1) The Chairperson may constitute one or more committees from among the Members to perform specific tasks or address particular issues related to the functions of the Commission.

(2) Each committee shall operate under terms of reference, specifying the purpose, scope and timeline for the completion of its task.

(3) The decisions or recommendations of a committee shall be subject to approval by the Commission, unless expressly delegated otherwise.

(4) The Chairperson may appoint the head of any committee and, where deemed necessary, authorise the committee to co-opt non-members for advisory roles, provided that such co-option does not compromise the independence and integrity of the judicial appointment process.

15. Removal of Doubts and Difficulties.

(1) If there arises any doubt in giving effect to any provision of these rules, it shall be resolved by a special or general order of the Commission mentioned in clause (2) of Article 175A of the Constitution.

(2) If there arises any difficulty in giving effect to any provision of these rules, the Commission mentioned in clause (2) of Article 175A of the Constitution may, in the public interest and by stating the reasons therefor, relax the strict application of that provision in a particular matter.

(3) If there is no provision in these rules to deal with a matter relating to the functions of the Commission or any matter incidental or ancillary thereto, such matter shall be dealt with in accordance with a special or general order of the Commission mentioned in clause (2) of Article 175A of the Constitution.

(4) The orders under sub-rules (1), (2) and (3) shall be made by the Commission by the votes of not less than two-third of its total membership.

(5) The record of the special or general orders of the Commission made under this rule shall be maintained in the Secretariat.

16. Repeal and Savings.

(1) The Judicial Commission of Pakistan Rules, 2010, are hereby repealed.

(2) Notwithstanding the repeal anything done, action taken, or decision made under the repealed Rules shall be deemed valid and shall continue to have effect as if done, taken, or made under these rules.

(3) Any matter pending under the repealed Rules shall be deemed to be pending under these rules and, as far as practicable, shall be dealt with in accordance with these rules.

By Order of the Commission

Niaz Muhammad Khan
Secretary,
Judicial Commission of Pakistan,
Islamabad.

Schedule-I
(See rule 9(2))
FORM-A
Credentials of the Advocate Nominee (including Law Officers)
(As Per the Merit Criteria)

Name of Nominee: _____ Date of Birth: _____
Name of the Father/Spouse: _____ CNIC No: _____
Residential Address: _____
Office Address: _____
Telephone /Mobile No: _____

- 1. Professional Qualification:**
For instance – B.A.; LLB; LLM; PhD; Diploma; or training courses in fields of law, etc.
and teaching experience (if any)
- 2. Professional Experience:**
- a. Date of Enrolment as an advocate. _____
 - b. Date of Enrolment as an advocate of High Court. _____
 - c. Date of Enrolment as an advocate of the Supreme Court. _____

(i) Number of cases conducted in the High Court as a lead counsel for a party

Bail App.	M.R./ C.S.R. ₁	Crl. Appeal	Crl. Rev.	Crl. Misc.	Civil Suit(s)	R.F.A/ F.A.O. ₂	R.S.A ³	Civil Rev.	HCA/ ⁴ ICA	Civil Misc.	Tax Ref. / Comp any Etc.Cases
	Number of reported cases/approved for reporting cases in the same categories										
	Pending cases in the same categories										

(ii) Number of Const./Writ Petitions in the High Court as a lead counsel for a party
(Broad Categories of Matters)

Civil	Criminal	Family	Rent	Tax	Service	Labour	Regulatory Bodies	Misc.
	Number of reported cases/approved for reporting cases in the same categories							
	Pending cases in the same categories							

(iii) Number of cases conducted in the Supreme Court as a lead counsel for a party
(Broad Categories of Matters)

Civil Appeals	Criminal Appeals	Civil Petitions for Leave to Appeal	Criminal Petitions for Leave to Appeal	Constitution Petitions
	Number of reported cases/approved for reporting cases in the same categories			

¹ Murder Reference and Capital Sentence Reference.
² Regular First Appeal and First Appeal Against Order.
³ Regular Second Appeal.
⁴ High Court Appeal and Intra Court Appeal.

Pending cases in the same categories				

Note: The nominee or proposer may add any other category of cases in tables (i), (ii) and (iii).

(iv) Income Tax paid in the last three years:

Year	Taxable Income	Tax Paid

(Copies of tax returns and wealth statement are to be attached)

2A. Professional Experience as Law Officer: (In addition to information required under heading 2)

(i) Number of cases conducted in the High Court as a counsel for Government

Bail App.	M.R./ C.S.R.	Crl. Appeal	Crl. Rev.	Crl. Misc.	Civil Suit(s)	R.F.A/ F.A.O.	R.S.A	Civil Rev.	HCA/ ICA	Civil Misc.	Tax Ref. / Comp any Etc.Cases
	Number of reported cases/approved for reporting cases in the same categories										

(ii) Number of Const./Writ Petitions in the High Court as a counsel for Government
(Broad Categories of Matters)

Civil	Criminal	Family	Rent	Tax	Service	Labour	Regulatory Bodies	Misc.
	Number of reported cases/approved for reporting cases in the same categories							

(iii) Number of cases conducted in the Supreme Court as a counsel for Government
(Broad Categories of Matters)

Civil Appeals	Criminal Appeals	Civil Petitions for Leave to Appeal	Criminal Petitions for Leave to Appeal	Constitution Petitions
	Number of reported cases/approved for reporting cases in the same categories			

Note: The nominee or the proposer may add any other category of cases in tables (i), (ii) and (iii).

3. Legal Ability and efficiency:

- (i) List of all reported judgments/approved for reporting is to be attached
- (ii) Copies of five best judgments, other than bail orders, are to be attached.
- (iii) **Communication skills:**
Three best pleadings drafted and filed within the last three years. (copies of the same are to be attached)

4. Record of Disciplinary and Criminal Proceedings, if any:

- (i) Number of complaints filed for professional misconduct: _____ Their result: _____
- (ii) Number of disciplinary proceedings initiated: _____ Their result:_____

(iii) Number of registration of criminal cases (FIRs): _____ Their result: _____

5. Information As to Relatives in Legal Profession:

The information as to how many relatives of the nominee (i.e., parents, brothers, sisters, spouse and children) are in the legal profession, and the station where they ordinarily practice law.

Name & Signature of the Nominee

Date

Note-I:The information mentioned above shall be provided by the nominee to the Member who proposes to initiate his or her nomination. The verifiable information shall be verified by the Secretary with the relevant authorities.

6. Integrity:

The comments are to be recorded here about the above complaints, disciplinary proceedings and criminal cases by the member who recommends the nominee. Further, the comments are also to be recorded here on the general reputation of the nominee as to his integrity on the basis of personal knowledge of such member (if any) or on the basis of information obtained by him.

7. Any other matter deemed relevant by the Member (Proposer):

Name & Signature of the Member (Proposer)

Date

FORM-B
Credentials of the Judicial Officer Nominee
(As Per the Merit Criteria)

Seniority No. _____

Name of Nominee: _____ Date of Birth: _____

Name of the father/spouse: _____ CNIC No: _____

Residential Address: _____

Office Address: _____

Telephone /Mobile No: _____

1. Professional Qualification:
For instance – B.A.; LLB; LLM; Ph D; Diploma; or training courses in fields of law, etc. and teaching experience (if any).

- 2. Professional Experience as a Judicial Officer**
- a. Date of appointment as a Civil Judge-cum-Magistrate

- b. Date of promotion as Senior Civil Judge-cum-Magistrate

- c. Date of promotion or appointment as an Additional District & Sessions Judge

- d. Date of promotion or appointment as a District & Sessions Judge

Postings & Position held During Service: _____

Period _____

3. Legal Ability and Communication skills:
Five best judgments of the nominee (copies of the same are to be attached)

4. Efficiency: (Number of contested cases decided in the last three years)

Murder cases	Other Sessions cases	Crl. Appeals	Criminal Revisions	Civil Appeals against Decrees	Family Appeals	Civil Revisions	Civil Suits

Note-I: If the nominee has served in the last three years either partially or completely in such special court(s) or tribunal(s) where the categories of the main cases dealt with are different, the nominee or the proposer may add a second table below the above table mentioning the main categories of cases and the number of contested cases decided by the nominee, specifying the relevant period.

Note-II: If the nominee has been serving in any administrative posts, he or she is to provide the above information of three years prior to that posting.

- 5. Record of Disciplinary and Criminal Proceedings, if any:**
- (i) Number of complaints filed for service misconduct: _____ Their result: _____

(ii) Number of disciplinary proceedings initiated: _____ Their result: _____

(iii) Number of registered criminal cases (FIRs): _____ Their result: _____

(iv) Number of subsisting adverse remarks recorded in PERs: _____ Their nature: _____

6. Information As to Relatives in Legal Profession:

The information as to how many relatives of the nominee (i.e., parents, brothers, sisters, spouse and children) are in the legal profession, and the station where they ordinarily practice law.

Name & Signature of the Nominee _____

Date _____

Note-I: The information mentioned above shall be provided by the nominee to the Member who proposes to initiate his or her nomination. The verifiable information shall be verified by the Secretary with the relevant authorities

7. Integrity:

The comments are to be recorded here about the above complaints, disciplinary proceedings, criminal cases and adverse remarks by the member who recommends the nominee. Further, the comments are also to be recorded here on the general reputation of the nominee as to his integrity on the basis of personal knowledge of such member (if any) or on the basis of information obtained by him.

8. Any other matter deemed relevant by the Member (Proposer):

Name & Signature of the Member (Proposer)	Date
	By Order of the Commission
	(Niaz Muhammad Khan) Secretary, Judicial Commission of Pakistan, Islamabad
The Manager, Printing Corporation of Pakistan Press Khayaban-e- Suhrawardy, <u>Islamabad.</u>	