

PROPOSED
JUDICIAL COMMISSION OF PAKISTAN (APPOINTMENT OF JUDGES)
RULES, 2024.

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In exercise of 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) "Chairperson" means the chairperson of the Commission;
- (b) "Commission" means the Judicial Commission of Pakistan established under Article 175A of the Constitution;
- (c) "Constitution" means the Constitution of the Islamic Republic of Pakistan;
- (d) "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;
- (e) "Member" means the member of the Commission and includes the Chairperson;
- (f) "Prescribed" means as prescribed in these rules;
- (g) "Secretariat" means the secretariat of the Commission;
- (h) "Secretary" means the secretary of the Commission; and
- (i) "Aalim" means any person who is master in Islamiyah or has an equivalent degree in Islamic law from a recognised institute under the relevant law.

3. Legal Background for Nominated Members

Without prejudice to the provisions of the Constitution, the Leader of the House, the Leader of the Opposition and the Speaker of the National Assembly, when making nominations under Article 175A(2)(vii) and (viii) of the Constitution, are expected to ensure that Members nominated to the Commission have legal background.

PART-II
SECRETARIAT OF THE COMMISSION

4. 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 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 **INITIATION OF PROCESS OF APPOINTMENT**

5. 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 Chairperson informed of the same.

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

(2) For the appointment of Judges to the Supreme Court, the Chairperson, after examining the record of pendency in the Supreme Court, 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 and the required expertise in a particular field of law for which nominations are to be invited.

PART-IV **CRITERIA AND OTHER CONSIDERATIONS**

6. 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, which requires the ability to do right to all manner of people, according to law, without fear or favour, affection or ill-will.

(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) efficiency;
- (d) communication skills;
- (e) integrity and independence; and
- (e) any other matter deemed relevant by the Commission.

(3) Any person who directly or indirectly approaches a Member to influence the initiation of his or her nomination shall be disqualified from consideration for appointment as a Judge.

7. 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 shall also be considered.

(2) For the purpose of initiating nomination of a judicial officer, a Member may, through the Secretary, request any report regarding the service record of the judicial officer concerned from the respective High Court.

8. 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, religion and expertise in particular fields of law.

9. Procedure for Confirmation of Additional Judges.

(1) Upon taking the oath of office, an Additional Judge of a High Court shall inform, in writing, the Registrar of the High Court concerned about the area of his or her expertise, with a copy of the intimation sent to the Secretary for the record of the Commission.

(2) To facilitate a meaningful assessment of the performance of an Additional Judge, the Chief Justice of the High Court concerned shall:

- (a) assign cases to the Additional Judge in the area of his or her expertise, where practicable; and
- (b) allocate judicial work, at the principal seat of the High Court, where practicable.

(3) The Secretariat shall maintain the performance record of each Additional Judge on a quarterly basis, in such form as may be specified by the Chairperson through general or special order.

(4) The Registrars of the High Courts shall provide all necessary assistance to the Secretariat for maintaining the performance record of the Additional Judges.

(5) 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;
- (c) concerns, if any, that were not identified at the time of initial appointment; and
- (d) any other relevant considerations that may affect the fitness of the Judge for confirmation.

PART-V **INITIATING NOMINATIONS**

10. Nominations for Appointment.

(1) For each 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.

(2) The nominations shall be submitted to the Secretariat on the prescribed forms given in Schedule-I to these rules, 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.

(3) A nominee whose nomination is not approved by the Commission shall not be disqualified from being re-nominated for future vacancies, unless disqualified on grounds of integrity, moral turpitude or other substantive concerns.

11. 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 at least 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 officers making such remarks shall sign them, stating their name and designation.

(3) The reports obtained under clause (1) shall be provided to the Members, together with the nomination forms and any other materials annexed thereto, by the Secretariat, along with the notice issued for the meeting of the Commission.

(4) The Secretariat shall prepare two separate lists of nominees for the consideration of the Commission: the first containing the names of advocates, including law officers, with the names in the list arranged in descending order of age, starting with the eldest; and the second containing the names of judicial officers, with the names in each list arranged in order of their seniority in judicial service.

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

PART-VI **FINALISATION OF NOMINATIONS**

12. Convening of Meeting of the Commission.

(1) The Chairperson shall, upon receiving the reports under Rule 11 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.

13. 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, considering the nominees serially in the two lists prepared by the Secretariat: the first containing the names of advocates, including law officers, with the names in the list arranged in descending order of age, starting with the eldest; and the second containing the names of judicial officers, with the names in each list arranged in order of their seniority in service

(3) The Chairperson shall ensure that the deliberation remains focused on the merits of each nominee, in accordance with the prescribed criteria.

(4) The nominees shall be present at the meeting of the Commission during the consideration of their nominations:

Provided that the Commission shall decide, on a case-to-case basis, which of the nominees are to be interviewed.

(5) The Commission may call for such additional information regarding a nominee as it considers necessary.

(6) After the deliberations, voting on the nominations shall be conducted either by secret ballot or by a show of hands, as determined by the Commission:

Provided that each Member shall cast one vote for each vacancy.

Illustration: In the case of secret ballot, if there are five vacancies, each Member shall cast only five votes. Any votes cast beyond the initial five shall not be considered.

(7) 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.

(8) 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-I: If more than two nominees secure the highest number of votes, the second round of voting shall be held between the top two nominees in the sequence of the list prepared under subrule (4) of rule 11.

Illustration-II: 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.

(9) The Secretary shall prepare the minutes of the meeting, including the decisions and voting results, and shall forward the names of the selected nominees to the Principal Secretary of the Prime Minister for further action in accordance with the Constitution:

Provided that, in the case of the appointment of Judges to the High Courts and the Federal Shariat Court, the Secretary shall forward the names

of the selected nominees after the Medical Board certifies that they are physically and mentally capable of performing the duties of a Judge.

(9) For the purpose of conducting the medical examination of the selected nominees, the Chairperson shall constitute a standing Medical Board for a specified period.

PART-VII **MISCELLANEOUS**

14. 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.

Explanation: For the purpose of this sub-rule, the Commission may decide to require all Members to submit an affidavit or take an oath in this regard.

(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.

15. 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.

16. 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 record of the special or general orders of the Commission mentioned in clause (2) of Article 175A of the Constitution shall be maintained in the Secretariat.

17. 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.

Explanation-I: The pending nominations, if any, shall be required to be resubmitted in the prescribed form along with the required material. In such case, the Members may withdraw from any nomination made earlier or make a new nomination.

Explanation-II: If the fresh nomination with regard to a pending nomination is not made on the prescribed form along with the required material, it shall be considered withdrawn.

PROPOSED

Schedule-I
(See rule 10(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: _____
 Residential Address: _____
 Office Address: _____
 Telephone /Mobile No: _____

1. Professional Qualification:

For instance – B.A.; LLB; LLM, Diploma, or other training courses in fields of law, etc.

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 counsel for a party

Bail App.	CrI. Appeal	CrI. Rev.	CrI. Misc.	Civil Suit(s)	R.F.A	R.S.A	Civil Rev.	HCA/ ICA	Civil Misc.	Tax Ref. / Cases, etc
Number of reported cases in the same categories										

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

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

(iii) Number of cases conducted in the Supreme Court as a 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 in the same categories				

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

(iv) Tax paid in the last three years:

Year	Taxable Income	Tax Paid

2A. Professional Experience as Law Officer: (Additional information required from Law Officers)

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

Bail App.	Crl. Appeal	Crl. Rev.	Crl. Misc.	Civil Suit(s)	R.F.A	R.S.A	Civil Rev.	HCA/ ICA	Civil Misc.	Tax Ref. / Cases, etc
Number of reported 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 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 in the same categories				

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

3. Legal Ability and efficiency:

(i) List of all reported judgments is to be attached

(ii) Copies of five best judgments, other than bail orders, are to be attached.

(iii) Communication skills:

(i) Three best pleadings drafted and filed within the last three years. (copies of the same are to be attached)

(ii) Three best opinions, if any, given by the nominee law officer. (copies of the same are to be attached)

(iv) 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: _____

(v) 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, and shall be accompanied by an affidavit of the nominee confirming its correctness. The verifiable information shall be verified by the Secretary with the relevant authorities

(vi) 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) and on the basis of information obtained by him from at least five eminent members of the Bar, or the former or sitting Judges of the High Court concerned or the Supreme Court, who personally know the nominee.

(vii) Independence:

The comments are to be recorded here on the general reputation of the nominee as to his ability of having independent opinions on important matters, on the basis of personal knowledge of the member who recommends his or her name.

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

Name & Signature of the Member (Proposer)

Date

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FORM-B

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

Seniority No. _____
Date of Birth: _____
Name of Nominee: _____
Name of the father/spouse: _____
Residential Address: _____
Office Address: _____
Telephone /Mobile No: _____

1. Professional Qualification:

For instance – B.A.; LLB; LLM, Diploma, or other training courses in fields of law, etc.

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 and 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	Civil Suits	Civil Appeals against Decrees

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 member who recommends his or her name 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: The Commission may add any other category of cases in the above table and prescribe a table mentioning the main categories of cases dealt with in special courts and tribunals.

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, and shall be accompanied by an affidavit of the nominee confirming its correctness. 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) and on the basis of information obtained by him from at least five eminent members of the Bar, or the former or sitting District & Sessions Judges, or the former or sitting Judges of the High Court concerned or the Supreme Court, who personally know the nominee.

8. Independence:

The comments are to be recorded here on the general reputation of the nominee as to his ability, as well as past record, of having independent opinions on important matters, on the basis of personal knowledge of the member who recommends his or her name.

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

Name & Signature of the Member (Proposer)

Date

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