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THE CONSTITUTIONAL BENCHES OF HIGH COURT OF SINDH (PRACTICE AND PROCEDURE) ACT, 2025

SINDH ACT NO. I OF 2026

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[26ND JANUARY, 2026.]

AN ACT to provide for practice and procedure of the Constitutional Benches of the High Court of Sindh;

WHEREAS Article 202A (6) of the Constitution of the Islamic Republic of Pakistan enables the Provincial Assembly to provide for regulating the practice and procedure of the Constitutional Benches of High Court of Sindh.

Preamble.

It is hereby enacted as follows:-

1. (1) This Act shall be called the Constitutional Benches of High Court of Sindh (Practice and Procedure) Act, 2025.

Short title and commencement.

(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-seventh Amendment) Act, 2025.

2. In this Act, unless there is anything repugnant in the subject or context –

Definitions.

- (a) “Article” means an Article of the Constitution of the Islamic Republic of Pakistan, 1973;
- (b) “Constitution” means the Constitution of the Islamic Republic of Pakistan 1973;
- (c) “Commission” means the Judicial Commission of Pakistan as constituted under Article 175A of the Constitution of the Islamic Republic of Pakistan, 1973;
- (d) “Committee” means Committee established under Article 202A (4) comprising of Head of Constitutional Benches along with two of the most senior Judges of the Constitutional Benches;
- (e) “Constitutional Bench” means a Bench constituted under Article 202A of the Constitution comprising of the Judges of the High Court;
- (f) “Head” means the Judge designated as Head of the Constitutional Benches of the High Court of Sindh under Article 202A (2) and includes head under Section 5; thereof;

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(g) “High Court” means the High Court of Sindh;

(h) “Larger Bench” a bench of more than two Judges of Constitution Bench.

3. (1) The constitution and nomination of Judges to the Constitutional Benches shall be made exclusively by the Commission under Article 202A of the Constitution. **Constitution of Constitutional Benches.**

(2) No Judge shall sit on a Constitutional Bench unless nominated by the commission.
4. (1) Once a Judge has been nominated by the Commission as a Judge of the Constitutional Benches, he shall not recuse, refuse, or decline to sit on such Bench. **Obligation of nominated Judges.**

(2) Where a Judge intends, for compelling reasons, to withdraw from sitting on a Constitutional Bench, he shall submit a written request to the Head, who shall forward the same to the Commission for approval or otherwise.

(3) No withdrawal shall take effect unless approved by the Commission.
5. (1) In accordance with Article 202A (2) of the Constitution, the senior-most Judge of the High Court of Sindh nominated to the Constitutional Benches shall, by virtue of his seniority, be the Head of the Constitutional Benches. **Head of the Constitutional Benches.**

(2) The Head of the Constitutional Benches shall exercise such supervisory and coordinating powers as are expressly conferred by this Act, subject to the Constitution.

(3) Where the Head of the Constitutional Benches is unable to perform his functions due to leave, vacation, illness, absence, or any other reason, the next senior-most Judge of the Constitutional Benches, in order of seniority, shall act as the Head during such period.

(4) The Judge acting as Head under sub-section (3) shall exercise all powers, functions, and authority of the Head under this Act, including powers relating to transfer of constitutional cases, constitution of Full or Larger Benches, and appointment of referee Judges.

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(5) All acts, orders, and decisions made by the acting Head during such period shall be deemed to have been validly made under this Act.

6. Petitions falling within the purview of Article 199 of the Constitution may be filed at:

Jurisdiction and filing of constitutional cases.

 - (a) the Principal Seat;
 - (b) Sukkur Bench; or
 - (c) Circuit Courts of Hyderabad, Larkana and Mirpurkhas, within their respective territorial jurisdiction as may be determined by the High Court.
7. (1) The transfer of any constitutional case or petition from one Constitutional Bench to another shall be the exclusive administrative power of the Committee constituted under Section 8 (“Committee”), and such a decision shall be based on sound basis, in the interest of justice.

Exclusive administrative powers of the Committee for Constitutional Benches.

(2) The assignment, allocation, and determination of the nature of work of the Constitutional Benches shall be the sole prerogative of the Committee, and no Bench or Judge shall assume or alter such assignment except with the approval of the Committee.

(3) The constitution of a Full Bench or Larger Bench for hearing any constitutional matter shall vest exclusively in the Committee.

(4) Where a Bench, during hearing, advises constitution of a larger Bench, the matter shall be referred to the Committee for appropriate orders.

(5) In case of difference of opinion between two Judges of a Constitutional Bench, the matter shall be referred to the Committee for appointment of a referee Judge, whose opinion shall decide the case.
8. (1) By virtue of Article 202A (4), there shall be a Committee for purpose of assisting in the constitution of Constitutional Benches, and Larger Benches.

Committee for Constitution of Constitutional Benches.

(2) The Committee shall consist of –

 - (a) the Head, who shall be the Chairperson; and

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(b) two senior-most Judges of the Constitutional Benches.

9. (1) There shall be a separate Constitutional Bench Branch at: **Branches of Constitutional Bench.**

(a) The Principal Seat;

(b) Sukkur Bench; and

(c) Circuit Courts at Hyderabad, Larkana and Mirpurkhas.

(2) An Additional Registrar shall be in charge of the Branch at the Principal Seat, while the Deputy Registrar shall be in charge at Sukkur Bench and the Circuit Courts.

(3) An Additional Registrar and Deputy Registrars shall be appointed by the Chief Justice of the High Court of Sindh in consultation with the Head.

10. (1) Where a stay order has been passed in a constitutional petition, the petition shall be heard on priority basis. **Expeditious disposal of stayed matters.**

(2) Such petition shall, as far as possible, be decided within a period of six months.

11. The Judges of the Constitutional Benches shall enjoy the same perks and privileges as other Judges of the High Court; however, the Head of the Constitutional Benches shall be paid and additional honorarium of Rupees Two Hundred Thousand (Rs.200,000) per month. **Honorarium of head of Constitutional Benches.**

12. (1) There shall be established a separate office within the premises of High Court Sindh, Karachi, and for the respective benches at Sukkur, Hyderabad, Mirpurkhas, and Larkana. The office shall be responsible for ministerial and logistical support of the Constitutional Benches, including case management, record-keeping, listing, and coordination. **Office of the Constitutional Benches.**

(2) The Government of Sindh shall provide equipment, and financial resources as may be necessary for the effective functioning of the office.

(3) The officers and staff of the office shall work under the supervision of the Head of the Constitutional Benches, and shall perform such functions and may be assigned to them.

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(4) No officer or staff member of the ordinary Registry shall be transferred to or from the office except in accordance with the procedure prescribed or with the consent of the Head of the Constitutional Benches.

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| 13. | <p>(1) The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force, including any rules, regulations, notifications, circulars, or administrative instructions, to the extent of any inconsistency therewith.</p> <p>(2) The provisions of this Act shall prevail over any existing practice, procedure, or convention relating to the functioning, administration, or case management of the Constitutional Benches of the High Court of Sindh.</p> <p>(3) Nothing in this section shall be construed so as to override or derogate from the Constitution, including Articles 200 and 202A, and where any inconsistency arises, the Constitution shall prevail.</p> | <p>Act to have
override other
laws, etc.</p> |
| 14. | <p>The High Court of Sindh may make rules for carrying out the purposes of this Act.</p> | <p>Power to make
rules.</p> |
| 15. | <p>The High Court of Sindh (Practice and Procedure) Ordinance, 2025, is hereby repealed.</p> | <p>Repeal.</p> |