

The
Islamabad High Court
(Establishment)
Order, 2007
and
Constitutional Provisions
Relating to Judiciary, etc.
[Amended upto date and annotated]

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*Dedicated
to
all members of legal fraternity
and all others
who are striving for rule of law and justice.*

Preface

According to paragraph (b) of clause (2) of Article 1 of the Constitution of the Islamic Republic of Pakistan, 1973, Islamabad Capital Territory or the Federal Capital is a separate territory from Provinces. However, there was no separate High Court for Islamabad Capital Territory. Clause (2) of Article 14 of the Province of West Pakistan (Dissolution) Order, 1970 (President's Order No. 1 of 1970), provided that the Islamabad Capital Territory shall be within the jurisdiction of the High Court of the Punjab. Similarly, paragraph (b) of clause (1) of Article 3 of the High Courts (Establishment) Order, 1970 (President's Order No. 8 of 1970) has also provided that there shall be established a High Court for the Province of the Punjab and the Islamabad Capital Territory to be called the Lahore High Court with its principal seat at Lahore.

There was also a long standing demand from different persons and organizations for establishment of a separate High Court for Islamabad Capital Territory including the lawyers practising in different courts in Islamabad. Sometime past the Author and Editor of this publication has also assisted in drafting of a Constitution Amendment Bill providing for establishment of the Federal High Court in Islamabad which was moved in the National Assembly as a Private Members' Bill. In this way, the issue relating to establishment of a High Court in Islamabad was raised at different forums. However, it could not become a reality due to different reasons and factors.

Finally, the Islamabad High Court (Establishment) Order, 2007 (President's Order No. 7 of 2007), has been promulgated by the President of the Islamic Republic of Pakistan on Friday, the 14th December, 2007, providing for establishment of a High Court i.e. Islamabad High Court for the Islamabad Capital Territory with its principal seat at Islamabad. Article 17 of the said President's Order has also amended the Code of Criminal Procedure, 1898 (Act V of 1898) and made a provision for a High Court for the Islamabad Capital Territory. Similarly, Articles 18 and 19 of the Order amended

the Province of West Pakistan (Dissolution) Order, 1970 (President's Order No. 1 of 1970) and the High Courts (Establishment) Order, 1970 (President's Order No. 8 of 1970), omitting the provisions relating to the Islamabad Capital Territory in the said Orders.

Although there are the provisions relating to establishment of the Islamabad High Court and its jurisdiction in the Islamabad High Court (Establishment) Order, 2007 (President's Order No. 7 of 2007), however, the Islamabad High Court has been formally established *vide* Law and Justice Division's Notification No. F. 5(1)/2008-A.II, dated the 7th February, 2008. On the same day i.e. the 7th February, 2008, Honourable Mr. Justice Sardar Muhammad Aslam, Judge of the Lahore High Court has been appointed as the first Chief Justice of the Islamabad High Court *vide* Notification No. F. 9(2)/2008-A.II. Latter the 15th day of February, 2008, has been appointed as the "appointed date" for the functioning of the Islamabad High Court and for other purposes under the Order *vide* Notification No. F. 9(1)/2008-A.II, dated the 14th February, 2008. Four Additional Judges of the Islamabad High Court have also been appointed on the 15th February, 2008.

At present, the Islamabad High Court is functioning and a backlog of cases of different nature including the Appeals, Writ Petitions and other proceedings have been transferred from the Rawalpindi Bench of the Lahore High Court under Article 10 of the Islamabad High Court (Establishment) Order, 2007 (President's Order No. 7 of 2007).

The purpose of this publication is to facilitate the lawyers by providing them an authentic text of the Islamabad High Court (Establishment) Order, 2007 (President's Order No. 7 of 2007), with necessary references and notes relating to other laws amended by the Order and other documents relating to the Islamabad High Court. However, a Chapter has also been included which is providing the latest amended text of the Part VII of the Constitution of the Islamic Republic of Pakistan, 1973, incorporating all amendments upto the date of publication of this book.

I hope it will be a useful publication for the legal practitioners, students, researchers and academicians in the field of law.

It is also relevant to mention that every effort has been made to make legal texts and references error-free but after all “To err, is human”. There is possibility of mistakes, errors and omissions but all it will be without any bad intention. However, I shall be thankful if you point out all such lapses, mistakes, errors or omissions for rectification in future editions of this book in more improved form. Your cooperation, guidance and assistance will be of tremendous benefit for me.

All suggestions and comments will be welcomed for improvement of quality of this work. I shall also be ready and available for all such authorities who intend to amend or update their laws, rules and regulations for the benefit of general public with all guidance, advice and my expertise in the field of Legislative Drafting.

You may also send me or our firm messages electronically at my or their e-mail addresses or by calling on my or their telephone numbers given below on this page. Your questions and queries will also be answered and advice about any legal aspect will also be provided.

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