

5. Structure and functioning of the judiciary

5.1. Formal and informal systems

The Constitution of Pakistan, in Part VII, addresses matters concerning the judiciary, including various types of courts, the separation of the judiciary and executive, the appointment of judges, and the composition, jurisdiction, powers, and functions of courts.1062 Amongst others, the Constitution provides for a Federal Constitutional Court, a Supreme Court, a High Court for each province and the ICT,1063 and a Federal Shariat Court (FSC).1064 Article 175(1) of the Constitution stipulates that courts other than those mentioned above 'may be established by law'.1065

At federal level, the Federal Constitutional Court, established in 2025, has exclusive jurisdiction 1066 to adjudicate constitutional matters as well as inter-provincial disputes and disputes between a province and the federal government. The Supreme Court, until 2025 competent for constitutional matters,1067 is currently the country's highest appellate court in civil and criminal cases;1068 its jurisdiction has been largely limited to appeal cases that do not touch upon constitutional issues.1069

The Federal Shariat Court's is the judiciary's religious component.1070 Its purpose is to 'examine and decide', upon petition from citizens or federal or provincial governments, 'the question whether or not any law or provision of law is repugnant to the Injunctions of Islam'. 1071

The provincial High Courts hear appeals from civil and criminal cases that have been adjudicated by the courts in their respective province.1072 Under the oversight of the provincial High Courts,1073 there are district-level courts handling civil cases ('District Courts') and criminal matters ('Sessions Courts',1074 adjudicating particularly serious crimes1075). Cities and towns have magistrates' courts for criminal cases relating to offences that do not carry the death penalty1076 and thus serve as first-instance courts for all but the most serious criminal cases.1077 Moreover, there are various specialised administrative courts and tribunals at both federal level (handling federal matters) and provincial level. These include Anti-Corruption Courts, Anti-Terrorism Courts (ATCs) and Anti-Narcotics Courts, as well as courts dealing with customs, taxation and matters relating to civil servants.1078

At military courts, which under section 59(4), in conjunction with section 2(1)(d) of the Pakistan Army Act of 1952, may also conduct trials of civilians (e.g., civilians accused of terrorism),1079

cases are handled by military officers who are part of the military hierarchy.1080 Notably, section 133 of the Pakistan Army Act provides that 'no appeal' can be lodged against a military court's decision at 'any Court exercising any jurisdiction whatever',1081 except at Courts of Appeal consisting of the Chief of the Army Staff or officers designated by him.1082

Community-based forms of dispute resolution such as *jirgas* and *panchayats*1083 are frequently sought by residents of rural and peri-urban areas as an alternative to the formal justice system. While controversial due to their disregard of constitutional provisions1084 and patriarchal structures,1085 they are valued for their accessibility and the swiftness and cultural acceptability of their decisions1086 in disputes linked to family, honour, and land.1087

While *jirgas* in the former tribal districts were officially abolished in 2018 together with the Frontier Crimes Regulation (FCR) that regulated them, they continue to operate in some of these areas where formal courts have difficulties exercising their authority. To overcome the respective limitations of formal and informal justice systems, the State has sought to formalise community dispute resolution through government-led Alternative Dispute Resolution (ADR) initiatives, but their implementation has been reported to be slow.1088

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  Pakistan, Constitution of the Islamic Republic of Pakistan (as amended up to 2025), 1973, url, Part VII

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  Pakistan, Constitution of the Islamic Republic of Pakistan (as amended up to 2025), 1973, url, Art. 203A-J

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  Pakistan, Constitution of the Islamic Republic of Pakistan (as amended up to 2025), 1973, url, Art. 175(1)

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  ICJ, Pakistan – Dismantling Justice: A Full-Frontal Assault on the Rule of Law, 13 November 2025, url

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  Jamal, U., 2025: The Military Emerges Stronger in Pakistan's Power Equation, The Diplomat, 29 December 2025, url

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  Pakistan, Constitution of the Islamic Republic of Pakistan (as amended up to 2025), 1973, url, Art. 203D(1)

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  Commonwealth Governance, Judicial System of Pakistan, n.d., url

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  Britannica, Pakistan, last updated 30 March 2026, url; RSIL, Overview of Criminal Justice System (CJS) in Pakistan, n.d., url

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  RSIL, Overview of Criminal Justice System (CJS) in Pakistan, n.d., url; Commonwealth Governance, Judicial System of Pakistan, n.d., url

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  RSIL, Overview of Criminal Justice System (CJS) in Pakistan, n.d., url

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  RSIL, Overview of Criminal Justice System (CJS) in Pakistan, n.d., url

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  Pakistan, The Pakistan Army Act (as amended up to 2017), 1952, url, sections 59(4) and 2(1)(d)

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ICJ, Military “Justice” in Pakistan: A Glaring Surrender of Human Rights, May 2025, url, p. 5

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  Pakistan, The Pakistan Army Act (as amended up to 2017), 1952, url, section 133

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  Pakistan, The Pakistan Army Act (as amended up to 2017), 1952, url, section, section 133(A)-(B)

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  Jirgas are community-based forms of dispute resolution in Khyber Pakhtunkhwa and Balochistan, while *panchayats* are similar systems found in Punjab and Sindh. Both *jirgas* or *panchayats* consist of male members of the society chosen on the basis of their age, status, or wealth. Butt, M.F. et al., Parallel Paths to Justice: Evaluating the Informal Justice System in Pakistan, 12 July 2025, url, p. 119

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  Nqavi, M.H., Contemplating the Jirga System: Between Tradition and Justice, 4 August 2025, url, p. 3; Butt, M.F. et al., Parallel Paths to Justice: Evaluating the Informal Justice System in Pakistan, 12 July 2025, url, pp. 116-117

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  Farooq, S. and Shehzad, T., Exploring the Processes of Informal Justice System in Resolving Gender-Based Violence: A Case Study of Mansehra City, 27 March 2025, url, p. 2653

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  Butt, M.F. et al., Parallel Paths to Justice: Evaluating the Informal Justice System in Pakistan, 12 July 2025, url, p. 117

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