

LAW AND JUSTICE COMMISSION OF PAKISTAN



LAW REFORM REPORT NO. 142

Establishment of The International Commercial Court of Pakistan

(Insertion of Article 212A in the Constitution of the Islamic Republic of Pakistan)

2026

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Foreword

The Law and Justice Commission of Pakistan, in pursuance of its statutory mandate to recommend legal reforms for improving the administration of justice, has considered the need for establishing a specialised judicial forum for the adjudication of international commercial disputes and international commercial arbitration matters.

The expansion of global trade, foreign investment, cross-border commercial transactions and international financing arrangements has resulted in increasingly complex disputes requiring specialised expertise, efficient case management and expeditious adjudication. At present, such disputes in Pakistan are dealt with by ordinary courts and arbitration mechanisms under existing laws. However, the absence of a dedicated specialised institution for international commercial matters may affect efficiency, consistency and investor confidence.

Several jurisdictions, including the United Kingdom, Singapore and the United Arab Emirates, have established specialised commercial courts to provide effective resolution of complex commercial disputes and to strengthen their position as international commercial and investment jurisdictions.

Recognising the need to develop a modern commercial justice framework in Pakistan, the Law and Justice Commission of Pakistan considered the proposal for establishment of an International Commercial Court of Pakistan (ICCP). After detailed deliberation, the Commission recommended the establishment of ICCP as a specialised Federal Superior Court through insertion of Article 212A in the Constitution of Pakistan.

The proposed Court is intended to provide an efficient and specialised forum for international commercial disputes, international commercial arbitration matters and related proceedings, thereby promoting consistency in commercial jurisprudence, strengthening enforcement of arbitral awards and enhancing investor confidence.

It is hoped that the proposed reform will strengthen Pakistan's commercial justice system, improve investor confidence, facilitate foreign investment and align Pakistan's dispute resolution mechanism with internationally recognised commercial court models.

Justice Yahya Afridi

Chairperson

Law and Justice Commission of Pakistan

Background and Rationale for The Proposed Amendment

(Establishment of The International Commercial Court of Pakistan Through
Insertion of Article 212A in the Constitution of Pakistan)

1. Introduction

The globalisation of trade, investment and financial transactions has significantly increased the complexity of commercial disputes involving cross-border contracts, foreign investments, international financing arrangements and arbitration agreements governed by transnational legal frameworks. Effective resolution of such disputes requires specialised judicial expertise, efficient procedures and institutional mechanisms capable of addressing complex commercial issues in accordance with internationally recognised standards.

The Law and Justice Commission of Pakistan has examined the existing legal and judicial framework for resolution of international commercial disputes and considered the establishment of a specialised judicial institution to address the growing needs of international commerce and investment.

2. Existing Legal Framework and Need for Reform

At present, international commercial disputes in Pakistan are dealt with through ordinary civil courts, High Courts and arbitration mechanisms regulated under existing laws. The existing legal and judicial framework provides general mechanisms for adjudication and enforcement of commercial rights; it does not provide a dedicated specialised forum exclusively dealing with international commercial disputes and international commercial arbitration matters.

The High Courts in Pakistan exercise extensive constitutional, civil, criminal, commercial, service, tax, family and other specialised jurisdictions. The increasing volume, complexity and diversity of litigation has placed considerable demands on their institutional capacity. Although specialised commercial benches within the existing High Courts may provide a mechanism for addressing international commercial disputes, a dedicated specialised court may provide greater institutional focus, development of consistent commercial jurisprudence and expedited disposal of complex international commercial matters.

3. Need for Establishment of International Commercial Court of Pakistan

The Commission considers establishment of a specialised International Commercial Court of Pakistan necessary for the following reasons:

(i) Specialised adjudication of complex commercial disputes

International commercial disputes frequently involve complex issues relating to foreign investment, banking, finance, corporate transactions, international

trade and arbitration. A specialised court would facilitate adjudication by judges possessing relevant expertise.

(ii) Efficient and expeditious disposal

A dedicated institutional framework would enable focused case management, streamlined procedures and timely resolution of complex disputes.

(iii) Development of consistent commercial jurisprudence

A specialised court would contribute towards development of uniform and predictable jurisprudence in international commercial matters.

(iv) Strengthening arbitration framework

The proposed Court would provide an effective judicial mechanism for matters relating to international commercial arbitration, including recognition and enforcement of arbitral awards and judicial assistance to arbitral proceedings.

(v) Enhancing investor confidence

A specialised international commercial court would demonstrate Pakistan's commitment to strengthening its commercial justice system and improving the legal environment for foreign investment and international trade.

4. Proposed Reform

The Commission considered two possible institutional models:

(a) International Commercial Court of Pakistan

A specialised Federal Superior Court, equivalent in status to a High Court and established through an express constitutional provision, having nationwide jurisdiction over:

- international commercial disputes;
- international commercial arbitration matters; and
- related ancillary proceedings.

An appellate mechanism may be provided before a specialised Commercial Appellate Bench of the Supreme Court.

(b) International Commercial Benches within High Courts

Alternatively, specialised benches or divisions may be established within existing High Courts to exercise jurisdiction over international commercial and arbitration-related matters.

After consideration of both models, the Commission was of the view that an independent specialised court would provide greater institutional independence, dedicated expertise, focused case management and development of consistent commercial jurisprudence.

5. Proposed Constitutional Framework

It is proposed that the International Commercial Court of Pakistan may be established through insertion of Article 212A in the Constitution of Pakistan.

The proposed constitutional provision would establish ICCP as a specialised Federal Superior Court, while leaving detailed regulation of its jurisdiction, powers, procedure and other matters to legislation enacted by *Majlis-e-Shoora* (Parliament) or Provincial Assemblies, as the case may be.

6. Salient Features of the Proposed Court

6.1 Establishment and Composition

The ICCP would consist of a Chief Justice and such number of Judges as may be determined by law.

Judges would be appointed under Article 175A of the Constitution from amongst persons qualified for appointment as High Court Judges and possessing expertise and experience in international commercial law or international commercial arbitration.

The proposed framework also permits appointment of foreign nationals possessing expertise and experience in international commercial law or arbitration, subject to terms and conditions prescribed by law.

6.2 Jurisdiction

The jurisdiction of ICCP may include:

(a) International Commercial Disputes, including disputes arising from:

- cross-border commercial contracts;
- foreign investment transactions;
- international trade;
- maritime and admiralty matters;
- banking and finance;
- corporate transactions;
- intellectual property and technology-related transactions;
- infrastructure and energy projects; and
- other commercial matters involving foreign, international or transnational elements.

(b) International Commercial Arbitration Matters, including:

- recognition and enforcement of arbitral awards;
- applications relating to arbitration agreements;
- interim and conservatory measures;
- judicial assistance to arbitral tribunals; and
- other arbitration-related proceedings.

6.3 Independence and Procedure

The proposed Court may be provided:

- constitutional safeguards for judicial independence;
- financial security through expenditure charged upon the Federal Consolidated Fund; and
- procedural autonomy for efficient case management, including digital and expedited proceedings.

6.4 Appellate Mechanism

Appeals from ICCP may lie before the Supreme Court through a specialised Commercial Appellate Bench comprising:

- two Judges of the Supreme Court having expertise and experience in commercial law; and
- an expert member possessing expertise in international commercial law or arbitration, including a foreign expert where appropriate.

6.5 Exclusion of Parallel Jurisdiction

The jurisdiction of other courts may be excluded in matters assigned to ICCP, subject to the appellate jurisdiction of the Supreme Court.

7. Recommendations of the Commission

After detailed deliberation upon the two proposed models, namely, (i) establishment of an International Commercial Court of Pakistan (ICCP), and (ii) establishment of International Commercial Benches within the High Courts, the Law and Justice Commission of Pakistan, in its 49th meeting held on 20 July 2026, approved the proposal for establishment of the International Commercial Court of Pakistan (ICCP) as a specialised judicial institution through insertion of Article 212A in the Constitution of the Islamic Republic of Pakistan.

The Commission was of the considered view that the establishment of the proposed Court would provide a dedicated and effective institutional framework for adjudication of international commercial disputes and arbitration-related matters; enhance the efficiency, certainty and enforceability of commercial dispute resolution; promote consistency and predictability in commercial jurisprudence; and strengthen confidence of domestic and foreign investors in Pakistan's legal and judicial system.

Accordingly, the Commission resolved to recommend the proposed constitutional amendment for establishment of the International Commercial Court of Pakistan to the Federal Government for consideration and initiation of appropriate legislative process.

Draft Bill for The Proposed Amendment

A BILL

further to amend the Constitution of the Islamic Republic of Pakistan

WHEREAS it is expedient to establish a specialised constitutional court for the adjudication of international commercial disputes and international commercial arbitration matters, to enhance Pakistan's capacity for resolution of cross-border commercial disputes, promote investor confidence, facilitate international trade and commerce, and ensure speedy, specialised and effective administration of commercial justice;

AND WHEREAS it is necessary to provide for the establishment, jurisdiction, composition, appointment, powers, functions and related matters of the International Commercial Court of Pakistan;

It is hereby enacted as follows: -

1. Short title and commencement. - (1) This Act may be called the Constitution (Twenty-eighth Amendment) Act, 2026.

(2) It shall come into force at once.

2. Insertion of Article 212A in the Constitution. - In the Constitution of the Islamic Republic of Pakistan, after Article 212, the following Article shall be inserted, namely: -

“212A. International Commercial Court of Pakistan. - (1) There shall be an International Commercial Court of Pakistan, hereinafter referred to as the Court, consisting of a Chief Justice and such number of other Judges as may be determined by Act of *Majlis-e-Shoora* (Parliament) or, until so determined, as may be fixed by the President.

(2) The Court shall have, to the exclusion of all other courts, such original jurisdiction in international commercial disputes and international commercial arbitration matters as may be conferred upon it by or under an Act of *Majlis-e-Shoora* (Parliament) or, as the case may be, a Provincial Assembly, including—

(a) international commercial disputes arising out of or relating to cross-border commercial contracts, foreign investment, international trade, maritime and admiralty matters, banking, finance, insurance, corporate and commercial transactions, cross-border intellectual property and technology-related transactions, infrastructure and energy projects, and such other commercial matters

involving a foreign, international or transnational element as may be prescribed by law; and

(b) international arbitration matters, including the recognition and enforcement of arbitration agreements and arbitral awards, applications for interim, conservatory or emergency measures, judicial assistance in support of arbitral proceedings, applications for setting aside arbitral awards, and such other arbitration-related matters as may be prescribed by law.

(3) Without prejudice to clause (2), the Court may also be vested, by or under an Act of *Majlis-e-Shoora* (Parliament) or, as the case may be, a Provincial Assembly, with such original or appellate jurisdiction in respect of commercial, trade, banking, finance, corporate, investment, insolvency, restructuring, competition, securities, intellectual property, insurance, digital commerce, consumer protection, public procurement, infrastructure, energy, taxation or other economic and commercial matters or arbitration-related matters, as may be prescribed by law.

(4) The Chief Justice and Judges of the Court shall be appointed by the President in accordance with Article 175A on the recommendation of the Commission constituted under clause (2) of that Article.

(5) A person shall not be appointed as the Chief Justice or a Judge of the Court unless he is, or has been, or is qualified to be appointed as, a Judge of a High Court and possesses expertise and experience in international commercial law or international commercial arbitration:

Provided that, notwithstanding anything contained in this clause, a person who is a foreign national and possesses expertise and experience in international commercial law or international commercial arbitration may also be appointed as a Judge of the Court subject to such terms and conditions as may be prescribed by law.

(6) The Chief Justice and Judges of the Court shall hold office for a term of three years and may be reappointed for such further term or terms as may be recommended by the Commission constituted under clause (2) of Article 175A:

Provided that the said Commission shall conduct an annual performance evaluation of the Chief Justice and Judges of the Court, in accordance with such criteria as may be prescribed by it, with a view to ensuring institutional efficiency, effective case management and expeditious disposal of cases, and may take such further action as may be permissible under clause (18) of Article 175A, where necessary.

(7) The Chief Justice or a Judge may resign by writing under his hand addressed to the President.

(8) The Chief Justice or a Judge shall not be removed from office except in the manner and on the grounds applicable to a Judge of a High Court under Article 209.

(9) Before entering upon office, the Chief Justice and Judges shall make before the President or a person nominated by him an oath in the form set out in the Third Schedule for the Chief Justices and Judges of other Courts.

(10) When the office of Chief Justice is vacant, or the Chief Justice is absent or unable to perform his functions, the President shall appoint one of the Judges of the Court to act as Chief Justice.

(11) The Chief Justice and Judges shall be entitled to the same remuneration, allowances and privileges as are admissible to a Chief Justice and Judges of a High Court:

Provided that where the Chief Justice or a Judge is already drawing a pension for any other post in the service of Pakistan, the amount of such pension shall be deducted from the pension admissible under this clause.

(12) The Court may, with the approval of the President, make rules for appointment and terms and conditions of its officers and staff:

Provided that until such rules are made, the rules applicable to the Islamabad High Court shall apply *mutatis mutandis*.

(13) The principal seat of the Court shall be at Islamabad, and the Court may sit at such other places in Pakistan as the Chief Justice may, with the approval of the President, determine.

(14) Subject to the Constitution and any law, the Court may regulate its own practice and procedure:

Provided that until such rules are made, the rules applicable to the Islamabad High Court shall apply *mutatis mutandis*.

(15) The expenditure of the Court, including remuneration of Judges, officers and staff, shall be charged upon the Federal Consolidated Fund.

(16) The Court shall have the power of a High Court to punish its own contempt.

(17) The Court shall have power, subject to the provisions of any Act of *Majlis-e-Shoora* (Parliament) and of any rules made by it, to review any judgment pronounced or any order made by it.

(18) The Court may invite any person, whether in Pakistan or abroad, having expertise in international commercial or arbitration law to assist it in any proceedings.

(19) Any judgment, decree or order of the Court shall be enforceable throughout Pakistan, and, subject to any applicable international treaty, convention or agreement, may be recognised and enforced in other jurisdictions.

(20) Any decision of the Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law in relation to matters within its jurisdiction, be binding on all other courts in Pakistan except the Federal Constitutional Court and the Supreme Court.

(21) Any person aggrieved by any judgment, decree or final order of the Court may, within thirty days of such judgment, decree or final order, prefer an appeal to the Supreme Court if the amount or value of the subject-matter of the dispute in the Court was, and is also in dispute in appeal, not less than such amount or, as the case may be, such value as may be determined by Act of *Majlis-e-Shoora* (Parliament), or if the Court has imposed punishment for contempt of the Court:

Provided that in other cases, an appeal shall lie only if the Supreme Court grants leave to appeal on the ground that the case involves a substantial question of law of public importance.

(22) For the purposes of hearing appeals under this Article, there shall be constituted in the Supreme Court a special Bench to be called the Commercial Appellate Bench, consisting of—

(a) two Judges of the Supreme Court having expertise and experience in commercial law; and

(b) one person having expertise and experience in international commercial law or international commercial arbitration, to be appointed by the President in consultation with the Chief Justice of the Supreme Court as an *ad-hoc* member of the Bench.

Explanation I.— For the purposes of this clause, an *ad-hoc* member may include a person who is a foreign national.

Explanation II.— The number, tenure, terms and conditions of appointment, remuneration, allowances and other privileges of *ad-hoc* members shall be such as may be determined by an Act of *Majlis-e-Shoora* (Parliament) or, until so determined, by the President.

Explanation III.- An ad-hoc member shall, while sitting as a member of the Commercial Appellate Bench, have the same powers and exercise the same jurisdiction as a Judge of the Supreme Court.

(23) Save as otherwise provided in this Article, no court, including the Federal Constitutional Court, the Supreme Court, a High Court or any other tribunal, shall exercise jurisdiction in respect of matters falling within the jurisdiction of the Court.”

STATEMENT OF OBJECTS AND REASONS

Pakistan's growing integration into the global economy and its increasing participation in international trade, commerce, investment and cross-border commercial transactions require a specialised judicial mechanism capable of resolving international commercial disputes and arbitration-related matters in an efficient, expeditious and internationally credible manner.

At present, international commercial disputes are generally dealt with by ordinary courts exercising general jurisdiction. The increasing complexity of international commercial transactions, particularly those involving foreign investment, international commercial arbitration, banking and finance, infrastructure and energy projects, maritime commerce, technology and other cross-border commercial activities, necessitates a specialised judicial forum possessing the requisite expertise to ensure consistency, predictability and timely resolution of disputes.

The proposed amendment seeks to insert a new Article 212A in the Constitution to establish the International Commercial Court of Pakistan as a specialised Federal Superior Court with exclusive jurisdiction over such international commercial disputes and international commercial arbitration matters as may be conferred upon it by law. The proposed Court is intended to strengthen Pakistan's commercial justice system, facilitate the effective resolution of complex cross-border commercial disputes, promote the development of coherent commercial jurisprudence, enhance investor confidence, improve the ease of doing business, and reinforce Pakistan's standing as a reliable jurisdiction for international trade, commerce, investment and arbitration.

The Bill seeks to achieve the aforesaid objectives.


Minister for Law and Justice

Explanatory Notes to The Proposed Article 212A

Proposed Provisions	Explanatory Notes
212A. International Commercial Court of Pakistan. - (1) There shall be an International Commercial Court of Pakistan, hereinafter referred to as the Court, consisting of a Chief Justice and such number of other Judges as may be determined by Act of <i>Majlis-e-Shoora</i> (Parliament) or, until so determined, as may be fixed by the President.	This clause establishes the International Commercial Court of Pakistan as a constitutional court and provides that it shall consist of a Chief Justice and such number of Judges as may be determined by Parliament. It also enables the President to determine the number of Judges until Parliament legislates on the subject. The provision ensures constitutional recognition of the Court while allowing flexibility in determining its institutional strength according to future requirements.
(2) The Court shall have, to the exclusion of all other courts, such original jurisdiction in international commercial disputes and international commercial arbitration matters as may be conferred upon it by or under an Act of <i>Majlis-e-Shoora</i> (Parliament) or, as the case may be, a Provincial Assembly, including— (a) international commercial disputes arising out of or relating to cross-border commercial contracts, foreign investment, international trade, maritime and admiralty matters, banking, finance, insurance, corporate and commercial transactions, cross-border intellectual property and technology-related transactions, infrastructure and energy projects, and such other commercial matters involving a foreign, international or transnational element as may be prescribed by law; and	This clause confers exclusive original jurisdiction upon the Court in international commercial disputes and international commercial arbitration matters as may be prescribed by law. It authorises Parliament or, where appropriate, a Provincial Assembly, to define the precise scope of jurisdiction. The clause identifies core categories of matters including: • cross-border commercial contracts; • foreign investment disputes; • international trade; • maritime and admiralty matters; • banking and finance; • insurance; • corporate and commercial transactions; • technology and intellectual property-related transactions; • infrastructure and energy projects; and

Proposed Provisions	Explanatory Notes
(b) international arbitration matters, including the recognition and enforcement of arbitration agreements and arbitral awards, applications for interim, conservatory or emergency measures, judicial assistance in support of arbitral proceedings, applications for setting aside arbitral awards, and such other arbitration-related matters as may be prescribed by law.	• other matters involving foreign, international or transnational elements. It further includes arbitration-related proceedings such as enforcement and recognition of awards, interim measures, judicial assistance and setting aside of awards. The purpose is to create a specialised forum for complex international commercial disputes requiring expertise in commercial law and arbitration.
(3) Without prejudice to clause (2), the Court may also be vested, by or under an Act of <i>Majlis-e-Shoora</i> (Parliament) or, as the case may be, a Provincial Assembly, with such original or appellate jurisdiction in respect of commercial, trade, banking, finance, corporate, investment, insolvency, restructuring, competition, securities, intellectual property, insurance, digital commerce, consumer protection, public procurement, infrastructure, energy, taxation or other economic and commercial matters or arbitration-related matters, as may be prescribed by law.	This clause enables Parliament or a Provincial Assembly to confer additional original or appellate jurisdiction upon the Court in wider commercial and economic matters. The provision permits gradual expansion of the Court's jurisdiction to include areas such as: • insolvency and restructuring; • competition law; • securities; • digital commerce; • taxation; • public procurement; • infrastructure and energy matters; and • other economic disputes. The clause ensures institutional flexibility and enables the Court to evolve into a comprehensive specialised commercial forum.
(4) The Chief Justice and Judges of the Court shall be appointed by the President in accordance with Article 175A on the recommendation of the Commission as constituted under clause (2) of that Article.	This clause provides that appointment of the Chief Justice and Judges of the Court shall be made by the President in accordance with Article 175A, upon recommendation of the Judicial Commission.

Proposed Provisions	Explanatory Notes
	The purpose is to maintain judicial independence and align the appointment mechanism with the constitutional framework applicable to superior courts.
(5) A person shall not be appointed as the Chief Justice or a Judge of the Court unless he is, or has been, or is qualified to be appointed as, a Judge of a High Court and possesses expertise and experience in international commercial law or international commercial arbitration: Provided that, notwithstanding anything contained in this clause, a person who is a foreign national and possesses expertise and experience in international commercial law or international commercial arbitration may also be appointed as a Judge of the Court subject to such terms and conditions as may be prescribed by law.	This clause prescribes eligibility requirements for appointment as Chief Justice or Judge of the Court. A Judge must possess qualifications equivalent to appointment as a High Court Judge and must have expertise and experience in international commercial law or international commercial arbitration. The proviso enables appointment of foreign nationals possessing relevant expertise, subject to terms and conditions prescribed by law. The purpose is to facilitate access to international judicial expertise and enhance confidence of foreign investors and international commercial stakeholders.
(6) The Chief Justice and Judges of the Court shall hold office for a term of three years and may be reappointed for such further term or terms as may be recommended by the Commission constituted under clause (2) of Article 175A: Provided that the said Commission shall conduct an annual performance evaluation of the Chief Justice and Judges of the Court, in accordance with such criteria as may be prescribed by it, with a view to ensuring institutional efficiency, effective case management and expeditious disposal of cases, and may take such	This clause provides a fixed tenure of three years for the Chief Justice and Judges, with the possibility of reappointment upon recommendation of the Judicial Commission. The proviso requires annual performance evaluation by the Judicial Commission based on prescribed criteria relating to: • institutional efficiency; • case management; and • expeditious disposal of cases. The purpose is to ensure accountability, judicial efficiency

Proposed Provisions	Explanatory Notes
further action as may be permissible under clause (18) of Article 175A, where necessary.	and effective functioning of a specialised commercial court.
(7) The Chief Justice or a Judge may resign by writing under his hand addressed to the President.	This clause provides that the Chief Justice or a Judge may resign by submitting written resignation to the President. The provision corresponds with the constitutional scheme applicable to superior judiciary.
(8) The Chief Justice or a Judge shall not be removed from office except in the manner and on the grounds applicable to a Judge of a High Court under Article 209.	This clause safeguards judicial independence by providing that the Chief Justice or a Judge cannot be removed except through the constitutional mechanism applicable to High Court Judges under Article 209.
(9) Before entering upon office, the Chief Justice and Judges shall make before the President or a person nominated by him an oath in the form set out in the Third Schedule for the Chief Justices and Judges of other Courts.	This clause requires the Chief Justice and Judges to take oath in the prescribed constitutional form before assuming office. It ensures conformity with constitutional requirements governing judicial offices.
(10) When the office of Chief Justice is vacant, or the Chief Justice is absent or unable to perform his functions, the President shall appoint one of the Judges of the Court to act as Chief Justice.	This clause provides a mechanism for appointment of an Acting Chief Justice where the office is vacant or the Chief Justice is unable to perform functions. It ensures continuity of institutional functioning.
(11) The Chief Justice and Judges shall be entitled to the same remuneration, allowances and privileges as are admissible to a Chief Justice and Judges of a High Court: Provided that where the Chief Justice or a Judge is already drawing a pension for any other post in the service of Pakistan, the amount of	This clause grants the Chief Justice and Judges remuneration, allowances and privileges equivalent to those admissible to High Court Judges. The proviso prevents duplication of pension benefits where a Judge is already receiving pension from another government service.

Proposed Provisions	Explanatory Notes
such pension shall be deducted from the pension admissible under this clause.	
(12) The Court may, with the approval of the President, make rules for appointment and terms and conditions of its officers and staff: Provided that until such rules are made, the rules applicable to the Islamabad High Court shall apply mutatis mutandis.	This clause empowers the Court, with approval of the President, to make rules relating to appointment and service conditions of its officers and staff. Until such rules are framed, the rules applicable to the Islamabad High Court shall apply. The purpose is to ensure administrative continuity after establishment of the Court.
(13) The principal seat of the Court shall be at Islamabad, and the Court may sit at such other places in Pakistan as the Chief Justice may, with the approval of the President, determine.	This clause provides that the principal seat of the Court shall be at Islamabad while enabling sittings at other locations as determined by the Chief Justice with approval of the President. The provision facilitates accessibility and administrative convenience.
(14) Subject to the Constitution and any law, the Court may regulate its own practice and procedure: Provided that until such rules are made, the rules applicable to the Islamabad High Court shall apply mutatis mutandis.	This clause empowers the Court to regulate its own practice and procedure subject to the Constitution and law. Until rules are framed, the rules of the Islamabad High Court shall apply mutatis mutandis. The purpose is to ensure procedural autonomy and uninterrupted functioning.
(15) The expenditure of the Court, including remuneration of Judges, officers and staff, shall be charged upon the Federal Consolidated Fund.	This clause provides that expenditure relating to the Court shall be charged upon the Federal Consolidated Fund. The objective is to secure financial independence of the Court.

Proposed Provisions	Explanatory Notes
(16) The Court shall have the power of a High Court to punish its own contempt.	This clause confers upon the Court the same power as a High Court to punish contempt of itself. The provision ensures authority and effectiveness of judicial proceedings.
(17) The Court shall have power, subject to the provisions of any Act of Majlis-e-Shoora (Parliament) and of any rules made by it, to review any judgment pronounced or any order made by it.	This clause empowers the Court to review its judgments and orders subject to law and rules framed by it. The provision ensures correction of errors and development of consistent commercial jurisprudence.
(18) The Court may invite any person, whether in Pakistan or abroad, having expertise in international commercial or arbitration law to assist it in any proceedings.	This clause enables the Court to obtain assistance from persons possessing expertise in international commercial law or arbitration, whether from Pakistan or abroad. The purpose is to facilitate technically informed adjudication of complex commercial disputes.
(19) Any judgment, decree or order of the Court shall be enforceable throughout Pakistan, and, subject to any applicable international treaty, convention or agreement, may be recognised and enforced in other jurisdictions.	This clause provides that judgments, decrees and orders of the Court shall be enforceable throughout Pakistan and may be recognised and enforced internationally subject to applicable treaties, conventions and agreements. The provision supports cross-border enforceability and enhances confidence in Pakistan's commercial justice system.
(20) Any decision of the Court shall, to the extent that it decides a question of law or is based upon or enunciates a principle of law in relation to matters within its jurisdiction, be binding on all other courts in Pakistan except the Federal Constitutional Court and the Supreme Court.	This clause provides that decisions of the Court on questions of law or principles relating to matters within its jurisdiction shall bind all courts except the Federal Constitutional Court and the Supreme Court. The purpose is to ensure consistency, predictability and uniform development of commercial jurisprudence.

Proposed Provisions	Explanatory Notes
(21) Any person aggrieved by any judgment, decree or final order of the Court may, within thirty days of such judgment, decree or final order, prefer an appeal to the Supreme Court if the amount or value of the subject-matter of the dispute in the Court was, and is also in dispute in appeal, not less than such amount or, as the case may be, such value as may be determined by Act of Majlis-e-Shoora (Parliament), or if the Court has imposed punishment for contempt of the Court: Provided that in other cases, an appeal shall lie only if the Supreme Court grants leave to appeal on the ground that the case involves a substantial question of law of public importance.	This clause provides a limited right of appeal against decisions of the Court. An appeal as of right shall lie where: - the monetary threshold prescribed by Parliament is exceeded; or - punishment for contempt has been imposed. In other matters, appeal shall lie only with leave of the Supreme Court where the case involves a substantial question of law of public importance. The provision balances judicial oversight with the need for finality and speedy resolution of commercial disputes.
(22) For the purposes of hearing appeals under this Article, there shall be constituted in the Supreme Court a special Bench to be called the Commercial Appellate Bench, consisting of— (a) two Judges of the Supreme Court having expertise and experience in commercial law; and (b) one person having expertise and experience in international commercial law or international commercial arbitration, to be appointed by the President in consultation with the Chief Justice of the Supreme Court as an <i>ad-hoc</i> member of the Bench.	This clause establishes a specialised appellate mechanism within the Supreme Court. The Commercial Appellate Bench shall comprise: - two Supreme Court Judges having expertise in commercial law; and - one expert member in international commercial law or arbitration appointed by the President in consultation with the Chief Justice of Pakistan.

Proposed Provisions	Explanatory Notes
<i>Explanation I.-</i> For the purposes of this clause, an <i>ad-hoc</i> member may include a person who is a foreign national. <i>Explanation II.-</i> The number, tenure, terms and conditions of appointment, remuneration, allowances and other privileges of <i>ad-hoc</i> members shall be such as may be determined by an Act of Majlis-e-Shoora (Parliament) or, until so determined, by the President. <i>Explanation III.-</i> An <i>ad-hoc</i> member shall, while sitting as a member of the Commercial Appellate Bench, have the same powers and exercise the same jurisdiction as a Judge of the Supreme Court.	The explanations clarify that: • foreign nationals may be appointed as ad-hoc members; • their tenure and conditions shall be prescribed by law; and • while sitting on the Bench, they shall exercise powers equivalent to a Supreme Court Judge. The purpose is to provide specialised appellate adjudication consistent with international commercial court models, and to facilitate access to international judicial expertise and enhance confidence of foreign investors and international commercial stakeholders.
(23) Save as otherwise provided in this Article, no court, including the Federal Constitutional Court, the Supreme Court, a High Court or any other tribunal, shall exercise jurisdiction in respect of matters falling within the jurisdiction of the Court.	This clause excludes jurisdiction of all other courts, including the Federal Constitutional Court, Supreme Court, High Courts and tribunals, in matters falling within the jurisdiction of the International Commercial Court. The provision ensures certainty regarding forum selection, prevents parallel proceedings and preserves the specialised character of the Court.

Capt. (R) Mushtaq Ahmed
Secretary
Law and Justice Commission of Pakistan