

The primary functions of a court of law are the administration of justice, viz., the application by the State of the sanction of physical force to the rules of justice.

Justice is administered by a court by the enforcement of a right and the punishment of wrongs. It involves in every case two parties, namely, a plaintiff and a defendant, the prosecutor or complainant and the accused, and a judgment in favor of the one or the other.

- Proceedings before a court of law are either penal or remedial.
- In penal proceedings the law aims to secure the punishment of the defendant. In remedial proceedings, on the other hand, the idea of punishment is entirely absent.

Courts are primarily established to perform the essential or primary functions, but once they are established, they are also to perform secondary functions. These are miscellaneous and indeterminate in character and number and tend to increase with the advancing complexity of modern civilization. They fall chiefly into four groups.

**Petition of rights:**

- Cases where a subject claims a right against the state/ complains of a wrong against the state.
- Falls under the category of secondary functions.
- Because it cannot be included in administration of justice in the strict sense in as much as it involves the use of physical force of the state and in cases to which the state is defendant, the state cannot compel itself to enforce the decision.
- Decision in such matters is then made only under the delegated authority of the state and courts giving decisions in these matters perform secondary functions.
- In Pakistan such petitions take the form of writ for habeas corpus, mandamus, certiorari and quo warranto

### **Declaration of rights:**

Another function of the Courts is the declaration of the rights of individuals. This is done where the rights of the parties are uncertain. A litigant may claim the assistance of a Court of law because his rights have been violated, but because they are uncertain.

- A person may seek the assistance of court not merely where his rights have actually been infringed.
- He can also go to court where there being some uncertainty about his rights.
- He wants to have some clarifications on them.
- In other words he may seek for a declaration that a particular defined rights exists to him or that it does not exist in another person.
- Such suits are called as declaratory suits.
- Examples of declaratory proceedings are declaration of legitimacy, declaration of nullity of marriage, authoritative interpretation of wills etc.

### **Administration:**

- The courts take up the administration/ management, realization and distribution of property in cases of insolvency, of trusts, or estates of a deceased person.
- In certain cases, Courts of justice undertake the management and distribution of the property of a deceased person and also of minors whose property is put under the Court of wards. Other examples are the administration of a trust, liquidation of a company by the Court etc.

### **Title to right:**

- In certain cases, judicial decrees are employed as the means of creating, extinguishing and transferring rights. Example of such functions are decree of divorce, appointment of removal of trustees etc. in such cases, the judgments of the Courts operate not as the remedy of a wrong but as a title of right.
- The courts pass a decree to transfer or extinguish rights or to create rights such as in cases of divorce, grant of succession certificates, bankruptcy