

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

Dated Quetta the 07th January, 2025.

NOTIFICATION.

No.PAB/Legis:V (07) /2024/4154. The Balochistan Alternative Dispute

Resolution (Amendment) Bill, 2024 (Bill No. 07 of 2024), having been passed by the

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Provincial Assembly of Balochistan on 30th December, 2024 and assented to by the Governor Balochistan, on 1st January, 2025 is hereby published as an Act of the

Balochistan Provincial Assembly.

The Balochistan Alternative Dispute Resolution (Amendment) Act, 2024.
Act. No. VII of 2025.

An
Act
to amend the Balochistan Alternate Dispute Resolution Act, 2022 (Act XXXI of 2022).

WHEREAS it is expedient to amend the Balochistan Alternate Dispute Resolution Act, 2022 (Act No. XXXI of 2022) for the purposes hereinafter appearing;

It is hereby enacted as follow:

Short title and 1. (1) This Act may be called the Balochistan Alternative commencement Dispute Resolution (Amendment) Act, 2024.

(2) It shall come into force at once.

Amendment of 2. In the Balochistan Alternate Dispute Resolution Act, 2022 Section 1, Act hereinafter referred to as the "Said Act", in section 1, — XXXI of 2022. (a) in sub-section (1), for the word "Alternate",

the word "Alternative" shall be substituted;

(b) for sub-section (3), the following shall be substituted: -

"(3) It shall come into force at once".

Amendment of 3. In the said Act, in section 2, — section 2, Act . « » XXXI of 2022. (a) in clauses (a) and (b), for the word "Alternate

the word "Alternative" shall be substituted.

(b) after clause (c), the following new clause shall be inserted: -

"(ca) "Court Annexed Mediation Centre"
means Centre attached with District &
Sessions Court notified by the High Court."

(c) In clause (d), the symbol “-” appearing after the word “Section” shall be omitted.

(d) after clause (g), the following new clause shall be inserted: -

“(ga) “High Court” means High Court of Balochistan;”

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Amendment of
section 3, Act
XXXI of 2022.

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Amendment of
section 4, Act
XXXI of 2022.

Amendment of
section 5, Act
XXXI of 2022.

Amendment of
section 6, Act
XXXI of 2022.

Amendment of
section 7, Act
XXXI of 2022.

Amendment of
section 8, Act
XXXI of 2022

Amendment of
section 11, of the
Act XXXI of 2022

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In the said Act, in section 3, —

(a) in sub-section (1) for the word “shall” the word “may” shall be substituted and after the words “the defendants” the expression “and preferably after receiving written statement and decision on interim injunction issue, if any” shall be inserted.

(b) in second proviso of the sub-section (4), the digit “6” shall be substituted with digit “3”.

In the said Act, in section 4, —

(a) in sub-section (1) and (2), the symbol “-”, appearing after the word “Section”, shall be omitted.

(b) in the proviso of sub-section (3), for the word

“Ninety”, the word “ninety” shall be substituted.

In the said Act, in section 5, in sub-section (1), the symbol “-” appearing after the word “Section”, shall be omitted.

In the said Act, in section 6, in sub-section (1), the symbol “-” appearing after the word “Section”, shall be omitted

In the said Act, in section 7,—

(a) in sub-section (2), after the words “ADR centres” the words “including court annexed mediation centres” shall be inserted; and

(b) in sub-section (3), after the words “reference to” the words “a court annexed mediation centre” shall be inserted.

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In the said Act, in section 8, the symbol after the word “Section”, shall be omitted.

appearing

In the said Act, in section 11, —

(a) in clause (d) of sub-section (1), the word “and” shall be omitted; and

(b) in clause (e) the symbol “.” shall be substituted with the symbol “,”.

(c) after clause (e), the following new clauses shall be added: -

“(f) A Court annexed mediation centre; and
(g) A Presiding officer of the trial court.”

(d) in sub-section (2) after the words “ADR centre” the words “other than court annexed mediation centre notified by High Court” shall be inserted;

(e) in sub-section (3) after the words “services provider” the words “and a member of district judiciary posted in court annexed mediation centre” shall be inserted; and

(f) after sub-section (3), the following new sub-section shall be inserted: -

Amendment of 11.

section 13, Act
XXXI of 2022.

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Amendment of 12.

section 14, Act
XXXI of 2022.

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“(4) If the parties concerned opt trial court judge as mediator, the case will not be referred to under sub-section (1) of section 3 or 4.”

In the said Act, in section 13,—

- (a)
- (b)
- (c)

the existing provision shall be numbered as sub-section (1) thereof;

in sub-section (1), numbered as aforesaid, after the words “remaining dispute”, the expression “on day-to-day basis” shall be inserted; and

after sub-section (1), numbered and amended as aforesaid, the following new sub section (2) shall be added:-

“(2) Trial court if fails to mediate, the case shall

be transferred to any other court in a manner as prescribed under the rules”.

In the said Act, in section 14, —

- (a)
- (b)
- (c)

in the marginal heading, for the word “judgment” the word “judgment” shall be substituted;

in sub-section (1), for the word "shall" the word "may" shall be substituted; and

after sub-section (2), the following new sub-sections (3), (4) and (5) shall be added: -

"(3) Upon pronouncement of judgment and decree by a Court as a result of ADR, the suit shall automatically stand converted into execution proceedings without the need to file a separate application and no fresh notice needed to be issued to the parties to the suit or the proceeding in this regard.

(4) Each party to the suit or proceeding shall submit a detailed report for the actions due on their part in terms of agreement and decree.

(5) When any of the parties fails to submit report under sub-section (4) or unable to act upon the decree either partly or fully, the decree of the Court shall be executed in accordance with the provisions of the Code of Civil Procedure, 1908 (Act V of 1908) or any other law for the time being in force or in such manner as the Court may at the request of any of the parties consider appropriate, including recovery as arrears of land revenue."

Insertion of New
section 14-A, Act
XXXI of 2022.

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Amendment of
section 17, Act
XXXI of 2022.

Amendment of
section 21, Act
XXXI of 2022.

Amendment of
section 22, Act
XXXI of 2022.

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13.

14.

15.

16.

In the said Act, after section 14 as amended above, the following new section 14-A shall be inserted:-

“14-A (1) Parties who have resolved any dispute of civil or commercial nature through the use of an ADR method before initiating any legal proceeding may file an application along-with settlement duly signed by the parties together with a certificate of mediator or conciliator or the mediation firm, as the case may be, and other relevant documents in the Court having jurisdiction which shall be registered as a “Judicial Miscellaneous” matter.

(2) The Court, if deems fit, may send any document annexed with the application for verification to concerned department.

(3) The Court after hearing the parties and perusal of documents annexed with the application or any other document submitted by the parties on the direction of Court may pass order, judgment followed by decree in terms of agreement in a manner as provided under the Code of Civil Procedure, 1908.”

In the said Act, in section 17, in sub-section (2) and in

the proviso of sub-section (2), the word “Order” shall be omitted.

In the said Act, in section 21,—

(a) in sub-section (1), after the words “The Government”, the words “in consultation with High Court” shall be inserted;

(b) for sub-section (3), the following shall be substituted: -

“(3) The Government in absence of authority, required to be established under sub-section (1), shall in consultation with or on the recommendation of the High Court, entrust accreditation work to any entity qualified to perform work of accreditation.”

In the said Act, in section 22,—

(a) the existing provision shall be numbered as sub-section (1) thereof; and

(b) after sub-section (1), numbered'= as aforesaid, the following new sub-sections shall be added:-

“(2) No fee shall be charged by the court annexed mediation centre.

(3) If the parties are unable to pay mediator's fee the District & Sessions Judge shall pay the fee from the District Legal Empowerment Committee Funds.

(4) If the parties to the suit resolve their dispute at early stage of the proceeding through ADR, the court fee, so deposited, may be returned to the plaintiff on filing application”.

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Amendment in 17. In the said Act, in Schedule-II, after entry appearing at

Schedule-II, Act serial number (7), following new entry number (8) shall
XXXI of 2022. be added:

"(8) Industrial disputes between employees and
employer."

(TAHIR SHAH KAKAR)

Secretary

No.PAB/Legis: V (07)/2024/4154. Dated Quetta, the 07th January, 2025.

A copy is forwarded to the Chief Controller, Government Printing Press,
Balochistan Quetta for favor of publication in Extra -ordinary issue of Gazette of
Balochistan. Before final printing, a copy thereof be sent to this Secretariat for Proof
reading. Fifty copies of the Act may please be supplied to this Secretariat for record.

(ABDUL REHMAN)

Special Secretary (Legis:)

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A copy is forwarded for information to: -

The Principal Secretary to Governor, Balochistan, Quetta.

The Principal Secretary to Chief Minister, Balochistan, Quetta.

The Secretary, Government of Balochistan, Law & Parliamentary Affairs Department, Quetta.
The Director General, Public Relations, Balochistan, Quetta for favour of publication.

The System Analyst, Balochistan Provincial Assembly.

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Special Secretary (Legis:)