

THE BALOCHISTAN CIVIL DISPUTES  
(SHARIAT APPLICATION)  
REGULATION, 1976

(Baln Regulation of 1976)

CONTENTS

SECTIONS

Preamble.

1. Short title, extent and commencement.
2. Adjudication of Civil disputes according to Shariat.
3. Act V of 1908, Act I of 1872 and Act IX of 1908 to apply.
4. Courts for Adjudication of disputes under this Regulation.
5. Constitution of Courts of Qazi and Majalis-e-Shura, their territorial jurisdiction, etc.
6. Power to make rules.
7. Transfer of pending cases to Courts of Qazi and Majalis-e-Shura.

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Preamble.

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A, dated 5" December, 1976.

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(SHARIAT APPLICATION)  
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(Balochistan Regulation of 1976)

[5 December, 1976]

A Regulation to provide for the adjudication of certain  
civil disputes in the Tribal Areas of Balochistan according to  
Muslim (Shariat) Law.

WHEREAS it is expedient ta provide for the  
adjudication of certain civil disputes in the Tribal Areas of  
Balochistan according to Muslim (Shariat) Law;

Now, THEREFORE, in exercise of the powers  
conferred by clause (4) of Article 247 of the Constitution of the  
Islamic Republic of Pakistan\*, the Governor of Balochistan,  
with the prior approval of the President, is pleased to make the  
fallowing Regulation: —

1. (1) This Regulation may be called the Balochistan  
Civil Disputes (Shariat Application) Regulation, 1976.

(2) It extends to the Tribal Areas of Balochistan.

(3) It shall come into force in such area or areas and  
on such date or dates as the Provincial Government may, by  
notification in the official Gazette, appoint in this behalf.

2. (1) Notwithstanding anything to the contrary  
contained in any law for the time being in force or any custom  
or usage, all disputes of a civil nature, where the parties are

Muslims, shall be decided in accordance with Muslim (Shariat) Law; Provided that nothing in this Sub-section shall apply to cases by or against the Federal Government or a Provincial Government or a local authority or a public corporation or a public servant acting in the discharge of his duty.

(2) If all the parties to a dispute of a civil nature any of whom is a non-Muslim agree to the dispute being

This Regulation was promulgated by the Governor of Balochistan; published in the Balochistan Gazette (Extraordinary) No. 50

Spelling of the word "Baluchistan", wherever it appears in this Regulation, is corrected by insertion of letter "o" instead of "u"; and

per Government of Balochistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18" June, 1989.

[www.ezqanoon.com](http://www.ezqanoon.com)

That is Constitution of Islamic Republic of Pakistan 1973; published in the Gazette of Pakistan, dated 12 April, 1973.

Act V of 1908, Act  
of 1872 and  
Act IX of 1908

to apply.

Courts for  
Adjudication  
of disputes  
under this  
Regulation.

Constitution of  
Courts of Qazi  
and Majalis-e-  
Shura, their  
territorial  
jurisdiction,  
etc.

adjudicated upon under this Regulation, such dispute shall, as  
far as practicable, be adjudicated upon accordingly.

3. Notwithstanding anything contained in this Regulation  
the provisions of Code of Civil Procedure, 1908, hereinafter  
referred to as the Cod, the Evidence Act, 1872, and the  
Limitation Act, 1908, shall mutatis mutandis apply to the  
proceedings under this Regulation.

4. (1) Notwithstanding anything contained in section 3,  
there shall be the following Courts, namely: —

(a) the Court of Qazi, which shall be the  
Court of original jurisdiction in respect of  
disputes wherein the subject-matter in  
amount or value does not exceed fifty  
thousand rupees; and

(b) the Majalis-e-Shura, which shall be the  
first appellate respect of  
judgements, decrees and orders of the  
Court of Qazi, and shall also be the court  
of original jurisdiction in respect of all  
disputes wherein the subject matter in  
amount or value exceeds fifty thousand

court in

rupees.

(2) | Every Majalis-e-Shura shall be deemed to be a

District Court within the meaning of the Code.

(3) An appeal from a judgement, decree or order of the Majalis-e-Shura shall lie to the High Court.

5. (1) The Provincial Government may, by notification in the official Gazette, constitute such number of Courts of Qazi and Majalis-e-Shura as it may deem appropriate, and may, whenever it so considers necessary, specify the class of dispute in respect of which a particular Court of Qazi or Majalsts-e-Shura shall have jurisdiction under this Regulation.

(2) A Majalis-e-Shura shall consist of not less than two members, one of whom shall be designated by the Provincial Government to be the Chairman.

(3) The qualifications of Qazis and members of Majahs-e-Shura shall be such as maybe prescribed by rules made under section 6.

(4) The territorial limits of jurisdiction of the Courts

of Qazi and Majalis-e-Shura shall be such as may be determined by the Provincial Government; and, until so determined, the territorial limits of a Majalis-e-Shura shall be the same as those of the District Court, and those of a court of Qazi the same as of the Civil Court of original jurisdiction irrespective of its pecuniary limits.

(5) In the case of a difference of opinion between the members of a Majalis-e-Shura in any case: —

(a) if the Majalis-e-Shura is exercising its original jurisdiction, the case shall be decided in accordance with the opinion of the Chairman; and

(b) if the Majalis-e-Shura is exercising its appellate jurisdiction, the decision of the Court of Qazi in the case shall be deemed to be the decision of the Majalis-e-Shura.

Power to make 6. (1) The Provincial Government may, by notification in the official Gazette, make rules to carry into effect the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: —

(a) the qualifications of Qazis and members of Majalis-e-Shura;

(b) seal of the Court of Qazi and Majalis-e-Shura;

(c) the places where and the time when Courts of Qazi and Majalis-e-Shura shall sit and hold proceedings;

(d) the fees to be paid to the Courts of Qazi and Majalis-e-Shura, and for processes issued therefrom, and the manner in which such fees shall be levied; and

(e) the language and manner in which proceedings of the Courts of Qazi and Majalis-e-Shura shall be recorded and kept.

1 For Rules see "The Balochistan Qazi and Members, Majalis- e-Shura (Appointment and Conditions of Service) Rules, 1980"

published in the Balochistan Gazette (Extraordinary) No. 67, dated 7" April, 1980.



Transfer of pending 7. Upon the coming into force of this Regulation in any cases to Courts area, all suits and appeals pending in any District Court or a

of Qe and Civil Court subordinate thereto, or in any tribunal, involving a wae dispute which under this Regulation is to be adjudicated upon

by a Court of Qazi or Mayalis- e-Shura, shall stand transferred to the Court of Qazi or Majalis-e-Shura, as the case may be, having jurisdiction in the matter under this Regulation; and, upon such transfer, shall be deemed to have been instituted therein, and shall be heard and determined accordingly.