

سیکرٹریٹ

اسمبلی

صوبائی

بلوچستان

بروز ہفتہ مورخہ 22 اکتوبر 2022ء بوقت 4:00 بجے شام منعقد ہونے والے بلوچستان صوبائی اسمبلی کے اجلاس کی

ترتیب کارروائی

تلاوت قرآن پاک و ترجمہ

(1)

سرکاری کارروائی برائے قانون سازی

(2)

(1) مجلس قائمہ بر محکمہ صنعت و حرفت، کان کنی و معدنی ترقی اور محنت و افرادی قوت کی رپورٹ بر پارٹنرشپ بلوچستان کا (ترمیمی) مسودہ قانون مصدرہ 2022ء (مسودہ قانون نمبر 29 مصدرہ 2022ء) کا ایوان میں پیش کیا جائے۔

(i) چیئر مین مجلس قائمہ بر محکمہ صنعت و حرفت، کان کنی و معدنی ترقی اور محنت و افرادی قوت، مجلس کی رپورٹ بر پارٹنرشپ بلوچستان کا (ترمیمی) مسودہ قانون مصدرہ 2022ء (مسودہ قانون نمبر 29 مصدرہ 2022ء) پیش کریں گے۔

(ii) وزیر برائے محکمہ صنعت و حرفت تحریک پیش کریں گے کہ پارٹنرشپ بلوچستان کا (ترمیمی) مسودہ قانون مصدرہ 2022ء (مسودہ قانون نمبر 29 مصدرہ 2022ء) کو مجلس کی سفارشات کے بموجب فی الفور زیر غور لایا جائے۔

(iii) وزیر برائے محکمہ صنعت و حرفت تحریک پیش کریں گے کہ پارٹنرشپ بلوچستان کا (ترمیمی) مسودہ قانون مصدرہ 2022ء (مسودہ قانون نمبر 29 مصدرہ 2022ء) کو مجلس کی سفارشات کے بموجب منظور کیا جائے۔

(2) مجلس قائمہ بر محکمہ صنعت و حرفت، کان کنی و معدنی ترقی اور محنت و افرادی قوت کی رپورٹ بر بلوچستان تنازعات کے متبادل حل کا مسودہ قانون مصدرہ 2022ء (مسودہ قانون نمبر 34 مصدرہ 2022ء) کا پیش کیا جائے۔

(i) چیئر مین مجلس قائمہ بر محکمہ صنعت و حرفت، کان کنی و معدنی ترقی، اور محنت و افرادی قوت، مجلس کی رپورٹ بر بلوچستان تنازعات کے متبادل حل کا مسودہ قانون مصدرہ 2022ء (مسودہ قانون نمبر 34 مصدرہ 2022ء) پیش کریں گے۔

(ii) وزیر برائے محکمہ صنعت و حرفت تحریک پیش کریں گے کہ بلوچستان تنازعات کے متبادل حل کا مسودہ قانون مصدرہ 2022ء (مسودہ قانون نمبر 34 مصدرہ 2022ء) کو مجلس کی سفارشات کے بموجب فی الفور زیر غور لایا جائے۔

(iii) وزیر برائے محکمہ صنعت و حرفت تحریک پیش کریں گے کہ بلوچستان تنازعات کے متبادل حل کا مسودہ قانون مصدرہ 2022ء (مسودہ قانون نمبر 34 مصدرہ 2022ء) کو مجلس کی سفارشات کے بموجب منظور کیا جائے

(جاری صفحہ نمبر 2)

(2)

(3') مجلس قائمہ برحکمہ صنعت و حرفت، کان کنی و معدنی ترقی اور محنت و افرادی قوت کی رپورٹ بر بلوچستان کمرشل کورٹ کا مسودہ قانون صدرہ 2022ء (مسودہ قانون نمبر 38 صدرہ 2022ء) کا پیش کیا جانا۔

(i) چیئرمین مجلس قائمہ برحکمہ صنعت و حرفت، کان کنی و معدنی ترقی اور محنت و افرادی قوت، مجلس کی رپورٹ بر بلوچستان کمرشل کورٹ کا مسودہ قانون صدرہ 2022ء (مسودہ قانون نمبر 38 صدرہ 2022ء) پیش کریں گے۔

(ii) وزیر برائے محکمہ صنعت و حرفت، تحریک پیش کریں گے کہ بلوچستان کمرشل کورٹ کا مسودہ قانون صدرہ 2022ء (مسودہ قانون نمبر 38 صدرہ 2022ء) کو مجلس کی سفارشات کے بموجب فی الفور زیر غور لایا جائے۔

(iii) وزیر برائے محکمہ صنعت و حرفت، تحریک پیش کریں گے کہ بلوچستان کمرشل کورٹ کا مسودہ قانون صدرہ 2022ء (مسودہ قانون نمبر 38 صدرہ 2022ء) کو مجلس کی سفارشات کے بموجب منظور کیا جائے۔

کوئٹہ

مورخہ 21 اکتوبر 2022ء

سیکرٹری

بلوچستان صوبائی اسمبلی

بلوچستان صوبائی اسمبلی سیکرٹریٹ

رپورٹ

مجلس قائمہ برمحکمہ صنعت و حرفت، کان کنی و معدنی ترقی، محنت و افرادی قوت۔

بابت

"پارٹنرشپ بلوچستان کا (ترمیمی) مسودہ قانون مصدرہ 2022ء

(مسودہ قانون نمبر 29 مصدرہ 2022ء)"

منجانب:- سردار عبدالرحمن کھیتراں

صدر نشین مجلس قائمہ۔

رپورٹ مجلس قائمہ بر محکمہ صنعت و حرفت، کان کنی و معدنی ترقی، محنت و افرادی قوت۔

بابت

"پارٹنرشپ بلوچستان کا (تریمی) مسودہ قانون صدرہ 2022ء (مسودہ قانون نمبر 29 صدرہ 2022ء)"

پس منظر:-

مورخہ 19 ستمبر 2022ء کی اسمبلی نشست میں مذکورہ مسودہ قانون پیش ہوا۔ جناب اسپیکر نے قواعد انضباط کار بلوچستان صوبائی اسمبلی مجریہ 1974ء کے قاعدہ نمبر 84 کے تحت مجلس ہذا کے سپرد کیا۔ مذکورہ مسودہ قانون پر مجلس قائمہ کی پہلی نشست جو مورخہ 26 ستمبر 2022ء کو منعقد ہونا تھی مگر چند ناگزیر وجوہات کی بناء ملتوی کر دی گئی۔ مذکورہ مسودہ قانون پر مجلس قائمہ کی دوسری نشست مورخہ 19 اکتوبر 2022ء بروز بدھ بوقت دوپہر 02:00 بجے بلوچستان صوبائی اسمبلی کے کمیٹی روم میں منعقد ہوئی۔

شرکاء مجلس:-

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|---|----------------|
| i) سردار عبدالرحمن کھیتراں، صوبائی وزیر | صدر نشین مجلس۔ |
| ii) میر نصیب اللہ مری، صوبائی وزیر | رکن مجلس۔ |
| iii) سید احسان شاہ، صوبائی وزیر | رکن مجلس۔ |

افسران:-

- | | |
|-------------------------|---|
| iv) جناب طاہر شاہ کاکڑ | سیکرٹری، اسمبلی۔ |
| v) جناب عابد سلیم | سیکرٹری، محکمہ انڈسٹریز حکومت بلوچستان۔ |
| vi) جناب محمد ہاشم داوی | ایڈیشنل سیکرٹری (محاسن)۔ |
| vii) جناب محمد منزل | ایڈیشنل سیکرٹری، محکمہ قانون۔ |

آغاز:-

3- نشست کا آغاز باقاعدہ تلاوت کلام پاک سے ہوا جس کی سعادت سیکرٹری اسمبلی، جناب طاہر شاہ کا کڑنے حاصل کی۔ بعد از تلاوت کلام پاک سیکرٹری اسمبلی نے نشست کا پس منظر بیان کرتے ہوئے کہا کہ مورخہ 19 ستمبر 2022ء کو بلوچستان صوبائی اسمبلی کے منعقدہ اجلاس میں "پارٹنرشپ بلوچستان کا (ترمیمی) مسودہ قانون صدرہ 2022ء (مسودہ قانون نمبر 29 صدرہ 2022ء)" مجلس ہذا کے سپرد ہوا۔ مذکورہ مسودہ قانون پر مجلس کی نشست بلوچستان صوبائی اسمبلی کے کمیٹی روم میں زیر صدارت سابق چیئر مین مجلس قائمہ جناب گہرام بگٹی منعقد ہونا تھی لیکن ان کے مشیر برائے محکمہ لیبر اینڈ مین پاور منتخب ہونے کی وجہ سے اور بلوچستان صوبائی اسمبلی کے قواعد انضباط کا مجریہ 1974ء کے قاعدہ نمبر 132 کے شرطیہ جملہ "جب کبھی بھی چیئر مین / چیئر پرسن کو بطور وزیر، مشیر یا پارلیمانی سیکرٹری مقرر کیا جاتا ہے تو وہ چیئر مین / چیئر پرسن نہیں رہتا" کے تحت وہ مذکورہ مجلس قائمہ کے چیئر مین نہیں رہے۔

4- واضح رہے کہ بلوچستان صوبائی اسمبلی کے قواعد و انضباط کا مجریہ 1974ء کے قاعدہ نمبر (2) 132 کے تحت اگر مجلس کا چیئر مین / چیئر پرسن نہ ہو تو اس صورت میں مجلس اپنے حاضر ممبران میں سے کسی ایک ممبر کو صدارت کے لئے منتخب کر سکتی ہے۔ لہذا معزز حاضر ممبران نے متفقہ طور پر سردار عبدالرحمن کھیتراں، رکن مجلس کو مذکورہ نشست کی صدارت کے لئے منتخب کیا۔

5- سیکرٹری اسمبلی کی مختصر بریفنگ کے بعد جناب صدر نشین مجلس قائمہ نے سیکرٹری، صنعت و حرفت کو دعوت دی کہ وہ مذکورہ مسودہ قانون کی بابت مجلس کو آگاہی دیں۔

6- جناب عابد سلیم، سیکرٹری صنعت و حرفت نے جناب عابد سلیم، سیکرٹری محکمہ صنعت و حرفت نے مجلس کو بریف کرتے ہوئے کہا کہ مذکورہ مسودہ قانون مفاد عامہ میں تیار کیا گیا ہے۔ پارٹنرشپ بلوچستان کا ایکٹ 1932ء کا ہے اس ترمیم کے ذریعے ایکٹ کو موجودہ دور کے تقاضوں سے ہم آہنگ کرنا ہے۔

7- سیکرٹری، صنعت و حرفت کی بریفنگ کے بعد مجلس نے باریک بینی سے مذکورہ مسودہ قانون پر غور و خوض کرتے ہوئے سفارش کی کہ "پارٹنرشپ بلوچستان کا (ترمیمی) مسودہ قانون صدرہ 2022ء (مسودہ قانون نمبر 29 صدرہ 2022ء)" میں کوئی قابل اعتراض نقطہ امر مانع نہیں اور یہ عوامی مفاد میں ہے لہذا مجلس مذکورہ مسودہ قانون کو من و عن منظور کرنے کی سفارش کرتی ہے۔

Sd/=

(سردار عبدالرحمن کھیتراں)

صدر نشین مجلس قائمہ۔

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

THE PARTNERSHIP BALUCHISTAN (AMENDMENT) BILL, 2022 **BILL No. 27 of 2022.**

A BILL

further to amend the Partnership Act, 1932.

Preamble .

WHEREAS it is expedient further to amend the Partnership Act, 1932 (Act No. IX of 1932), for the purpose hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and Commencement,-

(1) This Act may be called the Partnership (Baluchistan Amendment) Act, 2022".

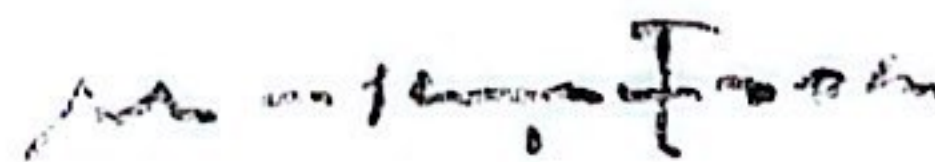
(2) It shall come into force at once.

2. Amendment of Section 59, Act IX of 1932, In the Partnership Act, 1932 (Act No. IX of 1932),

In section 59, after the word "statement" The words and figures "within 48 hours" shall be added.

STATEMENT OF OBJECTS AND REASONS.

Government desires to make amendment in the Partnership Act, 1932 for the purpose to cope with the present days requirement. Hence this Bill is place before the Provincial Assembly for consideration.



(MUHAMMAD KHAN UTHMANKHAIL)

Minister

**Industries & Commerce Department
Government of Baluchistan**

بلوچستان صوبائی اسمبلی سیکرٹریٹ

رپورٹ

مجلس قائمہ برمحکمہ صنعت و حرفت، کان کنی و معدنی ترقی، محنت و افرادی قوت۔

بابت

"بلوچستان تنازعات کے متبادل حل کا مستودہ قانون مصدرہ 2022ء"

(مستودہ قانون نمبر 34 مصدرہ 2022ء)"

منجانب:- سردار عبدالرحمن کھیتراں

صدر نشین مجلس قائمہ۔

رپورٹ مجلس قائمہ بر محکمہ صنعت و حرفت، کان کنی و معدنی ترقی، محنت و افرادی قوت۔

بابت

"بلوچستان تنازعات کے متبادل حل کا مسودہ قانون مصدرہ 2022ء (مسودہ قانون نمبر 34 مصدرہ 2022ء)"

پس منظر:-

مورخہ 24 ستمبر 2022ء کی اسمبلی نشست میں مذکورہ مسودہ قانون پیش ہوا۔ جناب اسپیکر نے قواعد انضباط کار بلوچستان صوبائی اسمبلی مجریہ 1974ء کے قاعدہ نمبر 84 کے تحت مجلس ہذا کے سپرد کیا۔ مذکورہ مسودہ قانون پر مجلس قائمہ کی پہلی نشست جو مورخہ 26 ستمبر 2022ء کو منعقد ہونا تھی مگر چند ناگزیر وجوہات کی بناء ملتوی کر دی گئی۔ مذکورہ مسودہ قانون پر مجلس قائمہ کی دوسری نشست مورخہ 19 اکتوبر 2022ء بروز بدھ بوقت دوپہر 02:00 بجے بلوچستان صوبائی اسمبلی کے کمیٹی روم میں منعقد ہوئی۔

شرکاء مجلس:-

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|------|--------------------------------------|----------------|
| i) | سردار عبدالرحمن کھیتراں، صوبائی وزیر | صدر نشین مجلس۔ |
| ii) | میر نصیب اللہ مری، صوبائی وزیر | رکن مجلس۔ |
| iii) | سید احسان شاہ، صوبائی وزیر | رکن مجلس۔ |

افسران:-

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|------|---------------------|---|
| iv) | جناب طاہر شاہ کاکڑ | سیکرٹری، اسمبلی۔ |
| v) | جناب عابد سلیم | سیکرٹری، محکمہ انڈسٹریز حکومت بلوچستان۔ |
| vi) | جناب محمد ہاشم داوی | ایڈیشنل سیکرٹری (مجالس)۔ |
| vii) | جناب محمد منزل | ایڈیشنل سیکرٹری، محکمہ قانون۔ |

آغاز:-

3- نشست کا آغاز باقاعدہ تلاوت کلام پاک سے ہوا جس کی سعادت سیکرٹری اسمبلی، جناب طاہر شاہ کا کڑنے حاصل کی۔ بعد از تلاوت کلام پاک سیکرٹری اسمبلی نے نشست کا پس منظر بیان کرتے ہوئے کہا کہ مورخہ 24 ستمبر 2022ء کو بلوچستان صوبائی اسمبلی کے منعقدہ اجلاس میں "بلوچستان تنازعات کے متبادل حل کا مسودہ قانون صدرہ 2022ء (مسودہ قانون نمبر 34 صدرہ 2022ء)" مجلس ہذا کے سپرد ہوا۔ مذکورہ مسودہ قانون پر مجلس کی نشست بلوچستان صوبائی اسمبلی کے کمیٹی روم میں زیر صدارت سابق چیئر مین مجلس قائمہ جناب گہرام بگٹی منعقد ہونا تھی لیکن اُن کے مشیر برائے محکمہ لیبر اینڈ مین پاور منتخب ہونے کی وجہ سے اور بلوچستان صوبائی اسمبلی کے قواعد انضباط کار مجریہ 1974ء کے قاعدہ نمبر 132 کے شرطیہ جملہ "جب کبھی بھی چیئر مین / چیئر پرسن کو بطور وزیر، مشیر یا پارلیمانی سیکرٹری مقرر کیا جاتا ہے تو وہ چیئر مین / چیئر پرسن نہیں رہتا" کے تحت وہ مذکورہ مجلس قائمہ کے چیئر مین نہیں رہے۔

4- واضح رہے کہ بلوچستان صوبائی اسمبلی کے قواعد و انضباط کار مجریہ 1974ء کے قاعدہ نمبر (2) 132 کے تحت اگر مجلس کا چیئر مین / چیئر پرسن نہ ہو تو اس صورت میں مجلس اپنے حاضر ممبران میں سے کسی ایک ممبر کو صدارت کے لئے منتخب کر سکتی ہے۔ لہذا معزز حاضر ممبران نے متفقہ طور پر سردار عبدالرحمن کھیتراں، رکن مجلس کو مذکورہ نشست کی صدارت کے لئے منتخب کیا۔

5- سیکرٹری اسمبلی کی مختصر بریفنگ کے بعد جناب صدر نشین مجلس قائمہ نے سیکرٹری، محکمہ صنعت و حرفت کو دعوت دی کہ وہ مذکورہ مسودہ قانون کی بابت مجلس کو آگاہی دیں۔

6- جناب عابد سلیم، سیکرٹری محکمہ صنعت و حرفت نے مجلس کو بریف کرتے ہوئے کہا کہ مذکورہ مسودہ قانون مفاد عامہ میں تیار کیا گیا ہے تاکہ "متبادل تنازعات کے حل کے ایکٹ" کو فروغ اور تحفظ فراہم کیا جاسکے۔ دیوانی اور فوجداری تنازعات میں تنازعات کے متبادل حل کے ذریعے سستے اور فوری انصاف کو یقینی بنانا مقصود ہے۔

7- سیکرٹری، محکمہ صنعت و حرفت کی بریفنگ کے بعد مجلس نے باریک بینی سے مذکورہ مسودہ قانون پر غور و خوض کرتے ہوئے سفارش کی کہ "بلوچستان تنازعات کے متبادل حل کا مسودہ قانون صدرہ 2022ء (مسودہ قانون نمبر 34 صدرہ 2022ء)" میں کوئی قابل اعتراض نقطہ امر مانع نہیں اور یہ عوامی مفاد میں ہے لہذا مجلس مذکورہ مسودہ قانون کو من و عن منظور کرنے کی سفارش کرتی ہے۔

Sd/=

(سردار عبدالرحمن کھیتراں)

صدر نشین مجلس قائمہ۔

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

The Baluchistan Alternative Dispute Resolution Bill 2022

Bill No. 34 of 2022.

A Bill.

Preamble:- to provide for a system of alternate dispute resolution of civil and criminal dispute.

Whereas, It is necessary to ensure inexpensive and expeditious justice by means of an alternate dispute resolution system.

It is hereby enacted as follows:-

1. Short title, extent and Commencement:

(1) This Act may be called as the Baluchistan Alternate Dispute Resolution Act 2022.

(2) It shall extend to whole of the Baluchistan Province.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint and different dates may be so appointed for different areas of the Baluchistan.

2. Definitions:

In this Act, unless there is anything repugnant in the subject or context

(a) "Act" means the Baluchistan Alternate Dispute Resolution Act 2022;

(b) "Alternate Dispute Resolution (ADR)" means a process in which parties' resort to resolving a dispute, other than through adjudication by courts, and includes, but is not limited to, mediation, conciliation and evaluation;

(c) "ADR Centre" means a Centre established under the Act;

(d) "ADR person" means a person who may undertake ADR under section 11 of the Act;

(e) "Code" means the Code of Criminal Procedure, 1898 (V of 1898)

(f) "Conciliation" means a process where a person encourages the parties to resolve their disputes voluntarily and includes advising possible solution and terms of settlement to them;

(g) "Court" means a criminal court or a civil court having original jurisdiction under any law for the time being in force.

(h) "Government" means the Government of Baluchistan;

- (i) Mediation" means a process where a mediator facilitates dispute resolution by encouraging communication and negotiation between the parties;
- (j) Prescribed" means prescribed by rules made under the Act;
- (k) Rules" means the rules made under the Act; and,
- (l) Settlement" means the agreement reached between the parties as a result of successful ADR.

3. Reference in civil disputes:

- (1) A court shall refer a case mentioned in Schedule I of the Act to ADR within thirty days of appearance of the defendants.
- (2) A trial court may refer a case mentioned in Schedule II of the Act to ADR at any time or stage where it is of the view that the case is likely to be resolved through ADR.
- (3) The court prior to referring the case to ADR shall ask the parties their opinion as to the referral, and where a reference is made to ADR with the consent of the parties, the court may formulate the points in issue.
- (4) In every case where a reference is made to ADR, the court shall provide a time table for completion of ADR proceedings not exceeding 60 days:
Provided that the court on the application of both the parties, may extend the time granted for resolution of the case through ADR.
Provided further that the total time granted for completion of ADR proceedings shall not exceed 6 months in any case.
- (5) The trial of a case referred to ADR shall be postponed till the completion of the time allotted for ADR proceedings under subsection (4).

4. Reference in criminal disputes:

- (1) A court shall refer a case falling under section 345(1) of the Code to ADR as follows:
 - (a) In a case arising out of a police report:
 - (i) On the application by the concerned public prosecutor with the consent of the complainant at any time before framing of the charge; or
 - (ii) on its own within seven days of the framing of the charge;
 - (b) in a case arising out of a complaint, on its own, within seven days of the summoning of the accused

(2) A court may refer a case falling under section 345(2) of the Code to ADR as follows:

(a) In a case arising out of a police report, with the agreement of the public prosecutor concerned, at any time after framing of charge

(b) In cases arising out of a complaint, with the agreement of the parties to the case, at any time after framing of the charge

(3) In every case where a reference is made to ADR under this section, the court shall provide a time period for completion of the ADR proceedings not exceeding ninety days:

provided that the court may, on application of the parties to the case, extend the said time for a further period of 90 days.

(4) The court which makes a referral to ADR under subsection (1) shall postpone the trial of the case till the completion of the time allotted for ADR proceedings under subsection (3) unless there are compelling reasons to proceed with the trial.

(5) A court which makes a referral under subsection (2) shall proceed with the trial in the manner provided by the Code.

5. Power to record evidence during postponement:

(1) Nothing in section 3 or 4 shall prohibit or restrain the court from recording evidence which is likely to become unavailable due to postponement of trial.

(2) The court may order the recording of evidence of such person on its own or on the application of any party to the trial including the public prosecutor.

6. Power to refer a case to ADR at any time:

(1) Nothing in section 3 or 4 shall prohibit or restrain a court from referring a case to ADR at any stage of the case with the consent of the parties.

(2) Where a referral is made under sub section (1), the court may if it thinks fit:

(a) fix a time period for completion of ADR; and

(b) Postpone the trial during the period given for completion of ADR proceedings.

7. Selection of ADR person:

- (1) The parties to the case may select the person or persons who shall undertake ADR.
- (2) Where the parties are unable to agree on one or more persons for conduct of ADR proceedings, the court shall provide a list of accredited ADR service providers or ADR centres to the parties for selection.
- (3) Where the parties are unable to arrive at a common decision, the court shall make a reference to an accredited ADR service provider or ADR centre in the prescribed manner.

8. Return to court:

A case referred to ADR shall be returned to the court in the prescribed format on the completion of ADR proceedings or on the expiry of the time provided under section 3 or 4 of the Act whichever is earlier.

9. Confidentiality:

Notwithstanding anything contained in any other law for the time being in force, the person performing ADR and the parties taking part in the ADR proceedings shall keep all matters confidential relating to such proceedings.

10. Meaningful offer:

Where a meaningful offer is made by a party to a civil dispute and is rejected by the other, the party which rejects the offer shall not be entitled to costs for the suit and the other party shall be entitled to costs.

Explanation: A 'meaningful offer' is an offer which is substantially the same as the decree or order of the court.

11. Who may perform ADR:

- (1) ADR under this Act may be undertaken by:
 - (a) Parties directly;
 - (b) Counsel of parties;
 - (c) One or more persons selected or agreed upon by the parties;
 - (d) An accredited ADR service provider; and
 - (e) An accredited ADR centre.
- (2) An ADR centre shall not be accredited unless it is registered under the Companies Act, 2017 (XIX of 2017)
- (3) An ADR Centre and an ADR services provider shall be accredited in the prescribed manner.

12. ADR proceedings:

- (1) The parties to the dispute may take part in the ADR proceedings in person, through authorized agents or attorneys.
- (2) An attorney who has acted for a party in an ADR proceeding shall not represent another party in the case with regard to the same matter.

13. Failure of ADR:

Where a matter has not been resolved or cannot be resolved through ADR on referral, the court shall proceed to adjudicate the dispute or remaining dispute in accordance with law.

14. Judgement and Decree:

(1) When the outcome of the ADR is returned to the court and the court finds that the matter has been completely or partially resolved in accordance with law, the court shall pronounce judgment and in case of a civil dispute pass a decree in terms of the settlement.

(2) Where the outcome of ADR is not clear, the court may ask the ADR person to provide the requisite clarification.

15. Appeal and revision barred:

(1) No revision or appeal shall lie from the decree or order of the court under this Act except provided by this section.

(2) A public prosecutor may challenge the judgment of a court with regard to a case falling under subsection (2) of section 345 of the Code.

16. Savings:

(1) Save as provided in the Act, the ADR proceedings shall be privileged and shall not be admissible in evidence before any court without consent of the parties and the person undertaking ADR shall not be required to appear as a witness or otherwise in any arbitral or judicial proceedings with respect to the dispute that is or has been the subject matter of the ADR but the final settlement, award or agreement, wholly or partly, between the parties shall be admissible in evidence in any subsequent proceedings between them relating to the same subject matter.

(2) The ADR person shall not act as an agent or attorney of any party to the ADR, in any subsequent proceedings with respect to a dispute that is or has been the subject matter of the ADR.

- (3) No suit, prosecution or other legal proceedings shall lie against an ADR person or any other person connected with the ADR proceedings for anything which is done or intended to be done in good faith under the Act except where the ADR person allowed or ordered the commission of an offence in retaliation of an offence which was the subject of ADR proceedings before him.

17. Application of certain laws: (1) Subject to the provisions of this Act the Oaths Act, 1873 (X of 1873) and the rules made thereunder shall apply mutatis mutandis to the proceedings under the Act.

- (2) Save as provided in the Act, the Qanun-e-Shahadat Order, 1984 (P.O. No. 10 of 1984) shall not apply to the ADR proceedings under the Act:

Provided that the ADR person may adhere to principles of evidence contained in the Qanun-e-Shahadat Order, 1984.

18. Overriding effect: The provisions of the Act shall have effect notwithstanding anything contained in any other law for the time being in force.

19. Cases pending in appeal or revision: The provision of the Act shall, with the consent of the parties, apply mutatis mutandis to a dispute pending adjudication in an appeal or revision.

20. Code of Conduct: (1) The Government shall prescribe a Code of Conduct for ADR service providers and ADR centres accredited under this Act.

- (2) An ADR service provider and an ADR centre shall comply with and act in accordance with the provisions of the Code of Conduct.

- (3) An ADR service provider or an ADR centre who commits a violation of the Code of Conduct shall be removed from the list of accredited service providers or centres by the prescribed authority.

21. Accreditation Authority: (1) The Government shall notify an authority established by law for purposes of accrediting ADR service providers or ADR centres.

- (2) Where the Government notifies an authority under subsection (1), it shall provide such authority with the requisite staff and funds.

- (3) The Government may subject to rules entrust accreditation work to any entity qualified to perform work of accreditation.

22. Costs and fees of ADR:

The costs and fees of the ADR proceeding, if required, shall be borne by the parties in such proportion as may be mutually agreed upon by them failing which it shall be determined by the rules made under the Act.

23. Power to make rules:

- (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Act.
- (2) Notwithstanding the generality of subsection (1), the Government may make rules:
 - (a) to provide for ethical conduct in the provision of ADR services by licensed ADR service providers and ADR centres;
 - (b) to provide for accreditation of licensed ADR service providers;
 - (c) to provide for documentation of decisions; and
 - (d) to provide for procedures to be adopted during ADR proceedings.

24. Power to amend the Schedules:

The Government may, in consultation with the High Court of Balochistan, amend the schedules to the Act, from time to time, so as to add an entry thereto or omit therefrom or modify any entry therein.

25. Removal of difficulty:

If any difficulty arises in giving effect to any provision of the Act, the Government may, within two years of the commencement of the Act, make such order not inconsistent with the provisions of the Act as may be necessary to remove the difficulty.

Repeal:

Subject to the provisions of section 19 of the Act, section 89-A of the Code of Civil Procedure, 1908 (V of 1908) and clause (iii) Rule 1A, of Order X in the First Schedule to that Code, to the extent of the Balochistan, are hereby repealed.

SCHEDULE-I

[See section 3(1)]

- (1) A dispute between a landlord and tenant under the West Pakistan Urban Rent Restriction Ordinance (VI of 1959)
- (2) Dispute involving pre-emption Cases.
- (3) Disputes relating to possession of immovable property.
- (4) Family disputes including guardianship and custody of minor children.
- (5) Dispute arising out of enforcement of commercial contracts except those that in fall in schedule II.
- (6) Suits for specific performance of contracts except those that fall in schedule II.
- (7) Disputes arising out of negotiable instruments under the Negotiable Instruments Act, 1881 (XXVI of 1881) except those that fall in schedule II.
- (8) Suits arising out of Tort except those that fall in schedule II.
- (9) Dispute for recovery of movable property or value thereof.
- (10) Dispute for separate possession of joint immovable property through partition or otherwise including claims for mesne profits.
- (11) Disputes for rendition of accounts of joint property.
- (12) Disputes to remove nuisance.
- (13) Disputes involving recovery of money.
- (14) Cases relating to inheritance including declaration.

SCHEDULE-II

[See section 3(2)]

- (1) Disputes relating to ownership of immoveable property.
- (2) Disputes relating to professional negligence under Tort and those under the Consumer Protection.
- (3) Suits under the Banking Companies Ordinance, 1962 (LVII of 1962).
- (4) Disputes involving copy rights and patents under the Copyright Ordinance, 1962 (XXXIV of 1962) and the Patents Ordinance, 2000 (LXI of 2000) respectively.
- (5) Disputes involving trademarks under the Trademarks Ordinance, 2001 (XIX of 2001).
- (6) Suits for redemption of mortgaged property under the Transfer of Property Act, 1882 (IV of 1882).
- (7) Cases relating to Waqf and Trusts under the relevant laws for the time being in force

STATEMENT OF OBJECTS AND REASONS

The draft bill has been drafted in the best interest of the general masses to determine promote and protect the "The Alternative Dispute Resolution Act".

- To provide for a system of alternative dispute resolution of civil and criminal disputes.
- To ensure inexpensive and expeditious justice by means of an alternative dispute resolution system.


MINISTER-IN-CHARGE

بلوچستان صوبائی اسمبلی سیکرٹریٹ

رپورٹ

مجلس قائمہ بر محکمہ صنعت و حرفت، کان کنی و معدنی ترقی، محنت و افرادی قوت۔

بابت

"بلوچستان کمرشل کورٹ کا مسودہ قانون صدرہ 2022ء

(مسودہ قانون نمبر 38 صدرہ 2022ء)"

منجانب:- سردار عبدالرحمن کھیتراں

صدر نشین مجلس قائمہ۔

رپورٹ مجلس قائمہ بر محکمہ صنعت و حرفت، کان کنی و معدنی ترقی، محنت و افرادی قوت۔

بابت

"بلوچستان کمرشل کورٹ کا مسودہ قانون مصدرہ 2022ء (مسودہ قانون نمبر 38 مصدرہ 2022ء)"

پس منظر:-

مورخہ 17 اکتوبر 2022ء کی اسمبلی نشست میں مذکورہ مسودہ قانون پیش ہوا۔ جناب اسپیکر نے قواعد انضباط کار بلوچستان صوبائی اسمبلی مجریہ 1974ء کے قاعدہ نمبر 84 کے تحت مجلس ہذا کے سپرد کیا۔ مذکورہ مسودہ قانون پر مجلس قائمہ کی پہلی نشست جو مورخہ 26 ستمبر 2022ء کو منعقد ہونا تھی مگر چند ناگزیر وجوہات کی بناء ملتوی کر دی گئی۔ مذکورہ مسودہ قانون پر مجلس قائمہ کی دوسری نشست مورخہ 19 اکتوبر 2022ء بروز بدھ بوقت دوپہر 02:00 بجے بلوچستان صوبائی اسمبلی کے کمیٹی روم میں منعقد ہوئی۔

شرکاء مجلس:-

- | | |
|---|----------------|
| i) سردار عبدالرحمن کھیتراں، صوبائی وزیر | صدر نشین مجلس۔ |
| ii) میر نصیب اللہ مری، صوبائی وزیر | رکن مجلس۔ |
| iii) سید احسان شاہ، صوبائی وزیر | رکن مجلس۔ |

افسران:-

- | | |
|-------------------------|---|
| iv) جناب طاہر شاہ کاکڑ | سیکرٹری، اسمبلی۔ |
| v) جناب عابد سلیم | سیکرٹری، محکمہ انڈسٹریز حکومت بلوچستان۔ |
| vi) جناب محمد ہاشم داوی | ایڈیشنل سیکرٹری (مجالس)۔ |
| vii) جناب محمد منزل | ایڈیشنل سیکرٹری، محکمہ قانون۔ |

آغاز:-

3- نشست کا آغاز باقاعدہ تلاوت کلام پاک سے ہوا جس کی سعادت سیکرٹری اسمبلی، جناب طاہر شاہ کا کڑنے حاصل کی۔ بعد از تلاوت کلام پاک سیکرٹری اسمبلی نے نشست کا پس منظر بیان کرتے ہوئے کہا کہ مورخہ 17 اکتوبر 2022ء کو بلوچستان صوبائی اسمبلی کے منعقدہ اجلاس میں "بلوچستان کمرشل کورٹ کا مسودہ قانون مصدرہ 2022ء" (مسودہ قانون نمبر 38 مصدرہ 2022ء) مجلس ہذا کے سپرد ہوا۔ مذکورہ مسودہ قانون پر مجلس کی نشست بلوچستان صوبائی اسمبلی کے کمیٹی روم میں زیر صدارت سابق چیئرمین مجلس قائمہ جناب گہرام بگٹی منعقد ہونا تھی لیکن ان کے مشیر برائے محکمہ لیبر اینڈ مین پاور منتخب ہونے کی وجہ سے اور بلوچستان صوبائی اسمبلی کے قواعد انضباط کا مجریہ 1974ء کے قاعدہ نمبر 132 کے شرطیہ جملہ "جب کبھی بھی چیئرمین / چیئر پرسن کو بطور وزیر، مشیر یا پارلیمانی سیکرٹری مقرر کیا جاتا ہے تو وہ چیئرمین / چیئر پرسن نہیں رہتا" کے تحت وہ مذکورہ مجلس قائمہ کے چیئرمین نہیں رہے۔

4- واضح رہے کہ بلوچستان صوبائی اسمبلی کے قواعد و انضباط کا مجریہ 1974ء کے قاعدہ نمبر (2) 132 کے تحت اگر مجلس کا چیئرمین / چیئر پرسن نہ ہو تو اس صورت میں مجلس اپنے حاضر ممبران میں سے کسی ایک ممبر کو صدارت کے لئے منتخب کر سکتی ہے۔ لہذا معزز حاضر ممبران نے متفقہ طور پر سردار عبدالرحمن کھیتراں، رکن مجلس کو مذکورہ نشست کی صدارت کے لئے منتخب کیا۔

5- سیکرٹری اسمبلی کی مختصر بریفنگ کے بعد جناب صدر نشین مجلس قائمہ نے سیکرٹری، محکمہ صنعت و حرفت کو دعوت دی کہ وہ مذکورہ مسودہ قانون کی بابت مجلس کو آگاہی دیں۔

6- جناب عابد سلیم، سیکرٹری محکمہ صنعت و حرفت نے مجلس کو بریف کرتے ہوئے کہا کہ مذکورہ مسودہ قانون مفاد عامہ میں تیار کیا گیا ہے تاکہ "بلوچستان کمرشل کورٹس" کو فروغ اور تحفظ فراہم کیا جاسکے۔ تجارت لوگوں کی معاشی ترقی اور خوشحالی سے جڑی ہوئی ہے۔ مسودہ قانون کے نفاذ سے ریگولیٹری بزنس میں اصلاحات ہونگی صوبے میں کاروباری ماحول کو فروغ ملے گا۔

7- سیکرٹری، محکمہ صنعت و حرفت کی بریفنگ کے بعد مجلس نے باریک بینی سے مذکورہ مسودہ قانون پر غور و خوض کرتے ہوئے سفارش کی کہ "بلوچستان کمرشل کورٹ کا مسودہ قانون مصدرہ 2022ء" (مسودہ قانون نمبر 38 مصدرہ 2022ء) میں کوئی قابل اعتراض نقطہ امر مانع نہیں اور یہ عوامی مفاد میں ہے لہذا مجلس مذکورہ مسودہ قانون کو من و عن منظور کرنے کی سفارش کرتی ہے۔

Sd/=

(سردار عبدالرحمن کھیتراں)

صدر نشین مجلس قائمہ۔

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

The Baluchistan Commercial Court Bill, 2022
Bill No. 28 of 2022.

A

Bill.

Preamble:- to provide for establishment of Commercial Courts in the Baluchistan.

WHEREAS:- commerce and trade are intrinsically linked with economic growth and prosperity of the people;

AND WHEREAS expeditious disposal of claims arising from commercial transactions and resolution of commercial disputes is considered necessary for the uplift commerce, trade and ease of doing business

AND WHEREAS commerce trade and business matters require special expertise for their expeditious disposal and the establishment of the Commercial Courts shall facilitate investment in the country and provide speedy justice;

AND WHEREAS Government of the Baluchistan intends to provide an effective legal regime for early resolution of commercial disputes and expeditious disposal of commercial litigation of specified value and has decided to establish Commercial Courts for the Baluchistan Province.

1. Short title, extent and commencement:

(1) This Act may be called the Baluchistan Commercial Courts Act 2022.

(2) This Act extends to whole of the Baluchistan.

(3) The Act shall come into force at once.

2. Definitions:

(1) In this Act, unless there is anything repugnant in the subject or context,

(a) "Act" means the Baluchistan Commercial Courts Act, 2022.

(b) "Chief Justice" means the chief Justice of the Baluchistan High Court;

(c) "Code" means the Code of Procedure, 1908 (V of 1908);

(d) "Commercial Court" means a Court established under this Act;

(e) "commercial dispute" means any dispute claim or counterclaim arising out of a contractual dispute where the value of the claim or counterclaim is five hundred thousand rupees or more, or such other value as the Government may notify, related to or connected with any transaction of trade, business or commerce excluding sale or purchase of immovable property;

- (i) Between the domestic companies; or
- (ii) between a domestic company and a foreign company or a firm; or
- (iii) between the firms; or
- (iv) between a firm and a domestic or foreign company; or
- (v) between the foreign companies; or
- (vi) between a domestic company, foreign company or a firm and a private person.

(f) "District" means a district notified under the Balochistan Land Revenue Act, 1967 (XVII of 1967);

(g) "Domestic company" means a company incorporated and registered under the Companies Act, 1913 (VII of 1913), the Companies Ordinance, 1984 (XLVII of 1984), the Companies Ordinance, 2016 (VI of 2016), the Companies Act, 2017 (XIX of 2017) or any other law for the time being in force for registration of a company;

(h) "firm" means a firm registered under the Partnership Act, 1932 (IX of 1932);

(i) "foreign company" means any company or body corporate incorporated outside Pakistan, which has a place of business or liaison office in Pakistan whether by itself or through an agent, physically or through electronic mode

(j) "High Court" means the Balochistan High Court;

(k) "Government" means the Government of Balochistan

(l) "rules" means the rules made by the Government under this Act;

(m) "Secretariat" means the Secretariat established under this Act;

(n) "Registrar" means the Registrar of the Secretariat.

(o) "Prescribed" means prescribed by the rules framed under this Act; and

(p) "Tribunal" means the Commercial Appellate Tribunal established under this Act

(2) The words and expressions used and not defined in this Act but defined in the Code and the Qanoon-e-Shahadat Order, 1984 (X of 1984) shall have the same meanings respectively assigned to them in that Code and the Order:

3. Commercial Courts:

(1) The Government May, by notification in the official gazette establish as many commercial courts for an area comprising one or more districts as it considers necessary to exercise jurisdiction under the Act and where it establishes more commercial courts than one, it shall specify in the notification the territorial limits within which each of the commercial courts shall exercise its jurisdiction.

- (2) A Commercial Court shall hold sitting at such places within its territorial jurisdiction as may be determined by the Government.
- (3) The Government shall, in consultation with the Chief Justice appoint a person as the Judge of a Commercial Court, if he is a District Judge or an Additional District Judge.
- (4) Subject to the provisions of this Act a commercial court shall in exercise of its jurisdiction have all the powers vested in a civil court under the code.
- (5) Subject to the provisions of this Act all suits proceedings arising from or connected with commercial disputes shall be entertained heard and decided by the commercial court.

4. Secretariat:

- (1) The Government shall, in consultation with the Chief Justice, establish a Commercial Court Secretariat for the purposes of this Act,
- (2) Subject to the provisions of this Act and the rules, the Secretariat shall perform the following functions:
 - (a) to maintain and update record and statistical data in physical and electronic form, regarding the number and nature of cases filed, pendency of such cases, status of each case and disposal of cases by Commercial Courts and the tribunal and all matters connected therewith as may be prescribed;
 - (b) to maintain case laws repository;
 - (c) to arrange trainings and continuous education of Judges;
 - (d) any other function entrusted by the Chief Justice of the High Court.
- (3) The officers and staff of the Secretariat shall be appointed by the Government on such terms and conditions as may be prescribed and until so prescribed as may be determined by the Government

5. Registrar;

- (1) The Government shall, in consultation with the Chief Justice, appoint a person as the Registrar of the Secretariat for a period of three years, if he is or has been or is qualified to be a District Judge.
- (2) The Registrar shall be responsible for performance of functions of the Secretariat and such other functions as may be assigned to him by the Government in consultation with the Chief Justice.

6. Application of the Code.

- (1) Subject to the provisions of this Act and the rules, issuance and service of summons, notices, hearing, trial and disposal of a suit under this Act shall, as nearly as possible, be in accordance with the procedure applicable under the Code.

- (2) Notwithstanding the provision of subsection (1), a Commercial Court shall, unless it directs otherwise for reasons to be recorded, order any or all the facts to be proved or disproved by affidavit and may, for the purposes of expeditious disposal, apply such other procedure as the circumstances of the case may warrant.

7. Presentation and verification of plaint.;

- (1) Every suit under this Act shall be instituted by presentation of a plaint duly verified in accordance with the provision of the Code.

- (2) On presentation of the plaint and before issuing the notices or summons it shall be the duty of the Commercial Court to prima facie, satisfy itself of the jurisdiction, cause of action and limitation through a speaking order.

- (a) The plaint shall be accompanied with:
- (b) such number of copies of the plaint with all documents annexed therewith for each defendant along with two additional copies;
- (c) list of legal heirs of the plaintiff under Order VII Rule 26 of the Code;
- (d) complete list of witnesses and their affidavits containing a gist of their testimonies;
- (e) list of documents to be produced or relied upon by the plaintiff under Order VII Rule 14 of the Code;
- (f) Case Management Questioner as provided in Form 14 in "Appendix C" of the Code; and
- (g) such other documents as may be prescribed.

On a plaint being presented to the Commercial Court, the Commercial Court shall issue summons in accordance with section 10 of this Act:

provided that no plaint shall be entertained for hearing Commercial Court if it does not fulfill the requirements of this Act and the rules.

8. Leave to defend;-

- (1) In any case in which the summon has been served Upon the defendant, the defendant shall not be entitled to defend the suit unless he obtains leave from the Commercial Court as hereinafter provided to defend the same; and, in default of his doing so, the allegations of fact in the plaint shall be deemed to be admitted and the Commercial Court may pass a decree in favor of the plaintiff on the basis thereof or such other material as the Commercial Court may require in the interests of justice.

- (2) The defendant shall file the application for leave to defend within thirty days of the date of first service by any one of the modes laid down in section 10 Provided that where service has been validly affected only through publication in the newspapers, the Commercial Court may extend the time for filing an application for leave to defend, if satisfied that the defendant did not have knowledge thereof.

- (3) The application for leave to defend shall be in the form of a written statement, and shall contain a summary of the substantial questions of law as well as fact in respect of which, in the opinion of the defendant, evidence needs to be recorded.
- (4) The plaintiff shall be given an opportunity of filing a reply to the application for leave to defend.
- (5) After filling of the application for leave to defend, the Commercial Court shall within fifteen days' complete proceedings as prescribed under Order IX-A, rule 1 of the Code.
- (6) The Commercial Court, if it deems necessary for expeditious disposal of application for leave to defend, for reasons to be recorded in writing, shall on its own motion have the power to summon official record maintained by the public authorities in respect of any matter connected with or arising from the subject matter of the suit.
- (7) The Commercial Court shall grant the defendant leave to defend the suit if upon consideration of the contents of the plaint, the application for leave to defend, the reply thereto and the proceedings mentioned in subsection (5) and (6) above, it is of the view that substantial questions of law or fact have been raised in respect of which evidence needs to be recorded.
- (8) In granting leave under sub-section (6), the Commercial Court may impose such conditions as it may deem appropriate in the circumstances of the case.
- (9) Where the application for leave to defend is accepted; the Commercial Court shall treat the application as a written statement, and in its order granting leave shall frame issues relating to the substantial questions of law or fact, and, subject to fulfillment of any conditions attached therein, fix a date for recording of evidence thereon and disposal of the suit.
- (10) Where the application for leave to defend is rejected or where a defendant fails to fulfill the conditions attached to the grant of leave to defend, the Commercial Court shall forthwith - proceed to pass judgment and decree in favor of the plaintiff against the defendant.
- (11) Subject to section 14, where a suit already pending before a Court is transferred to a Commercial Court and a written statement has been filed before the coming into force of this Act, the defendant shall be allowed a period of twenty-one days from the date of coming into force of this Act; or from the date of first hearing thereafter; whichever is later, for filing an application for leave to defend in accordance with the provisions of this Act.

(12) The application for leave to defend shall be duly verified in accordance with the provisions of the Code and shall be accompanied by:

- (a) such number of copies of the leave to defend with all documents annexed therewith for each plaintiff along with two additional copies;
- (b) the list of legal heirs of the plaintiff;
- (c) complete list of witnesses and their affidavits containing gist of their testimonies;
- (d) list of documents to be produced or relied upon by the defendant;
- (e) Case Management questioners as provided in form 15 in "Appendix C" of the code; and;
- (f) Such other document as may be prescribed.

Provided that no application for leave to defend shall be entertained for hearing by the commercial court if it does not fulfil the requirements of the Act.

9. E-filing of pleadings etc:

(1) The Government in consultation with the chief justice shall frame rules for filing of pleadings and written submission and hearing of parties including recording of evidence under this Act and all matters connected therewith or incidental thereto, through electronic means.

(2) The commercial court secretariat shall maintain a physical and electronic record of all the cases filed and pending before the commercial court along with the details of the proceedings that have taken place therein.

10. Process of summons; (1) the summons shall be served simultaneously as provided in the code.

(2) Location of bailiff for process-server serving the summons shall be monitored by modern devices, in a manner prescribed, and photograph shall be taken of the defendant or the premises or the person accepting summons on behalf of defendant and be made part of the record as a proof of delivery

11. Disposal of suits;

(1) A Commercial Court shall dispose of a suit pending before it within a period of one hundred and eighty days from the date of filing of such suit.

(2) For expeditious disposal of suits and appeals under this Act, the Commercial Court shall not grant unnecessarily adjournments and in no case more than two adjournments shall be granted for a specific purpose:

Provided that the Commercial Court under exceptional circumstances may adjourn hearing of a case for not more than seven days' subject to payment of such costs as may be determined by the Court.

(3) If the defendant fails to appear, the Commercial Court shall proceed to dispose of the suit on the basis of material before it.

- (4) The Commercial Court, if it deem necessary for expeditious disposal of the suit, for reasons to be recorded in writing, shall on its own motion have the power to summon official record maintained by the public authorities in respect of any matter connected with or arising from the subject matter of the suit.

12. Determination of costs.

- (1) Notwithstanding anything contained in any other law for the time being in force, a Commercial Court Shall have full powers to determine the costs of the suit and by whom it is payable and to give all necessary directions in this regard.

Explanation: For the purposes of this section of this expression "costs" shall mean reasonable costs relating to:

- (a) the fees and expenses of the witnesses incurred.
 - (b) legal fees and expenses incurred: and
 - (c) any other expenses incurred in connection with the proceedings.
- (2) Where the Commercial Court directs that costs shall not be granted, the Court shall state its reasons in writing.

13. Execution of decrees;

- (1) Subject to this Act and the rules the Commercial Court shall be in the conduct of execution proceedings in respect of decrees passed by it or the execution petitions or proceedings transferred under section 14 of this Act, as the case may be, follow the provisions of the Code.

- (2) Notwithstanding anything contained in the Code or any other law for the time being in force:

- (a) the Commercial Court shall follow the summary procedure for purposes of investigation of claims and objections in respect of attachment or sale of any property or maintainability of execution proceedings and shall complete such investigation within thirty days of filing of the claims or objections; and
- (b) if the claims or objections are found by the Commercial Court to be malafide or filed merely to delay the sale of the property, the Court shall impose such penalty as it deems fit in the facts and circumstances of the case

14. Transfer of pending cases :

On commencement of this Act;

- (a) All suits and execution petitions connected with or arising from commercial disputes pending in any court on the original civil jurisdiction shall stand transferred to the Commercial Court;

- (b) on transfer of suits and execution petitions under this section, the Commercial Court may proceed with the case from the stage at which it was pending immediately before such transfer and it shall not be bound to re-hear any witness who has recorded his evidence; and
- (c) all appeals and revisions arising from the orders, judgment and decree in respect of commercial disputes pending before any court before the commencement of this Act shall stand transferred to the Tribunal for adjudication.

15. Commercial Appellate Tribunals:

- (1) The Government may, by notification in the official Gazette, establish as many Tribunals as it considers necessary and, where It establishes more than one Tribunal, it shall specify territorial limits within which each one of them shall exercise jurisdiction under this Act.
- (2) A Tribunal shall consist of a Chairperson and two members who are, or have been, or are qualified for appointment as, a Judge of the High Court, to be appointed in consultation with the Chief Justice.
- (3) For every sitting of the Tribunal, the presence of the Chairperson and not less than one member shall be necessary.
- (4) A decision of the Tribunal shall be expressed in terms of the opinion of the majority, or If the case has been decided by the Chairperson and only one of the members and there is a difference of opinion between them, the decision of the Tribunal shall be expressed in terms of the opinion of the Chairperson
- (5) A Tribunal shall not, merely by reason of a change in its Composition, or the absence of any member from any sitting, be bound to recall and rehear any witness who was given evidence, and may act on the evidence already recorded by, or produced, before it
- (6) A Tribunal may hold its sittings at such places within its territorial jurisdiction as the Chairperson may decide.
- (7) No act or proceedings of a Tribunal shall be invalid by reason only of the existence of vacancy in, or defect in the constitution of the Tribunal.
- (8) The terms and conditions of service of the Chairperson and members of the Tribunal shall be such as may be prescribed.

16. Appeals;

- (1) Subject to the provisions of this Act, any person aggrieved by the judgment and decree of the Commercial Court or an order passed under sub-section (2) of section 13, may file an appeal to the Tribunal, in accordance with the provisions of the Code within a period of thirty days from the date of such judgment and decree or final order.

- (2) Notwithstanding, anything contained in any other law for the time being in force, no appeal shall lie from any decree, judgment or order of a Commercial Court otherwise than in accordance with this section.
- (3) The Tribunal shall dispose of the appeal within 120 days from the date of the filing of the appeal.
- (4) Any order, decree or judgment passed by the Tribunal involving substantial question of law and public importance shall be appealable within thirty days of such order, decree or judgement before supreme court of Pakistan subject to the satisfaction of the Supreme Court and grant of leave to appeal by the Supreme Court.

**17. Alternative
Dispute Resolution:**

Any suit or appeal relating to. a commercial dispute filed or pending in a commercial Court or Tribunal, as the case may be, shall after leave to defend or appeal is accepted be referred to alternate dispute resolution by the Commercial Court or Tribunal, in accordance with provisions of Order IX B of the Code.

**18. Power of the
High Court issue directions;**

The High Court may, by notification, issue directions to supplement the provisions of this Act or the Code insofar as such provisions apply to the hearing of commercial dispute of a specified value under this Act.

19. Overriding effect;

- (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.
- (2) No court other than a Commercial Court shall have or exercise jurisdiction with respect to any matter to which the jurisdiction of a Commercial Court extends under this Act.
- (3) Save as otherwise provided in this Act, the provisions of the Limitation Act 1908 (IX of 1908) shall apply to all suits, execution petitions, and appeals instituted or filed under this Act.

20. Finality of Order

Subject to the provisions of section 21, no court including the Commercial Court shall revise or review or call, or permit to be called, into question any proceeding, judgment, decree, sentence or order of a Commercial Court or the legality or propriety of anything done or intended to be done by the Commercial Court in exercise of jurisdiction under this Act:

Provided that the Commercial Court may, on its own accord or on application of any party, and with notice to the other party or, as the case may be, to both the parties, correct any clerical, arithmetical or typographical mistake in any judgment, decree, sentence or order passed by it.

21. Report;

(1) The Registrar shall prepare and present, after every six months, a report of the implementation of this Act to the Committee constituted by the Chief Justice.

(2) The Committee shall consist of:

- (a) two judges of the High Court to be nominated by the Chief Justice;
- (b) Secretary to the Government, Law and Parliamentary Affairs Department or his nominee; and
- (c) Secretary to the Government, Planning and Development Department or his nominee; and
- (d) Secretary to the Government, Industries & Commerce Department or his nominee.

(3) The Committee constituted under sub-section (2) may from time to time propose amendments in this Act to the Government.

22. Power to make rules

The Government may, by notification in the Official Gazette, make rules for Carrying out the provisions of this Act.

23. Removal of difficulties.

If any difficulty arises in giving effect to any of the Provisions of this Act, the Government may, by notification in the official Gazette, make such provisions, not inconsistent with provisions of this Act, as it thinks fit for removing such difficulty.

STATEMENT OF OBJECTS AND REASONS

The draft bill has been drafted in the best interest of the general masses to determine promote and protect the "The Balochistan Commercial Courts".

- To bring the reforms in the regulatory Business.
- To promote business environment in the province.
- Commerce & trade are intrinsically linked with economic growth & prosperity of the people.
- The right to the information about the quality, quantity, purity & services.


MINISTER-IN-CHARGE

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