

The Baluchistan Civil Disputes (Shariat) Application Regulation, 1976

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The Baluchistan Civil Disputes (Shariat) Application Regulation, 1976

5th December 1976

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

Whereas it is expedient to provide for the adjudication of certain civil disputes in the Tribal Areas of Baluchistan according to Muslim (Shariat) law;

Now, therefore, in exercise of the powers conferred by clauses (4) of Article 247 of the Constitution of the Islamic Republic of Pakistan, the governor of Baluchistan, with the prior approval of the president, is pleased to make the following Regulation:---

1. Short title extent and commencement.

- 1) This Regulation may be called the Baluchistan Civil Disputes (Shariat Application) Regulation, 1976.
- 2) It extends to the Tribal Areas of Baluchistan.
- 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. Adjudication of civil disputes according to Shariat.---

- 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 subsection 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 parties to a dispute of a civil nature any of whom is a non-Muslim agree to the dispute being adjudicated upon under this Regulation, such dispute shall, as far as practicable, be adjudicated upon accordingly.

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

4. Courts for adjudication or disputes under this Regulation.- 1) Notwithstanding anything contained in section 3, there shall be the following Court, 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 court in respect to judgments, decrees and orders of 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 rupees.
- 2) Every Majalis-e-Shura shall lie deemed to be a District court within the meaning of the code.
 - 3) An appeal from a judgment, decree or order of the Majalis-e-Shura shall be to the High Court.

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

- 1) The provincial Government may, by notification in the official Gazette, constitute such number or Court 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 Majalis-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 Qazi and members of Majalis-e-Shura shall be such as may be prescribed by rules made under section 6.
 - 4) The territorial limits of jurisdiction of the Court 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 of the Court of Qazi in the case shall be deemed to be the decision of the Majalis-e-Shura.

6. Power to make rules.

The provincial Government may, by notification in the official Gazette, make rules to carry into effect the purposes of this Regulation.