

**THE BALOCHISTAN CIVIL DISPUTES  
(SHARIAT APPLICATION)  
REGULATION, 1976**

**(Baln Regulation of 1976)**

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**<sup>1</sup>THE <sup>2</sup>BALUCHISTAN CIVIL DISPUTES  
(SHARIAT APPLICATION)  
REGULATION, 1976**

**(Baluchistan Regulation of 1976)**

[5<sup>th</sup> December, 1976]

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

Preamble.

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 clause (4) of Article 247 of the Constitution of the Islamic Republic of Pakistan<sup>3</sup>, the Governor of Baluchistan, with the prior approval of the President, is pleased to make the following Regulation: —

Short title, extent and commencement.

1. (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.

Adjudication of Civil disputes according to Shariat.

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

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<sup>1</sup> This Regulation was promulgated by the Governor of Baluchistan; published in the Baluchistan Gazette (Extraordinary) No. 50-A, dated 5<sup>th</sup> December, 1976.

<sup>2</sup> Spelling of the word "Baluchistan", wherever it appears in this Regulation, is corrected by insertion of letter "o" instead of "u"; as per Government of Baluchistan, S&GAD's Notification No. SORI (4) 6/ S&GAD-89, dated 18<sup>th</sup> June, 1989.

<sup>3</sup> That is Constitution of Islamic Republic of Pakistan 1973; published in the Gazette of Pakistan, dated 12<sup>th</sup> April, 1973.

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

Act V of 1908, Act I of 1872 and Act IX of 1908 to apply.

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.

Courts for Adjudication of disputes 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 court in 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 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.

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

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 determine 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 itrespective 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 rules.

6. (1) The Provincial Government may, by notification in the official Gazette, make rules<sup>1</sup> 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.

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<sup>1</sup> 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<sup>th</sup> April, 1980.

Transfer of pending cases to Courts of Qazi and Majalis-e-Shura.

7. Upon the coming into force of this Regulation in any area, all suits and appeals pending in any District Court or a Civil Court subordinate thereto, or in any tribunal, involving a dispute which under this Regulation is to be adjudicated upon by a Court of Qazi or Majalis- 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.

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