



The Punjab Gazette

PUBLISHED BY AUTHORITY

LAHORE THURSDAY, APRIL 30, 2020

**GOVERNMENT OF THE PUNJAB
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT**

NOTIFICATION

(52 of 2020)

30 April 2020

Notification No. Legis: 5-5/2020/2160, dated 30.04.2020, issued by the Government of the Punjab, Law and Parliamentary Affairs Department is hereby published in the Official Gazette for general information.



**"GOVERNMENT OF THE PUNJAB
LAW AND PARLIAMENTARY AFFAIRS
DEPARTMENT**

Dated, Lahore 30 April 2020

NOTIFICATION

No. .- In exercise of the powers conferred under section 23 of the Punjab Alternate Dispute Resolution Act 2019 (XVII of 2019), Governor of the Punjab is pleased to make the following rules:

1. Short title and commencement.- (1) These rules may be cited as the Punjab Alternate Dispute Resolution Rules 2020.

(2) They shall come into force at once.

2. Definitions.- (1) In the rules:

- (a) "Act" means the Punjab Alternate Dispute Resolution Act 2019 (XVII of 2019);
- (b) "authority" means the accreditation authority notified under the Act;
- (c) "format" means a format attached with the rules; and
- (d) "rules" mean the Punjab Alternate Dispute Resolution Rules 2020.

(2) A word used but not defined in the rules shall have the same meaning as assigned to it in the Act.

3. Eligibility for accreditation.- (1) The persons with following qualifications may be eligible to act as ADR service providers:

- (a) a professional including engineer, doctor, financial expert or retired civil servant (not below the rank of BS-17), with relevant qualification and experience in alternate dispute resolution; or
- (b) a retired judge of a High Court or retired District and Sessions Judge or Additional District and Sessions Judge having age not more than seventy years and who is physically and mentally sound; or
- (c) an advocate High Court with at least ten years active practice and have relevant experience; or
- (d) a duly registered law firm or company.

(2) The following persons shall not be eligible for consideration as ADR service providers:

- (a) who have been adjudged insolvent; or
- (b) against whom criminal charges involving moral turpitude have been framed by a criminal court; or
- (c) who have been convicted by a criminal court for an offence involving moral turpitude; or
- (d) who have been punished in disciplinary proceedings or retired in consequence of that proceedings; or
- (e) who have been involved in corruption; or
- (f) who have bad repute.

4. Procedure for accreditation.- (1) An application containing complete name, address, contact details of the applicant along with certified copies of the following documents shall be made to the authority for accreditation as an ADR Service provider or ADR centre:

- (a) valid computerized national identity card (CNIC) in case of ADR service provider;
- (b) certificate of incorporation under the Companies Act, 2017 (XIX of 2017), in case of ADR centre;
- (c) list of alternate dispute resolution cases dealt with; and
- (d) experience certificate issued by the competent authority.

(2) The authority itself or through its authorized officer shall examine the application received under sub-rule (1) and may confirm the truthfulness of the information provided therein, inquire into the genuineness of the documents attached thereto, and in case of an ADR centre, satisfy that the ADR centre has:

- (a) sufficient rooms and offices required for the purpose of conducting ADR proceedings; and
- (b) minimum three experts including at least one legal expert, one financial expert and one negotiator.

(3) The authority or its authorized officer may, subject to recording reasons in writing, require additional information or documents or both from the applicant.

(4) In case of examination of application by the authorized officer, a detailed report along with recommendations shall be submitted to the authority within a given time for decision.

(5) The authority may accredit an applicant for an extendable period of three years subject to passing a written examination conducted by the authority.

(6) In case of dis-satisfaction with the examination, inspection or recommendations of the authorized officer, the authority shall return the case after recording specific points for further examination and inspection by the authorized officer who shall submit its report along with recommendations to the authority within given time.

(7) The authority shall decide the application within a period of three months from the date of its receipt.

(8) In case of rejection of application, the authority shall record reasons of such rejection and inform the applicant in writing.

5. Cancellation of accreditation.- (1) The authority may, on its own information or upon receipt of a complaint, after conducting such inquiry as it may deem fit and subject to recording reasons in writing, cancel the accreditation of an ADR service provider or ADR centre accredited under the rules.

(2) The authority shall, before cancellation of accreditation of ADR service provider or ADR centre under sub-rule (1), provide an opportunity of hearing to the ADR service provider or ADR centre, as the case may be.

6. Procedure for ADR proceedings.- (1) In a case, specific date and time for appearance before the ADR service provider or ADR centre has not been given by the court, the ADR service provider or ADR centre, as the case may be, after receipt of reference shall immediately issue a notice to the parties through an urgent mail service (UMS) with acknowledgement due and Tranzum Courier Services (TCS) for appearance.

(2) The parties shall appear in person or through authorized representative or attorney before the ADR service provider or in the ADR centre on the date and time as given by the court or in the notice.

(3) In case of non-appearance, a fresh notice shall be issued and if a party, in spite of three consecutive notices, fails to appear, the matter shall be reported in writing to the court for further directions.

(4) The proceedings may be adjourned, but not for more than three days, on the genuine request of a party or parties.

(5) The ADR service provider or ADR centre, as the case may be, shall inform the court in writing if any undue influence, pressure or any unfair means are used by the parties for a favorable decision.

(6) If during the course of proceedings, ADR service provider or ADR centre finds that there is any conflict of interest, the matter shall be reported in writing to the court.

(7) If during the course of proceedings, a party finds that the ADR service provider or ADR centre is prejudice or partial or has conflict of interest, it may report the matter in writing to the court.

(8) If the dispute with free consent of the parties is settled or agreed, the settlement, award or agreement, as the case may be, shall be recorded in writing in presence of the parties.

(9) The settlement, award or agreement recorded under sub-rule (8) shall be signed along with thumb impressions by the parties, their

representatives or attorneys, if any, witnesses and the ADR service provider or ADR centre in their presence.

(10) The settlement, award or agreement completed under sub-rule (9) shall be submitted in original along with duly filled format to the court immediately.

(11) If parties fail to settle the dispute within given time frame, the matter on a prescribed format along with complete report in writing shall be submitted to the court.

7. Documentation of a decision.- ADR service provider and ADR centre shall retain a copy of the settlement, award or agreement, notices or any other document or communication made in writing during the ADR proceedings.

8. Code of conduct for accredited ADR service provider and ADR centre.- The accredited ADR service provider and ADR centre shall follow the following code of conduct:

- (a) parties shall be informed in detail about their roles;
- (b) parties shall be informed that they are independent in making their decision;
- (c) ADR service provider and ADR centre shall reasonably ensure that parties understand completely the alternate dispute resolution process;
- (d) no legal or professional advice shall be provided to the parties by the ADR service provider and ADR centre;
- (e) parties shall be encouraged to resolve their dispute;
- (f) parties shall be advised for possible solutions and terms of settlement;
- (g) parties shall be facilitated by encouraging communication and negotiation;
- (h) only impartial views and opinions on the matter under issue shall be provided by the ADR service provider and ADR centre;
- (i) parties may be advised to consult or seek independent legal advice from their attorneys for independent decision;
- (j) parties shall be informed about the circumstances, if any, affecting independence and impartiality of dispute resolution;
- (k) ADR service provider and ADR centre shall not have any conflict of interest in the matter in dispute;
- (l) ADR service provider and ADR centre shall not have any personal interests or unauthorized benefits in the disputed matter;
- (m) respect and honour of parties during the course of dispute resolution shall be ensured;
- (n) ADR service provider and ADR centre shall have professional skills and abilities for alternate dispute resolution;
- (o) ADR service provider and ADR centre shall maintain good repute;

- (p) ADR service provider and ADR centre shall follow the ethical values and social norms during the course of dispute resolution;
- (q) ADR service provider and ADR centre shall not cause undue delay in resolution of a dispute between the parties;
- (r) ADR service provider and ADR centre shall not promise or guarantee to any party for settlement or specific results;
- (s) ADR service provider and ADR centre shall not impose any terms of settlement on the parties;
- (t) ADR service provider and ADR centre, during the course of dispute resolution, shall not exhibit or display a conduct which is unbecoming of a facilitator;
- (u) date, time and schedule for each session of a dispute resolution shall be fixed in consultation with parties;
- (v) the proceedings of dispute resolution shall be conducted at the ADR centre or at any convenient place agreeable by the parties in case of service provider;
- (w) ADR service provider and ADR centre shall facilitate and assist the parties in reducing misunderstandings, clarifying priorities and exploring areas of compromise to resolve the dispute; and
- (x) ADR service provider and ADR centre shall always act in good faith.
- (y) proper arrangements shall be made and peaceful atmosphere shall be ensured during the dispute resolution proceedings.

**SECRETARY
GOVERNMENT OF THE PUNJAB
LAW AND PARLIAMENTARY AFFAIRS
DEPARTMENT**

FORMAT FOR DECISION MAKING
(see rule 7)

Case No. _____ of _____

Referring court _____ dated _____

Parties details:

VS

Decision of the reference:

Signature & Stamp
ADR service provider/ADR centre"

Date: ____ / ____ / ____

NAZIR AHMAD GAJANA
Secretary
Government of the Punjab
Law and Parliamentary Affairs
Department