

**THE PUNJAB ALTERNATE DISPUTE RESOLUTION
(AMENDMENT) ACT 2023
(III of 2023)**

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TEXT

**'THE PUNJAB ALTERNATE DISPUTE RESOLUTION (AMENDMENT) ACT
2023
(III of 2023)**

[03 February 2023]

An
Act

to amend the Punjab Alternate Dispute Resolution Act 2019.

It is necessary to amend the Punjab Alternate Dispute Resolution Act 2019 (XVII of 2019) for the purposes hereinafter appearing.

Be it enacted by the Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Alternate Dispute Resolution (Amendment) Act 2023.

(2) This Act shall come into force at once.

2. Amendment of section 2 of Act XVII of 2019.— In the Punjab Alternate Dispute Resolution Act 2019, for brevity referred to as 'the Act', in section 2:

(a) for clause (c), the following shall be substituted:

“(c) “ADR service provider or ADR center” means ADR service provider or ADR center accredited under the Act;”;

(b) after clause (d), the following new clause (dd) shall be added:

“(dd) “Authority” means the accreditation Authority notified under section 21 of the Act;”;

(c) after the newly inserted clause (dd), the following clause (ddd) shall be inserted:

“(ddd) “Chairperson” means the Chairperson of the Authority;”;

(d) in clause (e), after the expression “(V of 1898)”, the following shall be inserted:

“or, as the case may be, Code of Civil Procedure, 1908 (V of 1908);”;

(e) clause (f) shall be omitted;

(f) after clause (g), the following clause (gg) shall be inserted:

“(gg) “Director General” means the Director General of the Authority;” and

(g) clause (i) shall be omitted.

¹This Act was passed by the Provincial Assembly of the Punjab on 09 January 2023; and was assented to by the Governor of the Punjab on 23 January 2023; and was published in the Punjab Gazette (Extraordinary), dated: 03 February 2023, pp. 3743-3746.

- 3. Amendment of section 3 of Act XVII of 2019.**- In the Act, in section 3:
- (a) in subsection (1), for the words “of appearance of the defendants”, the words “from the date of filing of written statement by the defendant” shall be substituted;
 - (b) in subsection (2), after the abbreviation “ADR” occurring for the first time, the word “person” shall be inserted;
 - (c) in subsection (3), after the abbreviation “ADR” wherever occurs, the word “person” shall be inserted;
 - (d) in subsection (4), after the abbreviation “ADR” occurring for the first time, the word “person” shall be inserted;
 - (e) in subsection (4), in second proviso, for the words “six months”, the expression “120 days” shall be substituted; and
 - (f) in subsection (5), after the abbreviation “ADR” occurring for the first time, the word “person” shall be inserted.
- 4. Amendment of section 4 of Act XVII of 2019.**- In section 4:
- (a) in subsection (1), after the abbreviation “ADR”, the word “person” shall be inserted;
 - (b) in subsection (2), after the abbreviation “ADR”, the word “person” shall be inserted;
 - (c) in subsection (2), in clause (b), for the word “agreement”, the word “consent” shall be substituted;
 - (d) in subsection (3):
 - (i) after the abbreviation “ADR” occurring for the first time, the word “person” shall be inserted;
 - (ii) for the word “ninety”, the word “sixty” shall be substituted; and
 - (iii) in the proviso, for the figure “90”, the word “sixty” shall be substituted; and
 - (e) in subsection (4), after the abbreviation “ADR” occurring for the first time, the word “person” shall be inserted.
- 5. Amendment of section 6 of Act XVII of 2019.**- In the Act, in section 6, after the abbreviation “ADR” appearing in the heading and in subsection (1), the word “person” shall be inserted.
- 6. Amendment of section 7 of Act XVII of 2019.**- In the Act, in section 7:
- (a) for subsection (1), the following shall be substituted:
“(1) The parties to the case may, with their mutual consent, select ADR person who shall undertake ADR.”; and
 - (b) in subsection (2), for the word “or” occurring for the second time, the word “and” shall be substituted.

7. Substitution of section 8 of Act XVII of 2019.- In the Act, for section 8, the following shall be substituted:

“8. Return to court.- (1) A case referred to ADR person shall be returned to the court on completion of ADR proceedings or on the expiry of the time provided under section 3 or 4 of the Act, whichever is earlier, in such manner as may be prescribed.

(2) An ADR service provider or an ADR center or ADR person shall retain a copy of the settlement, award or agreement, notices and any other document or correspondence made in writing during the ADR proceedings.”.

8. Amendment of section 11 of Act XVII of 2019.- In the Act, in section 11:

(a) in subsection (1):

(i) in clause (b), for the word “counsel”, the word “counsels” shall be substituted;

(ii) clause (c) shall be omitted; and

(b) in subsection (3), for the word “services”, the word “service” shall be substituted.

9. Amendment of section 12 of Act XVII of 2019.- In the Act, in section 12, in subsection (2), for the word “another”, the word “other” shall be substituted.

10. Amendment of section 15 of Act XVII of 2019.- In the Act, in section 15:

(a) in subsection (1), the words “except provided by this section” shall be omitted; and

(b) subsection (2) shall be omitted.

11. Amendment of section 17 of Act XVII of 2019.- In the Act, in section 17, the word “Order”, wherever occurs, shall be omitted.

12. Substitution of section 21 of Act XVII of 2019.- In the Act, for section 21, the following shall be substituted:

“21. Authority.- (1) The Law and Parliamentary Affairs Department of the Government shall, through a notification to be published in the official Gazette, notify the following Authority:

(a) a retired judge of the Lahore High Court recommended by the Chief Justice, Lahore High Court;	Chairperson
(b) Secretary to the Government, Law and Parliamentary Affairs Department or his nominee not below the rank of Additional Secretary/Director;	Member
(c) Secretary to the Government, Finance Department or his nominee not below the rank of Additional Secretary;	Member

(d) Secretary to the Government, Public Prosecution Department or his nominee not below the rank of Additional Secretary;	Member
(e) six experts each from Law, Engineering, Accounting, Banking, Audit and Finance recommended by the Chief Justice, Lahore High Court; and	Members
(f) Director General.	Member/ Secretary

(2) The Chairperson shall serve for a period of three years from the date of notification under subsection (1).

(3) The Chairperson shall be entitled to such perks and privileges as may be determined by the Government, but such perks and privileges shall not be less than those which had lastly been drawn by the incumbent at the time of his retirement.

(4) The non-official members, provided at clause (e) of subsection 1, shall be appointed for a period of two years and entitled to such perks and privileges as may be determined by the Government.

(5) The Chief Minister may, at any time, subject to such reasons and in such manner as may be prescribed, remove the Chairperson and the members provided at clauses (e) and (f) of subsection (1) after consulting the Chief Justice, Lahore High Court.

(6) If any vacancy occurs in the office of the Chairperson or the members provided at clauses (e) and (f) of subsection (1) due to resignation, removal or any other reason, the Chairperson and the members provided at clauses (e) and (f) of subsection (1) shall be appointed for the remaining period.

(7) The quorum for a meeting of the Authority shall be five members including the Chairperson unless the Chairperson decides otherwise.

(8) The Government shall provide requisite funds to the Authority to perform its functions under the Act and the rules.

(9) The recruitment of the employees of the Authority shall be made on such terms and conditions as may be prescribed.

(10) The Authority shall accredit ADR service providers and ADR centers in such manner and on payment of such fee as may be prescribed.”.

13. Insertion of section 21-A of Act XVII of 2019.- In the Act, after section 21, the following section 21-A shall be inserted:

“21-A. Director General.- (1) The Chief Minister shall, on the recommendation of the Chief Justice, Lahore High Court, appoint a Director General of the Authority from amongst the retired District and Sessions Judges for a period of two years.

(2) The Director General shall be entitled to such perks and privileges as

may be determined by the Government, but such perks and privileges shall not be less than those which had lastly been drawn by the incumbent at the time of his retirement.

(3) The Director General shall also be the Secretary of the Authority and shall perform such functions as may be assigned to him by the Chairperson or the Authority, or as may be prescribed.”.

14. Amendment of section 22 of Act XVII of 2019.- In the Act, in section 22, for the words “rules made under the Act”, the word “court”, shall be substituted.

15. Amendment of section 24 of Act XVII of 2019.- In the Act, in section 24, the expression “, in consultation with the Lahore High Court Lahore,” shall be omitted.

16. Insertion of section 24-A of Act XVII of 2019.- In the Act, after section 24, the following section 24-A shall be inserted:

“24-A. Public servants.— The Chairperson, the non-official members, the Director General and employees of the Authority acting or purporting to act in pursuance of any provision of the Act, shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code, 1860 (XLV of 1860).”.

17. Amendment of section 25 of Act XVII of 2019.- In the Act, in section 25, the expression “, within two years of the commencement of the Act,” shall be omitted.

18. Amendment of SCHEDULE-I of Act XVII of 2019.- In the Act, in SCHEDULE-I, in the entry at serial number (3), after the words “relating to”, the words “ownership and” shall be inserted.