

[AS PASSED BY THE SENATE]

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BILL

to provide for alternative dispute resolution

WHEREAS the State is required to ensure inexpensive and expeditious justice;

AND WHEREAS an alternative dispute resolution system can facilitate settlement of disputes expeditiously without resort to formal litigation;

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Alternative Dispute Resolution Act, 2017.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,—

(a) 'Alternative Dispute Resolution (ADR)' means a process in which parties resort to resolving a dispute other than by adjudication by Courts and includes, but is not limited to, arbitration, mediation, conciliation and neutral evaluation;

(b) 'ADR Centre' means the ADR Centre notified by the Federal Government for the purposes of this Act;

- (c) 'arbitration' means a process by which parties submit a dispute to the decision of a Neutral person or persons appointed by mutual consent or under a statutory or contractual provision;
- (d) 'award' means an arbitration award;
- (e) 'conciliation' means a process in which a neutral person encourages the parties to resolve their civil or commercial disputes voluntarily including by advising on possible solutions and terms of settlement;
- (f) 'Court' means any court, tribunal or quasi-judicial fora having original jurisdiction;
- (g) 'Government' means the Federal Government;
- (h) 'High Court' means the High Court concerned;
- (i) 'mediation' means a process in which a Mediator facilitates dispute resolution by encouraging communication and negotiation between the parties, in order for them to arrive at a mutually satisfactory agreement;
- (j) 'Neutral' includes an arbitrator, conciliator, evaluator and mediator or any other impartial person who is included in the panel;
- (k) 'panel' means the panel of Neutrals notified under section 4;
- (l) 'prescribed' means prescribed by rules made under this Act;
- (m) 'rules' means the rules made under this Act;
- (n) 'Schedule' means a Schedule annexed to this Act; and
- (o) 'settlement' means the agreement reached between the parties as a result of successful ADR, other than an award.