



THE CONCILIATION COURTS ORDINANCE, 1961



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Schedule

PART I.

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THE CONCILIATION COURTS ORDINANCE, 1961.

¹ORDINANCE NO. XLIV OF 1961

[28th November, 1961]

An Ordinance to make provision for the establishment of Conciliation Courts.

WHEREAS it is expedient to make provision for the establishment of Conciliation Courts to enable people to settle certain disputes through conciliation, and for matters connected therewith ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Conciliation Courts Ordinance, 1961.

(2) It extends to the whole of Pakistan.

¹ The Ordinance has been amended in its application to the Province of West Pakistan by West Pakistan Act 13 of 1963, s. 2 (with effect from the 15th July, 1963); and by West Pakistan Ordinance XI of 1966, ss. 3, 15 and 16 (with effect from the 4th April, 1966).

The Ordinance has been extended to the Tribal Areas of Quetta Division by West Pakistan Regulation No. I of 1964, s.2 (with effect from the 25th August, 1964).

This Ordinance has been repealed in its application to the Province of Punjab, by Punjab Act No. XXXIV of 1975, s. 233.

This Ordinance has been amended to the extent of Islamabad Capital Territory, see Ordinance No. XXVII of 1981, s. 5 and 4th Sch.

(3) It shall come into force on such date¹ as the ²[Federal Government] may, by notification in the Official Gazette, appoint in this behalf.

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

- (a) “cognizable offence” means a cognizable offence as defined in section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898) ;
- (b) “Conciliation Court” means a Conciliation Court constituted under this Ordinance ;
- [(c) “Controlling Authority” means ⁴[an officer appointed by Government to be the Controlling Authority for purposes of this Ordinance.]

(it extends only to the Islamabad Capital Territory)

- (c) “Controlling Authority” means (Sessions Judge).

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- (d) “decree” means a decree as defined in section 2 of the Code of Civil Procedure, 1908 (Act V of 1808);
 - (e) “District Judge” shall include an Additional District Judge, a Subordinate Judge and a Civil Judge ;
 - (f) “Government” in relation to any local area in a Province, means the Provincial Government, and in relation to Cantonments, the ²[Federal Government] ;

(it extends only to the Islamabad Capital Territory)

- (f) “Government”, in relation to any local area in a Province, means the Provincial Government, and in relation to Cantonments [and the Islamabad Capital Territory,] the Federal Government.

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- ⁵[(ff) “law relating to local government” means the Punjab Local Government Ordinance, 1979 (Punjab Ordinance No. VI of 1979), the Sind Local Government Ordinance, 1979 (Sind Ordinance No. XII of 1979), the North-West Frontier Province Local Government Ordinance, 1979 (N.W.F.P. Ordinance No. IV of 1979), the Baluchistan Local Government Ordinance, 1980 (Baluchistan Ordinance No. II of 1980), the Capital Territory Local Government Ordinance, 1979 (XXXIX of 1979), or, as the case may be, the Cantonments Act, 1924 (II of 1924) ;]

- (g) “party” shall include any person whose presence as such is considered necessary for a proper decision of the dispute and whom the Conciliation Court adds as a party to such dispute ;

¹The 1st day of March, 1962, see Gaz. of P., 1962, Ext., p. 234c.

²Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

³Subs. *ibid.*, Art. 2 and Sch., for cl. (c).

⁴Subs. by the Conciliation Courts (Amdt.) Ordinance, 1982 (18 of 1982), s. 2, for “the Deputy Commissioner”.

⁵Cl. (ff) *ins. ibid.*

¹[(h) “prescribed” means prescribed by rules made under this Ordinance ;

(i) “Union Council” means a Union Council constituted under a law relating to local government and, except in the Schedule, includes a Town Committee so constituted;

(j) “ward” means a ward, an electoral unit or an electoral ward of a city, municipality or cantonment constituted under a law relating to local government.]

3. Cases referable to conciliation.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or in the Code of Civil Procedure, 1908 (Act V of 1908),—

(a) all cases falling under Part I of the Schedule shall, save as otherwise provided, hereinafter be referred to conciliation under this Ordinance, and no civil or criminal court shall have jurisdiction to try any such case ; and

(b) any of the cases falling under Part II of the Schedule may be so referred if all the parties thereto agree to such a reference.

(2) The following cases relating to matters falling under Section B of Part I of the Schedule or under Section B of Part II thereof shall be excluded from conciliation, namely :—

(a) cases in which the interest of a minor is involved;

(b) cases where provision for arbitration has been made in a contract between the parties ;

(c) cases by or against the ²[Federal] or a Provincial Government or a public corporation or a public servant acting in the discharge of his duty ;

(d) cases which according to the customary law of a community are referable to a community *panchayat*.

³[(3) Government may, by notification in the official Gazette, amend the Schedule so as to—

(a) add thereto any class of cases relating to such disputes between private parties as are of a local nature and are capable of settlement by compromise ;

(b) omit any entry therefrom ; or

(c) alter or modify any entry therein.]

¹Subs. by the Conciliation Courts (Amdt.) Ordinance, 1982. (18 of 1982) s. 2 for cls (h) and (i).

²Subs. by F.A.O., 1975, Art. 2 and Table, for “Central”.

³Subs. by the Ord (18 of 1982) s. 3, for sub-section (3).

