

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT

NOTIFICATION

Peshawar, dated the 11.03.2021.

No. SO (Jud)/HD/P-214/2019- In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Alternate Dispute Resolution Act, 2020 (Khyber Pakhtunkhwa Act No. XLVIII of 2020), the Government of Khyber Pakhtunkhwa is pleased to make the following rules, namely;

THE KHYBER PAKHTUNKHWA ALTERNATE
DISPUTE RESOLUTION RULES, 2021.

1. Short title, application and commencement.--- (1) These rules may be called the Khyber Pakhtunkhwa Alternate Dispute Resolution Rules, 2021.

(2) These rules shall apply to whole of the Province of Khyber Pakhtunkhwa.

(3) These rules shall come into force at such date as the Department may, by notification in the official Gazette, appoint and different dates may be so appointed for different districts of the Province of Khyber Pakhtunkhwa.

2. Definition.---(1) In these rules, unless there is anything repugnant in the subject or context, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- (a) "Act" means the Khyber Pakhtunkhwa Alternate Dispute Resolution Act, 2020 (Khyber Pakhtunkhwa Act No. XLVIII of 2020);
- (b) "Appendix" means Appendix appended to these rules;
- (c) "Code of Conduct" means the Code of Conduct as specified by the Department under section 24 of the Act;
- (d) "Commissioner" means the Commissioner of the Division concerned; and
- (e) "panel " means the panel of Saliseen.

(2) Words and expressions, used but not defined under these rules, shall have the same meanings as are assigned to them under the Act.

3. Saliseen Selection Committee.--- (1) The Department shall notify Saliseen Selection Committee for each Division, as mentioned in sub section (2) of section 7 of the Act.

4. Qualification and number of Saliseen.---(1) The Saliseen shall have such qualification, experience and age limit as provided in **Appendix-I**.

(2) The Saliseen Selection Committee shall be at liberty to select as many number of Saliseen for a district, depending on the availability and interest of the applicants:

Provided that the maximum number of Saliseen for a district shall not be more than fifty (50):

Provided further that the Department may, upon request of the Commissioner, increase the number of Saliseen for a district on need basis.

5. Selection of Saliseen.---(1) The Deputy Commissioner of the concerned district shall propose a list of persons, meeting the qualification mentioned in rule 4 of these rules for their nomination as Saliseen and get their willingness.

(2) The Deputy Commissioner concerned shall verify the list of Saliseen to the effect of their repute and integrity, through the District Intelligence Coordination Committee.

(3) The Deputy Commissioner, after verification of each nominee under sub-rule (2) above, shall forward the list of nominees to the Commissioner, being Chairman of Saliseen Selection Committee.

(4) The Commissioner shall call a meeting of the Saliseen Selection Committee, by intimating all the members.

(5) Decision of the Saliseen Selection Committee shall be with majority of vote. In case of tie, the Chairman of the Saliseen Selection Committee shall cast a decisive vote.

(6) Proceedings of the Saliseen Selection Committee shall be recorded in writing and proper record of all the process shall be maintained by the Deputy Commissioner.

(7) After approving a panel by the Saliseen Selection Committee, the Commissioner shall notify the panel for each district and copy of the Notification shall be invariably provided to the concerned person, the Deputy Commissioner and the District and Sessions Judge of the concerned district.

(8) Saliseen shall be selected for a period of three years and the period may be renewed upon satisfactory performance.

(9) Every Salis, selected under the Act and these rules, may undergo mandatory training, as prescribed by the Department, from time to time.

6. Addition and nomination of Salis in the panel.--- (1)The Saliseen Selection Committee may add a Salis, in the panel, subject to the fulfillment of the provisions of rule 5 of these rules.

(2) The referring authority may, for reasons to be recorded in writing, provisionally nominate such other persons otherwise qualified under these rules, as Saliseen, from outside the panel, at the request of the parties, for any given dispute, to be referred for Alternate Dispute Resolution, on case to case basis, subject to provision of sub-rule (2) of rule 10 of these rules:

Provided that the Saliseen, so nominated, shall submit, in writing, to the effect that they shall adhere to the Act, these rules and code of conduct to be specified.

