

CHAPTER - XI

MUSALIHAT ANJUMAN

SECTION 102: CONSTITUTION OF MUSALIHAT ANJUMAN.

(1) In each Union, a Musalihat Anjuman shall be constituted consisting of a panel of three Musaleheen (Conciliators) one of whom shall be its Convenor to be selected by the Insaf Committee of the Union Council, within thirty days after its election, from amongst the residents of the Union who are publicly known to be persons of integrity, good judgment and command respect:

Provided that the Union Nazim, Naib Union Nazim or the members of the Union Council may not be appointed as Musaleheen (Conciliators).

(2) Any casual vacancy in the panel of Musaleheen (Conciliators) shall be filled by the Insaf Committee, as soon as practicable after occurrence thereof.

(3) The Musaleheen (Conciliators) shall be selected for the term of the Union Council or until replaced earlier:

Provided that Musaleheen (Conciliators) shall be eligible for re-selection.

(4) Where in the opinion of the Insaf Committee, a Musleh (Conciliator) is accused of consistent partiality and malpractices in performance of his functions, the Insaf Committee may, subject to notice to show cause, remove such Musleh (Conciliator) and select another Musleh (Conciliator) in his place.

SECTION 103: ENCOURAGEMENT FOR AMICABLE SETTLEMENT OF DISPUTES.

The Union Nazim, Members of the Insaf Committee and Musaleheen (Conciliators) shall use their good offices to achieve the amicable settlement of disputes amongst the people in the Union through mediation, conciliation and arbitration, whether or not any proceedings have been instituted in a Court of law in respect of such disputes:

Provided that such settlement shall be carried out in such case where all parties to the dispute agree thereto and no fee shall be charged for such settlement:

¹²⁴*[Provided further that in bringing parties to a dispute to an amicable settlement, Musalihat Anjuman shall have regard to the provisions of Section 345 of the Code of Criminal Procedure (Act V of 1898). Hudood laws and all other laws for the time being in force where under certain offences are not compoundable.*

Provided also that every settlement brought by Musalihat Anjuman in a case pending before a Court shall be subject to the approval of such Court.]

Explanation. For the purpose of this section, the expression 'dispute' relates to disputes amongst the individuals, whether of civil or criminal nature.

SECTION 104: COURTS MAY REFER CASES TO MUSALIHAT ANJUMAN.

(1) Any Court of competent jurisdiction may, in a case where it deems appropriate, refer a matter to the Musalihat Anjuman through the Union Nazim for settlement.

(2) The Court making a reference to Musalihat Anjuman for settlement of a dispute under sub-section (1) may lay down the procedure for summoning the parties to the dispute, the terms of reference, the period during which settlement is to be made, the manner in which report of the settlement is to be submitted and such other matters as it may deem appropriate for resolution of the dispute.

(3) Where on a reference made by the Court under sub-section (1), the dispute is settled between the parties, the Court may make such settlement as rule of the Court.

(4) The Musalihat Anjuman shall inform the Court if the dispute is not settled within the time fixed by the Court or, may ask for extension in time for settlement of the dispute.

SECTION 105: APPOINTMENT OF MUSLEH (CONCILIATOR) FOR INDIVIDUAL CASES.

Where in a dispute the parties request for appointment of a person other than the Museleheen (Conciliators) in the panel referred to in Section 102 in a particular case as a Musleh (Conciliator), the Union Nazim may, in consultation with the Insaf Committee, appoint such person as Musleh (Conciliator) for that case.

SECTION 106: PROCEDURE OF SETTLEMENT OF DISPUTES.

(1) The Convener of the Musalihat Anjuman selected under Section 102 shall -

- (a) convene meetings of the Musalihat Anjuman as necessary and at such place or places in the Union as he considers appropriate; and
- (b) conduct the proceedings in an informal manner as he considers with the object to bring an amicable settlement between the parties.

(2) No legal practitioners shall be permitted to take part in the proceedings on behalf of any party.

(3) The report of the Musaleheen (Conciliators) shall be recorded in writing and copies thereof shall be provided to the parties attested by the Secretary of the Union.

