



Alternative Dispute Resolution (ADR) :A Case Study of Punjab

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DEDICATION

This thesis is dedicated to my beloved Parents and my little niece Haleema.

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Abstract

Alternative Dispute Resolution (ADR) emerges as a judicious recourse to resolve legal conflicts, circumventing the protracted judicial processes. Its efficacy in mitigating expenses and time investment in comparison to traditional litigation is evident. In the context of Punjab's Judiciary, the mounting backlog of cases has precipitated inordinate delays in dispensing justice. In response, Alternative Dispute Resolution (ADR) Centres have been instituted across Punjab's 36 districts, aimed at administering mediations with the concurrence of disputing parties. This concerted effort seeks to alleviate the court's workload, concurrently fostering cost and time efficiencies. Nonetheless, apprehensions loom among the populace, particularly legal practitioners and adjudicators in Punjab, regarding the adaptability of the ADR framework to contemporary methods. The prevailing ADR structure in Pakistan encounters pivotal deficiencies, primarily stemming from deficient public awareness and limited judicial endorsement. Consequently, the credibility of the ADR mechanism wanes, impeding the resolution of backlog and exacerbating localized disputes. This study endeavors to illuminate judicious strategies for the Pakistani Judiciary to assimilate ADR methodologies within the prevailing framework. It embarks on discerning solutions to identified quandaries and scrutinizing lawyers' roles and perspectives in relation to ADR. Employing a mixed-method approach, this research amplifies the need for heightened cognizance, adept strategies, and efficacious implementations to alleviate case congestion within the courts. While ADR processes are extant in Pakistan, the study underscores the necessity for proactive measures to surmount the backlog challenge.

CHAPTER 1

Introduction

1.1. Background

The resolution of conflicts and disputes through non-violent means is a fundamental element of any efficient community. Traditional legal systems rely on courts to administer justice and resolve legal conflicts. However, the increasing number of cases and resulting backlog have disrupted the timely delivery of justice, leaving litigants waiting for extended periods. This backlog not only hampers the effectiveness of the legal system but also contributes to community dissatisfaction, stress, and tensions.

In response to these challenges, Alternative Dispute Resolution (ADR) has emerged as a promising strategy outside the traditional court system (Brett, 2015). Alternative Dispute Resolution (ADR) encompasses a range of non-conventional approaches to conflict resolution and dispute settlement, serving as viable alternatives to conventional methods. The process involves the engagement of a neutral third party, commonly referred to as a mediator or arbitrator, to facilitate the resolution of a conflict between involved parties by assisting them in reaching a mutually acceptable agreement (Block, 2016).

All alternative dispute resolution (ADR) processes share the objective of encouraging parties to direct their attention towards the matters at hand. They seek to afford parties the chance to express their viewpoints on the situation, often for the first time, while also facilitating a clear and comprehensive understanding of each other's perspectives (Blazer et al., 2021). Additionally, these processes offer parties a window of opportunity to identify shared interests and areas of agreement, and to collaboratively develop settlement options that are mutually acceptable in order to resolve the issues in dispute.

A range of dispute resolution techniques exists, encompassing various processes including fact-finding, negotiation, arbitration, mediation, early neutral evaluation, settlement conferences, and adjudication. These techniques aim to facilitate effective communication, mutual understanding, and mutually acceptable resolutions among disputing parties (Okudan &

Cevikbas, 2022). ADR provides a more flexible, cost-effective, and expedited alternative to litigation.

Punjab is the most populous province in Pakistan, characterized by a diverse population and complex social, cultural, and economic dynamics. The Judicial System of Punjab is grappling with a grave and alarming issue - an overwhelming backlog of cases that has reached critical proportions. The consequences of this backlog are far-reaching and deeply problematic, as they result in a significant delay in the dispensation of justice. The adverse effects of these delays go beyond mere inconvenience, leading to increased stress, heightened levels of intolerance, and mounting tension between the parties involved in these legal disputes. In an unfortunate turn of events, these tensions often escalate into violent incidents at the community level, further exacerbating the social fabric of Punjab.

The legal system in Punjab has struggled to manage the increasing caseload, resulting in significant delays and a substantial accumulation of pending cases. These delays not only hinder access to justice but also exacerbate tensions and conflicts within the community. Recognizing the need for an efficient and accessible justice system, Punjab has implemented initiatives to integrate ADR methods as a means to address the backlog of cases and promote community-based conflict resolution (Bhatti & Rizwan, 2023).

In an attempt to alleviate the ill-fated circumstances, ADR centres have been established across all 36 districts of the province, providing a platform for parties to engage in discourse, negotiation, and mediation in a less formal and adversarial environment (Ahmed, 2017). The establishment of these ADR Centres is primarily aimed at offering mediation services to litigants who willingly seek an alternative to the conventional court system. The objective is to not solely alleviate the workload on the judicial system, but also to provide a more streamlined and economically viable method for resolving conflicts (Preeti, 2020).

It has been observed that despite the presence of ADR centres, several impediments hinder the effective implementation of ADR in Punjab. The successful implementation of Alternative Dispute Resolution is hindered by a number of obstacles, including limited infrastructure and resources, insufficient case management systems, resistance from legal professionals, and a prevalent culture of strikes among lawyers. One significant barrier that impedes the successful implementation of ADR methods is the limited awareness among the litigants themselves. A significant number of individuals engaged in legal conflicts often lack awareness regarding the presence and benefits of ADR methods (Hameed et al., 2020). Furthermore, a considerable

proportion of legal practitioners in the region of Punjab exhibit a lack of willingness or negligence when it comes to providing proper guidance to their clients regarding the utilization of alternative dispute resolution mechanisms. The ADR system in Punjab is further complicated by the presence of uncertainty among lawyers regarding its compatibility with contemporary methodologies.

To examine these concerns and understand the effectiveness of ADR in the Punjab region, it is essential to investigate the existing situation of ADR implementation, its impact on the excess of cases, and its ability to resolve community-level conflicts. Therefore, this research study intends to explore the status of Alternative Dispute Resolution (ADR) and community conflict resolution in the province of Punjab. Through a comprehensive inquiry and case study analysis, this research seeks to analyse the implementation of ADR methods. In addition, the study aims to identify challenges hindering the implementation of these methods and will attempt to propose strategies to improve the ADR system in the province.

1.2. Problem Statement

Despite the establishment of ADR Centres in the Punjab, the intended benefits have not been fully realized. The ADR system in Pakistan is characterized by certain weaknesses stemming from a dearth of public awareness and inadequate judicial support. The combined effect of these circumstances presents a formidable challenge to the progress of ADR in Punjab. Consequently, the matter concerning the accumulation of pending cases seems to be approaching a deadlock, with limited prospects for timely resolution. The urgent need for a comprehensive and sustainable solution to tackle the backlog problem becomes all the more critical, as the current situation undermines the potential benefits of ADR and perpetuates the cycle of delayed justice and societal unrest in Punjab. It is significant to consider that the ADR method of conflict resolution has the potential to tackle the conflicts efficiently in the province of Punjab. However, there exist specific factors that hinder its effective implementation, resulting in suboptimal outcomes. Keeping in view this scenario, the study intends to identify the gaps by analysing the status of current strategies that are sabotaging the meaningful impact of adoption of ADR method in the Punjab for conflict management. As a result, the research will provide the pragmatic solutions and strategies after the navigation of drawbacks in the process to attain the constructive outcomes of implementing the ADR system in the province.

1.3. Research Questions

1. How is ADR system developed and progressed in Punjab through time?
2. What are the challenges in implementing the ADR methods in Punjab?
3. What possible strategies or changes can be made to address the issues and improve the ADR system in Punjab?

1.4. Objective

The primary objective of this study is to ascertain the challenges and roadblocks that arise during the execution of Alternative Dispute Resolution in the region of Punjab. This study aims to analyse the various factors that have impeded the effective implementation and utilization of alternative dispute resolution methods. By comprehending these challenges, it is possible to put forth suggestions and recommendations to surmount them and augment the efficacy of the Alternative Dispute Resolution system.

1.5. Significance of the Study

This research holds significant importance for multiple reasons. Firstly, it aims to provide a comprehensive analysis of the implementation of Alternative Dispute Resolution (ADR) methods and their potential to resolve the backlog of cases in Punjab. By examining the impact of ADR on reducing community-level disputes, this research highlights the potential benefits of ADR in fostering peaceful resolutions and promoting harmony within society.

Secondly, this study addresses a crucial gap in previous research by emphasizing the need to raise awareness about ADR methods in Pakistan. Despite the presence of ADR mechanisms, there remains a lack of knowledge and understanding among the general population. By shedding light on the existing ADR practices and their potential, this research advocates for effective strategies that can be implemented to enhance the utilization of ADR methods in dispute resolution. These strategies can contribute to reducing the burden on courts and alleviating the backlog of cases.

Moreover, this research is distinct in its on-ground analysis of the challenges that impede the progress of ADR in Punjab. By examining the issues faced by ADR centers and exploring the

strategies they employ to address these challenges, this study provides valuable insights into the real-world dynamics of ADR implementation. Additionally, it investigates the role of lawyers in the ADR process, shedding light on their perspectives, approaches, and potential contributions to improving ADR outcomes.

Furthermore, this research incorporates a survey component to assess the knowledge of the general population of Punjab regarding ADR. By gauging public awareness and understanding, this study provides empirical evidence of the current level of knowledge and highlights areas that require targeted awareness campaigns and education initiatives.

In conclusion, this research contributes to the existing literature by offering a comprehensive analysis of ADR implementation in Punjab. It emphasizes the significance of raising awareness, devising effective strategies, and implementing ADR methods to address the backlog of cases. By addressing the on-ground challenges and considering the perspectives of lawyers and the general population, this research provides valuable insights that can inform policymakers, legal professionals, and stakeholders, enabling them to make informed decisions and take proactive steps towards an efficient and effective ADR system that addresses the backlog of cases and ensures timely access to justice in Punjab.

CHAPTER 2

Literature Review

The purpose of this section is to provide a comprehensive review of the existing literature on the chosen topic.

Throughout the course of human history, the establishment of settlements and the exchange of goods among neighboring communities has necessitated the resolution of conflicts and the prevention of violent encounters. The frequency of disputes, whether resolved or unresolved, is increasing due to the growth of population and expansion of corporations. However, the task of resolving novel conflicts can pose challenges due to the inherent complexities associated with these disputes.

Alternative Dispute Resolution (ADR) refers to a non-traditional approach employed to resolve legal disputes, with the aim of circumventing the conventional judicial process. Alternative Dispute Resolution (ADR) is a mechanism employed to settle legal conflicts outside the traditional courtroom setting. This process involves the intervention of a neutral third party, who facilitates resolution through methods such as arbitration, mediation, or negotiation. Additionally, parties involved in the dispute may also endeavour to amicably resolve their differences independently. Alternative Dispute Resolution (ADR) is a more cost-effective and time-efficient method compared to the traditional legal judicial process. Alternative Dispute Resolution (ADR) refers to a range of methods used to resolve disputes as an alternative to the conventional process of litigation, in accordance with Halsbury's Laws. (Hameed, 2020). The aforementioned techniques encompass mediation, conciliation, expert determination, and early neutral evaluation. Alternative Dispute Resolution (ADR) techniques are widely recognised for their cost-effectiveness, emphasis on the parties' interests, non-adversarial character, maintenance of confidentiality, and simplified procedural prerequisites (Sampath D K 1991, 71). This methodology proves to be highly beneficial in effectively resolving protracted legal disputes that have remained unresolved over an extended period of time. Alternative Dispute Resolution (ADR) encompasses a diverse array of techniques, including the resolution of legal disputes through dialogue or the involvement of an impartial third party (Bear, 1992). Alternative Dispute Resolution (ADR) encompasses not only mediation and arbitration, but also encompasses a diverse array of "hybrid" processes wherein a neutral third party assists in the resolution of legal disputes outside the formal adjudication framework. There exist a

multitude of rationales for favouring these alternatives over the conventional legal system. The utilisation of alternative dispute resolution (ADR) has been found to offer advantages, including the facilitation of resolutions that better align with the interests and needs of the involved parties. Additionally, ADR has been shown to enhance the probability of adherence to the terms established during the settlement process (Mnookin, 1998).

As human populations expand and economies continue to grow, the importance of efficient dispute resolution mechanisms becomes increasingly imperative. The prevalence of disputes has increased, whether they occur in interpersonal relationships or within the context of virtual connections at a national or global level. The resolution of these disputes presents a multifaceted challenge, as they frequently arise from the fundamental nature of the disagreements in question. Furthermore, it is important to note that the intensity of these conflicts and the most suitable approaches for resolving them can significantly differ among various groups, including those within the same cultural context. This variation can be attributed to a range of factors such as societal values, cultural affiliations, and other distinctive elements (Esplugues Mota & Barona Vilar, 2014).

In recent years, it has become apparent that certain societies are encountering notable difficulties within their judicial systems. Despite concerted efforts to mitigate case backlogs, these endeavours have encountered criticism, as some contend that they have been inadequate and lacking in substantive resolution. The matter of case backlogs has emerged as a significant concern, as it poses obstacles to the effective operation of the judicial system and obstructs the prompt administration of justice. The aforementioned circumstances have instigated a more thorough scrutiny of the current methodologies and the investigation of alternative strategies in order to rectify the deficiencies and enhance the efficacy of conflict resolution (Supervisor's Comment, 2023).

The origins of alternative dispute resolution can be traced back to China, specifically in the practice of mediation known as "tiaojie." (调 解) The origins of this can be traced back to Confucian ethics. Confucius espoused the principle that the preservation of natural harmony should not be compromised, and viewed adversarial proceedings as diametrically opposed to the attainment of such harmony. The objective of Chinese mediation extends beyond reactive conflict resolution to encompass proactive conflict prevention. The concept being discussed pertains to the implementation of total quality management principles in the context of conflict resolution. Mediation regards conflict as inherently negative, detrimental, or undesirable.

Mediation is a process that seeks to facilitate conflict resolution, with the ultimate goal of achieving a state of harmony by bringing an end to the conflict. This aligns with the Chinese cultural concept of a mediator, known as "shuo he ze," which refers to an individual who employs harmonious language to facilitate amicable interpersonal connections (Hung & Philip, 2019).

The Chinese mediator assumes a multifaceted role that encompasses various functions, including that of a counselor, unifier, educator, problem solver, pacifier, negotiator, litigator, therapist, arbitrator, and consultant (Feng et al., 2020). The mediator is typically an individual who is esteemed as an authoritative figure within the community. In the event that either of the parties involved in the dispute declines to acknowledge the statements made by the mediator, the mediator will not only experience a loss of reputation in the presence of the two disputants, but also within the broader community and the governing body. The primary objective of mediation is to prevent the erosion of qualities such as empathy, sympathy, care, respect for others, and self-modesty.

According to Wolaver (1934), evidence of arbitration can be identified in ancient Greek and Roman societies. Although arbitration likely predates all previous legal systems, it has not established a comprehensive set of substantive principles. Instead, it is generally characterized by the absence of rigid rules, allowing for individual discretion. Each case is evaluated based on practical considerations and resolved in accordance with the ethical or economic standards of a specific group, with only rare deviations from this approach.

In the historical context of ancient Greece, it can be observed that the primary focus of authority when addressing conflicts between individuals was to prevent any form of disruptive friction among its subjects. The reciprocity principle did not facilitate the achievement of peaceful conflict resolution. The utilization of obligatory reasoned arbitration is exemplified by Herodotus' account of the Persian Empire's imposition of arbitration protocols upon the Ionian cities for the purpose of resolving their conflicts (Lowry S. et al., 1999).

Xenophon highlights an instance in which the Persians successfully facilitated a resolution between the Armenians and Chaldeans regarding the allocation of unutilized land, resulting in a mutually beneficial outcome. In contrast, Xenophon argues that instances of non-voluntary exchange lack inherent fairness. The principle of arbitration is evident within the Talmud, specifically in the section dedicated to contracts, partnerships, and the handling of found objects. The Talmud, as elucidated in this literary work, expounds upon situations wherein the

designated portions stipulated in a testament exceed the overall amount that is actually accessible.

The Talmud acknowledges the existence of equally valid but mutually inconsistent rights among individuals. In order to address this issue, it is imperative to employ the principle of fairness. This objective can solely be achieved through the utilization of arbitration. The endorsement of arbitration that is based on Shari'a as its foundation and governing law can be found in the Qur'an. Arbitration, referred to as *tahkim*, has historically served as a significant mechanism for dispute resolution in pre-Islamic Arabia. This practice, often characterized by an amicable compositeur, has been recognized in all four schools of Islamic legal tradition. Its utilization has persisted in the region, including during the initial conflicts between the Saudi Arabian government and foreign oil companies (James, 2005).

The judiciary has historically been entrusted with the responsibility of upholding the rule of law and maintaining peace and order within a society through the exercise of legitimate force. As societies have progressed and undergone transformations, courts have emerged as the predominant mechanism for the resolution of legal disputes. The aforementioned phenomenon, also incepted in the United States and subsequently disseminated across various parts of Europe, has resulted in a broadening of the availability of legal forums and legal proceedings as a means to address the growing need for conflict resolution. As a result, there has been an increased level of state intervention in conflict resolution (Kaldor, 2003).

The prompt and efficient administration of justice is imperative for the establishment and maintenance of a stable societal framework. The fast resolution of conflicts and the provision of remedies for the grievances of affected parties by the judicial system is also a fundamental necessity for a civilized society (Muhammad, 2021). The Pakistani judicial system mandates the prompt delivery of justice to the general populace. According to Nasima (2020), individuals have a responsibility to attentively consider the arguments presented by all parties involved, meticulously document the evidence presented, and render a fair and timely judgment without any unnecessary delays. The Supreme Court of Pakistan has ruled that courts of law should not provide leniency based on a purported "rush of work."

The courts in Pakistan adhere to the procedures outlined in the laws as a result of the adversarial nature of the judicial system. These procedures are antiquated and intricate, and have not undergone any modifications. As a result, the judicial system has encountered challenges in timely adjudication of both civil and criminal cases, primarily attributable to the complexity of

procedural requirements. Consequently, the proceedings were protracted and experienced significant delays. In addition to this, both the financial resources and temporal investments of the involved parties are squandered. Therefore, the administration of justice is prolonged (Brohi, 1977). The phenomenon of delayed justice can be considered a form of injustice, as it gives rise to uncertainty regarding the attainment of justice. The impact of delayed justice on an individual's overall welfare is significant. Furthermore, it has an impact on the fundamental rights of an individual.

The notion of swift dispensation of justice in Pakistan has increasingly been regarded as a mythical concept. The Pakistani legal system is currently facing challenges in delivering prompt justice, resulting in a prevailing sense of hopelessness and a perception that delayed justice is inevitable. The delay in the administration of justice in Pakistan is apparent through the accumulation of unresolved cases within the courtrooms of Pakistani judicial institutions (Bilal & Farqaleet, 2021).

As of August 2021, the Pakistani courts had a total of 2,177,527 pending cases. According to Consolidate statement (2021), a total of 54043 cases were awaiting resolution in the Supreme Court of Pakistan and Federal Shariat Court. Additionally, the High Courts of Pakistan had 350495 pending cases, while the district courts of Pakistan had a staggering 1,773,171 cases awaiting adjudication. In January 2021, the total number of pending cases in all courts of Pakistan was reported to be 2,162,042 (Tanoli 2022). Therefore, it can be asserted that the notion of swift justice in Pakistan is no more than a fallacy.

The phenomenon of delayed justice has been observed to have a correlation with an escalation in the crime rate, as well as the exacerbation of torture practices and the proliferation of denominational conflicts within society. The primary factors contributing to the delayed dispensation of justice in Pakistan are the inherent technical deficiencies within the judicial system. The increasing backlog of pending cases and subsequent delays in the administration of justice can be attributed to a shortage of judges. Furthermore, the limited availability of courtrooms, insufficient judicial personnel, constrained financial resources, procedural and judicial inefficiencies, and unwarranted adjournments are additional factors contributing to the protraction of the justice process. The occurrence of procedural delays in Pakistan can be attributed to the existence of antiquated, intricate, and convoluted procedural laws (Bilal & Farqaleet, 2021).

As the provision of justice to the populace is widely recognized as a fundamental aspect of effective governance. Consequently, it necessitates the establishment of a state-of-the-art infrastructure and a well-trained workforce. Furthermore, there is a pressing need for innovative legal technologies and models, as well as a jurisprudence that prioritizes the pursuit of remedies for grievances (Braham, 2005). It is noteworthy that the constitution of 1973 does not explicitly mention alternative dispute resolution (ADR). However, there is a reference to commercial and financial activities in the constitution, which could imply that Pakistan employs certain ADR methods (Rizwan, 2022). In contrast to its enduring popularity in modern legal systems, the push for the advancement of alternative dispute resolution (ADR) has not gained the necessary momentum on the legislative frontiers of Pakistan. It can be argued that the significant increase in the number of cases within the lower judiciary can be attributed to the lenient approach towards alternative dispute resolution (ADR) adopted by the parliament, as evidenced by the substantial backlog of hundreds of thousands of cases.

The implementation of Alternative Dispute Resolution (ADR) in Pakistan is contingent upon the specific province or territory in which it is applied. The incorporation of provisions that facilitate alternative dispute resolution (ADR) is a widely observed practice in various legislations throughout the country. In addition, the Federal Government and the Province of Punjab have enacted new legislation and made amendments to existing laws in order to integrate provisions for alternative dispute resolution (ADR). An illustration of this phenomenon can be observed in the Code of Civil Procedure 1908, particularly in Order X, Rule 1 (a), wherein the court is bestowed with the power to utilize alternative mechanisms for the resolution of disputes, such as mediation, conciliation, or other appropriate methods, subject to the condition that all parties concerned provide their consent. The objective of this provision is to expedite the timely resolution of cases as stated in "The Code of Civil Procedure, 1908" (Act No. V of 1908).

The Lahore High Court, along with other superior courts in Pakistan, provides robust endorsement for the advancement of alternative dispute resolution (ADR) mechanisms. The court has consistently underscored the significance of implementing alternative dispute resolution (ADR) as a means to mitigate the expenditure of time and resources for typical litigants, while also alleviating the strain on the judicial system. In the year 2016, Justice Mansoor Ali Shah, the former Chief Justice of the Lahore High Court, introduced a slogan, namely 'muqadmabazi nahi - musalihat,' which translates to 'choose settlement over litigation.' This particular endeavour serves to underscore the court's dedication to promoting the

preference of settlement alternatives over protracted litigation procedures (Ali 2017). The implementation of new legislation regarding alternative dispute resolution (ADR) represents a commendable advancement. However, it is imperative to critically reassess and enhance the substance of these laws in order to effectively accomplish the objectives of ADR. Presently, the aforementioned statutes predominantly depend on state intervention, wherein courts are engaged at different stages of the process, ranging from case referral to the ultimate determination of outcomes. Nevertheless, this approach has the potential to erode the public's perception of Alternative Dispute Resolution (ADR) as a justice system that is administered and regulated by the populace. If conflicts are exclusively directed towards alternative dispute resolution (ADR) centres instead of involving community representatives, it could be interpreted as an extra bureaucratic process that may potentially benefit the affluent and influential individuals at the expense of the less powerful and vulnerable ones. Hence, it is imperative to give due consideration to community engagement and establish an equitable and comprehensive alternative dispute resolution (ADR) framework that effectively caters to the requirements of all parties involved (Jillani, 2015).

In the year 2017, the legislative body of Pakistan, known as the parliament, undertook a noteworthy action by enacting the Alternative Dispute Resolution Act, which primarily pertains to the Federal Capital Territory. Nevertheless, the implementation of this legislation was not devoid of controversy (Raza, 2017). The bill initially acknowledged Panchayats as a valid mechanism for alternative dispute resolution, encompassing the compounding of offences. Panchayats are indigenous community-based councils consisting of a group of esteemed elders who are responsible for adjudicating disputes within a designated geographical area. Nevertheless, these entities have encountered censure due to their issuance of rulings that not only contravene legal statutes but also exhibit a lack of compassion and disregard for the fundamental rights safeguarded by the Constitution. It is worth mentioning that the Act's final iteration, which was enacted in 2017, removed all mentions of said systems (Raza 2017). The omission of recognising the importance of community-led dispute resolution in the Act by the legislature is a noteworthy oversight. While the legislature's objective in enacting this Act is praiseworthy, with the aim of aiding courts in alleviating case backlogs and preserving time and resources, the Act's focus on granting courts a dominant role throughout all stages of Alternative Dispute Resolution (ADR) proceedings may not result in the intended consequences. This is due to the absence of provisions in the Alternative Dispute Resolution (ADR) Act of 2017 that facilitate community involvement in the process of resolving disputes.

The primary function of the Act is to confer authority and authorization to the courts throughout various stages of the Alternative Dispute Resolution (ADR) process. The initial version of the proposed Bill contained provisions pertaining to the participation of panchayats, which outlined their role in facilitating the resolution of civil disputes and the compounding of offences in accordance with the Act. Nevertheless, these provisions were restricted to a designated geographic region in which the panchayat system had already been implemented. Moreover, it is noteworthy that even these constrained allusions to community involvement were eradicated in the ultimate iteration of the legislation.

In the context of Pakistan, the utilization of Alternative Dispute Resolution (ADR) methods has proven to be a more efficient means of resolving protracted legal disputes. In the province of Punjab, it has been observed that there is a considerable number of pending cases in the Lahore High Court, amounting to approximately 188,411. Additionally, the Punjab District Judiciary is burdened with a substantial backlog of cases, with over 1.2 million pending cases exacerbating the situation. According to the data from 2020, there were more than two million pending cases in the superior and lower judiciary systems. The presence of pending unresolved cases contributes to social unrest and psychological distress within society, thereby impacting the civil rights of ordinary individuals. The Pakistani judicial system is currently experiencing significant strain as a result of a substantial backlog of pending cases, as well as the anticipation of new cases. Additionally, a notable issue arises from the scarcity of judicial officers within the system. According to Riaz and Butt (2020), the registrar of the Lahore High Court made a formal request to the Chief Secretary of Punjab in July 2020. The purpose of this request was to propose an increase in the retirement age of judicial officers from 60 years to 63 years. The rationale behind this proposal was to address the shortage of judicial officers in the province of Punjab.

Based on the available data from the Lahore High Court record, it is observed that the province currently employs a total of 1748 judicial officers. Among these officers, 142 hold the position of district and sessions judges, 506 serve as additional district and sessions judges, 105 are senior civil judges, and 995 are civil judges. The existing resources are insufficient to adequately address the demands of our judicial system in terms of resolving the backlog of cases and references that have been filed since 2000 (Riaz & Butt, 2020). In order to effectively address this circumstance, Alternative Dispute Resolution (ADR) emerges as a valuable mechanism for expeditiously resolving legal matters. In contrast, it is also more economically and temporally efficient than the conventional legal process. The judiciary in Punjab is

currently facing a substantial burden due to a backlog of approximately 1.3 million cases in the lower courts (Iqbal, 2017). The significance of alternate dispute resolution mechanisms is currently increasing in Pakistan. The Punjab Assembly has enacted the Punjab ADR Act 2019, which aims to establish a framework for resolving civil and criminal disputes through an Alternate Dispute Resolution (ADR) system. The primary objective of this act is to facilitate cost-effective and prompt delivery of justice. (The Punjab Alternate Dispute Resolution Act 2019, 2019).

Nevertheless, the judicial courts of Punjab are currently encountering specific challenges. Based on the prevailing circumstances, approximately 2400 judges are employed to address the aforementioned 1.3 million cases. Therefore, it can be inferred that each judge is required to handle a workload exceeding 540 cases and reach resolutions within specified time constraints. It is evident that a judge tasked with handling a workload of 540 cases would experience a significant burden and fatigue. One significant obstacle encountered during the settlement process is the prevalent culture of strikes observed in the Punjab region. In a report authored by Justice Mansoor Ali Shah, former Chief Justice of the Lahore High Court, it is indicated that lawyers engaged in strikes for a duration of 1474 days across 36 districts of Punjab, spanning from September 1st, 2016 to February 28, 2017 (First ADR Centre Established in Punjab Judicial Academy, 2017).

The government of Punjab has made significant strides in addressing these challenges. According to Ozaif (2017), ADR centres have been established in approximately 36 districts of Punjab. These centres are equipped with a total of 72 judges who are responsible for resolving cases and facilitating the parties involved in achieving a fair and equitable resolution.

The utilisation of Alternative Dispute Resolution (ADR) is gaining traction in Pakistan, with notable support from members of the higher judiciary and the Chief Justice of Pakistan, who actively advocate for its implementation. The mechanisms for ensuring access to justice through Alternative Dispute Resolution (ADR) are outlined in both the National Judicial Policy and the Punjab strategy documents. The National Judicial Policy was officially implemented in 2009, and subsequently underwent a revision in 2012. This strategy proposes a specific number of proposals that adhere to the existing legal framework, and if rigorously implemented, will bring about substantial transformations in the judicial system. The collaboration between the government and the judiciary is imperative to effectively execute the National Judicial Policy (Malik, 2018).

Given the nascent stage of the Alternative Dispute Resolution (ADR) system, it is imperative to discern the domains that necessitate scrutiny and enhancements. An important issue that arises is the necessity of implementing comprehensive training and accreditation initiatives for mediators in order to uphold the standards of quality and professionalism within the alternative dispute resolution (ADR) process. The enhancement of the integrity and effectiveness of alternative dispute resolution (ADR) can be achieved through the implementation of measures that ensure mediators possess the requisite skills and knowledge. Furthermore, it is imperative to emphasise the significance of enhancing public awareness and fostering trust in the alternative dispute resolution (ADR) system. This is essential in order to stimulate broader adoption of these mechanisms and enhance their level of acceptance among the parties involved in disputes. Moreover, although alternative dispute resolution (ADR) has shown promise in alleviating the burden on courts, it is imperative to tackle potential obstacles, such as guaranteeing the enforceability of mediated agreements and enhancing the coordination between ADR centres and the official judicial system.

The efficiency of the justice system in Pakistan often exhibits a lack of promptness. The present government's 100-day agenda has implemented a series of significant amendments and reforms in legislation with the aim of enhancing the justice system within the nation (Malik, 2018). The superior and subordinate courts currently face a significant backlog of unresolved pending cases. Based on the most recent press release, the Supreme Court of Pakistan has disclosed approximate statistics pertaining to the accumulation of unresolved cases. Specifically, it has been reported that the Supreme Court currently bears a backlog of approximately 52,450 cases, while the entire nation is confronted with a staggering total of over 2.16 million pending cases (Asim, 2023). Given the current pace of case resolution, it is projected that the complete adjudication of this extensive caseload would necessitate an estimated duration of approximately 2000 years.

The judicial system of any state is underpinned by two essential principles: order and justice. Each component holds equal importance in relation to the advancement and well-being of the nation. Therefore, in order to effectively address the current challenges, such as the accumulation of pending cases and the guarantee of prompt access to justice, alternative dispute resolution (ADR) emerges as the most favourable alternative to pursue. Alternative Dispute Resolution (ADR) is a comprehensive system that employs various methods such as arbitration, conciliation, and mediation to facilitate a platform for the involved parties in civil disputes to arrive at a just resolution within a specified timeframe.

Pakistan is currently experiencing a significant number of homicide cases, as well as civil disputes related to property matters. Not all criminal cases can be effectively resolved through alternative dispute resolution (ADR) due to their sensitive nature and specific limitations. However, civil disputes that involve the division and exchange of property can be successfully addressed through ADR methods. The utilisation of alternative dispute resolution (ADR) allows parties to avoid the procedural requirements and legal terminology associated with traditional court proceedings. Consequently, parties engaged in ADR are more inclined to expedite the resolution process and reach a definitive outcome in a shorter timeframe. Alternative Dispute Resolution (ADR) is a financially efficient approach to resolving disputes for the involved parties, in contrast to the conventional court proceedings. This method alleviates litigants from the onerous financial burden associated with such proceedings.

Since the implementation of the Alternative Dispute Resolution (ADR) Act, there has been a significant accomplishment, with approximately 10,000 cases effectively resolved and concluded through the intervention of mediators. Within the aforementioned assortment of legal cases, consisting of 35 civil cases, 30 criminal cases, and 56 family cases, a just and equitable resolution was successfully achieved through mutual agreement between the parties involved in the litigation. The Chief Justice of Pakistan has expressed a heightened appreciation for the utilisation of Alternative Dispute Resolution (ADR) techniques in the process of resolving disputes. He emphasised the need for the introduction of novel methods in cases where the legislature fails to fulfil its obligations (Malik, 2018).

As alternative dispute resolution (ADR) gained momentum in the nation, the establishment of ADR centres is being initiated throughout Pakistan. ADR centres have been established in nearly 36 districts of Punjab (Kamran 2017). The primary aim of these centres is to facilitate the process of mediation by encouraging the voluntary participation of both parties involved, thereby alleviating the workload of judges and offering a satisfactory method of resolving disputes that is efficient in terms of both time and cost. The mediation centres in Punjab have selected judges who possess specialised training and expertise in the field of Alternative Dispute Resolution (ADR) from the judicial academy of Punjab.

The primary sources and interviews carried out by *Courting the Law* provide insights into the operational aspects of alternative dispute resolution (ADR) centres in Pakistan and their capacity to achieve effective and satisfactory results. The team conducted a visit to an Alternative Dispute Resolution (ADR) centre in Lahore, under the guidance of Mr. Misbah Un

Nabi, an Additional District and Session Judge. During the visit, the team engaged in interviews with proficient mediators who possess the necessary skills to effectively facilitate successful mediation processes. The consultant stakeholders conveyed their contentment and approval regarding the procedure. Furthermore, Senior Civil Judge Mr. Imran Nazir Chaudhary provided a comprehensive account, disclosing that from June 1, 2017, he effectively facilitated the resolution of 88 designated cases, achieving a flawless success rate. The positive outcomes were not exclusive to a solitary judge, as demonstrated by the instance cited by Senior Civil Judge Miss Aisham binte Saddiq, wherein a longstanding dispute that had remained unresolved in the conventional court for a period of 23 years was successfully resolved within a few days at the Alternative Dispute Resolution (ADR) centre (“The Success of ADR Centres in Punjab” 2017). The aforementioned empirical illustrations, in conjunction with the statistical data presented within the report, serve to exemplify the efficacy of alternative dispute resolution (ADR) in attaining expeditious resolutions and alleviating parties from protracted litigation processes.

Notwithstanding the favourable results and efficacy exhibited by alternative dispute resolution (ADR) centres, a fundamental concern persists within the existing ADR system in Pakistan. The judiciary maintains significant control over it, which has raised apprehensions regarding its durability in the long run (Restoring Faith in the Judiciary, 2017). The formal justice system in Pakistan has been subject to criticism due to its high costs, procedural complexities, adversarial nature, and sluggish pace. Moreover, the current ADR scheme's failure to prioritise community participation is a notable limitation. The legislature's reluctance to embrace community-based dispute resolution systems may be attributed to their scepticism towards informal alternative dispute resolution mechanisms. While certain academic literature advocates for court-controlled alternative dispute resolution (ADR) and emphasises the necessity of judicial oversight, this viewpoint fails to acknowledge the fundamental factor that contributes to the effectiveness of ADR: the mutually advantageous nature of settlements and the pursuit of a mutually beneficial resolution. Alternative Dispute Resolution (ADR), specifically mediation, aims to facilitate the achievement of mutually beneficial agreements while preserving the interpersonal connection between the involved parties. Community-centric designs that operate independently of court control have been prioritised in successful alternative dispute resolution (ADR) models in other developing countries such as Bangladesh and Nepal (Brown and Cervenak, 1998). The ADR system in Pakistan has demonstrated potential in terms of its efficiency and ability to resolve cases. However, its substantial

dependence on court oversight and limited engagement from the community give rise to apprehensions regarding its sustained efficacy. The significance of community engagement and independence from judicial systems in attaining favourable results is underscored by notable instances of effective alternative dispute resolution (ADR) models implemented in various countries.

In conclusion, this literature review highlights the importance and relevance of studying alternative dispute resolution (ADR) and community conflict resolution, particularly in the context of Punjab, Pakistan. The exponential increase in population and the proliferation of corporate entities have led to a corresponding escalation in conflicts, underscoring the imperative for expeditious and effective mechanisms for dispute resolution. Alternative Dispute Resolution represents a feasible alternative to the traditional court system, providing a potentially effective resolution that is economically efficient, expeditious, and characterized by a cooperative approach to resolving conflicts.

The review sheds light on the challenges faced by the judicial system in Punjab, including the backlog of cases and a shortage of judicial staff. Alternative Dispute Resolution (ADR) has emerged as a viable and efficient method to tackle these challenges and ensure fair and equal access to justice for all parties concerned. The establishment of alternative dispute resolution (ADR) centers in Punjab and the endorsement of the higher judiciary serve as clear indications of the acknowledgment of the benefits associated with ADR.

However, the review lacks the knowledge of the challenges in the proper implementation of ADR in the province of Punjab. This situation calls to provide importance towards the factors including the need for extensive mediator training, enhanced public awareness, and improved coordination between alternative dispute resolution (ADR) centers and the formal judicial system. Nevertheless, the review demonstrates a limited understanding of the complexities involved in effectively implementing Alternative Dispute Resolution (ADR) in the province of Punjab. This scenario necessitates prioritizing various factors, such as the requirement for comprehensive mediator training, heightened public awareness, and enhanced coordination between alternative dispute resolution (ADR) centers and the formal judicial system.

By engaging in this research endeavor, we aim to explore the untapped potential of alternative dispute resolution (ADR) in effectively mitigating the pressing issue of case backlogs, improving the accessibility to justice, and fostering a fair and inclusive system for resolving disputes within the Punjab region. The research will investigate potential strategies and

modifications that can be employed to effectively tackle the identified issues and enhance the Alternative Dispute Resolution (ADR) system in Punjab. By conducting a thorough examination of established methodologies and effective frameworks employed in various regions, we aim to ascertain inventive strategies and feasible actions that can be customized to suit the specific circumstances of the local setting. Potential strategies for promoting alternative dispute resolution (ADR) could encompass various approaches, such as augmenting public consciousness and knowledge regarding ADR, cultivating cooperation between the judiciary and legal practitioners, and advocating for legislative modifications aimed at fortifying the ADR framework.

CHAPTER 3

Research Methodology

3.1. Introduction

In this study, a mixed-method research design is adopted to investigate the strategies for implementing Alternative Dispute Resolution (ADR) methods by the Pakistani Judiciary, examining how it has progress over time, addressing existing issues & challenges, and highlighting the possible strategies to alleviate the scope of ADR. The research will focus on Punjab, Pakistan, employing a case study approach to explore the complexities of ADR systems in the region. This chapter provides a comprehensive discussion of the research design, research context, research procedures, sampling techniques, sample size as well as the limitations.

3.2. Research Design

This study utilized a mixed-method design, combining qualitative and quantitative approaches for data collection and analysis (Tashakkori and Creswell 2007). In contemporary research, there has been an increasing trend towards incorporating both qualitative and quantitative methods (Bryman, 2006). This is because the use of a mixed-method design enables researchers to obtain comprehensive and detailed data, facilitating the achievement of research objectives and addressing research questions effectively. The mixed method research designs is categorized into four distinct types: Triangulation Design, Embedded Design, Explanatory Design, and Exploratory Design (Teddlie, C. And Tashakkori, A. 2009). These classifications provide a framework for understanding the various ways in which mixed methods can be employed in research.

The most suitable research design for this study was the Exploratory Sequential Design, characterized by the sequential collection of qualitative data followed by quantitative data. In this mixed methods approach, the initial focus is on gathering qualitative data to explore the topic before any quantitative data is collected (Damyanov, 2023). This methodology was chosen to gain a deeper understanding from the qualitative data and subsequently enhance comprehension and explanation through the incorporation of quantitative data.

The Exploratory research design, as emphasized by Creswell and Clark, presents several advantages. Firstly, its two-stage structure simplifies implementation by enabling the researcher to apply qualitative and quantitative methods separately, facilitating the collection of one type of data at a time. Additionally, this design allows for the presentation of the final report in two stages, providing readers with a comprehensive and clear understanding of the study's findings (Creswell & Clark, 2007). To collect data, a combination of primary and secondary sources is utilized in this research.

3.3. Data Sources

Primary data is obtained through interviews with relevant stakeholders, including judges, lawyers, and individuals who have utilized ADR methods in Punjab. Secondary data is gathered from existing literature, reports, and legal documents pertaining to ADR systems and practices in the region. The collected data has undergone the mixed-method analysis as discussed above. Qualitative data, such as interview transcripts, are subjected to thematic analysis to identify recurring themes and patterns. Quantitative data, such as survey responses, are analyzed using statistical techniques to derive meaningful insights.

This research method encompasses a comprehensive approach to address the research questions in a multi-faceted manner, considering the unique context of Punjab, Pakistan. By incorporating the mixed-method research design, this study aims to gain a deeper understanding of the evolution, strategies, challenges, and potential solutions related to ADR implementation. The case study specifically examined the use of ADR in resolving disputes within Punjab, including an analysis of commonly faced disputes, the effectiveness of ADR methods, and cultural or societal factors influencing their use and success. Additionally, the study also explores the involvement of government and non-governmental organizations promoting ADR in the region.

3.4. Interviews

The primary data is collected by conducting interviews to make the data more inclusive and representative. During an interview, individuals engage in a structured or semi structured question-and-answer session where one person assumes the role of the questioner, while the other person provides responses (Bhat 2018). This research mainly incorporates the semi structured interviews. A semi-structured interview is an effective approach for collecting data, characterized by the utilization of a predetermined thematic framework within which questions are posed. However, the specific order and phrasing of these questions are not rigidly established and these interviews are commonly employed in qualitative research to gather rich and in-depth insights (George 2022). These interviews were both face to face and virtually. Semi-structured interviews were conducted with the lawyers, government & non-government officials and ADR center representatives.

First, conversations with government officials revealed how the government promotes and supports ADR in the region. This included government policies and programmes relating to ADR as well as any problems or barriers to implementing these procedures. Interviewing local NGOs and community leaders revealed their efforts to promote ADR. It included their ADR programmes and services, as well as their problems and triumphs. It also revealed the community acceptance of ADR approaches. Interviewing ADR experts also revealed common communal problems and how they are resolved. Interviews with key stakeholders and experts basically provided a rich and detailed understanding of ADR in Punjab, Pakistan, including its challenges and opportunities and the perspectives and experiences of those promoting these methods in the region.

3.5. Surveys

Keeping up with the Exploratory Sequential Design, alongside the individual interviews, a survey was developed using insights derived from expert's interviews, specifically focusing on emergent themes related to the evolution, challenges and the perspective of the general people regarding ADR. A survey serves as a systematic approach to gather and consolidate information from a sample group, typically conducted by organizations, businesses, or institutions, with the aim of acquiring insights. The data or opinions collected from the sample group are often extrapolated to represent the perspectives of a larger population, allowing for generalizations to be made (McCombes 2019).

This research incorporated the Structured Survey of the general population in Punjab. A structured questionnaire is a valuable tool employed to gather data from respondents. This type of questionnaire features standardized closed questions that are carefully formulated, presented in a predetermined order, and require participants to select from a predefined set of answers. By utilizing a structured questionnaire, researchers ensure consistency in the data collection process and facilitate efficient analysis of the gathered information (Cleave 2023). Surveys determined the level of knowledge the general public have regarding Alternate Dispute Resolution. It provided with a broad understanding of the level of awareness and understanding of ADR methods among the general population in the region. This included information about how familiar people are with these methods, as well as their opinions and attitudes towards them. The survey also assessed the level of trust and confidence that people have in ADR methods, and whether they would consider using these methods to resolve disputes if given the opportunity.

Aligning with our qualitative data from the interviews, the surveys also revealed the community disagreement kinds and resolution methods. This contains information about formal court systems and traditional and informal dispute resolution. Surveying the general community revealed Punjab's awareness and attitudes regarding ADR procedures, as well as the types of disagreements people confront and how they settle them and. This data can help promote and improve ADR approaches in the region by identifying impediments to their implementation.

3.6. Sampling Technique

In this study, the technique of purposive sampling is used. This method is chosen to facilitate recruitment because the researcher is interested in recruiting participants from a specific population for this investigation. Purposive sampling is a non-random sampling technique that allows the researcher to select participants based on specific criteria (Laerd Dissertation 2012). In the context of a thesis on ADR Punjab, this included selecting participants who have experience with ADR methods, such as mediators, arbitrators, or community leaders who have been involved in ADR.

Purposive sampling ensures that study participants are representative of the population of interest and can provide useful insights into the topic (Heath 2023). The researcher selected the study participants with the most relevant traits. Purposive sampling is used to choose individuals who have used ADR methods and can provide extensive information about their experiences to assess their efficacy in settling conflicts. Purposive sampling also ensured a varied sample of different age groups, genders, and socioeconomic backgrounds. This ensured that the study's findings are applicable to the target group.

3.7. Sample Size

In order to obtain a comprehensive understanding of the development and progress of the Alternative Dispute Resolution (ADR) system in Punjab, data is collected through a combination of semi-structured interviews and online surveys. The sample size for the semi-structured interviews consisted of 6 ADR representatives from at 3 ADR institutions, 5 lawyers, and 2 mediators and 2 prominent government officials. The participants were carefully selected to ensure that they possess a broad range of experiences and perspectives related to ADR and community conflict resolution in Punjab. During the semi-structured interviews, participants were be asked a series of open ended questions regarding the ADR system's development and progress in Punjab over time. They were asked whether the ADR system has been effective in reducing the backlog of cases and improving access to justice for the community. Additionally, participants were be questioned about their future plans for the implementation strategies to enhance the ADR system in Punjab and their views on why lawyers may be hesitant to promote ADR.

To ensure the comprehensiveness of the data collected, a total of 110 online surveys were conducted. The survey were distributed to individuals in Punjab to obtain a representative sample of the population of interest. The survey questions were designed to capture a range of perspectives on ADR and community conflict resolution in Punjab. Specifically, the survey focused on participants' experiences and attitudes towards ADR methods, the effectiveness of the ADR system, and any suggestions for improving the ADR system in Punjab as per the themes arised in the interviews. By utilizing both semi-structured interviews and online surveys, this research provides a comprehensive analysis of the ADR system in Punjab, including its development and progress over time, its effectiveness in reducing the backlog of cases and improving access to justice, and potential strategies for enhancing the system in the

future. The use of multiple data collection methods and a diverse sample of participants ensured that the findings of this study are both valid and reliable.

3.8. Secondary Data Sources

Secondary data refers to existing data that has been collected by someone else or for a different purpose. It is information that has already been gathered, recorded, and analyzed by other researchers, organizations, or sources such as government agencies or academic institutions (Hillier, 2022). Secondary data sources in this research used included online and documentary tools consisting of critical and empirical research on Alternate Dispute Resolution. Secondary sources were retrieved through libraries, court records, government statistics, peer-reviewed research journals, articles, newspapers, knowledge resource centers, and online repositories.

An analysis of existing data, such as court records and government statistics, provided valuable insights. Court records provided information about the types of disputes that are commonly brought before the courts in the region, as well as the outcomes of these disputes. This information was used to identify areas where ADR methods were particularly useful, and to gain an understanding of the types of disputes that are currently being resolved through the formal court system. Government statistics provided information about the overall use of the formal court system in the region, as well as trends over time. This information was used to identify areas where the formal court system may be overburdened, and to gain an understanding of the types of disputes that are most commonly brought before the courts. By analyzing existing data from multiple sources, a comprehensive understanding of ADR in Punjab is developed. It provided context to the research thesis, highlighting the historical, social, and economic factors that may impact conflict resolution techniques in Punjab.

3.9. Limitations

Various limitations arise during the course of conducting interviews with key stakeholders in the field of Alternative Dispute Resolution (ADR). Firstly, gaining access to government officials, non-governmental organizations (NGOs), and community leaders proved to be a challenging task, because they had limited availability due to their busy schedules. In addition, there was also language and cultural barriers that did impede the communication process to some extent. Furthermore, some stakeholders were hesitant to provide honest and objective

information due to fear of retaliation or personal biases. Additionally, the sensitive nature of the topic of ADR, particularly when it involves sensitive disputes or conflicts, also caused some stakeholders to avoid discussing certain issues openly. Moreover, some stakeholders were also reluctant or unable to provide detailed information about their experiences or their organizations' practices and policies.

In addition to interviewing key stakeholders, surveying the general population also posed some limitations. The process was time-consuming and resource-intensive, and achieving a high response rate proved to be challenging. Moreover, ensuring that the sample of participants is representative of the population of interest and that it encompasses diverse perspectives, such as different age groups, genders, and socioeconomic backgrounds was also difficult. Finally, some participants were unwilling or unable to provide detailed information about their experiences or attitudes towards ADR methods, which did limit the scope and depth of the data collected.

CHAPTER 4

DISCUSSION AND FINDINGS

4.1. Evolution of ADR in Punjab

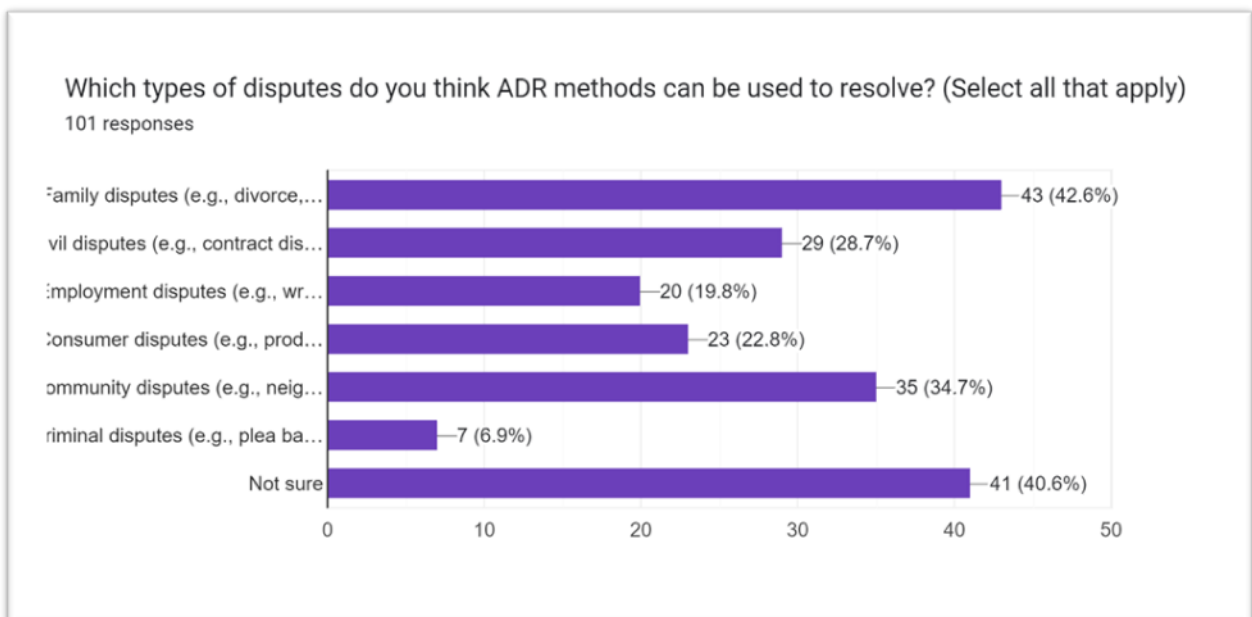
The evolution and advancement of the Alternative Dispute Resolution (ADR) system in Punjab, Pakistan, have been influenced by a multitude of factors and significant milestones. Valuable insights pertaining to the evolution of alternative dispute resolution (ADR) practices in Punjab have been acquired through interviews conducted with experts in the field of ADR and legal professionals. This chapter delves into the primary discoveries derived from the interviews, examining the historical backdrop, legislative modifications, and recent progressions in alternative dispute resolution (ADR) in Punjab. The objective of this chapter is to offer a thorough comprehension of the evolution and present condition of Alternative Dispute Resolution (ADR) in Punjab. This will be achieved through an analysis of the viewpoints expressed by the interviewees and the insights provided by experts in the field. In addition, a survey has been conducted to understand the situation of ADR method in Punjab. The Survey have given the empirical data with regards to understanding the evolution, challenges, and transforming the system of ADR in Punjab.

Within the domain of legal dispute resolution, the conventional court system is widely acknowledged and held in high regard due to its fundamental characteristics, including consistency, transparency, availability, neutrality, equity, parity, jurisdiction, and punitive measures (Awais, 2018). Nonetheless, the confluence of population expansion, constrained judicial resources encompassing personnel, infrastructure, and technological advancements, as well as inadequate governmental emphasis on the law and justice sector, has engendered an onerous strain on courts, leading to the protraction of justice dispensation.

In response to this formidable task, Pakistan has successfully incorporated alternative dispute resolution (ADR) techniques into its legal structure, commencing with the incorporation of arbitration provisions in the 1908 Code of Civil Procedure (Awais and Munir 2018). The adoption of Alternative Dispute Resolution (ADR) has garnered considerable attention in Pakistan as a viable mechanism for resolving disputes in a manner that diverges from the conventional court system. The inception of Alternative Dispute Resolution (ADR) in Pakistan

can be historically attributed to the early 1980s (Shamir, 2016). During this period, the nation encountered a significant accumulation of cases within the conventional judicial system, resulting in substantial delays in the administration of justice.

The findings from the interviews indicate that the alternative dispute resolution (ADR) practices observed in Punjab are deeply ingrained within the cultural and institutional framework of the region. Historically, informal mechanisms for resolving disputes, such as Jirgas and Panchayats, have played a substantial role in addressing conflicts within local communities. The aforementioned mechanisms have been in existence for several decades, encompassing a diverse array of matters and establishing the fundamental framework for alternative dispute resolution (ADR) in the region of Punjab. When examining the historical context of Pakistan, it becomes evident that the concept of Alternative Dispute Resolution (ADR) is not a recent development. This phenomenon dates back to the inception of Pakistan. The contemporary iteration of the traditional "Panchayat" and "Jigra" systems is employed for the purpose of resolving familial conflicts (Shinwari, 2015). Therefore, when questioning the survey participants regarding their perspectives on the types of disputes that can be resolved through alternative dispute resolution (ADR). A significant proportion, specifically 42.6%, of respondents indicated that family conflicts can be effectively resolved through the utilization of Alternative Dispute Resolution (ADR) techniques.



The legal system incorporated alternative dispute resolution (ADR) practices through colonial legislative frameworks, exemplified by the Arbitration Act of 1940 (Kumar, 2021). Over the course of time, legislative reforms have played a significant role in shaping the alternative dispute resolution (ADR) framework in the state of Punjab. The interviews shed light on significant events, such as the inclusion of Alternative Dispute Resolution (ADR) in the constitution in 1973, specifically for resolving water-related conflicts.

The introduction of the Conciliation Courts Ordinance in 1984 marked a significant milestone in the adoption of Alternative Dispute Resolution (ADR) in Pakistan. The objective of this ordinance was to establish a mechanism for the amicable resolution of disputes through conciliation, with the intention of alleviating the workload of formal courts. Nevertheless, this endeavour encountered numerous obstacles and ultimately did not achieve widespread acceptance. Additionally, the implementation of mediation and reconciliation processes in both civil and criminal cases during the early 2000s was also emphasized.

The Alternative Dispute Resolution (ADR) system was first implemented in Punjab in 2002 through the incorporation of Section 89A into the Code of Civil Procedure (CPC). The Code of Civil Procedure (Amendment) Act of 1999 introduced Section 89, which pertains to the resolution of disputes outside of the court. Furthermore, it added Rules 1A, 1B, and 1C to Rule 1 of Order X within the Code (Bhatti & Rizwan, 2023). Section 89 of the legal code grants the court the authority to refer a dispute to an alternative dispute resolution (ADR) method. Conversely, Rules 1 A to 1 C of Order X establish the procedural framework through which the court exercises this jurisdiction. The court provides an explanation of the available alternative dispute resolution (ADR) methods to the parties involved. It allows them to collectively decide on a preferred method through consensus. In the event that consensus cannot be reached, the court assumes the responsibility of selecting the appropriate ADR method.

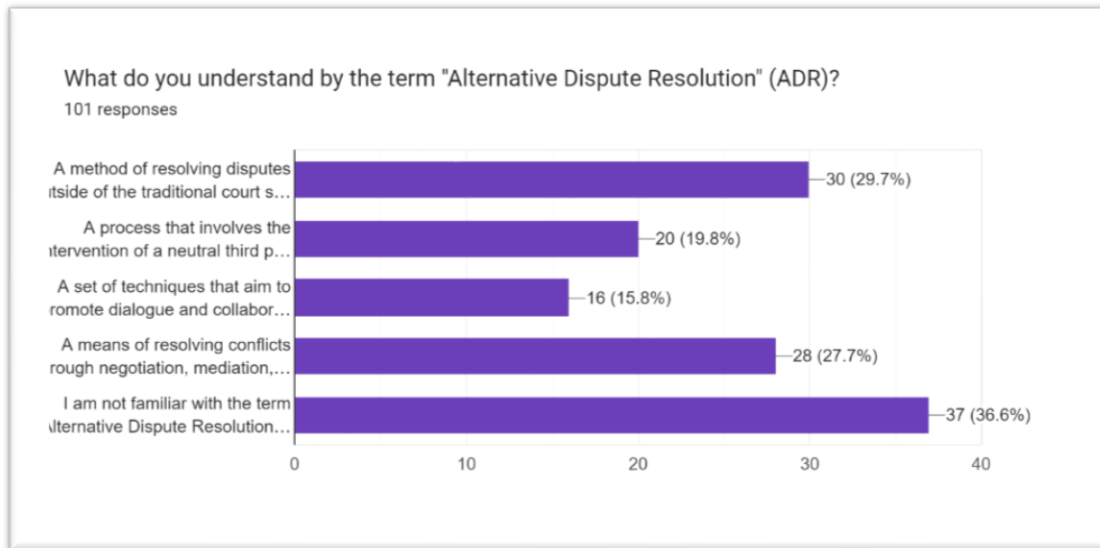
Section 89 of the Code of Civil Procedure, 1908 outlines the provisions for resolving disputes through alternative means outside of the formal court process (Chitranshi & Bairwa, 2021). This section empowers the court to identify potential elements of a settlement that may be agreeable to the parties involved. Upon identifying such components, the court is required to formulate the specific terms of the settlement and present them to the parties for their consideration and feedback. Taking into account the observations provided by the parties, the

court may further refine the terms of the settlement to ensure their feasibility and suitability. Ultimately, the court may then refer the refined settlement terms for implementation.

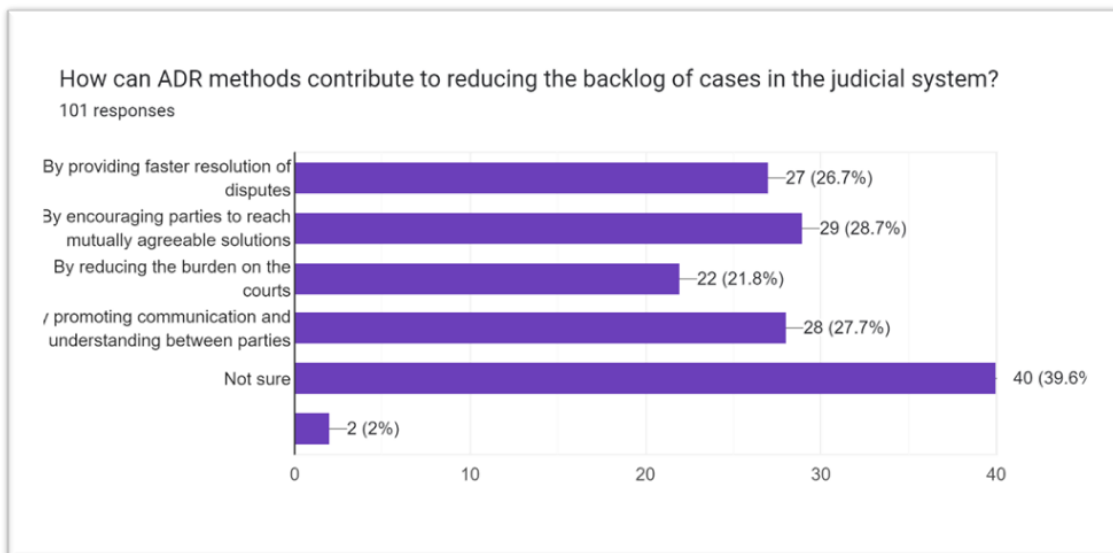
In his interview, Barrister Haris Ishtiaq noted that Pakistan has made efforts to establish various platforms for alternative dispute resolution (ADR). Police stations have implemented Alternative Dispute Resolution (ADR) cells, while courts have established mediation and arbitration centers. In cases of marital dissolution, the matter is typically referred to a local arbitration council. For commercial disputes, the Center for International and Commercial Arbitration serves as a prominent institution. Additionally, numerous universities have established mediation cells to educate students about ADR methods.

According to lawyer Kamil Hayat, notable advancements have been made in the implementation of the Alternative Dispute Resolution (ADR) system in the province of Punjab, Pakistan. The informal acknowledgment of alternative dispute resolution (ADR) practices during the 1990s resulted in the development of training programs, the establishment of mediation centers, and the prioritization of ADR within the Punjab Judicial Policy of 2010. The implementation of the Punjab Mediation Rules 2012, along with the establishment of the Punjab ADR Commission, has significantly enhanced the existing framework of Alternative Dispute Resolution (ADR). The integration of alternative dispute resolution (ADR) was solidified through the enactment of the Punjab Alternate Dispute Resolution Act, 2019, and the Punjab Court Reforms (Amendment) Act 2020. The primary objective of these endeavors is to improve the availability of legal remedies and optimize the process of resolving conflicts in the region of Punjab.

Mr. Shoaib Anwar Qureshi (Addl. Registrar ADR I&LC, Lahore) in his interview emphasized the evolution of Alternative Dispute Resolution (ADR) in Punjab. He noted that the initial implementation of ADR in 2002 did not produce significant outcomes due to a dearth of awareness and a lack of mechanisms to effectively facilitate dispute resolution through ADR. As a result, the potential advantages of alternative dispute resolution (ADR) were predominantly underutilized. Therefore, when inquired about the level of awareness regarding the use of Alternative Dispute Resolution (ADR) as a means of resolving disputes in the province of Punjab, a significant majority of participants, specifically 36.6%, indicated a lack of knowledge regarding this method. This finding demonstrates that there is still a deficiency in awareness among the general population regarding this matter.



In a similar context, an additional questioning has arisen regarding the potential contribution of alternative dispute resolution (ADR) methods towards alleviating the accumulation of pending cases within the judicial system. The findings of this inquiry also confirmed the prevailing lack of awareness among individuals, with 39.6% of respondents indicating a complete unfamiliarity with the function of Alternative Dispute Resolution (ADR) and its potential to alleviate the backlog of cases within the judicial system.



Recognizing the necessity for a more all-encompassing structure, the government of Pakistan implemented the Alternate Dispute Resolution Act in 2017 (Ramzan & Mahmood, 2016). The legislation served as a legal framework for the implementation of diverse alternative dispute

resolution (ADR) mechanisms, including mediation, arbitration, and negotiation, throughout the nation. The guidelines were established to govern the selection of competent mediators and arbitrators, thereby guaranteeing a process that is equitable and unbiased. Mr. M Nadir, Additional Director, Law and Parliamentary Affairs Dpt, Punjab discussed in his interview that the ADR system underwent significant improvement in 2017 through a comprehensive intervention by the Lahore High Court. He highlighted that the regulations outlined in section 89A underwent modifications, resulting in the establishment of an Alternative Dispute Resolution (ADR) center in each of the 36 districts within the province of Punjab.

The ADR system experienced a surge in popularity following the enactment of the Punjab ADR Bill by the Punjab Assembly in 2019 (Ali, 2015). The primary objective of this legislation was to promote the utilization of alternative dispute resolution (ADR) techniques as a means to alleviate the accumulation of cases and delays within the court system. Nevertheless, the implementation of the act encountered obstacles, which encompassed deficiencies within the legislation itself, such as inadequate infrastructure and insufficient judicial training. During the discussion, Mr. Shoaib Anwar Qureshi expressed his viewpoint on the matter. Commented, noted, and our interview confirmed it

‘The notification of Punjab ADR Bill was promulgated by the government of Punjab in 2019 and after all this time the enforcement of this act was first implemented in Lahore in December 2022. No infrastructure was provided. There were many flaws in the law. The dispute was discussed in debates and then it is until very recently that the amended act was issued in March 2023 and it is only enforceable in Lahore for now.’

- Mr Shoaib Anwar Qureshi, Addl. Registrar ADR I&LC, Lahore, April, 2023.

He highlighted that Section 89A was repealed and two schedules were introduced pursuant to the revised act. According to Schedule 1, courts are required to make referrals for alternative dispute resolution (ADR), whereas Schedule 2 offers discretionary referral provisions. Significantly, the revised legislation also implemented the utilization of Alternative Dispute Resolution (ADR) for criminal cases, a concept that had not been previously employed.

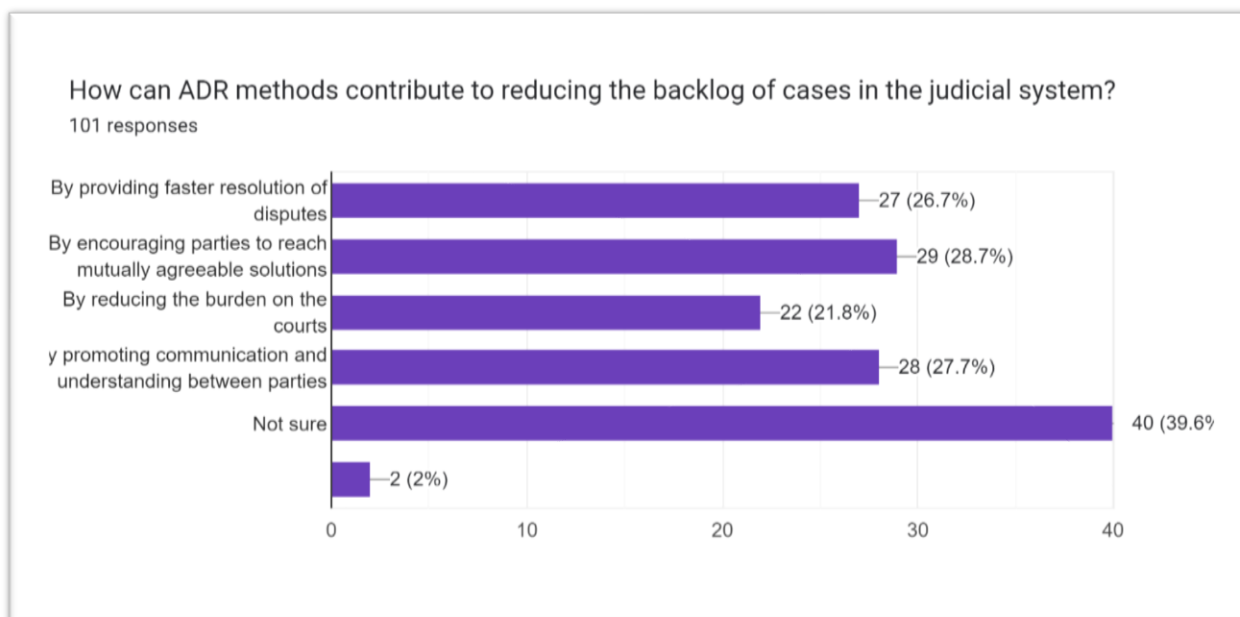
In order to encourage the widespread utilization of alternative dispute resolution (ADR), the government, in conjunction with a range of stakeholders such as the judiciary, legal community, and civil society organizations, initiated awareness campaigns and implemented training initiatives targeting judges, lawyers, and individuals interested in becoming mediators. These efforts were designed with the objective of fostering knowledge and understanding

regarding the advantages of alternative dispute resolution (ADR), as well as enhancing the expertise and capabilities of individuals working within this domain.

In addition, the Lahore High Court and the Sindh High Court have significantly contributed to the advancement of alternative dispute resolution (ADR) by establishing specialized ADR centers within their respective jurisdictions (Sadia et al., 2022). These centers offered a platform for parties to resolve their disputes through the processes of mediation and arbitration, presenting a more expedient, cost-efficient, and confidential alternative to the traditional method of litigation.

The adoption of alternative dispute resolution (ADR) in Pakistan has been met with a favorable reception, as there has been a notable rise in the adoption of ADR methods by both individuals and businesses. The ADR landscape in Pakistan has been further enhanced by the presence of specialized institutions such as the Pakistan Mediation Council, the Centre for International Investment and Commercial Arbitration, and the Pakistan International Arbitration Council.

Mediation has emerged as the primary method utilized in alternative dispute resolution (ADR) centres, with a particular focus on resolving conflicts between parties involved. The survey respondents also placed emphasis on the mediation method when asked about their preferred alternative dispute resolution method for resolving conflicts. Although a significant proportion of respondents, specifically 39.6%, expressed uncertainty regarding the adoption of any alternative dispute resolution (ADR) method. The second largest proportion, specifically 28.7%, expressed support for mediation as a preferred method for resolving conflicts, advocating for the encouragement of parties involved to reach mutually agreeable solutions.



As per the analysis of experts in the field, in order to optimize the process of mediation, civil judges in the region of Punjab have undergone specialized training to fulfil the role of mediator judges. The participants were provided with instructions on how to conduct mediation sessions, which encompassed various aspects such as crafting opening statements, facilitating joint sessions, conducting individual sessions with each party, and presenting a comprehensive summary of the findings upon completion. The courts have made a reference to the utilization of mediation in legal cases, underscoring the significance of securing the consent of both parties involved. The advantages of alternative dispute resolution (ADR), such as expedited resolution and decreased litigation duration, became apparent through the successful settlement of legal disputes. For example, in litigation, cases involving special performance often required a lengthy period of 10-12 years to reach a resolution (Imam, 2020). In contrast, mediators were able to achieve decisions in an average of three months, effectively resolving disputes between parties. However, over time, the overall procedure failed to gain the necessary momentum it deserved.

As per the analysis provided by ADR specialist Mehak Bari, a significant obstacle in the advancement of alternative dispute resolution (ADR) in the region of Punjab is the lack of a distinct legislation exclusively focused on mediation. Pakistan has not ratified the Singapore Convention, an international agreement that highlights the significance of mediation. In Pakistan, the courts possess the jurisdiction to make referrals to mediation; however, the voluntary agreement of both parties is a prerequisite, and the enforcement of mediation outcomes is not possible. The aforementioned absence can be attributed to a deficiency in

governmental prioritization of the promotion of Alternative Dispute Resolution (ADR) as a feasible substitute for conventional court litigation. The lack of a specific legislation pertaining to mediation poses constraints on the extent to which mediation can be widely implemented and acknowledged within the legal framework of Punjab. The speaker additionally elaborated on the efforts made by the government of Punjab to enhance alternative dispute resolution (ADR) practices. These efforts involved establishing partnerships with prominent international organizations, including the World Bank, International Finance Corporation, and Asia Foundation. Although the participation of foreign entities did lead to the provision of resources and expertise, numerous apprehensions were expressed regarding the interference from external sources and the potential erosion of Pakistani legal principles and traditions.

The primary focus of Alternative Dispute Resolution (ADR) centres in Punjab is the utilization of mediation as a method for resolving disputes. The utilization of mediation has demonstrated encouraging outcomes in terms of diminishing the duration required for case resolution in comparison to conventional litigation. Through the acquisition of specialized training, mediators have demonstrated the capacity to arrive at resolutions within an average duration of three months, thereby presenting a noteworthy enhancement in contrast to the protracted nature of the litigation process (Bhutta et al., 2020). Nevertheless, a significant portion of the interview participants expressed the opinion that the predominant utilization of mediation has given rise to apprehensions regarding the impartiality and neutrality of mediators. The fairness of the mediation process and the guarantee of equal representation and treatment for all parties involved are subjects of inquiry due to the potential impact of local power dynamics and biases.

The Punjab government has implemented Alternative Dispute Resolution (ADR) centres across multiple districts in order to expedite and enhance the resolution of cases. Training programs have been introduced to provide judges and mediators with necessary skills and knowledge. The Lahore High Court has taken a more proactive approach towards mediation following the implementation of judicial reforms in 2018. The establishment of Alternative Dispute Resolution (ADR) Centres was observed in all 36 districts of Punjab. The primary objective of these Centers is to offer mediation services with the voluntary agreement of the parties involved in the dispute. This approach is intended to alleviate the workload of the courts, while also providing a more efficient and economical resolution process in terms of both time and cost. The mediation centers mentioned in the statement leverage the knowledge and skills of judges who have received specialized training in the area of Alternative Dispute Resolution (ADR) through the Punjab Judicial Academy. Based on a report, a total of 1170 cases were directed to

the aforementioned Centres during the initial fortnight of June, with 682 of them having already reached a resolution. If a significant proportion of cases are resolved expeditiously, it is likely that the workload of conventional courts will diminish, leading to an enhancement in their overall efficiency.

In conclusion, the advancement of the Alternative Dispute Resolution (ADR) system in Pakistan has undergone a gradual transformation, primarily motivated by the imperative to tackle the accumulation of pending cases within the conventional judicial framework. Pakistan has achieved notable advancements in the promotion and institutionalization of alternative dispute resolution (ADR) methods through the implementation of legislative reforms, awareness campaigns, training programs, and the establishment of specialized ADR institutions. The increasing acknowledgement and adoption of alternative dispute resolution (ADR) exemplify its efficacy in delivering prompt and economical resolutions to conflicts, thereby enhancing the efficiency of the national justice system. However, it is important to acknowledge that there are still challenges that must be confronted, particularly in relation to the management of the growing number of unresolved civil dispute cases. Despite certain accomplishments, there still exists a substantial gap that needs to be bridged.

4.2. Current Challenges to ADR implementation in Punjab

The implementation of Alternative Dispute Resolution (ADR) mechanisms in the province of Punjab, Pakistan, has encountered various obstacles. The challenges arise from a multitude of factors, encompassing cultural barriers, insufficient awareness, constrained institutional capacity, and opposition from the legal community. Existing research indicates that the aforementioned challenges serve as obstacles to the extensive adoption of Alternative Dispute Resolution (ADR) in the region of Punjab.

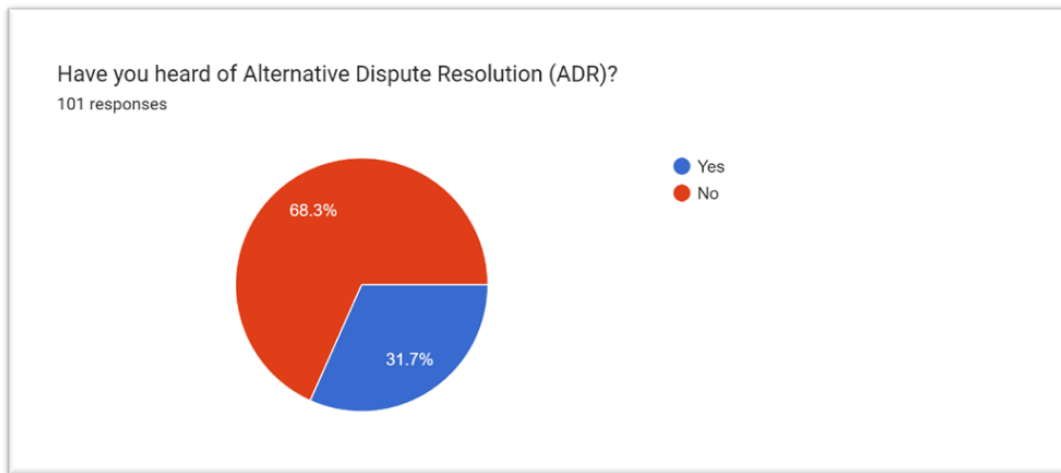
The integration of Alternative Dispute Resolution (ADR) techniques within the judicial courts of Punjab is not devoid of obstacles. This chapter will examine the primary obstacles encountered by the courts in Punjab with regard to the implementation of alternative dispute resolution (ADR) techniques. The aforementioned challenges were discerned via interviews conducted with a range of stakeholders, encompassing legal professionals, judicial officers, and individuals directly engaged in alternative dispute resolution (ADR) procedures. The perspectives and insights provided by individuals offer valuable insights into the obstacles that

impede the successful implementation and utilisation of Alternative Dispute Resolution (ADR) within the judicial system of Punjab.

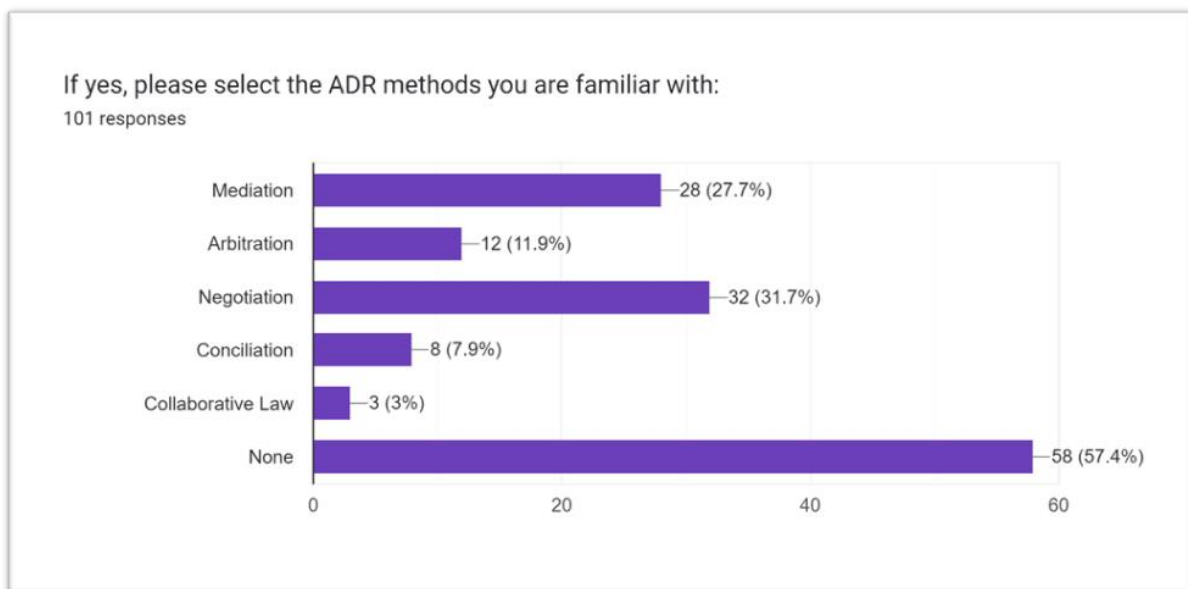
The presence of inadequate knowledge and comprehension regarding Alternative Dispute Resolution (ADR) among the general populace and legal professionals presents supplementary challenges. A significant portion of the population remains uninformed about the presence of alternative dispute resolution (ADR) mechanisms or possesses limited understanding of their functioning (Ahsan, 2008). Likewise, legal professionals such as lawyers and judges may possess inadequate training in alternative dispute resolution (ADR) methods, leading to a sense of doubt or reluctance in embracing their application. To tackle these challenges, it is imperative to implement comprehensive training programs and capacity-building initiatives that encompass legal professionals as well as the general public.

One notable challenge that arises is the limited level of public trust in alternative dispute resolution (ADR) mechanisms (Hassan, 2020). There exists a segment of individuals who harbor skepticism regarding the equity and neutrality of alternative dispute resolution (ADR) mechanisms, thereby favoring conventional litigation approaches. To foster public trust in Alternative Dispute Resolution (ADR), it is imperative to tackle apprehensions regarding the impartiality of mediators or arbitrators, guarantee transparency throughout the process, and demonstrate favorable case resolutions as a means of cultivating confidence.

The key challenges emphasised by the interviewees is also the dearth of information and awareness among the stakeholders engaged in conflicts. A significant portion of the population in Punjab lacks familiarity with the concept of Alternative Dispute Resolution (ADR) and its associated advantages, resulting in a hesitancy to engage with alternative approaches to resolving disputes. The primary objective of conducting a survey for gathering information was to obtain empirical data regarding the level of awareness of the Alternative Dispute Resolution (ADR) system in the province of Punjab. Consequently, the initial inquiry directed to the participants of the survey was whether they possessed any prior knowledge of the alternative dispute resolution technique. A total of 68.3% of respondents indicated that they were not familiar with the search term in question. A mere 31.7% of individuals possessed a rudimentary understanding of the alternative dispute resolution (ADR) method. This clearly demonstrates that a significant portion of the population is unaware of the existence of the ADR method within their respective region.

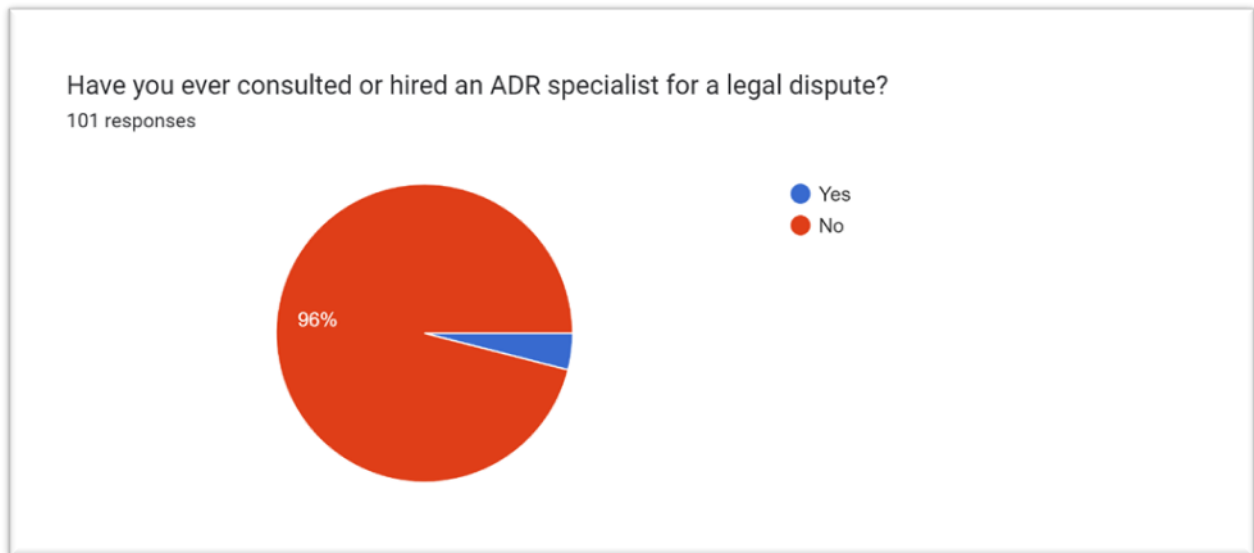


The subsequent research pertained to whether individuals possess knowledge regarding Alternative Dispute Resolution (ADR), as well as any supplementary insights regarding its various classifications and methods of application. In light of this rationale, an additional inquiry pertained to the categorization of ADR systems. Unfortunately, a majority of respondents, specifically 57.4%, displayed a lack of familiarity with any of the available forms of Alternative Dispute Resolution (ADR). However, it is evident that Negotiation is predominantly recognized by 31.7% of respondents, while 27.7% possess knowledge regarding mediation as one of the types of Alternative Dispute Resolution (ADR).



In a similar manner, a question was presented to the participants in order to explore their knowledge regarding alternative dispute resolution (ADR) in the region of Punjab, as well as

to ascertain its standing as a favored approach for conflict resolution. During the survey, participants were asked regarding their adoption of alternative dispute resolution (ADR) or their level of awareness regarding this particular method. The overwhelming majority, specifically 96%, indicated that they have never engaged the services of a consultant or alternative dispute resolution (ADR) specialist in any of their legal disputes.

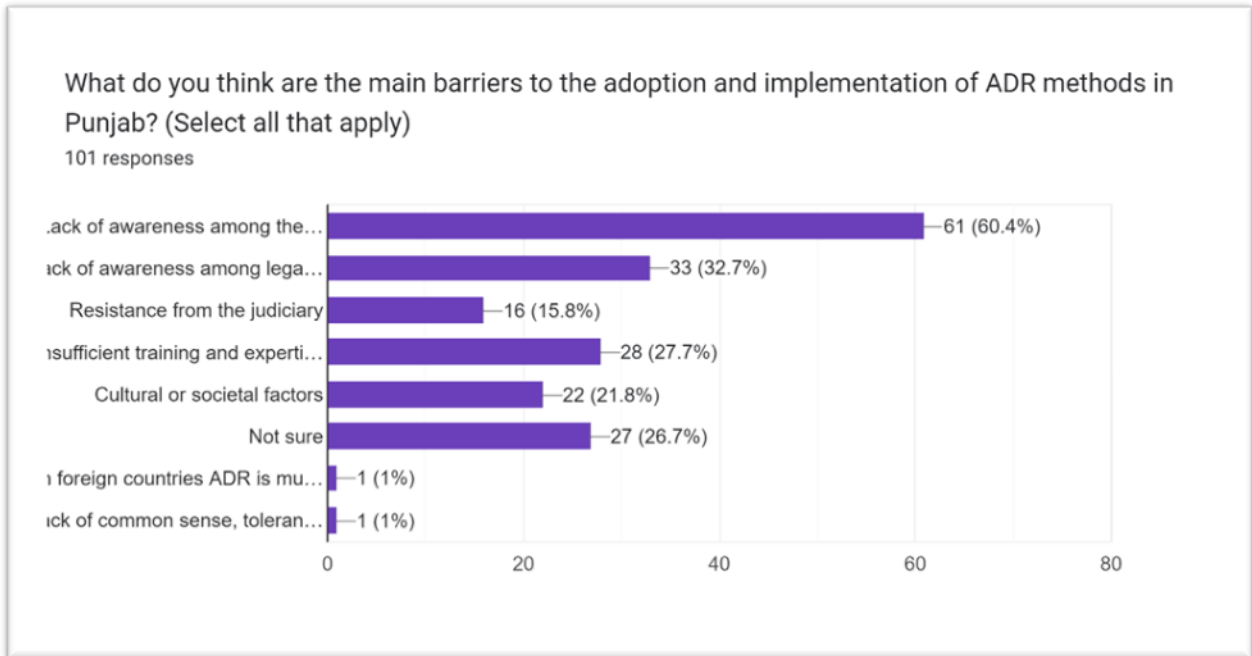


The overwhelming majority of evidence suggests that there exists a notable deficiency in public knowledge and understanding regarding alternative dispute resolution (ADR). Hence, it is reasonable to posit that individuals harbour scepticism towards the authenticity and viability of the Alternative Dispute Resolution (ADR) system as a means of resolving their conflicts.

According to Barrister Harris Ishtiaq, there is a general lack of comprehensive understanding of alternative dispute resolution (ADR) among judicial officers, leading to a tendency for them to personally engage with the process. The individuals in question hold the belief that their jurisdiction is being wrongfully seized, although this assertion is unfounded. ADR is not widely utilized by legal professionals due to a prevailing deficiency in training and a predominant belief among legal professionals that litigation is the sole viable course of action.

The findings and the interview results collectively suggest that a significant proportion of individuals lack awareness regarding ADR, and even if they possess knowledge about it, they typically express scepticism towards its efficacy as a legitimate approach for resolving conflicts. Hence, when inquired about regarding the survey respondents' perspective on the primary challenge or obstacle in relation to the effective execution of Alternative Dispute

Resolution (ADR) in the province of Punjab. A significant proportion, specifically 60.4%, of respondents perceive the insufficient knowledge and understanding of alternative dispute resolution (ADR) among individuals as the primary obstacle that must be addressed for the effective adoption of this approach.

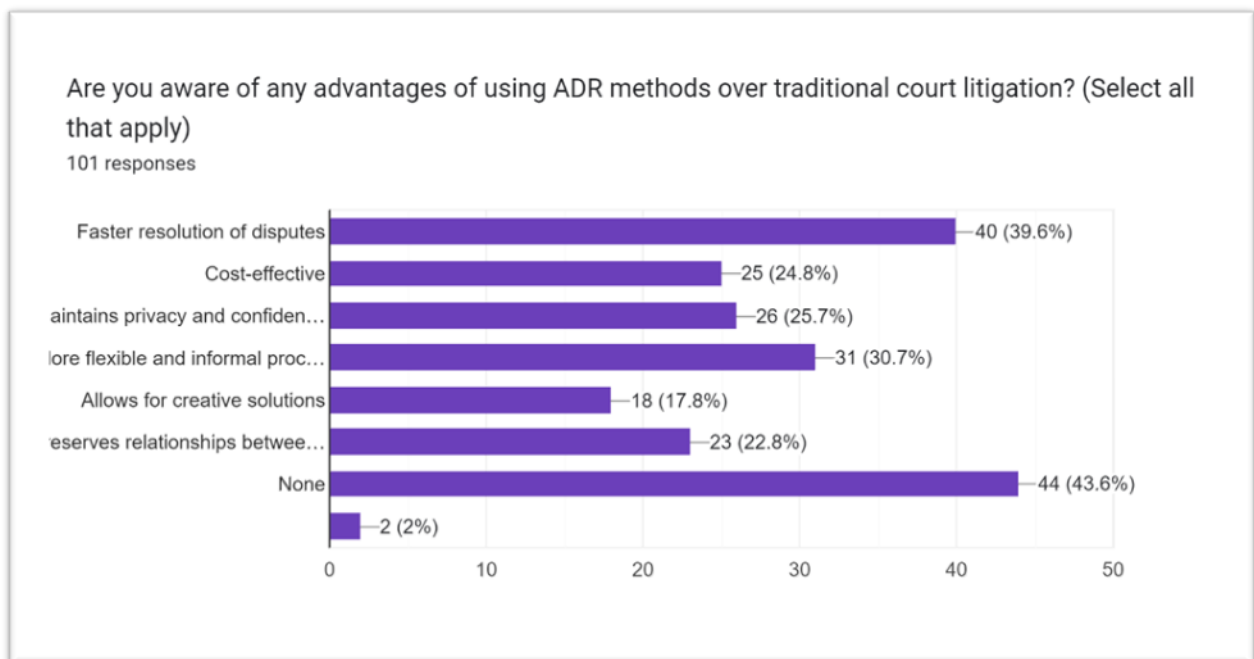


A notable challenge lies in the dominant cultural perspective that prioritizes litigation as opposed to alternative approaches for resolving disputes. The prevailing cultural norms and societal expectations frequently place a higher emphasis on pursuing justice through the established judicial system, resulting in a hesitancy to consider alternative dispute resolution (ADR) methods (Won, 2013). Addressing this mindset necessitates focused awareness campaigns and educational endeavors that highlight the advantages and efficacy of alternative dispute resolution (ADR) in the resolution of conflicts.

When discussing the challenges related to Alternative Dispute Resolution (ADR), Engr emphasised that a significant obstacle lies in the prevailing mindset of individuals. Within the given region, there exists a prevailing notion that any form of disagreement necessitates the involvement of a judicial institution in order to achieve a resolution. The individual placed significant emphasis on the necessity of altering this particular mindset by means of fostering awareness and providing education regarding the advantages associated with alternative dispute resolution (ADR). It is imperative to raise awareness among individuals regarding the efficacy of alternative methods in resolving disputes, thereby obviating the necessity for

protracted court proceedings. The survey also included a question regarding the advantages of alternative dispute resolution (ADR).

The participants were queried regarding their level of awareness regarding the benefits associated with the utilization of Alternative Dispute Resolution (ADR) methods for conflict resolution. A significant proportion, specifically 43.6%, demonstrated a lack of awareness regarding the benefits associated with Alternative Dispute Resolution (ADR) in comparison to conventional court litigation. However, a significant proportion of respondents, specifically 39.6%, expressed the belief that this particular method represents the most expeditious approach to resolving disputes. Approximately 30.7% of individuals perceive it as a flexible and informal approach for conflict resolution. Approximately 25.7% of individuals hold the viewpoint that the preservation of privacy for all parties involved is upheld during the process of resolving conflicts.



Kamil Hayat elaborated on the advantages of adopting ADR in resolving the conflicts. He believes that the Alternative Dispute Resolution (ADR) is widely regarded as the most effective approach for achieving prompt resolution and alleviating the strain on the already overwhelmed judicial system. One effective strategy for addressing the backlog of pending cases is the utilization of alternative dispute resolution techniques. One advantage of utilizing this approach is that it offers a secluded and confidential environment in contrast to the public nature of court proceedings. The provision of flexibility in dispute resolution allows parties to independently devise their own resolutions, rather than being dependent on the verdict of a court.

Certain obstacles are presented by the legal framework surrounding Alternative Dispute Resolution (ADR) in Punjab. The presence of legislation, such as the Alternate Dispute Resolution Act of 2017, serves to facilitate the practice of alternative dispute resolution (ADR). However, it is worth noting that the implementation and enforcement of these laws may exhibit inconsistencies (Naseer et al., 2023). The presence of ambiguities within the legal framework has the potential to generate confusion and impede the efficient operation of alternative dispute resolution (ADR) processes. The establishment of clear and consistent laws and regulations pertaining to alternative dispute resolution (ADR) is of utmost importance in effectively tackling this issue.

One additional challenge that emerged during the interviews pertains to the perception that court proceedings are characterised by lengthy durations before reaching a final resolution. Individuals possess knowledge regarding the existing delays and accumulation of cases within the judicial system, prompting them to potentially opt for alternative avenues of resolving disputes. Nevertheless, it is frequently observed that this occurrence occurs only after a prolonged period of legal proceedings, which suggests a deficiency in the initial understanding and confidence in alternative dispute resolution (ADR).

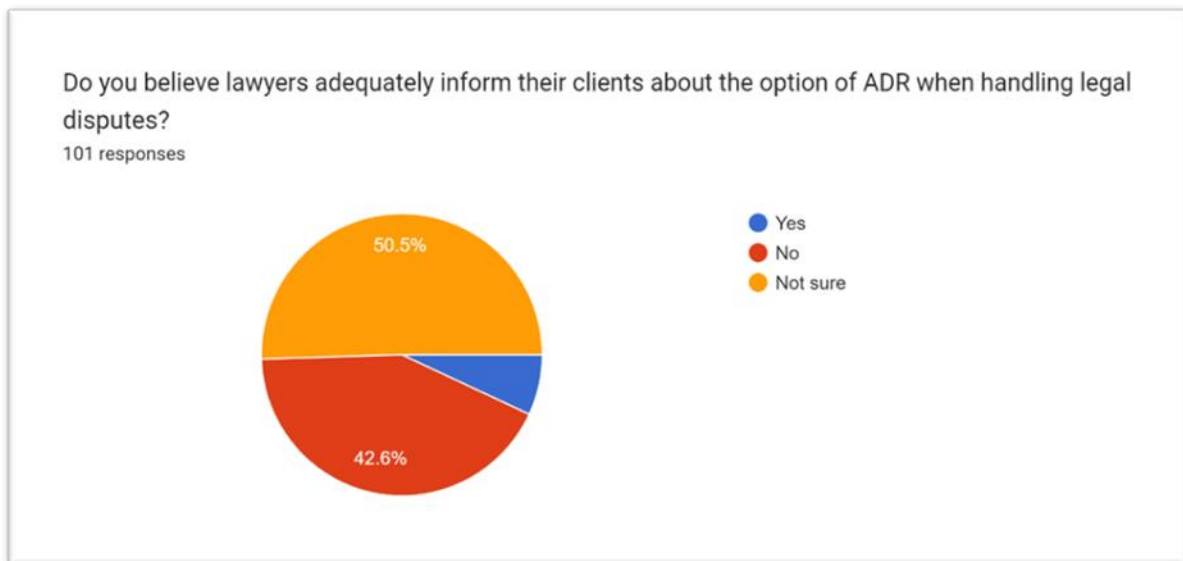
The effective implementation of Alternative Dispute Resolution (ADR) in Punjab is hindered by various challenges related to enforcement. The enforceability and compliance of Alternative Dispute Resolution (ADR) agreements give rise to apprehensions, despite the fact that such agreements can be achieved through mediation or arbitration. The reliability and effectiveness of alternative dispute resolution (ADR) processes are compromised by enforcement mechanisms that are either inconsistent or weak. The establishment of effective enforcement mechanisms and the promotion of adherence to alternative dispute resolution (ADR) agreements are essential for cultivating confidence in the system.

According to the lawyer, Khayyam Abbasi, ADR encounters challenges during the implementation phase of their decisions. The fundamental prerequisite is the mutual agreement between both parties to resolve their dispute through Alternative Dispute Resolution (ADR). Furthermore, individuals employ litigation as a strategy to prolong proceedings and ensnare others in unfounded allegations. Thirdly, it should be noted that alternative dispute resolution (ADR) does not hold ultimate jurisdiction, as appellate courts may intervene. This intervention is often necessitated by the substantial backlog of pending cases.

Additionally, research suggests that the implementation of Alternative Dispute Resolution (ADR) in Punjab may face obstacles due to resistance from the legal community. Certain legal professionals may view Alternative Dispute Resolution (ADR) as a potential challenge to their occupation, apprehensive about the possibility of diminished opportunities for litigation-related engagements. To surmount this resistance, it is imperative to engage and collaborate with legal professionals in a manner that effectively highlights the ways in which alternative dispute resolution (ADR) can enhance their practice. This entails emphasizing the potential for ADR to expedite the resolution process and offer cost-effective solutions that ultimately benefit clients.

The interview respondents also highlighted this challenge as the adoption of Alternative Dispute Resolution (ADR) techniques in Punjab face the opposition encountered from legal practitioners, specifically lawyers. In her interview, Aaminah Qadir emphasised that the resistance observed can be attributed to the perception held by lawyers that alternative dispute resolution (ADR) poses a potential threat to their conventional practise centred around litigation. This perception arises from the understanding that ADR diminishes the income generated through litigation fees. As a result, legal practitioners may exhibit reluctance in advocating for the utilisation of alternative dispute resolution (ADR) and may actively dissuade their clients from choosing this method of resolving conflicts. In her interview, Sarah Tarar addressed the issue of certain judges exhibiting resistance towards alternative dispute resolution (ADR) methods, citing concerns regarding the potential erosion of their role and authority. It is common for retired judges to transition into the role of arbitrators, a practise that tends to confine the application of alternative dispute resolution (ADR) within their specific sphere of influence.

In order to substantiate this argument, a question was directed towards the participants of the survey, inquiring whether they hold the belief that lawyers assist their clients in embracing the alternative dispute resolution (ADR) approach. The survey findings exhibited a degree of uncertainty, with approximately 50.5% of respondents indicating their uncertainty regarding the situation at hand. However, the second majority, comprising 42.6% of respondents, holds the belief that lawyers fail to effectively communicate with their clients when it comes to the adoption of alternative dispute resolution (ADR) methods.



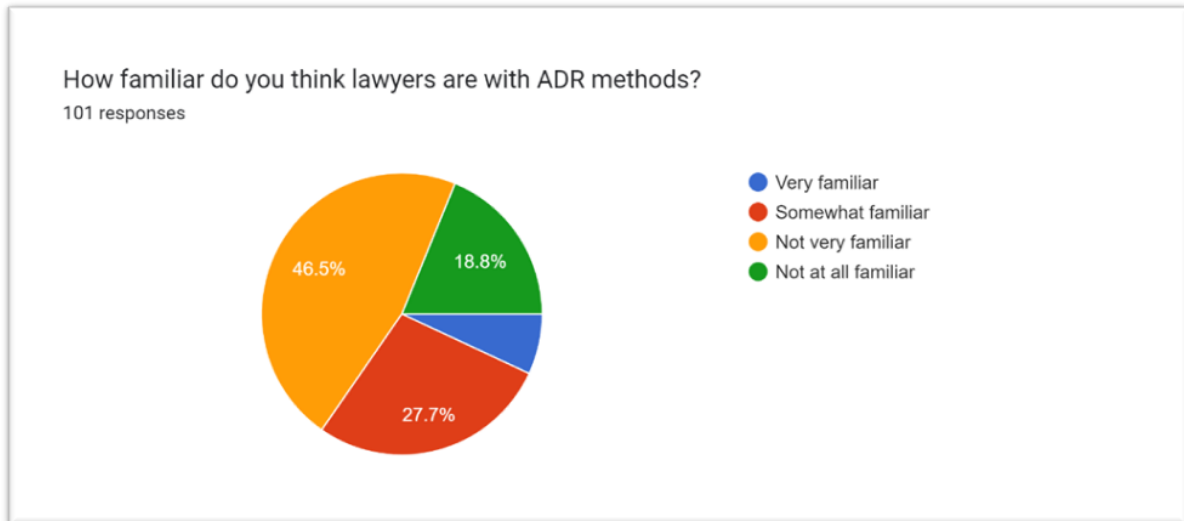
One additional obstacle encountered by the alternative dispute resolution (ADR) system in Punjab pertains to the adequacy of capacity and infrastructure within ADR institutions. According to research findings, it has been indicated that the current alternative dispute resolution (ADR) centers frequently encounter deficiencies in terms of adequate resources, qualified personnel, and standardized procedures. The lack of infrastructure and capacity significantly diminishes the credibility and efficacy of alternative dispute resolution (ADR) mechanisms. Enhancing the capacity and resources of alternative dispute resolution (ADR) institutions through targeted investments, comprehensive training programs, and robust policy backing can effectively address this hindrance. There exists a notable deficiency in training in this particular domain as well. The Punjab Judicial Academy currently offers training programs for judges; however, it is recommended that additional training opportunities be made available for lawyers as well. It is imperative to implement awareness programs and provide training for lawyers, as they possess the necessary expertise to effectively employ and embrace alternative dispute resolution (ADR) techniques for conflict resolution.

The lawyer Nehan Zehra in her interview emphasized that the primary obstacle lies in the mindset of legal professionals. ADR is commonly regarded as an informal method for resolving disputes. Furthermore, the absence of sufficient training and awareness regarding alternative dispute resolution (ADR) among legal professionals also contributes to this issue. The conventional method of conflict resolution is favoured due to the prevailing mindset among lawyers, who exhibit a reluctance to embrace alternative approaches. There exists a significant degree of hesitancy among legal professionals with regards to alternative dispute resolution

(ADR), as they are perceived to not effectively convey the benefits of ADR to their clientele. The perception of this approach is often regarded as informal and characterized by stereotypes. Another factor contributing to the reluctance of individuals to adopt alternative dispute resolution (ADR) is the perception that ADR is a costly method. While arbitration in alternative dispute resolution (ADR) can be expensive, mediation, on the other hand, is relatively affordable.

Moreover, a significant challenge that has been identified pertains to the insufficient level of supportive response received from legal professionals outside the confines of the courtroom. Lawyers fulfil a crucial function in providing guidance to their clients in legal affairs, and their support for alternative dispute resolution (ADR) methods is essential for the effective execution of these mechanisms. As per the respondent's statement. Lawyers frequently encourage the pursuit of legal action as it serves as a source of revenue for their practise. On the other hand, it should be noted that mediation and other alternative dispute resolution (ADR) methods do not inherently necessitate the participation of legal professionals, but rather can be effectively facilitated by any appropriately qualified neutral third party. The apprehension regarding the impact on their professional standing and financial stability prompts legal practitioners to exhibit resistance towards alternative dispute resolution (ADR) and actively discourage its adoption. According to the interviewees, there exists a perception that certain lawyers fail to provide adequate guidance to their clients, instead prioritising their own personal interests by encouraging them to initiate legal proceedings. It has been emphasised that their lack of interest lies not in addressing their client's problem or providing service, but rather in prioritising the collection of consultancy fees.

During the course of the interview with the legal professionals, it was noted that there exists scepticism among lawyers regarding the adaptability of the Alternative Dispute Resolution (ADR) system in Punjab to incorporate contemporary ADR techniques. This scepticism arises from the perceived weaknesses of the current ADR system in Pakistan, primarily attributed to two key factors: insufficient public awareness and inadequate judicial support. According to the survey findings, it was revealed that a significant proportion of lawyers, specifically 46.5%, possess limited familiarity with the process of Alternative Dispute Resolution (ADR). It is important to acknowledge that a sceptical stance may suggest a lack of comprehensive understanding or genuine familiarity with the alternative dispute resolution (ADR) method for conflict resolution among lawyers. There is a limited number of lawyers who possess comprehensive knowledge of the phenomenon.



According to a majority of legal professionals, the alternative dispute resolution (ADR) system in Punjab has thus far resolved approximately 7% of cases, with a predominant focus on family disputes and a smaller proportion dedicated to civil matters.

A notable challenge arises from the recurrent occurrences of strikes and boycotts initiated by legal professionals. The occurrence of these strikes has the potential to disrupt the normal course of court proceedings and consequently establish an unfavourable atmosphere that hinders the effective implementation of Alternative Dispute Resolution (ADR) methods. Lawyers' strikes frequently arise due to a variety of factors, encompassing requests for improved working conditions, procedural modifications, or alterations in policy. The strikes' disruptive nature poses a challenge to the stability and continuity necessary for the successful implementation of alternative dispute resolution (ADR).

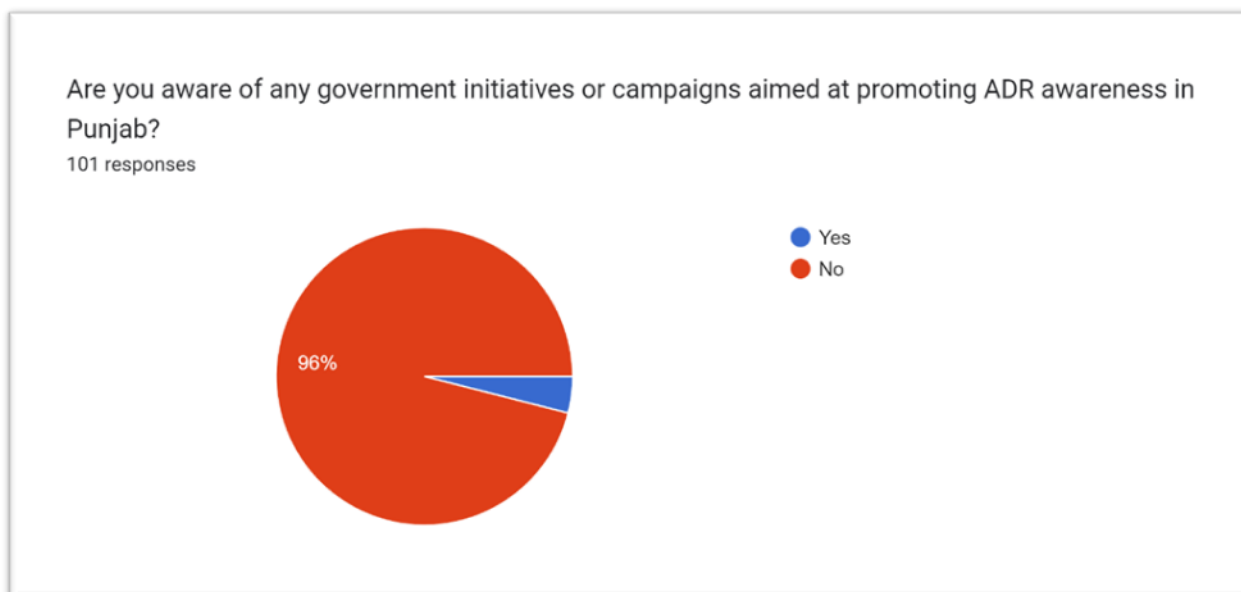
The prevailing culture of strikes among lawyers in Punjab was deemed by experts to have a negative impact on both the implementation of Alternative Dispute Resolution (ADR) and the resolution of pending cases (Khan, 2022). The occurrence of these strikes poses a disruption to court proceedings, resulting in notable impediments that impede the efficient operation of the justice system. The discussions underscored the adverse effects of the prevailing strike culture among lawyers in Punjab, which has implications for the effective implementation of Alternative Dispute Resolution (ADR) mechanisms. The prevailing phenomenon of strikes not only causes disruption to court proceedings but also poses a challenge to the interests of litigants by impeding the overall process of resolving legal disputes. Through the utilisation of strikes and participation in activities that pose a threat to judges, legal professionals

inadvertently foster an atmosphere that undermines the trust and confidence placed in the legal system.

An additional obstacle pertains to the scarcity of reputable professionals within the domain of Alternative Dispute Resolution (ADR). The participant highlights a deficiency in the availability of proficient instructors with the necessary expertise to effectively educate students on alternative dispute resolution (ADR) techniques during their pursuit of a law degree. According to M Hasnain K, a certified Arbitrator & Mediator, he encountered a dearth of proficient instructors capable of effectively imparting knowledge on Alternative Dispute Resolution (ADR) techniques during his pursuit of a law degree. The absence of reliable guidance and expertise impedes the progress and acknowledgment of alternative dispute resolution (ADR) practises. In the province of Khyber Pakhtunkhwa (KP), Dispute Resolution Councils (DRCs) serve as alternative forums for individuals to seek resolution for their disputes, thereby circumventing the traditional court system. Nevertheless, it is frequently observed that the members occupying these councils possess limited understanding regarding mediation, arbitration, and the various mechanisms associated with alternative dispute resolution (ADR). The absence of credibility in the ADR system erodes public trust and confidence.

During the interview, Syed Akbar Hussain articulated that the prevailing legal education culture also presents a significant obstacle in the successful implementation of alternative dispute resolution (ADR) methods. It is imperative for law schools and legal training programmes to prioritise the significance of Alternative Dispute Resolution (ADR) and offer thorough instruction on its underlying principles and methodologies. The integration of alternative dispute resolution (ADR) into the curriculum will enhance the preparedness of future legal professionals in providing guidance to clients regarding alternative dispute resolution options and advocating for the utilisation of ADR methods.

This assertion is further corroborated by the findings of a survey questioning. The investigation pertained to the initiatives or campaigns pertaining to the promotion of Alternative Dispute Resolution (ADR) in the region of Punjab. A significant proportion, specifically 96% of respondents, indicated that they were unaware of any government-led initiatives of this nature. This demonstrates that the government also plays a pessimistic role through its neglect in promoting alternative dispute resolution (ADR) in Punjab.



According to Mehak Bari, during her interview, it was mentioned that the Punjab University in Lahore has recently introduced a course on Alternative Dispute Resolution (ADR) for the first time in the year 2023. Up until this point, there have been no designated courses on Alternative Dispute Resolution (ADR) available to students who are pursuing their Law Degrees at that institution. Furthermore, she emphasised that the involvement of mediators in alternative dispute resolution (ADR) is an additional aspect of concern. According to her statement, the present scenario involves a significant number of mediators who are former judges, thereby establishing a prevailing notion that mediation proficiency is predominantly associated with individuals possessing extensive experience and a high level of trustworthiness. This ultimately serves as a deterrent for lawyers to pursue specialisation in Alternative Dispute Resolution (ADR), as well as for individuals from non-judicial backgrounds who possess relevant qualifications.

The lawyer Kamil Hayat also comprehensively explained the challenges that are hindering in the successful implementation of the ADR. According to him, there are several barriers that hinder the effective implementation of alternative dispute resolution (ADR) methods. These barriers encompass a lack of training, challenges in integrating ADR with court proceedings, limited awareness about ADR, insufficient statutory provisions, inadequate enforcement of ADR outcomes, and a lack of institutional support. However, these barriers can be addressed through various strategies such as establishing mediation clinics, fostering collaboration with bar associations, and incentivizing lawyers through monetary rewards.

According to Nehan Zehra, it is pertinent to note that the success rate of disputes resolved through Alternative Dispute Resolution (ADR) is high. I have encountered an article that cites a 90% overall success rate for the alternative dispute resolution (ADR) method. The arbitration and mediation methods of alternative dispute resolution (ADR) are highly regarded and appreciated by the parties involved. Nevertheless, in the case where the success rate stands at 90%, it pertains to the subset of individuals, constituting 1% of the population, who opt for the alternative dispute resolution (ADR) approach to address their issues and avoid litigation.

The effective implementation of Alternative Dispute Resolution (ADR) in Punjab's judicial courts is hindered by the presence of limited infrastructure and resources, as well as inadequate case management systems. The interviewees placed significant emphasis on the hindrance of ADR method utilisation in Punjab due to the insufficiency of infrastructure and resources. The underutilization of alternative dispute resolution (ADR) can be attributed to a lack of adequate mediation centres, arbitration facilities, and training institutes for mediators and arbitrators. Furthermore, the participants conveyed that the current case management systems in the judicial courts of Punjab pose an additional hindrance to the successful integration of alternative dispute resolution (ADR). This is in addition to the already existing challenges of limited infrastructure and resources. The absence of streamlined processes, the occurrence of delays in case listing, and the inefficient coordination between alternative dispute resolution (ADR) mechanisms and traditional court procedures impede the seamless transition of cases to ADR.

The proper implementation of Alternative Dispute Resolution (ADR) in Punjab may also face challenges due to cultural barriers. Dispute resolution practices are frequently influenced by traditional values, customs, and social norms. Certain communities may hold the belief that alternative dispute resolution (ADR) is not aligned with their cultural traditions or may exhibit resistance towards adopting it. The implementation of cultural sensitivity and awareness initiatives is crucial in order to successfully introduce Alternative Dispute Resolution (ADR) and ensure its alignment with local customs.

Although the challenges discussed may pose obstacles to the successful implementation of Alternative Dispute Resolution (ADR) in Punjab, it is important to note that they can be overcome. The resolution of lawyer strikes necessitates engaging in constructive dialogue with legal stakeholders in order to establish shared understanding and devise effective solutions that effectively tackle their concerns. The provision of sufficient financial resources and allocation

of resources to Alternative Dispute Resolution (ADR) institutions can effectively address and mitigate infrastructure-related obstacles. Enhancing the effectiveness of enforcement mechanisms, fostering public confidence, and fostering cultural comprehension are additional crucial elements that necessitate concentrated endeavors and specific initiatives.

In conclusion, the implementation of alternative dispute resolution (ADR) in Punjab, Pakistan, encounters a range of obstacles, encompassing cultural impediments, insufficient awareness, institutional capacity limitations, and opposition from the legal fraternity. Addressing these challenges requires focused initiatives such as raising awareness through campaigns, implementing training programs, developing infrastructure, and engaging with relevant stakeholders. By effectively tackling these challenges, the province of Punjab can establish a conducive atmosphere for the extensive acceptance and efficient execution of Alternative Dispute Resolution (ADR), thereby augmenting the accessibility to justice and facilitating streamlined resolution of disputes in the region.

4.3. Reforming/Transforming the ADR system in Punjab

The enhancement of efficiency, accessibility, and effectiveness of the Alternative Dispute Resolution (ADR) system in the province of Punjab, Pakistan, can be achieved through the implementation of diverse measures. Presented below are a comprehensive set of details outlining the steps required to accomplish this objective:

1. Legislative reforms represent a viable approach to effectuating transformation within the alternative dispute resolution (ADR) system. The provincial government possesses the authority to implement legislation that facilitates and fosters the utilization of alternative dispute resolution (ADR) mechanisms, including mediation, arbitration, and conciliation. It is imperative that legislation precisely delineates the extent and relevance of alternative dispute resolution (ADR), establishes a legal structure for ADR procedures, and guarantees the enforceability of ADR agreements and awards.
2. Training and capacity building play a vital role in augmenting the competencies and expertise of alternative dispute resolution (ADR) practitioners, thereby contributing to the overall effectiveness of the ADR system. The implementation of training programs and workshops aimed at enhancing the knowledge and skills of mediators, arbitrators, and conciliators has the potential to enhance their comprehension of alternative dispute

resolution (ADR) techniques, ethical considerations, and optimal approaches. Moreover, it is possible to arrange training sessions targeting judges, lawyers, and court personnel with the aim of enhancing their understanding of alternative dispute resolution (ADR) and its advantages. These sessions can serve to promote the referral of appropriate cases to ADR mechanisms.

3. In the realm of institutional support, the establishment of specialized alternative dispute resolution (ADR) institutions or the enhancement of pre-existing ones can play a pivotal role in facilitating the evolution of the ADR system. These institutions have the capacity to function as central hubs for alternative dispute resolution (ADR) services, offering administrative assistance and curating a roster of proficient and seasoned ADR professionals. In addition, they possess the ability to institute regulations, principles, and ethical standards for alternative dispute resolution (ADR) procedures, thereby guaranteeing consistency and adherence to professional standards.
4. Public awareness campaigns play a crucial role in promoting the utilization of Alternative Dispute Resolution (ADR) by effectively disseminating information about its merits. The provincial government has the capacity to initiate extensive public awareness campaigns across diverse media platforms, encompassing television, radio, newspapers, and social media. The objective of these campaigns should be to provide public education regarding the advantages of alternative dispute resolution (ADR), to counteract any prevalent misconceptions, and to emphasize instances of successful case resolutions achieved through the utilization of ADR methodologies.
5. In order to enhance the efficacy of the alternative dispute resolution (ADR) system, it is imperative to establish a robust connection between ADR and the formal judiciary. The provincial government has the ability to promote and facilitate cooperation between alternative dispute resolution (ADR) practitioners and the judiciary. One potential approach to facilitate alternative dispute resolution (ADR) is the implementation of ADR centers within court systems or the assignment of dedicated judges to oversee ADR-related cases. Regular coordination meetings can be arranged

between Alternative Dispute Resolution (ADR) practitioners and judges to facilitate discussions on challenges, exchange experiences, and explore strategies for enhancing the efficiency of the ADR process.

6. Incentivizing and facilitating the utilization of Alternative Dispute Resolution (ADR) can serve as a means to foster its adoption. The provincial government has the ability to provide reduced court fees for cases that are referred to alternative dispute resolution (ADR), offer financial assistance to litigants who are economically disadvantaged, and create a system to acknowledge and enforce ADR agreements and awards. Furthermore, the integration of alternative dispute resolution (ADR) processes into legal aid programs can serve to uphold the principle of equal access to justice for all individuals.
7. The establishment of a comprehensive monitoring and evaluation system is of utmost importance in order to evaluate the efficacy of the reformed Alternative Dispute Resolution (ADR) system. The provincial government has the capacity to establish key performance indicators (KPIs) that can be utilized to assess the efficiency, accessibility, and success rate of alternative dispute resolution (ADR) processes. Regular evaluations play a crucial role in the identification of areas that require improvement, the resolution of any deficiencies, and the establishment of accountability for both ADR practitioners and institutions.
8. The implementation of efficient case management systems has the potential to significantly contribute to the reformation of the alternative dispute resolution (ADR) system. Technology can be employed to create digital platforms or software applications that enable the initiation of Alternative Dispute Resolution (ADR) cases, monitoring the advancement of cases, and securely exchanging pertinent documents. These systems have the potential to optimize the alternative dispute resolution (ADR) process, alleviate administrative complexities, and enhance transparency.
9. The successful transformation of the ADR system necessitates the imperative collaboration among diverse stakeholders. The act of actively involving oneself with legal professionals, bar associations, community leaders, and civil society organizations

has the potential to foster support and encourage active participation. Regular consultations, workshops, and forums may be arranged with the purpose of soliciting feedback, addressing concerns, and cultivating a sense of ownership among stakeholders.

10. The establishment of specialized Alternative Dispute Resolution (ADR) centers in various regions of Punjab has the potential to enhance the accessibility of ADR services. These centers have the potential to be established in both urban and rural regions, thereby guaranteeing the widespread availability and convenient accessibility of alternative dispute resolution (ADR) mechanisms to individuals throughout the province. Specialized centers have the capacity to concentrate on distinct categories of disputes, including family, commercial, or land disputes, and subsequently offer customized alternative dispute resolution (ADR) procedures.
11. The undertaking of research and data analysis pertaining to the performance and outcomes of the reformed Alternative Dispute Resolution (ADR) system is of utmost importance in order to facilitate ongoing enhancements. Gathering data pertaining to the quantity of cases referred to alternative dispute resolution (ADR), rates of successful resolution, categories of disputes resolved, and levels of user satisfaction can yield significant insights. The provided information possesses the potential to provide guidance for future policy decisions, facilitate the identification of trends, and support evidence-based reforms aimed at further enhancing the Alternative Dispute Resolution (ADR) system.
12. The adoption of international best practices can serve as a valuable source of insight for the enhancement of the Alternative Dispute Resolution (ADR) system in Punjab. By studying and learning from successful ADR models implemented in other jurisdictions, valuable lessons can be gained to inform the transformation of the ADR system in Punjab. The examination of international best practices and their application to the local context can yield valuable insights into the efficacy of case management, training methodologies, accreditation systems, and quality control mechanisms.
13. The promotion of continuous training and professional development is of utmost importance in upholding the standards of practice for alternative dispute resolution

(ADR) practitioners. In order to ensure practitioners, remain abreast of emerging trends, techniques, and research in the field, it is recommended that advanced training programs be made available, knowledge-sharing platforms be facilitated, and participation in national and international ADR conferences and workshops be encouraged.

In order to effectuate the reform of the Alternative Dispute Resolution (ADR) system in the province of Punjab, it is imperative to undertake a number of pivotal measures. Based on the outcomes of the conducted interviews, the following strategies can be inferred:

The respondents emphasised on the importance of the inclusion of Alternative Dispute Resolution (ADR) as an essential element of the law curriculum is of utmost importance in educational reforms. By integrating Alternative Dispute Resolution (ADR) topics and principles into the curriculum, aspiring legal professionals can acquire a thorough comprehension of the significance and advantages associated with ADR. They were of the opinion that this will aid in debunking the fallacy that alternative dispute resolution (ADR) poses a threat to conventional legal practitioners, and instead emphasise its benefits. It is imperative to establish clear and distinct definitions for various areas of expertise within the legal profession, such as civil practise, criminal practise, corporate practise, construction practise, mediation, and arbitration. These specialisations warrant explicit recognition and emphasis.

Mehak Bari in her interview said that to effectively reform the ADR system in Punjab, it is important to initiate the process with law students rather than relying solely on lawyers who may be resistant to change. By incorporating ADR training and principles into law school curricula, students can be exposed to a more balanced approach that promotes both litigation and ADR. This would involve educating them about the various alternatives available, such as mediation and arbitration, and highlighting the benefits of these methods.

She was of the opinion that the training provided in law schools should not heavily favor aggressive litigation strategies but instead present a well-rounded understanding of dispute resolution options. By offering courses and opportunities related to ADR, such as mediation and arbitration competitions, students can gain practical experience and develop an inclination towards these alternative methods from an early stage. This approach ensures that law graduates are equipped with a broader skill set that includes ADR techniques, rather than solely

focusing on litigation and advocacy skills. By targeting law students, the ADR reforms can be implemented at the grassroots level, allowing for a gradual shift in the legal culture towards alternative dispute resolution. It lays the foundation for future lawyers to embrace ADR as a valuable tool and encourages them to explore and adopt these methods in their professional careers. This approach acknowledges the existing training in litigation but also introduces students to the benefits and opportunities available through ADR, fostering a more comprehensive approach to dispute resolution.

Other than this the interviews highlighted that the inclusion of Alternative Dispute Resolution (ADR) in the curriculum of judicial academies, which are tasked with training judges, is recommended. By placing a higher emphasis on the justice system rather than personal interests, judges have the potential to make a significant contribution towards the reduction of case backlogs. Engr Hasnain K. said that by assigning a substantial proportion of cases, specifically 400 out of 800, to alternative dispute resolution (ADR) mechanisms would enhance the manageability of judges' workload. The primary focus of this training should be to underscore the significance of alternative dispute resolution (ADR) in expediting the resolution of cases and enhancing the accessibility of justice.

The experts were also of the opinion that in order to optimise the efficacy of Alternative Dispute Resolution (ADR), it is imperative that mediators and arbitrators undergo comprehensive training that instils confidence in their decision-making processes. The judgements rendered by legal authorities should not only serve the purpose of administering justice, but also possess the quality of being perceived as just by the general public. The primary objective of training programmes should be to equip mediators and arbitrators with the essential skills required to effectively demonstrate the administration of justice through their decision-making processes. This will facilitate the development of self-assurance in the alternative dispute resolution (ADR) process and foster a greater inclination among individuals to choose alternative methods of resolving disputes.

The lawyer's suggestions for strengthening the current ADR system in Pakistan were that in order to make ADR work effectively the current judicial system has to bring reforms in its system, as both ADR and judicial system are dependent on each other to deal with current crisis of backlog. ADR system would work more effectively in Pakistan when it will have judicial support. Another suggestion presented was that the public must be made aware of ADR methods. The ADR system has to be developed according to the articles in ADR ACT

introduced in Pakistan only then it would work efficiently. According to the lawyers ADR will have a strong social impact only if the ADR system is developed, public will prefer ADR before considering litigation and ADR centres will provide the parties with a just and fair resolution.

While carrying out interview with the experts it was also highlighted that it is very important to ensure effective reform of the ADR system in Punjab, it is crucial to establish clear rules and regulations. Syed Akbar Hussain said that it is equally important to minimize the influence of politics in the implementation of these reforms. The focus should shift towards recognizing individuals who possess the necessary accreditation and competencies to work in the field of ADR. Rather than allowing individuals who have merely heard about ADR to participate, emphasis should be placed on those who have demonstrated their expertise through practical experience and knowledge. This would require setting standards that are not arbitrary but based on a merit-based format. The experts emphasised that by implementing a merit-based system, the ADR field can attract professionals who have the necessary qualifications and skills to handle dispute resolution effectively. Such a system would prioritize competence and expertise over political connections or superficial knowledge. It would ensure that those involved in ADR processes are well-equipped to handle the complexities of resolving disputes and can provide reliable and fair outcomes.

Establishing a standardized framework based on merit would also instil confidence in the ADR system among the public. It would assure them that the individuals responsible for resolving their disputes are qualified and have met specific criteria, fostering trust and acceptance of ADR as a legitimate and effective means of achieving justice.

According to the expert's public awareness campaigns play a crucial role in educating the public about alternative dispute resolution (ADR). It's important to understand that ADR is not just for lawyers and judges; it's for everyone. These campaigns are a powerful tool to spread awareness and inform individuals about the benefits and processes of ADR. By reaching out through various channels like television, social media, and community events, we can effectively reach a wider audience and equip them with the knowledge they need. According to them, public awareness campaigns create a culture of understanding and acceptance, making people aware of the cost-effectiveness, efficiency, and flexibility of ADR. They also highlight the importance of parties maintaining control over the resolution process. With these campaigns, we can empower individuals to seek out ADR options, such as mediation or

arbitration, when facing disputes. Ultimately, the respondents said by increasing public awareness about ADR, they can create a more accessible and efficient justice system that meets the needs of all individuals, regardless of their legal background.

In conclusion, the transformation of the Alternative Dispute Resolution (ADR) system in the province of Punjab, Pakistan necessitates a holistic strategy encompassing legislative modifications, educational initiatives, institutional backing, public outreach endeavors, collaboration with the judiciary, provision of incentives and assistance to involved parties, and the establishment of monitoring and evaluation mechanisms. Through the implementation of these measures, the alternative dispute resolution (ADR) system has the potential to enhance its efficiency, accessibility, and effectiveness. This would offer the people of Punjab a viable and expedited avenue for resolving disputes.

CHAPTER 5

Conclusion

The study conducted on Alternative Dispute Resolution (ADR) in Punjab, Pakistan offers significant insights into the progress and obstacles faced in the implementation of ADR systems. The primary driving force behind the gradual evolution of the Alternative Dispute Resolution (ADR) system in Pakistan has been the pressing necessity to tackle the mounting backlog of cases within the traditional judicial framework. This persistent problem has significantly contributed to delays and inefficiencies in the administration of justice. In light of this challenge, a range of initiatives have been implemented to advance and establish alternative dispute resolution (ADR) techniques, resulting in significant advancements in recent times. A notable element of the transformation has involved the implementation of legislative reforms with the objective of establishing a legal framework that facilitates and encourages the use of alternative dispute resolution (ADR) mechanisms, including mediation, arbitration, and conciliation. The aforementioned reforms are of paramount importance in accurately defining the scope and significance of Alternative Dispute Resolution (ADR), elucidating the procedural elements of ADR, and guaranteeing the enforceability of ADR agreements and awards. The implementation of well-defined protocols and legal frameworks for alternative dispute resolution (ADR) serves to enhance the uniformity and efficacy of the ADR procedure.

An additional crucial factor in the transformation process has been the execution of comprehensive awareness campaigns aimed at fostering public comprehension and endorsement of alternative dispute resolution (ADR). The provincial government has undertaken the proactive measure of initiating awareness campaigns across a range of media platforms, encompassing television, radio, newspapers, and social media. The objective of these campaigns is to offer extensive public education regarding the merits and benefits of alternative dispute resolution (ADR), rectify any misunderstandings, and emphasize the successful outcomes of cases resolved through the application of ADR methodologies. These campaigns aim to increase public consciousness, with the goal of fostering a favorable perception of alternative dispute resolution (ADR) and motivating individuals to contemplate and choose ADR as a feasible substitute for conventional litigation. The growth and effectiveness of the alternative dispute resolution (ADR) system have been facilitated by the establishment of specialized ADR institutions, alongside legislative reforms and awareness

campaigns. These establishments function as primary centers for alternative dispute resolution (ADR) services, providing administrative support, expert advice, and a carefully selected group of skilled ADR practitioners. Additionally, they possess the jurisdiction to institute regulations, principles, and ethical standards governing alternative dispute resolution (ADR) processes, thereby guaranteeing uniformity and compliance with professional conventions. Specialized institutions play a crucial role in enhancing the accessibility and quality of alternative dispute resolution (ADR) services by offering the required infrastructure and support. This enables the efficient and effective resolution of disputes.

Although considerable progress has been achieved in the application of alternative dispute resolution (ADR), it is crucial to recognize that there are still existing obstacles. One of the prominent challenges that arises is the effective management of the growing number of unresolved civil dispute cases. Notwithstanding the advancements achieved, the accumulation of unresolved cases continues to be a significant issue that necessitates attention in order to guarantee the prompt and effective settlement of conflicts. This challenge requires additional attention and efforts to effectively address the gap and enhance the administration of civil disputes via alternative dispute resolution (ADR).

In the particular context of Punjab, Pakistan, the successful implementation of Alternative Dispute Resolution (ADR) encounters supplementary challenges. Significant challenges arise from cultural barriers, limited knowledge regarding alternative dispute resolution (ADR), institutional capacity limitations, and opposition from the legal profession. The perception and acceptance of alternative dispute resolution (ADR) can be influenced by cultural factors, necessitating focused initiatives to address these obstacles. The need to address limited public and legal professionals' awareness regarding the benefits and processes of Alternative Dispute Resolution (ADR) is crucial, and can be effectively tackled through the implementation of comprehensive training programs and awareness campaigns. In addition, the development of institutional capacity is of utmost importance in order to guarantee the presence of adequately trained alternative dispute resolution (ADR) professionals and the effective management of ADR services. The legal community's resistance, driven by apprehensions regarding the potential consequences for their conventional litigation-focused approach, necessitates the involvement and cooperation of legal practitioners in order to cultivate their endorsement and active involvement in alternative dispute resolution (ADR) endeavors.

In order to accomplish a thorough overhaul of the alternative dispute resolution (ADR) system in Punjab, it is imperative to adopt a comprehensive approach. The proposed strategy encompasses several key components aimed at enhancing the efficacy of alternative dispute resolution (ADR). These components include legislative amendments to bolster the existing legal framework, educational initiatives targeting both the general public and legal professionals to promote greater awareness and understanding of ADR, institutional support to enhance capacity and ensure the provision of high-quality ADR services, public outreach efforts to foster acceptance and active participation in ADR processes, collaboration with the judiciary to establish a harmonious relationship between ADR and the formal judicial system, provision of incentives and assistance to parties engaging in ADR, and the establishment of robust monitoring and evaluation mechanisms to continuously enhance the effectiveness of ADR. Through the implementation of these measures, the state of Punjab has the potential to improve the efficiency, accessibility, and effectiveness of the Alternative Dispute Resolution (ADR) system. This would offer its residents a practical and expedited means of resolving disputes.

In summary, it can be observed that notable advancements have been achieved in the adoption of Alternative Dispute Resolution (ADR) in the province of Punjab, Pakistan. However, it is imperative to acknowledge the existence of persisting obstacles that necessitate attention and resolution. The evolution of the alternative dispute resolution (ADR) system has been motivated by the imperative to address the accumulation of unresolved cases. This has resulted in the implementation of legislative modifications, initiatives to raise awareness, educational initiatives, and the establishment of dedicated ADR organizations. These endeavors have demonstrated efficacy in providing timely and cost-efficient solutions, thereby improving the operational effectiveness of the judicial system. Nevertheless, there are several obstacles that need to be addressed in order to effectively manage unresolved civil disputes and overcome cultural barriers, limited awareness, capacity constraints, and resistance from the legal community. In order to address these challenges, it is imperative to develop a comprehensive strategy that incorporates legislative amendments, educational programs, institutional backing, public engagement, collaboration with the judiciary, provision of incentives, and implementation of monitoring mechanisms. Through the implementation of this particular strategy, the state of Punjab has the potential to significantly augment the efficiency, accessibility, and effectiveness of its alternative dispute resolution (ADR) system. This would

ultimately result in enhanced access to justice for its residents, as well as the expedited resolution of disputes.

References

1. Awais, Hasan, and Muhammad Amir Munir. "Alternative Dispute Resolution (ADR) in Trial Courts of Pakistan: A Practical Approach Towards New Era of Timely Justice as a Means of 'Justice for All'." In Report of 8th Judicial Conference, Law and Justice Commission of Pakistan (2018), Forthcoming. 2018. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3185629.
2. Block, Marc Jonas. "The benefits of alternative dispute resolution for international commercial and intellectual property disputes." *Rutgers L. Rec.* 44 (2016): 1. https://www.wipo.int/export/sites/www/amc/en/docs/2016_rutgers.pdf.
3. Brett, Jeanne. "Attitudinal Structuring, Alternative Dispute Resolution, and Negotiation Strategy." *Negotiation Journal* 31, no. 4 (October 2015): 359–60. <https://doi.org/10.1111/nej.12107>.
4. Imam, Syed Kaleem. "Alternative Dispute Resolution (ADR) For Prompt Disposal of Cases." *Pakistan Journal of Criminology* 12, no. 3/4 (2020): 30-47. <http://www.pjcriminology.com/wp-content/uploads/2021/08/3-Alternative-Dispute-Resolution-For-1.pdf>.
5. Balzer, Benjamin, and Johannes Schneider. "Managing a conflict: optimal alternative dispute resolution." *The RAND Journal of Economics* 52, no. 2 (2021): 415-445. <https://onlinelibrary.wiley.com/doi/full/10.1111/1756-2171.12374>
6. Ramzan, Muhammad, and Kashif Mahmood. "Rationalizing Alternate Dispute Resolution in Pakistan." *International Journal of Research in Social Sciences* 6, no. 1 (2016): 88-95. <https://www.indianjournals.com/ijor.aspx?target=ijor:ijrss&volume=6&issue=1&article=008>.
7. Okudan, Ozan, and Murat Çevikbaş. "Alternative dispute resolution selection framework to settle disputes in public–private partnership projects." *Journal of Construction Engineering and Management* 148, no. 9 (2022): 04022086. <https://ascelibrary.org/doi/abs/10.1061/%28ASCE%29CO.1943-7862.0002351>
8. Bhatti, Muhammad Umer, and Mirza Shahid Rizwan. "Alternative Dispute Resolution in Criminal Justice System: A Case Study of The Punjab Adr Act 2019." *Pakistan Journal of Social Research* 5, no. 01 (2023): 181-195. <https://doi.org/10.52567/pjsr.v5i01.1037>
9. Sadia, Halima, Zoya Chaudary, and Iqra Mushtaq. "Effectiveness of Current Mediation

- Centres in Family Disputes." Islamabad Law Review 6, no. 1 (2022): 1-15.
<https://www.iaiu.edu.pk/wp-A/uploads/2023/03/ILR-Vol-6-Issue-1-Article-1-280323.pdf>.
10. Shamir, Yona. "Alternative dispute resolution approaches and their application." (2016). <https://biblioteca.cejamericas.org/handle/2015/72>.
 11. Ozaif, Ahmed . "The Judiciary And ADR Centres In Punjab." Courtingthelaw, 2017. <https://courtingthelaw.com/2017/06/12/commentary/the-judiciary-and-adr-centres-in-punjab/>.
 12. Kumari, Preeti. "Alternative Dispute Resolution (ADR)." Available at SSRN 3626625 (2020). https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3626625.
 13. Hassan, Abida. "Informal dispute resolution in Islamic world Jordan, Egypt, Saudi Arabia and Pakistan." Habibia Islamicus (The International Journal of Arabic and Islamic Research) 4, no. 1 (2020): 109-118. <http://habibiaislamicus.com/index.php/hirj/article/view/116>.
 14. Shinwari, Naveed Ahmad. "Understanding the informal justice system: Opportunities and possibilities for legal pluralism in Pakistan." CAMP, 2015. <https://fid4sa-repository.ub.uni-heidelberg.de/3795/>.
 15. Ali, Sardar Hamza. "An Analytical Study of Criminal Justice System of Pakistan (with special reference to the Province of Punjab)." Journal of Political Studies 22, no. 1 (2015): 17. http://pu.edu.pk/images/journal/pols/pdf-files/2%20-%20SARDAR%20ALI%20HAMZA_22_2015.pdf.
 16. Hameed, Usman, and Nyma Anwar Khan. "Community Participation, the Missing Link in Pakistan's ADR System-The Way Forward." RSIL L. Rev. (2020): 156. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/rsil2020&div=11&id=&page=>.
 17. Bhatti, Muhammad Umer, and Mirza Shahid Rizwan. "ALTERNATIVE DISPUTE RESOLUTION IN CRIMINAL JUSTICE SYSTEM: A CASE STUDY OF THE PUNJAB ADR ACT 2019." Pakistan Journal of Social Research 5, no. 01 (2023): 181-195. <http://ojs.pjsr.com.pk/index.php/PJSR/article/view/1037>.
 18. Kumar, Ashok. Alternative Dispute Resolution System in India. KK Publications, 2021. [https://books.google.com.pk/books?hl=en&lr=&id=pyFCEAAAQBAJ&oi=fnd&pg=PR2&dq=The+legal+system+incorporated+alternative+dispute+resolution+\(ADR\)+p+ractices+through+colonial+legislative+frameworks,+exemplified+by+the+Arbitration+Act+of+1940.+in+Pakistan+&ots=iDO6UU5dPd&sig=OIF8Ep0ZZR7qFjSPNanGe](https://books.google.com.pk/books?hl=en&lr=&id=pyFCEAAAQBAJ&oi=fnd&pg=PR2&dq=The+legal+system+incorporated+alternative+dispute+resolution+(ADR)+p+ractices+through+colonial+legislative+frameworks,+exemplified+by+the+Arbitration+Act+of+1940.+in+Pakistan+&ots=iDO6UU5dPd&sig=OIF8Ep0ZZR7qFjSPNanGe)

[OnAKyQ&redir_esc=y#v=onepage&q&f=false.](#)

19. Huang, Philip CC. "Rethinking "the Third Sphere": The dualistic unity of state and society in China, past and present." *Modern China* 45, no. 4 (2019): 355-391. <https://journals.sagepub.com/doi/abs/10.1177/0097700419844962>.
20. Feng, Jiaojiao, and Pengxin Xie. "Is mediation the preferred procedure in labour dispute resolution systems? Evidence from employer–employee matched data in China." *Journal of Industrial Relations* 62, no. 1 (2020): 81-103. <https://journals.sagepub.com/doi/full/10.1177/0022185619834971>.
21. Wolaver, Earl S. "The Historical Background of Commercial Arbitration." *University of Pennsylvania Law Review and American Law Register* 83, no. 2 (December 1934): 132. <https://doi.org/10.2307/3308189>.
22. "S. Todd Lowry and Barry Gordon, Eds., *Ancient and Medieval Economic Ideas and Concepts of Social Justice*. Leiden, New York, and Cologne: Brill, 1998. Pp. ix, 611; Diagrams. \$141.50." *Speculum* 74, no. 02 (April 1999): 549. <https://doi.org/10.1017/s0038713400197088>.
23. Won, Sung-Kwon. "Overview of alternate dispute resolution with special reference to arbitration laws in Pakistan." *J. Arb. Stud.* 23 (2013): 149.
24. Hartley, James. "Down with 'Op. Cit.'" *Learned Publishing* 18, no. 1 (January 2005): 75–77. <https://doi.org/10.1087/0953151052801569>.
25. Dabscheck, Braham. "Book Review: *The New Province for Law and Order: 100 Years of Australian Industrial Conciliation and Arbitration*." *Journal of Industrial Relations* 47, no. 1 (March 2005): 126–28. <https://doi.org/10.1111/0022185605047001011>.
26. Hussain, Rizwan. "Autonomous Nature of Alternative Dispute Resolution (ADR) and Its Role as Court Assistant in Pakistan." *SSRN Electronic Journal*, 2022. <https://doi.org/10.2139/ssrn.4219096>.
27. Bilal, Dr. Muhammad, and Farqaleet Khokhar. "Justice Delayed or Denied: The Myth of Justice in Pakistan." *Journal of Law & Social Studies* 3, no. 2 (December 31, 2021): 124–32. <https://doi.org/10.52279/jlss.03.02.124132>.
28. In the case of *Mrs. Nasima Yousuf through Special Lawful Attorney v Tehseen Abass Gilgiti and others*, as reported in the *Pakistan Legal Decisions (PLD) 2020, Sindh 68*, the following legal matter was addressed.
29. Ahsan, Irum. "Panchayats and jirgas (lok adalats): Alternative dispute resolution system in Pakistan." *Strengthening governance through access to justice* 27 (2008).

https://books.google.com.pk/books?hl=en&lr=&id=J2h89EbHMZAC&oi=fnd&pg=PA27&dq=Current+Challenges+to+Alternative+Dispute+Resolution+mplementation+in+Punjab+&ots=SO85PkY34F&sig=fkVJq7HKIFh-5tqjsz5wT9_QlpE&redir_esc=y#v=onepage&q&f=false.

30. A.K. Brohi's response to Zulfikar Ali Bhutto's rejoinder, as documented in the publication "Reply to the Rejoinder by Zulfikar Ali Bhutto" (Rawalpindi, 1977), can be found on page 131.
31. Consolidated statement of pending cases, pendency, institution and disposal of cases during the period August 2021. http://ljcp.gov.pk/nljcp/assets/dist/news_pdf/courts.pdf
32. Anum Idris. (2018, May 7). *Alternative Dispute Resolution*. LEAP Pakistan. <https://leappakistan.com/alternative-dispute-resolution/#:~:text=In%20Pakistan%2C%20two%20forms%20of>
33. Ashenfelter, O., & Bloom, D. (1984). *Models of Arbitrator Behavior: Theory and Evidence respectively. We are grateful for useful discussions with.* https://www.rchss.sinica.edu.tw/cibs/law/1.%20Monthly%20Seminar%20Since%2008/Papers/2009/20090429/GaoPeiRu_AshenfelterBloom.pdf
34. Bear, L. S. (1992). *Alternative Dispute Resolution*. https://onefamilylaw.ca/wp-content/uploads/2017/11/nativewomen_adr.pdf
35. Carnevale, P., & Pruitt, D. (1992). NEGOTIATION AND MEDIATION. *Annu. Rev. Psychol.*, 43, 531–533. https://web.archive.org/web/20110111175000id_/http://division.aonline.org:80/cm/Award-Winning-Papers/1998-MIA-Carnevale.pdf
36. Dani, R. (n.d.). *Negotiation as a form of Alternative Dispute Resolution / VIA Mediation Centre*. Viamediationcentre.org. <https://viamediationcentre.org/readnews/NDI1/Negotiation-as-a-form-of-Alternative-Dispute-Resolution>.
37. Esplugues Mota, C., & Barona Vilar, S. (2014). Global perspectives on ADR. In C. Esplugues Mota & S. Barona Vilar (Eds.), *cat2.lib.unimelb.edu.au Library Catalog*. Intersentia. <https://cat2.lib.unimelb.edu.au/record=b5426193~S30>
38. Ferguson, A. (1767). *Online Library of Liberty*. Oll.libertyfund.org. <https://oll.libertyfund.org/title/ferguson-an-essay-on-the-history-of-civil-society>
39. Hussain Jillani, T. (n.d.). *DELAYED JUSTICE & THE ROLE OF A.D.R.* Retrieved November 1, 2022, from <http://www.uop.edu.pk/resources/1.pdf>

40. Kaldor, M. (2003, April). *Global Civil Society: An Answer to War* / Wiley. Wiley.com. <https://www.wiley.com/en-ie/Global+Civil+Society:+An+Answer+to+War-p-9780745627571>
41. Chitranshi, Ojasav, and Daksha Bairwa. "Effectiveness of Section 89 of Code of Civil Procedure." Issue 2 Int'l JL Mgmt. & Human. 4 (2021): 2370. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/ijlmhs10&div=212&id=&page=>.
42. McManus, M., & Silverstein, B. (2011, October 3). *Brief History of Alternative Dispute Resolution in the United States - ProQuest - Page no100*. Wwww.proquest.com. <https://www.proquest.com/openview/b3438909435c2e5caa67c9f7354e8298/1?pq-origsite=gscholar&cbl=1026370>
43. Menkel-Meadow, C. (2015, May 19). *Mediation, Arbitration, and Alternative Dispute Resolution(ADR)*.Papers.ssrn.com. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2608140
44. Mnookin, R. H. (1998). *Alternative Dispute Resolution*. http://www.law.harvard.edu/programs/olin_center/papers/pdf/232.pdf.
45. Newman, M. (2016, December 22). *Forms of Alternative Dispute Resolution - Miller Law*. Miller Law. <https://millerlawpc.com/alternative-dispute-resolution/>
46. Ramteke, N. (2020). Alternative Dispute Resolution (ADR) Under International and National Context -An Overview. *IJRAR2001979 International Journal of Research and Analytical Reviews*, 7(1). <https://ijrar.org/papers/IJRAR2001979.pdf>
47. Rocketlawyer. (2019). *ADR - Alternative dispute resolution - What is ADR?* Rocketlawyer.com. <https://www.rocketlawyer.com/gb/en/quick-guides/alternative-dispute-resolution>
48. Dawoodbhoy, Z. (2019, December 18). Alternative Dispute Resolution Gains Traction in Pakistan. The Asia Foundation. <https://asiafoundation.org/2019/12/18/alternative-dispute-resolution-gains-traction-in-pakistan/>
49. First ADR centre established in Punjab Judicial Academy. (2017, March 7). Times of Islamabad. <https://timesofislamabad.com/07-Mar-2017/first-adr-centre-established-in-punjab-judicial-academy>
50. NASEER, NOREEN, SHAHIDA AMAN, and MUHAMMAD FAHIM KHAN. "APPRAISAL OF INFORMAL JUSTICE MECHANISM IN PAKISTAN: CASE

STUDY OF DISPUTE RESOLUTION COUNCILS IN THE DISTRICT CHARSADE AND DISTRICT NOWSHERA, KHYBER PAKHTUNKHAWA." Russian Law Journal 11, no. 12s (2023). <https://www.russianlawjournal.org/index.php/journal/article/view/2359>.

51. Iqbal, K. (2017, June 2). Alternative Dispute Resolution centres opened in Punjab. Www.thenews.com.pk. <https://www.thenews.com.pk/print/208092-Alternative-Dispute-Resolution-centres-opened-in-Punjab>
52. Malik, T. (2018, November 19). Improving access to justice. Www.thenews.com.pk. <https://www.thenews.com.pk/print/395567-improving-access-to-justice>
53. Over 2m cases pending in superior, lower judiciary. (2020, August 18). Www.thenews.com.pk. <https://www.thenews.com.pk/print/702243-over-2m-cases-pending-in-superior-lower-judiciary>
54. Riaz, A., & Butt, T. (2020, July 15). LHC seeks increase in retirement age of district judges amid shortage. Www.thenews.com.pk. <https://www.thenews.com.pk/print/686947-shortage-of-judicial-officers-in-punjab-lhc-seeks-increase-in-retirement-age-of-district-judiciary-members%20>.
55. The Punjab Alternate Dispute Resolution Act 2019. (2019, October 11). Punjablaws.gov.pk. <http://punjablaws.gov.pk/laws/2739.html#:~:text=An%20Act%20to%20provide%20f%20>
56. What is ADR? | NYCOURTS.GOV. (n.d.). Ww2.Nycourts.gov. [https://ww2.nycourts.gov/ip/adr/What_Is_ADR.shtml#:~:text=Alternative%20dispute%20resolution%20\(ADR\)%20refers](https://ww2.nycourts.gov/ip/adr/What_Is_ADR.shtml#:~:text=Alternative%20dispute%20resolution%20(ADR)%20refers)
57. Cornell Law School. (2017). Alternative Dispute Resolution. LII / Legal Information Institute. https://www.law.cornell.edu/wex/alternative_dispute_resolution
58. Asad, M. (2018, January 21). Over 1.8 million cases pending in Pakistan's courts. DAWN.COM. <https://www.dawn.com/news/1384319>
59. Ozaif, A. (2017, June 12). The Judiciary And ADR Centres In Punjab. Courting the Law. <https://courtingthelaw.com/2017/06/12/commentary/the-judiciary-and-adr-centres-in-punjab/>
60. staff. (2017, June 19). The Success Of ADR Centres In Punjab. Courting the Law. <https://courtingthelaw.com/2017/06/19/updates/the-success-of-adr-centres-in-punjab/>

61. Ali, Zeeshan. 2017. "Alternative Dispute Resolution: A Paradigm Shift in Pakistan's Justice System?" The Asia Foundation. July 26, 2017. <https://asiafoundation.org/2017/07/26/alternative-dispute-resolution-paradigm-shift-pakistans-justice-system/>.
62. Asim. 2023. "DECLINE in PENDENCY of CASES in the SUPREME COURT of PAKISTAN." Supreme Court of Pakistan. February 25, 2023. <https://www.supremecourt.gov.pk/decline-in-pendency-of-cases-in-the-supreme-court-of-pakistan-2/>.
63. Khan, Faheem, Muhammad Nisar, and Raham Zaid. "Dispute resolution council (DRC) as a flexible system of conflict resolution: evidence from Pakistan." *Pakistan Journal of Social Research* 4, no. 2 (2022): 138-145. <http://ojs.pjsr.com.pk/index.php/PJSR/article/view/461>.
64. Awais, Hasan, and Muhammad Amir Munir. 2018. "Alternative Dispute Resolution (ADR) in Trial Courts of Pakistan: A Practical Approach towards New Era of Timely Justice as a Means of 'Justice for All.'" *Papers.ssrn.com*. Rochester, NY. May 5, 2018. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3185629.
65. Brown, Scott , and Christine Cervenak. 1998. "OFFICE of DEMOCRACY and GOVERNANCE ALTERNATIVE DISPUTE RESOLUTION PRACTITIONERS GUIDE Technical Publication Series Office of Democracy and Governance Bureau for Democracy, Conflict, and Humanitarian Assistance." https://pdf.usaid.gov/pdf_docs/Pnacp335.pdf.
66. Jillani , Justice Tassaduq Hussain. n.d. "DELAYED JUSTICE & the ROLE of A.D.R." University of Peshawar. Accessed July 3, 2023. <http://www.uop.edu.pk/resources/I.pdf>.
67. Bhutta, Ehsan, Shazia Kausar, and Abdul Rehman. "Mediation Analysis of Factors Affecting the Performance of Public Schools at Early Childhood Level in Punjab, Pakistan." *Pakistan Journal of Education* 36, no. 3 (2020): 187-210. https://www.researchgate.net/profile/Shazia-Kousar-4/publication/343675428_Mediation_Analysis_of_Factors_Affecting_the_Performan

[ce of Public Schools at Early Childhood Level in Punjab Pakistan/links/5f37e10092851cd302f82820/Mediation-Analysis-of-Factors-Affecting-the-Performance-of-Public-Schools-at-Early-Childhood-Level-in-Punjab-Pakistan.pdf.](https://www.dawn.com/news/1312498)

68. Raza, Syed Irfan. 2017. "NA Passes Bill Giving Constitutional Cover to Jirga, Panchayat Systems." DAWN.COM. February 3, 2017. <https://www.dawn.com/news/1312498>.
69. "Restoring Faith in the Judiciary." 2017. The Nation. February 5, 2017. <https://nation.com.pk/06-Feb-2017/restoring-faith-in-the-judiciary>.
70. Sampath D K. 1991. *Mediation: Concept and Techniques in Support of Resolution of Disputes. Library Catalog (Koha)*. Bangalore: National Law School of India University. https://opac.nls.ac.in/cgi-bin/koha/opac-detail.pl?biblionumber=334&query_desc=su%3A%221.%20Mediation%22.
71. "The Code of Civil Procedure, 1908 (Act No. V of 1908)." n.d. Nasirlawsonline.com. Accessed July 3, 2023. <https://nasirlawsonline.com/laws/cpc.htm>
72. Bhat, Adi. 2018. "Types and Methods of Interviews in Research | QuestionPro." QuestionPro. August 10, 2018. <https://www.questionpro.com/blog/types-of-interviews/>.
73. Bryman, Alan. 2006. "Integrating Quantitative and Qualitative Research: How Is It Done?" *Qualitative Research* 6 (1): 97–113. <https://journals.sagepub.com/doi/pdf/10.1177/1468794106058877>.
74. Cleave, Philip. 2023. "Structured or Semi-Structured Questionnaire? - SmartSurvey." Wwww.smartsurvey.co.uk. March 10, 2023. <https://www.smartsurvey.co.uk/blog/structured-or-semi-structured-questionnaire#:~:text=The%20structured%20questionnaire%20is%20a>.
75. Damyanov, Miroslav. 2023a. "Mixed Methods Research Guide with Examples." Dovetail.com. February 20, 2023. <https://dovetail.com/research/mixed-methods-research/#:~:text=Types%20of%20mixed%20method%20research%20designs&text=Designing%20a%20mixed%20methods%20study%20can%20be%20broken%20down>

%20into.

76. ———. 2023b. “Mixed Methods Research Guide with Examples.” Dovetail.com. February 20, 2023. <https://dovetail.com/research/mixed-methods-research/#:~:text=Types%20of%20mixed%20method%20research%20designs&text=Designing%20a%20mixed%20methods%20study%20can%20be%20broken%20down%20into.>
77. George, Tegan. 2022. “Semi-Structured Interview | Definition, Guide & Examples.” Scribbr. January 27, 2022. <https://www.scribbr.com/methodology/semi-structured-interview/>.
78. Heath, Cathy. 2023. “What Is Purposive Sampling? Steps, Examples, and FAQs.” Dovetail.com. 2023. <https://dovetail.com/research/purposive-sampling/>.
79. HILLIER, WILL. 2022. “What Is Secondary Data? [Examples, Sources & Advantages].” Careerfoundry.com. November 30, 2022. <https://careerfoundry.com/en/blog/data-analytics/what-is-secondary-data/#secondary-data>.
80. Laerd Dissertation. 2012. “Purposive Sampling | Laerd Dissertation.” Dissertation.laerd.com. 2012. <https://dissertation.laerd.com/purposive-sampling.php>.
81. McCombes, Shona. 2019. “Doing Survey Research | a Step-By-Step Guide.” Scribbr. August 20, 2019. <https://www.scribbr.com/methodology/survey-research/>.
82. Tashakkori, Abbas, and John W. Creswell. 2007. “Editorial: Exploring the Nature of Research Questions in Mixed Methods Research.” *Journal of Mixed Methods Research* 1 (3): 207–11. <https://doi.org/10.1177/1558689807302814>.
83. “Teddle, C. And Tashakkori, A. (2009) Foundations of Mixed Methods Research Integrating Quantitative and Qualitative Approaches in the Social and Behavioral Sciences. Sage, London. - References - Scientific Research Publishing.” 2014. Scirp.org. 2014. [https://www.scirp.org/\(S\(351jmbntvnsjt1aadkposzje\)\)/reference/ReferencesPapers.aspx?ReferenceID=1116914](https://www.scirp.org/(S(351jmbntvnsjt1aadkposzje))/reference/ReferencesPapers.aspx?ReferenceID=1116914).

