

# Alternate Dispute Settlement System in KP: Challenges, Opportunities and Options for Improvement

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## Introduction

The Khyber Pakhtunkhwa (KP) province is bordered by Afghanistan in the north-west, Azad Jammu & Kashmir (AJK) and Gilgit-Baltistan (GB) in the east and north-east, Punjab in the south-east, and Balochistan in the south-west. The region on the western boundary of KP, along the Afghan border, comprises areas formerly known as the Federally Administered Tribal Areas (FATA) which were semi-autonomous until 2018. Covering an area of 39,282 square miles (101,741 km<sup>2</sup>), KP has a population of 35,519,927 (according to the 2017 census). The province carries a unique culture with strong traditional social structures bound by centuries' old customary rules.<sup>2</sup> Pakhtuns, being the ethnic majority, are governed by their traditional legal code, the *Pukhtunwali*. The prime virtues of this code are 'ghairat' (self-respect / bravery) and 'izzat' (honor). Family and community elders play a key role in communal dealings and in ensuring communal peace and social integrity through an informal justice system called *Jirga*.<sup>3</sup> Considered an alternate dispute resolution (ADR) mechanism, *jirgas* sit in a circle that symbolizes equality among all the parties and carry out arbitration and mediation between the parties to resolve disputes. It is often the first resort used by Pakhtuns for resolving conflicts because of its impartiality and provision of swift justice.<sup>4</sup>

The Government of KP has been keen to promote the ADR practices in KP. It has added many features in ADR mechanism including case management, appointment and selection of mediators and managing issues of ethical conduct. The *Musalihati Jirga* has been functionalized under Rule 89-A of Code of Civil Procedure (CPC), 1908 to provide arbitration services in ADR (discussed in the following section). However, a more practical model was adopted by the KP Police through the Dispute Resolution Councils (DRCs) under the leadership of the then IGP, Nasir Khan Durrani (late), which is discussed in section 2 of this paper.

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<sup>2</sup> Abida Hassan, Dil Muhammad Malik, "Evolution of Dispute Resolution Processes: From Informal to Formal and Back to Informal," *Global Social Science Review* (2020): 327.

<sup>3</sup> Formally defined as "a tribal council responsible for settling disputes in Afghanistan and Pakistan" (<https://www.collinsdictionary.com/dictionary/english/jirga>), the word has been expanded to mean any consultative assembly. Naturally, as a traditional institution it is now subject to both controversy and change, criticism and appreciation. While some see it as an illegal dispensation, its proponents consider it as an alternate model that works in an otherwise logjammed judicial system.

<sup>4</sup> Mushtaq Ahmad, Muhammad Jawad, Abdul Majid, Saima Sarir, and Usman Qaddus, "Revival of Jirga through DRC with Special Emphasis on Sustainable Resolution of Conflict: With Reference to District Swabi – KP Pakistan," *Psychology and Education* 58, no. 2 (2021): 10290.

Notwithstanding the fact that ADR is an informal forum for settling disputes between two or more groups, this informal justice system plays a vital role in social control and is strongly embedded in local traditional practices of KP. Dispute resolution, whether instituted by the state or non-state actors, is central in maintaining security and justice in a society. Hence, effective dispute resolution mechanisms are essential in ensuring cohesion and preventing conflicts.<sup>5</sup> The increase in frequency and complexity of cases in formal courts has underscored and enhanced the need for ADR mechanisms to expand the rule of law and justice in KP. The two processes for dispute settlement processes in the context of ADR are arbitration and mediation. These are defined below for quick reference.

- ‘Arbitration’ is a formalized process that requires clearly defined and codified structures such as a legal system with authority, a long-held tradition, and a system of beliefs (e.g. religious beliefs). An arbitral role is usually assigned to the government representing the state which conducts arbitration between contesting groupings through legal frameworks, policy frameworks, and legal institutions (e.g. courts). The system has formal legitimacy, which is assigned to the state, and can use force for executing its decisions.
- ‘Mediation’ towards reducing conflicts in the society derives its legitimacy from traditions and customs. The institutions of mediation are traditional and stem from what Friedrich Hayek refers to as ‘spontaneous human organization’. Its enforcement and legitimacy is derived from social collateral. Mediation is practiced through social forums (locally, *jirgas*, *panchayats*), professional organizations like traders’ unions and other civil society organizations (CSOs).

ADR, in its various forms, is practiced in different cultures around the world.<sup>6</sup> It has its roots in indigenous, customary systems and, as such, is often referred to as ‘traditional dispute resolution’, ‘informal justice’, or ‘customary justice’. However, none of these terms fully capture the specific nature of community-based mechanisms. For instance, ‘customary law’ is a limited descriptor of a range of principles used to resolve disputes within ADR processes because these often use Shariah and/or simple pragmatism to resolve disputes. This is why the term ‘traditional’ is problematic here as it implies that these processes do not or have not changed and evolved over time, although there is ample evidence to the contrary. ‘Informal justice’ is similarly misleading, as it pitches these processes in an artificially dichotomous relationship to so-called ‘formal justice’ – the state justice sector, specifically – when in reality there is a crossover and interaction between actors and institutions that are part of both ADR and state justice.

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<sup>5</sup> Rabia Manzoor, Syed S. Ahmad and Vaqar Ahmad, “Effectiveness of Dispute Resolution Councils in Alternative Dispute Resolution: A Study of Selected Districts of Khyber Pakhtunkhwa,” *Quest Journal of Management and Social Sciences* 2, no. 1 (2020): 53.

<sup>6</sup> Syed A. Shah, Faraz Ali, and Hidayat U. Rahman, “An Analysis of Dispute Resolution Council,” *Nobel Research Journal* (2020): 60.

ADR systems usually feature the following key aspects: confidentiality and privacy, continuity and preservation of peaceful relationship, resolution of emotional aspects of antagonism, engaging people in deciding matters, and speedy process of conflict resolution.<sup>7</sup>

ADR's institutional utility can also be analyzed from the perspective of the peacekeeping process, which is exercised in different ways by various actors in Pakistan, based on their diverse socio-cultural contexts. The various channels for these peacekeeping processes or detriments to these are listed below:

- Formal state institutions such as the police, prosecution, courts, legal fraternity (bars) and other institutions with legal legitimacy for exercising the use of force.
- Traditional community institutions such as *jirgas*, *panchayats*, etc.
- Political organizations at local level.
- Civil society organizations such as professional bodies, trade unions, etc.
- External groups that use force as the currency of arbitration such as sectarian and violent religious groups, ethnic groups, caste-based groups, and criminal syndicates.

These process actors can be categorized as positive peacemakers or dispute settlers and negative peacemakers. The positive peacemakers may constitute formal state entities, traditional forums (e.g. family, *jirgas* and *panchayats*) and civil and professional bodies. On the other hand, the negative peacemakers' role can be played by socio-ethnic groups, sectarian or religious groups and criminal syndicates.

## The Issue

The institution of DRC, a form of ADR mechanism facilitated by KP Police, is available to the citizens of KP for resolving disputes in a less formal setting. Its inherent benefits like impartiality, short time frame and cost effectiveness are notable as compared to a full-fledged police investigation or contesting a civil or criminal case through the legal system. The KP Police deemed it necessary to set up these DRCs due to its inherent lack of resources, both monetary and human. These constraints had resulted in difficulties for KP Police to professionally handle law and order situations or prevent and detect crimes, the primary responsibilities of any police force. While the DRCs provide the public an effective way to settle disputes, they also reduce the case-load for both the police and judicial systems in the first place.

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<sup>7</sup> Manzoor et al., "Effectiveness of Dipute Resolution Councils in Alternative Dipute Resolution: A Study of Selected Districts of Khyber Pakhtunkhwa," (2020): 54.

The DRC forum has been much talked about in the context of its effectiveness, which warrants a deeper study of ADR in its true perspective. This will help in identifying its strengths and gaps and, as part of a larger body constituting varying ADR mechanisms, where it needs positive augmentation. Although there have been certain perception based studies conducted on the performance of ADR-based platforms such as DRC, there is still a practical scarcity of adequate research grounded in the analysis of actual records and case reports of DRCs in the particular setting of the intended study. There is also a need to evaluate the DRC system in comparison with other ADR models in order to understand its local effectiveness.

With the evolution of public administration and its sub-constituents like public policing, the best approach for learning the most effective practices is by conducting comparative studies of such models elsewhere. This would help in identifying best practices that could be emulated in local settings without allocation of scarce resources in terms of time and finances for such research. Accordingly, there is a need to conduct a study in order to understand the working efficacy of these DRCs in KP in terms of objectives, composition, referral mechanism, working, and possible gaps. Evaluation is also required when comparing these with successful replicable models elsewhere. These aspects are the main focus of this study.

## **Significance and Scope of the Study**

As noted above, little research has been produced on dispute resolution mechanisms in various areas and among different groups in KP. This study, therefore, analyzes the use of, and access to, DRC mechanisms in Peshawar's police stations from the perspective of its beneficiaries, i.e. the citizens. Due to time and resource constraints, the study focuses on data collected from DRCs currently operational at two police stations in Peshawar. Furthermore, the research draws on a comprehensive desk-based review of the existing policy, procedural and legislative documents (for example, the Musalihati Jirga Rules under the KP Local Government Act 2013, Police Rules, ADR Rules 2005, etc.). The extent to which DRCs have been internalized, practiced, and adopted by the department(s) and gaps in existing DRC mechanisms are also studied.

The second part of the analysis explores the institution of ADR that has been formally adopted by the police and other organizations around the world. Functions that these ADRs are assigned, their referral system and the composition of such ADRs are also covered. In this regard, this study restricts itself to North America and one model each from the US and Canada. The two models selected shall be of different synthesis to ensure a range of characteristics of these ADRs available for the cross-sectional comparison of these models.

## **Review of Literature**

According to Hassan and Malik (2020), ADR is not a new technique (as sometimes portrayed). ADR mechanisms have been employed in different eras and cultures one way or the other. Western ADR is, basically, a new transformation with some alterations, but serves the same purpose as in the older times.<sup>8</sup> This study underlines its usage both in times past and current which shows that the system has been performing well in all periods.<sup>9</sup> This paper concludes that no one ADR process can be replicated elsewhere in the world because of its local applicability as well as amicability and longevity of relationships between parties as this dispute resolution platform is long lasting and sustainable. This paper also provides both historic and scientific reasoning about the effectiveness and utility of the ADR systems and how modern organizations such as police should take advantage of this concept of conflict resolution.

There are a range of acts, procedures and rules available in Pakistan relating to ADR directly or indirectly and provide a legal base for its implementation. In this context, this paper has examined the Arbitration Act, 1940, Criminal Procedure Act, 1898, Family Court Act, 1964, Small Claims and Minor Offences Court Ordinance, Alternate Dispute Resolution Act, 2020, Alternate Dispute Resolution Rules, 2021 and Police Act, 2017.

For comparison with foreign models and best practices in ADR systems around the globe, the paper has looked into the ADR system of Edmonton Police Service of Canada and Alternate Dispute Resolution Centre of Durham, USA. Glensor and Stern (1995) have reviewed the ADR system of Durham to provide a basic understanding of the underlying advantages of effective links between mediation and community policing.<sup>10</sup>

DRCs established in KP Police draw all their strength from the core idea of ADR. There are studies available on the DRCs of KP such as the one conducted by Ullah and Ibrar (2019) using quantitative methods to evaluate the perception of a random sample in terms of their responses.<sup>11</sup> In another research by Shah et al. (2020), the authors comment on the working of ADR and identify its shortcomings and challenges in their findings through a qualitative study based on the responses from the selected sample.<sup>12</sup> There are other useful works also such as by Manzoor et al. (2020) which is a qualitative research and is a perception based study.<sup>13</sup>

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<sup>8</sup> Hassan and Malik, "Evolution of Dispute Resolution Processes: From Informal to Formal and Back to Informal." (2020): 327.

<sup>9</sup> Ibid.

<sup>10</sup> R.W. Glensor, A.J. Stern, "Dispute Resolution and Policing: A Collaborative Approach Toward Effective Problem Solving," Police Executive Research Forum (PERF), 1995.

<sup>11</sup> Farhat Ullah and Muhammad Ibrar, "Effectiveness of Police Public Services Mechanism in Crime Reduction in Khyber Pakhtunkhwa," *Pakistan Journal of Criminology* 11, no. 1 (2019): 131.

<sup>12</sup> Shah et al., "An Analysis of Dispute Resolution Council," *Nobel Research Journal* (2020): 60.

<sup>13</sup> Manzoor et al., "Effectiveness of Dispute Resolution Councils in Alternative Dispute Resolution: A Study of Selected Districts of Khyber Pakhtunkhwa," (2020): 50-67.

This study is based on the actual working procedures of the panels deliberating the day-to-day work of DRCs in KP. It also delves into individual case proceedings. In addition to examining related documented research of case files, it looks at the procedures that this system is following and undertakes a comparative study in the context of ADR mechanisms elsewhere, to come up with recommendations regarding effectiveness, outreach and intake of these DRCs in KP.

## **Methodology**

Given operational and time constraints, this research, primarily, relied upon qualitative and, to some extent, quantitative methods. A comprehensive desk review was conducted to examine relevant documents including existing police laws, rules and regulations, procedures, and the DRC system adopted by the police under the customary ADR system.

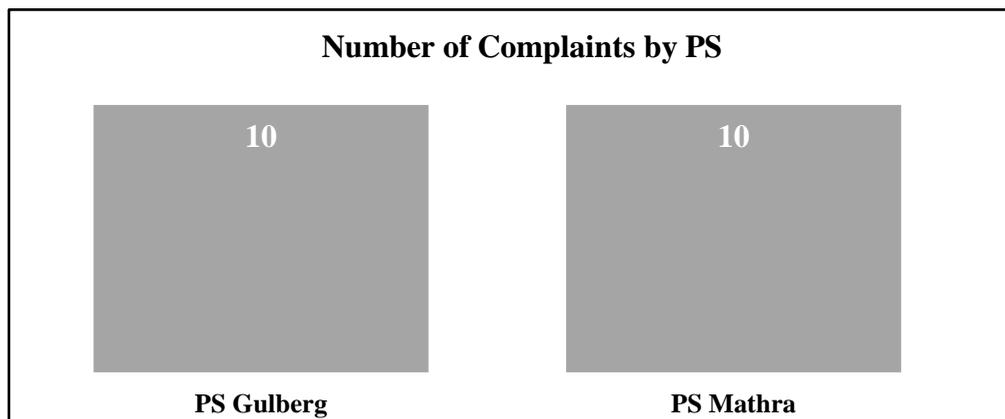
To compare the working of DRCs with the successful national and international ADR models, an extensive literature review was conducted by referring to online resources, books, journals and reports pertaining to the subject. For its quantitative analysis, the study has used primary statistical data from the sample police stations. A random sample of 20 cases from the following police stations of District Peshawar was used for this study:

Rural areas: Police Station Mathra (10 cases)

Urban areas: Police Station Gulberg (10 cases)

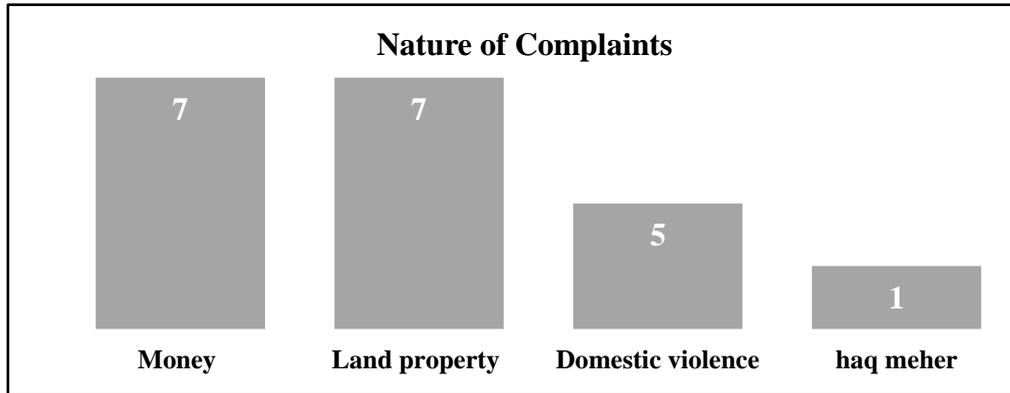
Recognizing that the nature and frequency of disputes is different in urban and rural areas, the sample for each type of case was further divided into urban and rural police stations as well as the nature of its outcome, i.e. (i) disposal, (ii) pendency or (iii) re-surfacing.

**Figure 1: Number of Complaints Taken from the Selected Police Stations**



The study ensured that the sample size not only is significant, but also provides a realistic and robust understanding of the subject. Among the 20 cases selected for the sample, seven cases each (35%) were related to monetary and property disputes, five cases (25%) were related to domestic violence/disputes, and one case (5%) was related to *Haq-e-Mehr* (for the sake of analysis, this too is classified as a domestic dispute).

**Figure 2: Nature of Complaints**



## Analysis (Part I)

This section analyzes the institution of DRC, its legal background, introduction in KP, need, functions, working and composition in its current format. It studies the working of DRCs in light of statistics obtained from the two police stations of Peshawar, i.e. Gulberg and Mathra.

### 1.1 Legal Provision Backing DRCs and its Need

DRC is defined as “a system in which disputes are resolved through dynamic engagement with victims and offenders as well as the larger community for attempting re-conciliation by adapting a fair approach that meets the needs of the three groups by a process ensuring security and dignity of all.”<sup>14</sup> Several obstacles were faced by the KP Police in preparing the legal grounds for DRCs, such as vacating a stay in High Court that was granted in 2015 against their establishment in KP.

The DRC system is an initiative of the KP Police that draws its inspiration from the Pakhtun code for dispute resolution. The first DRC was made operational in Police Station Gulbahaar, District Peshawar, on January 14, 2014. The next followed at Police

<sup>14</sup> Shah, et al., “An Analysis of Dispute Resolution Council,” (2020): 63.

Station Gulberg, District Peshawar.<sup>15</sup> The establishment of DRCs was later incorporated in the Khyber Pakhtunkhwa Police Act, 2017, Chapter-VI, Section 73.<sup>16</sup>

The KP Government passed the Alternate Dispute Resolution Act, 2020 through the Provincial Assembly to provide a solid base for alternate bodies for dispute settlement. In the following year, the Home and Tribal Affairs Department, Government of Khyber Pakhtunkhwa, made Alternate Dispute Resolution Rules, 2021 under the enacted law. The Alternate Dispute Resolution Act, 2020 empowered the district administration to act as or nominate a *salis* (an arbitrator), in cases where both the parties agree to public hearing and resolving the dispute. It is also important to note that the CPC, 1908 originally contained a provision for arbitration between parties; however, this was later omitted because of the enactment of separate Arbitration Act (1940). In 2002, Section 89-A was inserted through the Local Government Ordinance to facilitate the option of an alternate settlement of disputes through mediation and conciliation.<sup>17</sup> In addition, other sections of laws and procedures provide legitimacy to the ADR system; these are illustrated in the table below:

**Table 1: Laws and Procedures Legitimizing ADR**

Laws	Derivation/Section of Law
U/S 345, CrPC, 1898	“The parties (accused and aggrieved/victim) can use this section for ADR to settle the dispute provided under Section 345 of CrPC, 1898.” <sup>18</sup>
U/S 14, Small Claims and Minor Offences Courts Ordinance, 2002	“Where at any stage of the proceedings, it appears to the Court either on application of any party or otherwise, that there exists a possibility of amicable settlement between the parties, the Court may, subject to consent of parties, through <i>salis</i> or any other person, conciliate, arbitrate, mediate or resolve through any other means, the claim or offence, as the case may be provided that the Court shall not proceed for amicable settlement of offences which are non-compoundable or, for reasons to be recorded in writing, where it considers such settlement to be either against the public policy or interest of the State.” <sup>19</sup>
U/S 10, Family Courts Act, 1964	“Pre-trial proceedings (i) when the written statement is filed, the Court shall fix an early

<sup>15</sup> Ullah and Ibrar, “Effectiveness of Police Public Services Mechanism in Crime Reduction in Khyber Pakhtunkhwa,” (2019): 137.

<sup>16</sup> Government of Khyber Pakhtunkhwa, “Police Act 2017,” Kyber Pakhtunkhwa Police Department, 2017.

<sup>17</sup> Government of KP, “The Khyber Pakhtunkhwa Code of Civil Procedure (Amended),” Government of Khyber Pakhtunkhwa, 2020.

<sup>18</sup> Government of Pakistan, “The Criminal Procedure Code, 1898,” Government of Pakistan, 1898.

<sup>19</sup> Government of Pakistan, “Small Claims Minor Offences Court Ordinance,” Printing Press of Pakistan, 2002.

	date for a pre-trial hearing of the case; (ii) and on the date so fixed, the Court shall examine the plaint, the written statement (if any) and the précis of evidence and documents filed by the parties and shall also, if it so deems fit, hear the parties and their counsel.” <sup>20</sup>
Arbitration Act, 1940	A wide range of list of disputes can be settled through Arbitration Act, 1940, particularly disputes of civil nature. <sup>21</sup>

## 1.2 Need for DRCs

### 1.2.1 High Number of Pending Cases and Adjudicative Delays

The common saying, “Justice delayed is justice denied”, aptly describes Pakistan’s current judicial system. The recent decision of Asma Nawab, who was served a 20-year sentence of imprisonment by lower courts and was recently judged innocent and exonerated from the charges by the Supreme Court, demonstrates the critical shortcomings in Pakistan’s judicial system.<sup>22</sup> Similarly, Mazhar Hussain was acquitted by the Supreme Court two years after his death, after having already spent 19 years behind bars for a crime he never committed.<sup>23</sup> The total number of cases currently pending in courts are around 1.8 million. This unfortunate figure amply demonstrates the extent of delayed decision-making and the overall poor performance of the judicial system.<sup>24</sup> According to the National Judicial Policy, the court must present its verdict on a case within a year; however, courts take an average of three years to rule on cases. This is primarily because most judges are overburdened and often hear around 30 to 40 cases on a daily basis.<sup>25</sup> Delay(s) in investigations, comprise another key reason for this lagging behind of the judicial process.

According to the National Judicial Policy, the court must present its verdict on a case within a year; however, the court takes an average of three years to rule on cases. This is primarily because most judges are overburdened and often hear around 30 to 40 cases on daily basis.<sup>26</sup> Another key reason for this delay in the judicial process is that investigation officers (IOs) and prosecutors rarely use their legal power to discharge unfit cases. Resultantly, highly contradictory cases end up consuming precious time of the courts.

<sup>20</sup> Government of Pakistan, “Family Court Act,” Government of Pakistan, 1964.

<sup>21</sup> Government of Pakistan, “The Criminal Procedure Code, 1898,” 1898.

<sup>22</sup> News Desk. “Asma Nawab released after remaining 20 years in prison,” *Pakistan Today*, April 5, 2018, <https://archive.pakistantoday.com.pk/2018/04/05/asma-nawab-released-after-serving-20-years-in-prison/> (accessed June 25, 2021).

<sup>23</sup> Hasnaat Malik, “SC acquits man two years after his death,” *Express Tribune*. October 9, 2016, <https://tribune.com.pk/story/1195917/sc-acquits-man-two-years-death> (accessed October 7, 2021).

<sup>24</sup> Law and Justice Commission. “8th Judicial Conference,” April 2018.

<sup>25</sup> Peshawar Session Court. “Annual Report 2019-2020,” 2020.

<sup>26</sup> Peshawar Session Court. “Annual Report 2019-2020,” 2020.

## 1.2.2 Human Resource for Investigations

The number of police officers working in the investigation branch is fairly inadequate. The workload for the IOs is significant; for example, the 131 IOs posted in 32 functional police stations in Peshawar investigate five to six heinous crimes per month on an average (excluding the investigation of minor crimes).<sup>27</sup> This overburdens the IOs in effectively conducting investigations related to serious crimes.

## 1.2.3 Lack of Financial Resources for Investigation

Delays in the release of budgets at the *thana*<sup>28</sup> level and the poor financial provision allocated for investigation(s) are a major issue in investigations. As explained in the table below, the cost of investigation provided to the IOs is almost negligible compared to the average financial budget required for investigations. This impacts the performance of the justice system.

**Table 2: Funds Availability vs. Case Load of Investigation Branch KP Police<sup>29</sup>**

Year	Total Cases	Funds Allotted (PKR Million)	Avg. Funds/Case (PKR)	Funds Req. (PKR Million)	Avg. Funds Req./Case (PKR)	Shortfall (PKR Million)
2018	35,400	24.06	679	109.49	3,093	85.42
2019	34,402	22.49	653	106.40	3,093	83.91
2020	26,924	21.17	787	83.27	3,093	62.10

Overall, the financial and human resource constraints severely impact justice outcomes and increase the citizen-state trust deficit. This is problematic because research indicates that citizens' trust in the police is established only when the police are able to perform their duties with fairness, determination, and equity.<sup>30</sup> The table below demonstrates the high level of acquittal in serious crimes, particularly crime against persons and crime against property (in 2020).

<sup>27</sup> KP Police Research Branch. "Crime Data," 2021.

<sup>28</sup> Thana literally means a 'police station'.

<sup>29</sup> Ibid.

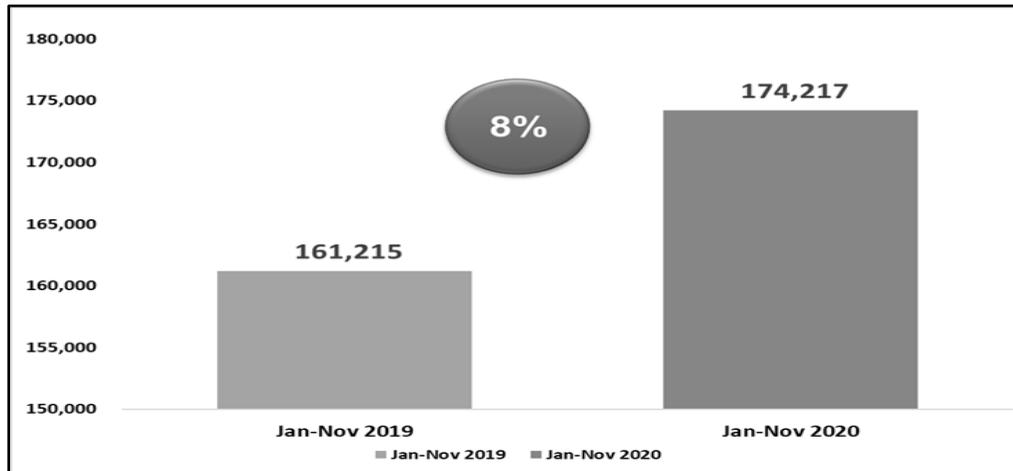
<sup>30</sup> Ullah and Ibrar, "Effectiveness of Police Public Services Mechanism in Crime Reduction in Khyber Pakhtunkhwa," (2019): 137.

**Table 3: Acquittal Rate in Different Categories of Crimes Investigated by KP Police (2020)<sup>31</sup>**

Category	Decided	Convicted	Acquitted	% Conviction	% Acquittal
Crime Against Person	1,944	335	1,609	17%	83%
Crime Against Property	551	48	503	9%	91%
Traffic Accidents 279/336 PPC	18,561	17,962	599	97%	3%
ATA	46	8	38	17%	83%
LSL	73,548	64,811	8737	88%	12%
Miscellaneous	29,226	26,302	2,924	90%	10%

### 1.2.4 Increase in Crime Ratio

Despite the systemic deficiencies in the investigation processes, there has been an increase in the ratio of crime cases, which further demonstrates the need for DRC systems. The figure below shows an increase of 8% in registration of crime across KP between 2019 and 2020.<sup>32</sup>

**Figure 3: Increase in Crime Ratio (2019-2020)**

<sup>31</sup> KP Police Research Branch, "Crime Data," 2021.

<sup>32</sup> Ibid.

### **1.3 The Institution of DRC in KP**

According to KP Police, these DRCs were established with the objective of involving all the parties for settlement of their disputes by providing them a free and fair forum that would ensure the functions of ADR and guarantee them security and respect.<sup>33</sup> KP Police further states that the purpose of these DRCs is to facilitate citizens of KP in resolving their minor issues through a community-based platform that has members from the society with appropriate experience and repute.

According to the need analysis for DRCs of the KP Police, the formal system of dispute settlement through courts is too costly and time consuming as these courts are already over-engaged due to the immense case-load and suffer from all manner of resource constraints. The cases lingering in courts not only frustrate the plaintiffs, but result in escalation of minor issues into subsequent serious criminal offences. For example, a minor family issue sometimes results in serious loss of life as in cases of divorce or child custody. Therefore, a need was felt by KP Police to offer an alternate dispute resolution system in the shape of DRCs.

The DRCs have the specific function to amicably resolve complaints forwarded by the Police Department within the ambit of law and constitution. Even if an agreeable solution is not reached among the parties and no consensus on the decision of the DRC, the DRC is authorized to dispatch a report incorporating the findings to the SHO of the local police station to take cognizance of the matter by adopting the due course of law. The findings are also reported to the district police chief.

One remarkable aspect of the DRCs is that their members participate as independent observers during contentious cases that are being investigated by the KP Police. In such cases, the investigative officers update DRCs regarding their findings.

Regarding the DRCs' composition, only those aspirants who are apolitical, experienced and are of well repute are eligible to serve on their panels. The eligibility criteria apparently seem fine, but there is no formal mechanism to ensure the desired objective. For example, the word "experience" is vague; the required experience, such as skill or experience in negotiation, communication, conciliation or mediation is not specified.

In order to select the members of the councils, the District Police Chief in consultation with the community requests people of good repute from the community to become members of the DRC. Anyone who wishes to become a part of DRC must do so voluntarily. This process is subject to verification by district police authorities. There is no training for the members of DRCs. The current structure of the DRCs is in want for expansion of its ownership to stakeholders such as prosecution, probation, juvenile

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<sup>33</sup> KP Police, "Dispute Resolution Councils, Khyber Pakhtunkhwa Police," Khyber Pakhtunkhwa Police, January 16, 2014.

reclamation and rehabilitation, prisons, etc. The system of DRC must ensure the trust of the judiciary and the legal fraternity in order to enlist a robust referral system.

There are 21 members in each DRC at a police station. They are not permanent and join and leave at will. The membership of the DRCs normally represents people from a wide range of professions such as former judges, retired officers (both civil and military), academicians, religious professionals (*'ulema*), media persons and business professionals. Each DRC has a secretary who is selected by the members of the DRC. After the selection, the secretary works on a quarterly rotation basis. The secretary, who has the main role on the forum, is assigned duties such as coordination between various offices, formation and changes to the panel after consultation, and maintaining the record of all deliberations and decisions that take place under the DRC's supervision. The secretary is also duty-bound to hold a monthly meeting with the District Police Chief and present a summary report regarding all the monthly activities of the DRC. The composition of the DRCs is such that these are mainly overseen by the District Superintendent of Police (SP); apparently there is no formal involvement of a higher level of senior police officers.

The DRCs have been made operational under specified parameters. The council is restricted to consider only those complaints that are referred by the concerned police officers themselves. No member can receive a complaint or application in his or her personal capacity; in such cases, the applications must be referred to the District SP where the member concerned is barred from becoming a member on the panel taking up such a case. If in case any side has a conflicting view about the outcome reached by the DRC, they may resort to seeking intervention of the SP concerned. In such a situation, the review council, having its own five different members other than the original decision-makers, reviews the findings. This system of referral is very restricted and there is no check in place to evaluate the whole DRC system at either the police station or district level.

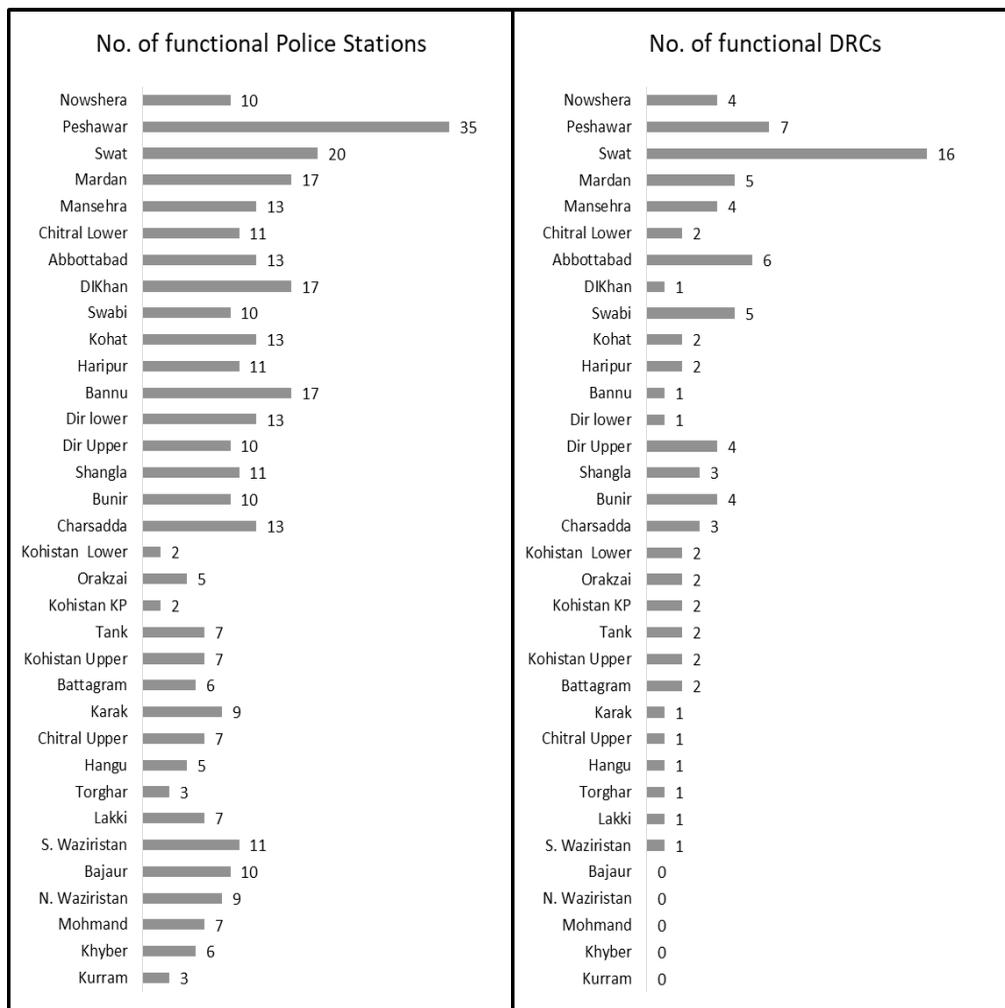
The working of DRCs is regulated by a code of ethics entailing that none of the members are allowed to misuse DRC status for any kind of personal benefits or political motives. If a complaint is lodged against a panel member in this context, the subject member shall voluntarily step down from the council. The code of ethics restrains a member from holding a public office or joining a political party. If a member violates these restrictions, he or she is bound to voluntarily resign from the council.

At the DRCs, a police coordinator is assigned the responsibility of summoning both the disputing parties and ensuring that both the sides attend the council meeting. He is also tasked to maintain a record of the proceedings of the council that includes the statements from the concerned parties and documents presented by them. If there is a need, the coordinator must provide support and advice to the panel members to deal with issues of a legal nature.

### 1.4 Functional DRCs in Police Stations

The figure below compares the total number of police stations and the number of DRCs that are operational in each district of KP. Overall, there are 350 functional police stations in KP, but the DRCs are functional in only 88 stations i.e., only about 25% of the police stations have functional DRCs. The highest number of DRCs are in Swat. Bajaur, North Waziristan, Mohmand, Khyber and Kurram do not have any functional DRCs. The Newly Merged Districts (NMDs) are witnessing expansion of the mainstream legal system to these areas but are suffering due to numerous limitations; hence, there is a serious need for DRCs in NMDs.

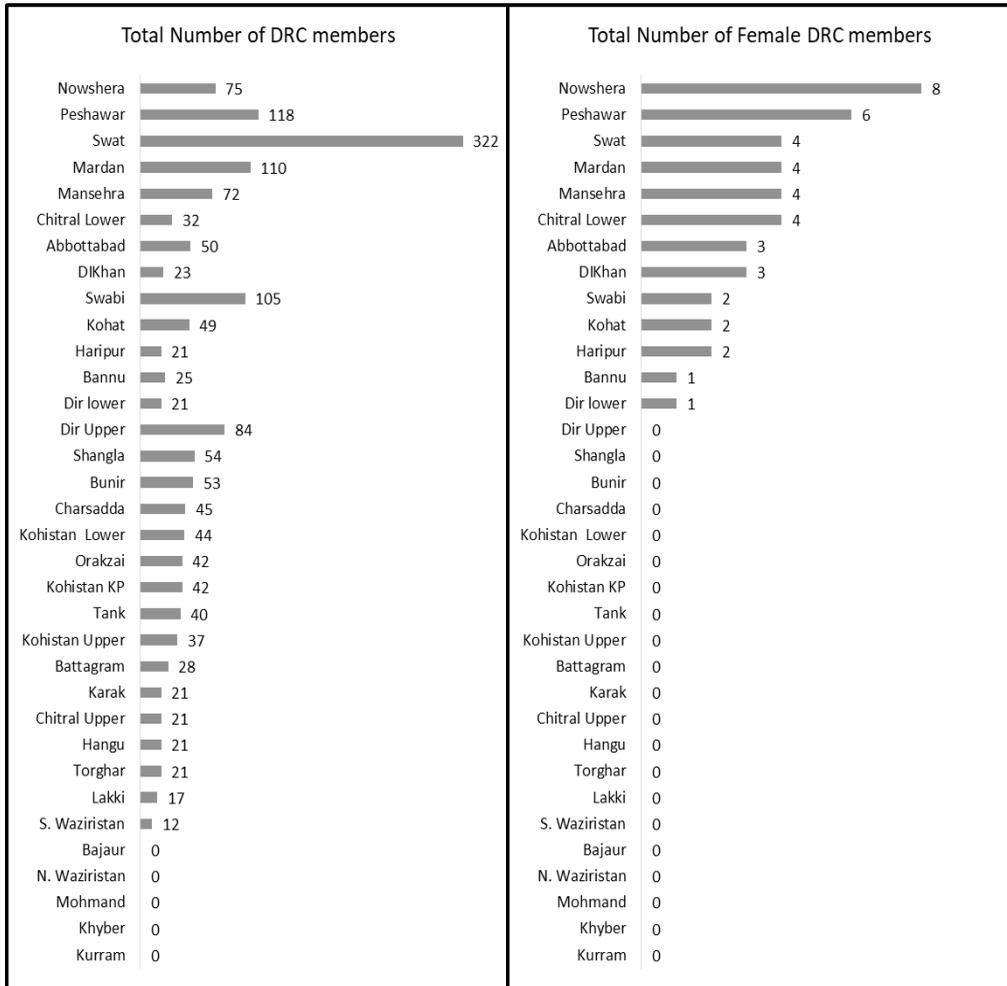
**Figure 4: Functional Police Station vs. Functional DRCs<sup>34</sup>**



<sup>34</sup> KP Police Research Branch, 2021.

The representation of females in DRCs is significantly low when compared to males. The charts below demonstrate that there are 1,605 members in the DRCs functional across KP out of which only 44 are female members i.e., females represent less than 3% of the membership in DRCs.

**Figure 5: Female Representation in DRCs in KP<sup>35</sup>**



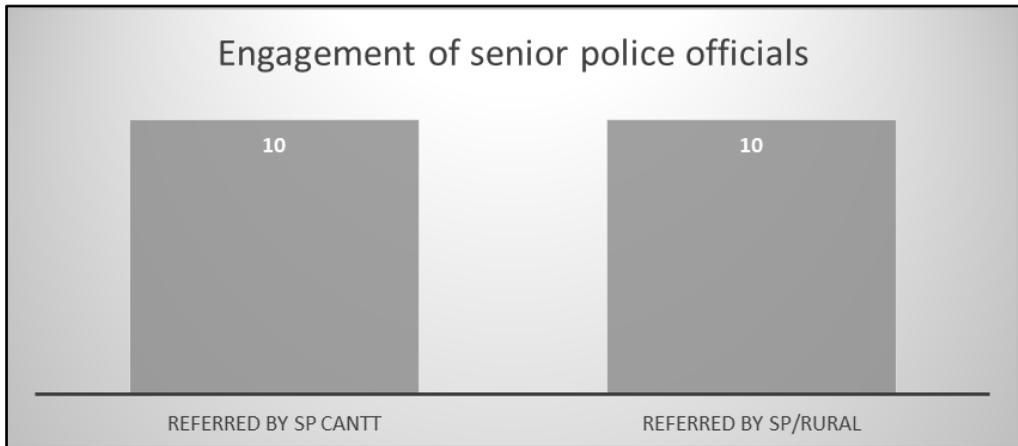
### 1.5 Engagement of Senior Police Officers at the Initial Stage of the Dispute

The statistical data collected from police stations of Gulberg and Mathra regarding the DRCs reveal mid-level police officers' involvement and supervision in the initial hearings and in referring cases to the concerned DRCs. The Superintendents of Police were engaged in all sampled cases for referring the cases to the committee. This

<sup>35</sup> Ibid.

demonstrates the high level of acceptability of the DRC system in the KP Police. This is an area where raising the involvement level from mid to high in the referral, training and evaluation aspects can serve the objectives of DRCs very well.

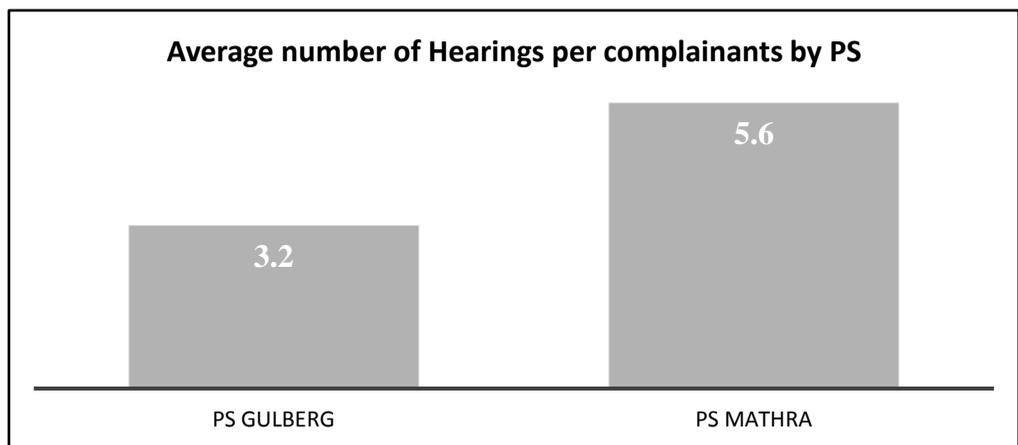
**Figure 6: Engagement of Senior Police Officers at the Initial Stage of the Dispute**



### 1.6 Frequency of Hearings Per Case by the DRC

Based on the study samples, the average frequency of hearing a case before reaching a decision is 3.2 times in urban areas and 5.6 times in rural areas. This is very good considering the delayed disposal of cases in the formal legal settings, where many cases of civil nature remain unresolved for years and some of these disputes result in criminal acts. For instance, an independent study conducted by the KP Police identified that in a majority of murder cases, the motive behind the crime was prolonged land disputes.<sup>36</sup>

**Figure 7: Frequency of Hearing per Case by the DRC**

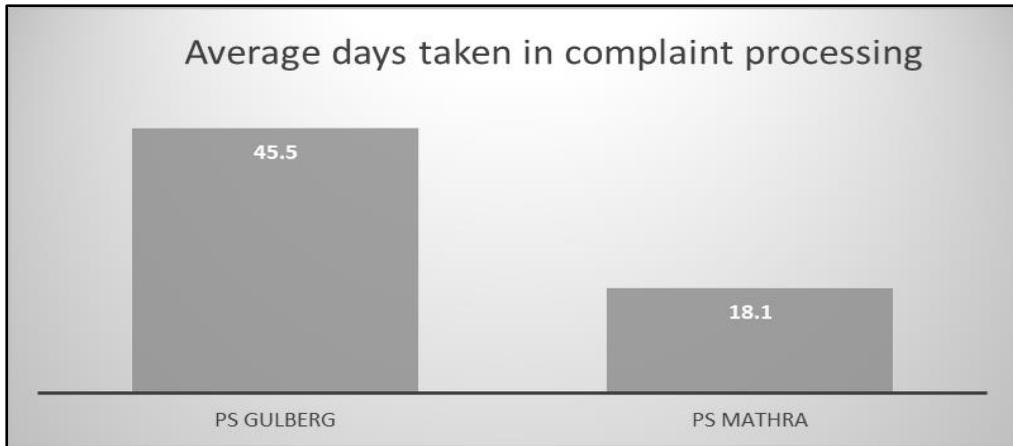


<sup>36</sup> KP Police Research Branch, "Investigation Deficit Analysis Report," 2018.

### 1.7 Number of Days Taken in Processing a Dispute by DRC

The examination of data from the sample reveals that, on average, the complaints are processed in 45.5 days in urban areas and in 18.1 days in rural areas. This suggests that processing disputes at DRCs is nearly 2.5 times quicker in rural settings compared to urban settings.

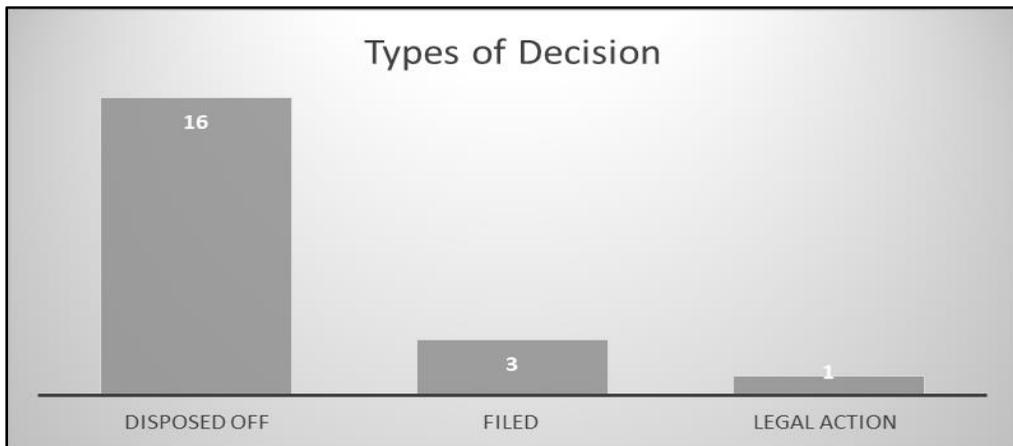
**Figure 8: Number of Days Taken in Processing a Dispute by DRC**



### 1.8 Types of Decisions Taken by DRCs

The data further reveals that in 16 out of the 20 samples cases (80%), the decision was to dispose of the case. In three out of 20 instances (15%) cases were filed by the DRCs. Legal action was taken only in one out of 20 sample cases (5%).

**Figure 9: Types of Decisions Taken by the DRCs**



## **Analysis (Part II)**

DRCs facilitated by the KP Police are unique in nature. It is in KP that these DRCs are mandated by law to serve as an ADR mechanism in the public domain. A similar system of ADR, the equivalent of KP DRCs, has been replicated in Sindh Police whereas it does not exist in Punjab, Balochistan and Islamabad Capital Territory. This research focuses on ADRs around the globe to search for best practices in this respect and to analyze such systems for replicable features in the context of DRCs in KP. In this context, the paper shall consider two models, i.e. ADR provided by Edmonton Police in Canada and dispute settlement provided by the Dispute Settlement Center, Durham, North Carolina, USA.

### **2.1 Model I**

Edmonton Police in Canada currently offers ADR to its citizens. Its “ADR processes such as mediation, facilitated discussions, peacemaking circles, and Supervisory Reviews are constructed in such a manner so as to be open to people’s voices.”<sup>37</sup> Edmonton Police Service is using its ADR process to achieve participant satisfaction with the complaint process as well as using it to restore the trust of the people through renewed partnership with police and the community.

The ADR system of the Edmonton Police Service is available to the public for addressing their complaints against police officers. The process starts first with the consent of both the parties, i.e. the complainant and the concerned police officer. This step is completed before the formal investigation of the complaint is initiated. ADR is a process that ensures privacy, openness to dialogue and mutual understanding between the conflicting sides.<sup>38</sup>

Edmonton Police Service ADR entails the following services:<sup>39</sup>

- This process is facilitated by the skilled mediators or supervisors and is guided through the ADR sequence.
- This process is completed within days of the submission of the complaint and consumes considerably less time as against time taken up by a full investigation.
- The whole process of ADR is confidential and the data protection requirement is adhered to here.

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<sup>37</sup> Edmonton Police Service, Alberta, Canada. *Alternative Dispute Resolution*, 2019.

<https://www.edmontonpolice.ca/AboutEPS/EPSSOrganizationGovernance/ADRProcess> (accessed June 15, 2021).

<sup>38</sup> Ibid. Muhammad Hassan Ahmad, Ihtesham ullah Khan, Mohammad Naqib Ihsan Jan, Naurrual Hilal Md. Dhalan. “The Legal Position of Community Mediation,” in *Islamic Law Review* 15, no. 2 (December 2019): 241-258.

<sup>39</sup> Ibid.

- The environment provided by Edmonton Police for such mediation is very relaxed and unbiased. The location for such mediation is agreed with the consent of both the parties.
- This ADR process is a supplemental tool for enhanced community policing.
- This system gives both the parties a sense of control over the ADR proceedings, where they arrive at a workable solution together to resolve the complaint.

The Edmonton Police offers ADR under four different options: “mediation, facilitated discussion, peacemaking circles, and supervisory review.”<sup>40</sup>

In principal, “mediation” is a form of dispute settlement that is assisted by a well-trained mediator. Both the complainant and the police officer are granted opportunities to be heard at length. Every effort is made to resolve the issue in a mutually satisfying and cordial manner. Edmonton Police Service ensures provision of a neutral space for such deliberations so that confidentiality and privacy of the matter at hands is not undermined.

In the technique of “facilitated discussion”, the mediator meets the conflicting sides in isolation; neither of the parties is made to confront each other. The concerns and points of view on a particular aspect of the matter are conveyed to other side in a most professional manner through the mediator. This form of mediation does not necessarily involve an agreement which is reduced to writing. This technique is mostly used where a direct meeting with the disputing sides may prove to be counterproductive.

The method of “peacemaking circle” is adopted for the groups that are large in number. In this method, two “circle keepers” moderate the proceedings of interactions between the two groups in order to ensure balance, mutual respect and the concept of equality to get the desired result of the conflict settlement. Such a proceeding normally ends with an agreement in written format.

There is one more form of dispute settlement which is known as “supervisory review”. In this format, the concerned officer’s supervisor is offered an opportunity to review the complaint made and the point of view of the officer. This allows the supervisor to verify whether a corrective course has been adopted or not. The result is made known to both the complainant and the officer along with the ‘Professional Standards Branch’.

At the end of the ADR process, both the parties agree to a written resolution. This written agreement may contain specific terms and conditions of the proposed resolution. In case of disagreement between the parties, the complaint is sent back to the Profession Standard Board and a formal investigation is started.

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<sup>40</sup> Ibid.

## **2.2 Model II**

Our second model under consideration is that of Dispute Settlement Center (DSC) of Durham, North Carolina, US, which began its operation in 1983. It was initially funded by the Z. Smith Reynolds Foundation for startups. The center was headed by an executive director working full time. The executive director is tasked with formulating a system for referring cases in coordination with the courts and the office of the district attorney of Durham.<sup>41</sup> The executive director is assisted by a board of directors having representatives from the concerned agencies of referral. The term of these directors is three years and they are brought into office by a majority vote of the “mediators” and “facilitators”.<sup>42</sup> There are a total of 17 board positions. The board meets monthly to conduct program reviews and identify issues and challenges for future operation. The board also undertakes the financial review of the program, where the executive director presents the overall summary of the resources of program’s financial position, its future plans for new assignments, finalization of agreements and contracts and related financial problems.

According to DSC Durham, the following areas came under the purview of the center:

- Minor civil mediation
- Minor criminal mediation
- Divorce and family mediation
- Workplace dispute mediation
- School mediation
- Public policy problem solving

Third party evaluators at the University of North Carolina’s Institute of Government in 1992 reported that, “88 percent of interpersonal misdemeanor cases referred to the Center by the courts resulted in agreements between disputants”.<sup>43</sup> This shows the high rate of success of resolution of minor cases.

According to a report,<sup>44</sup> the major caseload handled by the center was in the area of minor criminal cases mediation. These cases included those of harassment, assault, problems among relatives, neighbors and acquaintances. Under the head of minor civil case mediation, the center heard landlord-tenant cases and other minor civil cases

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<sup>41</sup> Daniel McGillis, *Resolving Community Conflict: The Dispute Settlement Center of Durham*, (North Carolina, Department of Justice, Office of Justice Programs, National Institute of Justice, 1998): 10.

<sup>42</sup> *Ibid.*, 12.

<sup>43</sup> *Ibid.*, 2.

<sup>44</sup> *Ibid.*, 3.

including small claim disputes. The center has also been offering services in divorce and family mediation and its related issues such as child custody, visitation and property division.

Glensor and Stern conducted a valuable understanding of the underlying advantages of effective correlation between mediatory tactics and community policing in their article *Dispute Resolution and Policing: A Collaborative Approach toward Effective Problem Solving*. According to them, the police do not have appropriate training and have relied on practices of enforcement strategies to counter situations that call for specialized training thus leading to cosmetic solutions to the problems.<sup>45</sup> Thus, in such situations, the community based dispute resolution programs are effective in addressing the causes of disputes and offer help to law enforcement agencies and parties involved. The success of the center has been attributed to the conflict resolution skills of its mediators. The general organization of the center involves an executive director, an assistant director, a training coordinator, a school coordinator, a school trainer, a public-police coordinator, and an administrative assistant. The center selects volunteers for the role of community mediators after qualifying a training program that is available to all citizens. The DSC has catered for the training of its staff, i.e. the mediators and the facilitators, and provided the following types of trainings:<sup>46</sup>

- Basic mediation training: This is designed to train people in mediatory skills.
- Conflict resolution training: This training has been articulated for schools and workplace issues, and has courses for people of all ages on subjects such as anger control and inter-personnel skills.
- Facilitation training: This program is tailored for groups.
- Train-the-trainer programs: This program offers training to become a trainer in the skills such as mediation and conflict settlement.

The institution of above-mentioned trainings by the DSC of Durham establishes the fact that before someone can work as a mediator or a facilitator they must go through a well-organized training program. This gives greater credibility to the services of the DSC of Durham. Additionally, the center has catered for maintaining a sustainable chain of trained personnel for its services through the training of trainers program. The training aspect of DSC of Durham is the star feature of this program.

The following section comprises a comparison matrix of all the three models considered so far in the ‘Analysis’ part of this paper, i.e. DRCs of KP, ADR of Edmonton Police Service and the Dispute Settlement Centre of Durham. In this matrix,

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<sup>45</sup> R.W. Glensor, A.J. Stern, “Dispute Resolution and Policing: A Collaborative Approach Toward Effective Problem Solving,” *Police Executive Research Forum (PERF)*, 1995.

<sup>46</sup> McGillis, *Resolving Community Conflict: The Dispute Settlement Center of Durham, North Carolina*. US, 7.

a total of 19 parameters regarding these three models have been selected for comparison as shown in the first column of the matrix in Section 2.3.

## 2.3 Comparison Matrix

**Table 4: Comparison Matrix of Three Models**

<b>Models' Comparison Matrix</b>					
<b>S. No</b>	<b>Attributes</b>	<b>DRC KP Police</b>	<b>Edmonton Police</b>	<b>Durham DSC</b>	<b>Comments</b>
1	Administrative Control	Police	Police	Non-Police	Durham DSC is autonomous
2	Robust Referral System	No	Yes	Yes	KP DRC has police referral
3	Referral from Courts	No	No	Yes	Durham receives referral from courts
4	Criminal Cases	No	No	Yes	Minor cases
5	Civil Cases	Yes	No	Yes	Edmonton restricted to police cases
6	Public Policy Mediation	No	No	Yes	
7	Workplace Dispute Resolution	No	No	Yes	
8	Handling Complaints against Police	No	Yes	Yes	DRC KP does not have mandate in cases against police
9	Divorce and Marriages Mediation	Yes	No	Yes	
10	Robust Training Program	No	No	Yes	No training criteria for members in KP DRC
11	Evaluation System in Place	No	Yes	Yes	KP DRC does not have an evaluation system
12	Ease of Access for Public	Yes	Yes	Yes	
13	All the Stakeholders Involved	No	No	Yes	No formal inclusion of all stakeholders in KP DRC
14	Decision Implementation Procedures in Place	No	Yes	Yes	KP DRC does not have a mechanism to ensure implementation
15	Confidentiality of the Proceedings	No	Yes	Yes	No confidentiality clause in KP DRC
16	Any Role in Police Investigation	Yes	No	Yes	Underutilized role of DRC in KP
17	State Funding	No	No	No	KP DRC is a voluntary forum
18	Private Funding	No	No	Yes	
19	Revenue Generation	No	No	Yes	

The above comparison matrix provides a general understanding of the model of KP's DRCs in comparison to the ADR forum facilitated by Edmonton Police Service and an independent Settlement Council run by Durham County, USA. The focus is area for

KP Police DRC is improvement of its referral system to get higher coverage of cases and issues faced by the public.

The second area of concerted efforts is the composition of these DRCs in order to make these more inclusive in the context of stakeholders. Although the forum is currently facilitated by the KP Police, there is potential benefit in increasing the representation of other agencies and offices having relevance to the overall system of restorative justice through reforming the organizational structure of these DRCs.

Thirdly, the DRCs in KP can be utilized as a primary complaint redress forum to look into minor complaints of public against police officers. If both the parties agree to take the complaint to the DRC, then the DRC may decide the matter after giving fair opportunity to both the sides to present their case. This will not only provide a faster route for resolving the complaints by the public but will also reduce the case load of formal disciplinary enquiries conducted by the KP Police’s central and regional units. Moreover, the mandate and jurisdictional coverage of these DRCs needs to be revisited and enhanced, as the functions and coverage of the current DRCs is very limited thus restricting its efficacy. Although this will require a concerted effort on behalf of stakeholders such as the KP government and judiciary, but the gains of such an initiative outweigh the costs.

The analysis and comparison thus far has paved the way for identifying the gaps in the working of DRCs in KP. In light of the statistics and data provided by the KP Police, the DRC system appears to be working successfully, but there is room for improvement in certain areas.

## **2.4 Key Findings: Challenges and Opportunities**

**Table 5: Key Findings, Challenges, and Opportunities**

<b>Challenges</b>	<b>Opportunities</b>
Limited referral system of the DRCs and absence of referral from other stakeholders such as courts and prosecution.	KP Police is a very dynamic organization and it enjoys an active relationship with other stakeholders such as courts and prosecution. There are certain forums available such as Provincial Justice Committee where such proposals can be floated and the objective of expansion of referral catchment area, referral
The DRCs in KP are facilitated by KP Police and there seems to be no formal input from other stakeholders in its structure.	

<p>The mandate of the DRCs is restricted to petty civil matters only. The limited scope of the DRCs is a hurdle in its impact on the society of KP.</p>	<p>procedures, expansion in the ownership of the DRCs and rolling out of new service areas for DRCs can be brought on its agenda for discussion and proposals.</p>
<p>The DRC in KP is a subject mainly handled by mid-level officers of the KP Police such as District Superintendent of Police.</p>	<p>The office of the Regional Police Officer (RPO) has the main responsibility to serve as the overseeing arm of the administrative control of the Inspector General of KP Police. The involvement of the RPO at a higher level of the DRC can be easily achieved without extra burden on the resources of the KP Police. At the regional level, the interaction of the RPO with the representatives of other stakeholders could be very beneficial for expansion of referral system and the mandate of the DRC.</p>
<p>There are no criteria for imparting training either prior to or after the selection of members of the DRC. Keeping in view the future role of DRCs in KP, the training aspect cannot be ignored for long.</p>	<p>KP Police have strong training institutions such as police training colleges and other training schools. In addition, there is a long history of collaboration on projects between the KP Police and other development partners such as Department for International Development (DFID) UK, United Nations Development Program (UNDP) and United States Agency for International Development (USAID). The development of training module and training of members of the DRCs can be achieved without many complications.</p>
<p>The proceedings of the DRC are not protected by any formal confidentiality procedures and data protection.</p>	<p>The Police Legal Branch, in consultation with other stakeholders, is capable of drafting confidentiality and implementation clauses for the agreement between disputant parties before they can join the proceeding of the DRCs.</p>
<p>The decision implementation is one of the weakest areas of the DRCs where its impact is undermined.</p>	

## **Conclusion**

ADR is a very useful supplementary system of conflict resolution and peacemaking. From an analysis of data from two police stations in this paper, the DRCs in KP are doing a commendable job in achieving this objective. The DRCs, on the one hand, are instrumental in saving time and resources of the disputants and, on the other hand, provide a valuable outlet for enhancing community trust in the institution of alternative justice in general and in the model of community-based policing in particular.

Based on the qualitative study of 20 cases reported by the DRCs in Gulberg and Mathra police stations of Peshawar, this paper has identified that the DRCs' success ratio is overwhelming on the decision and disposal basis. The time taken by these DRCs to work out a case is satisfactory. Also, the settlements in most cases are sustainable and disputant parties are happy with the decision reached at the DRC.

The DRCs system in KP is being replicated in Sindh, but the concept is still awaiting the approval of police leadership elsewhere in Pakistan. The effectiveness of this system is yet to be seen in the other national and provincial police settings. After converging focus on studying the international ADR models, two such models were identified. An in-depth study of these models and review of the qualitative study of the DRC provided an opportunity to compare the mandate, working and effectiveness of the DRCs in KP in comparison with the two identified international models.

In light of the key findings of this paper, it can be said with confidence that although the DRCs in KP are performing well but they are still at a rudimentary stage. The system needs more involvement of stakeholders and senior police officers. The DRCs in KP need reforms in structure, referral system and mandate. Their role needs to be re-discovered in line with requirements of the community and in consonance with the modern outlook of the ADR platforms. The footprint of these DRCs needs to be extended to areas where they are still not established.

## **Recommendations**

Although the DRCs provide an easily accessible and reliable platform to the public to quickly dispose off their disputes and issues, they still have room for improvement and reformation to provide better service delivery to its beneficiaries, i.e. the members of the public. Some of the key recommendations are as follows:

### **Structural Reforms**

The DRC system in KP needs structural reforms. While it is quite encouraging that the police, despite its overwhelming engagements in the fight against crime and terrorism elsewhere, is sponsoring and facilitating this important initiative to address the needs of the community in the context of dispute resolution, the ownership must now be

extended to other key stakeholders such as courts and prosecution services. Some of the recommendations for structural reforms are:

- (i) The DIG of each region must be made the executive director of the regional board of directors that must also have representation from the prosecution, legal fraternity and the community.
- (ii) There should be nine directors and the Regional Board must have one representative from the Prosecution Department, one practicing lawyer, one representative from the Reclamation and Probation Department, one retired judge, and five representatives of the community of good repute.
- (iii) The Divisional Board must ensure better gender representation. The selection of the members of the Divisional Board should be the responsibility of the executive director with the agreement of the IG KP.
- (iv) At the district level, the District Board should be headed by the District Police head and should continue working under the existing set of rules.
- (v) The District Board members' selection should be the responsibility of the head of the District Police and should be endorsed by the Regional Board.
- (vi) The District Board should have five members, including the District Police Chief, and should ensure the same composition to the best of its effort, but its representation should be flexible. The District Board should be responsible for selecting its members at police station level.
- (vii) The District Board should be made responsible for selecting members of each council on a voluntary basis as per the existing eligibility criteria. However, before members can be selected, all the members must undergo a need based, custom- designed training program to enhance and judge their interpersonal and social communication skills. To develop such training modules, the KP Police can seek cooperation from development partners such as DFID UK, UNDP and USAID. The KP Police can additionally rely on the experience of its training wing for organizing such training programs. Only successful volunteers should be selected as members of the concerned DRC.
- (viii) All the community representatives and non-serving members of the regional and district level boards must be selected for a period of two years.
- (ix) The referral mechanism must be extended to the courts and prosecution as well so that the catchment area of the DRCs is increased and its valuable services are extended to a larger number of disputants, who would otherwise remain deprived of this dispute resolution forum.

- (x) The government and higher judiciary must seriously consider referral of minor criminal cases, especially those involving juveniles, women, old citizens and first-time offenders.

### **A Complaint Redressal Body Against Police Malpractices**

The DRCs in KP can be effectively used as a mediation forum in cases of complaints against police regarding investigations, high-handedness, misdemeanor and petty corruption involving police officers of the rank of constable. The recommendations include:

- If both the parties (i.e. the police officers and complainant) agree, the enquiry procedure can be preceded by a fact-finding sequence by the DRC which can serve as preliminary finding dossier before a formal enquiry is deemed fit.
- A confidentiality clause needs to be included in the charter of the DRCs so that confidence of the community in the DRCs can be enhanced.
- The role of the DRCs, as independent observers, in contested investigations needs to be enhanced and more frequently utilized. This is a very good feature of the DRCs in KP but upon examining the cases in the police stations it was discovered that this tool is practically unused in the DRCs.

### **Extension of DRCs to Newly Merged Districts**

The government is yet to establish a fully operational court system in several regions across the Newly Merged Districts (NMDs) [previously, known as FATA or the Federally Administered Tribal Areas] due to resource constraints. Recognizing the limitations of the court system, it is necessary to support ADR by extending the DRCs to all the police stations in the NMDs. Doing so will ensure a gradual and smooth transition from a customary legal system to a more formal legal system.

### **Balancing Gender Ratio and Greater Representation of Women in DRCs**

The limited representation of females in DRCs has a major implication on the access of females to DRCs. The disproportionate representation is a challenge for females and further exacerbates the patriarchal setup, particularly in rural settings. To address this issue, it is important to encourage the membership of females in DRCs and to sensitize females to approach the DRCs for resolving their disputes, especially involving families.

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