

Analyzing The Effectiveness of Formal Dispute Resolution Mechanism in Khyber Pakhtunkhwa, Pakistan:

Issues, Challenges and Way Forward

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Abstract

Dispute resolution mechanism (DRM) has primarily complemented the formal judicial system by providing quick and cost-effective solutions to the disputants. The Khyber Pakhtunkhwa (KP) province has a rich history of DRMs based on conventions and tribal traditions in the form of Jirga System. An effective DRM plays a crucial role in maintaining peace and order in the province. This study focuses on the formal DRM available in KP under the Alternate Dispute Resolution (ADR) Act, 2020 because it has an overriding effect on all previous formal DRMs. This paper critically analyzes DRM under ADR Act.

The study examines ADR Act from the theoretical and practical perspectives. Both Primary and secondary data have been used in the study. The primary data (qualitative and quantitative) collection techniques include interviews, documents analysis, observational insights and questionnaire. Moreover, analytical tools like legal framework analysis and SWOT are used. It is observed in this paper that people are not optimally relying on ADR, rather they are using other means (informal Jirgas or resorting to force).

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This policy paper finds that ADR mechanism in KP faces different legal, administrative and societal challenges. The issues include lack of awareness and weak implementation mechanism. The situation demands further refinement and transformation of the ADR Act. The study provides pragmatic steps to enhance effectiveness of ADR in the province. The improvements include both administrative actions and amendments in the ADR act to make it a more conducive DRM in KP.

Keywords: *Alternate Dispute Resolution Act, Khyber Pakhtunkhwa, Formal Dispute Resolution Mechanism, ADR Framework.*

1. Introduction

Dispute resolution plays a crucial role in maintaining social order and addressing conflicts, worldwide (Khan et al., 2022). In Khyber Pakhtunkhwa (KP), the mechanisms for resolving disputes include formal judicial system and informal *Jirga* system. The formal judicial mechanisms are governed by the prevalent criminal and civil laws, which offer a structured legal framework for adjudicating disputes through courts and tribunals. However, these formal processes face criticism for being slow and costly, leading to a preference for informal *Jirgas*, which offer tradition-based and community-centred solutions (Shinwari, 2015).

The *Jirga* system in KP (especially in tribal and rural areas), is known for its efficiency and the trust it commands among local communities (Yousaf, 2019). However, the *Jirga* system is not without its shortcomings. Criticisms include its lack of adherence to human rights standards, and potential for perpetuating social injustices, particularly against marginalized groups (Khan, 2012).

The KP government, while acknowledging the importance of *Jirgas*, has formalized *Jirga* system by establishing Dispute Resolution Councils (DRCs) under the Police Act, 2017 and enacting Alternate Dispute Resolution (ADR) Act, 2020. Both measures aim to bridge the gap between judicial and informal Dispute Resolution Mechanisms (DRMs). These quasi-judicial forums are designed to provide accessible and effective means for out-of-court settlement (Jadoon & Ullah, 2021). While these reforms have been lauded for their potential to provide timely and inexpensive justice, their implementation has faced significant hurdles which hamper their effectiveness (Rehman, 2020).

As KP continues to develop and modernize the current state of DRM, identifying areas for improvement is essential for fostering a more just and peaceful society. This paper analyzes the DRM provided under ADR Act in KP and identifies the issues to improve the system.

1.1. Statement of the Problem

It is a fact that dispute resolution mechanisms (judicial and non-judicial) existed in KP for centuries and non-judicial mechanism (*Jirgas*) was recently formalized in the province to maintain social harmony, peace and uphold justice through the enactment of Alternate Dispute Resolution Act. However, the effectiveness of the ADR Act in dispute resolution remains questionable. Since ADR Act was operationalized recently (in 2022) throughout KP, therefore, little research has been carried out on it. Thus, there is a need to analyze the current state of ADR Act in KP, the implementation challenges and the prospects for improvement with the aim to suggest a way forward.

1.2. Scope

This study is mainly focused on the effectiveness of DRM in Khyber Pakhtunkhwa (KP) Provinces, Pakistan. The scope of the paper is limited to the legislative and geographical context of KP only. It focuses on DRM under the ADR Act, 2020 because it has an overriding effect on all previous laws and its schedule of cases to be decided through alternative means is exhaustive. Since the ADR Act is the latest legal development in this domain therefore, it provides a solid base for critical analysis and deepen understanding of formal DRM in KP. makes ADR Act a comprehensive and the latest DRM for in-depth analysis.

2. Literature Review

Irfan Ullah and Muhammad Adeel Khan in their article titled, "Access to Justice: Comparative study of formal and informal dispute resolution mechanisms in district Swat, Pakistan", (2021) discussed traditional Jirga system as a way of dispensing customary justice. This endogenous Jirga system is considered effective because of the inherent problems in formal judicial processes like procedural delays, high costs, and complex legal requirements which deter individuals from seeking justice through the courts (International Crisis Group, 2015). The backlog of cases in the judiciary further inhibits access to timely justice, eroding public confidence in the formal system (Khan, 2012). Consequently, this inefficacy has led many to turn to alternate mechanisms, which are perceived to be quicker and more culturally resonant.

Informal DRM, particularly the *Jirga* system, plays a prominent role in KP. *Jirgas* are deeply embedded in the local socio-cultural fabric and are preferred for their accessibility, speed, and localized approach to justice (Shinwari, 2015). Despite their popularity, *Jirgas* face significant criticism for their lack of legal recognition and potential for perpetuating social inequalities. Researchers have pointed out that *Jirgas* operate without accountability, leading to decisions that violate fundamental human rights, particularly in cases involving women and marginalized groups (Yousaf, 2019). The patriarchal nature of *Jirgas* and their exclusion of women from decision-making processes have been highlighted as



major drawbacks, prompting calls for reforms for a more rights-compliant framework (Barakat et al., 2017). Also, this informal DRM is becoming fragmented because people are trying to resolve their issues using force (Shinwari, 2015).

In response to the limitations of both formal and informal systems, KP introduced formal DRMs (quasi-judicial), such as the DRCs under the Police Act, 2017, and then ADR Act, 2020, to bring informal *Jirgas* into the legal ambit (Jadoon & Ullah, 2021). However, the literature indicates that the effectiveness of these mechanisms is hampered by challenges such as inadequate resources, lack of public awareness, and resistance from traditional power structures (Rehman, 2020). Despite the shown promise in resolving minor disputes and de-escalating tensions, their integration into the broader justice system remains a work in progress. The existing research underscores the need for comprehensive reforms that enhance the efficiency, accessibility, and fairness of dispute DRMs in KP, bridging the gap between formal legal frameworks and community-based practices (Rehman, 2020).

Moreover, ADR Act was enacted in 2020, its rules were formulated in 2021, ADR was extended in the province in a phased manner starting from merged districts (ex-FATA), and finally extended throughout KP in December, 2022². Due to its recent operationalization, little research has been carried out to evaluate its effectiveness. Though researchers evaluated the *jirga* (informal DRM) but they did not focus on the ADR (formal DRM) which would have significantly contributed towards the successful implementation of ADR Act.

3. Research Methodology

This research adopt a descriptive design to assess the effectiveness of DRM in KP under the ADR Act 2020, both primary and secondary data sources were utilized to ensure in-depth and evidence based understanding of DRM.. Primary data as shown in table 1 was collected through an online questionnaire (Annex-A) using systematic random sampling, targeting 550 respondents from general public, police, judiciary, district administration, and Saliseen³ including males and females of 20 to 65 years age group with 319 valid responses received. Secondary data (research articles, books references and data of different government departments) is used for in-depth understanding of the issues and challenges. Various analytical tools like legal framework analysis, regional comparison and SWOT analysis are used to suggest pragmatic policy recommendations.

² Home and Tribal Affairs Department Government of Khyber Pakhtunkhwa's notification dated 8th December, 2022.

³ Saliseen word is used in ADR Act 2020 for mediators

3.1. Data Collection Technique

Primary data has been collected from general public, lawyers, officers of district administration, judiciary, police and Saliseen through an online questionnaire form (Annex-A). A few interviews were also conducted for field insights. The data was collected from the divisional headquarter districts of KP (Swat, Mardan, Peshawar, Abbottabad, Kohat, Bannu and Dera Ismail Khan) and also from the South Waziristan Lower and Upper Districts based on the systemic random sampling.

3.2. Limitations of the Study

Interviews conducted with the general public have a limitation that general public do not have a first-hand experience with ADR. Thus, to the extent of general public, it reflects their opinion about the ADR.

3.3. Ethical Considerations

During the study all necessary ethical steps were followed. The respondents of study did so willingly and were informed about the purpose of the research. Their names or personal details were not collected, and their responses have been kept private. The data collected was only used for research and policy purposes.

4. Legal and Theoretical Framework

4.1. Legal Framework Analysis

KP has two formal DRMs vis-a-viz DRCs and ADR.

4.1.1. Dispute Resolution Councils (DRCs)

DRCs were established under the Police Act, 2017 to facilitate mediation and conflict resolution at the local level. DRCs comprise of community members, including local leaders and representatives from law enforcement. DRCs aim to provide accessible and culturally sensitive dispute resolution services at the local level.

Despite their potential, the effectiveness of DRCs is hindered by a lack of awareness among the public about their functions. Additionally, the success of these councils largely depends on the willingness of community members to engage in the process (Rehman, 2020).

4.1.2. The Alternate Dispute Resolution (ADR) Act, 2020

The ADR Act, 2020⁴, was enacted to facilitate and regulate DRM process in KP.

⁴ Khyber Pakhtunkhwa Alternate Dispute Resolution Act, 2020 accessed through https://kpcode.kp.gov.pk/uploads/THE_KHYBER_PAKHTUNKHWA_ALTERNATE_DISPUTE_RESOLUTION_ACT_2020.pdf



This framework encourages the resolution of disputes through mediators called *Saliseen*. The Act provides a structured method for parties to settle disputes amicably. It has formalized *Jirga* system but could not substitute it as people still prefer informal *Jirga* (Shahzad & Ali, 2023).

4.1.3. Overriding Effect of ADR Act, 2020 on All Previous Laws

- Under Section 29 of the ADR Act, the role of DRCs has been repurposed. Their involvement in civil disputes has been excluded. Now they act as a referral authority to refer only criminal cases to *Saliseen*, and they cannot decide a case themselves. So, DRCs' functions are now regulated under the ADR Act.
- ADR schedule under Section 3(1) has incorporated all family, property, criminal, guardianship, and performance contracts covered. Thus, ADR Act has an overriding effect on all judicial DRMs under CPC, CrPC and PPC.
- After the annulment of Frontier Crimes Regulations in erstwhile FATA under the 25th Constitutional Amendment, the government instrumentalized the *jirga* system through the insertion of sections 29(1)(b) and 118A in the Local Government Act. These both sections have been repealed under section 30 of the ADR Act which makes it all-encompassing.

Therefore, ADR Act is the only available legal DRM at the moment. ADR Act's Sections 3 to 13 and 15 to 16 elaborate mechanism for regulating DRM and compatibility with judicial system.

4.2. Advantages of ADR over Formal Justice System

Globally, ADR as a normative alternative to formal justice system has three main advantages over judicial system. Locus of Control: The parties to the issue are granted the authority to settle it, and a third impartial party decides based on fair principle and mutual consensus (Adrian, 2014). Element of Confidentiality: ADR provides confidentiality as the dispute between the parties is not disclosed to the public but settled privately between the parties through a mediator (Block, 2016). Final Reward: Since both parties have consented to the awards an arbitrator renders in arbitration proceedings, they are typically regarded as final and binding (Adrian, 2014).

4.3. Theoretical Framework

Theoretical framework figure 1 helps to understand the foundations of ADR in KP.

4.3.1. Theory of Justice

The Theory of Justice has two components; distributive and restorative aspects. Distributive Justice emphasizes fair allocation of resources and benefits, which is essential in addressing conflicts arising from social inequalities. In KP, where disparities often exist among marginalized communities (gender disparity, ethnicity, and socio-economic status) ensuring equitable access to DRM is vital (Young, 1990). And, Restorative Justice focuses on healing and reconciliation. In KP, where traditional practices hold significant cultural weight, restorative justice principles can enhance the effectiveness of DRM (Zehr, 2002).

4.3.2. Conflict Resolution Theory

Conflict Resolution theory provides framework for understanding how disputes can be effectively managed and resolved. It emphasizes that by facilitating dialogue and exploring shared interests, stakeholders can find mutually beneficial solutions (Fisher & Ury, 1981).

4.3.3. Legal Pluralism

Legal Pluralism accentuates that there can be multiple systems in a state, highlighting the importance of integrating formal and informal mechanisms. The interplay between formal and informal systems can lead to challenges and opportunities for enhancing justice. Understanding how these systems interact can help in harmonizing the strengths of both approaches to complement each other (Benda-Beckmann et al., 2009).

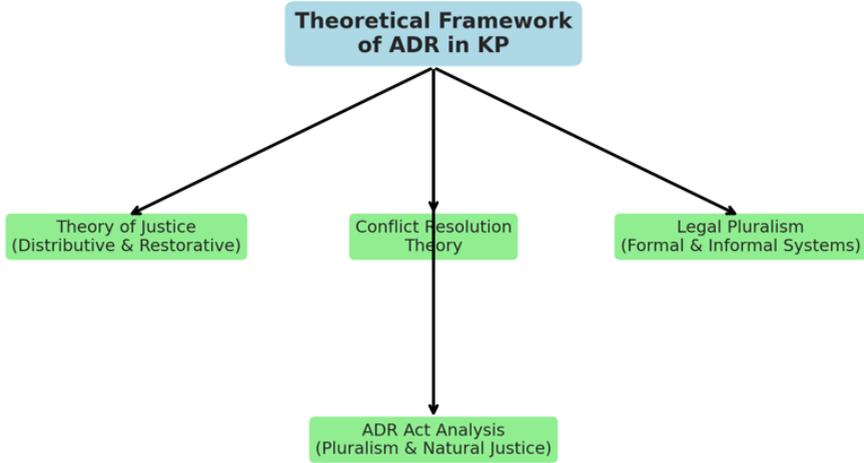
4.3.4. Analyzing ADR Theoretically

The exhaustive schedule of ADR Act where all possible scenarios of dispute are included ranging from criminal to civil nature, provisions of adherence to the principles of natural justice and its compatibility with the formal justice system, makes it a pluralist law. It provides procedures for dispute resolution; therefore, it may have relevance under the conflict resolution theory but its effectiveness will be discussed in the coming sections. The ADR Act has safeguards to protect the interest of minorities/weak segments of the society but they are not directly linked with the distributive or reformative aspects of justice.



Figure 1

Theoretical Framework



Discussion on Primary Data

4.4. Primary Data Results

Around 550 people were approached to fill the questionnaire online out of which only 319 responded. The results are summarized below:

Table 1

Primary Data Outcomes

Stakeholders	Know (awareness)		Satisfied with Courts		Preference		Remarks
	Yes	No	Yes	No	Court	ADR	
Public (20 - 65 years of age out of which 77% are male and 33% are female and 94% literate)	60	140	10	190	30	170	Majority of the people had no idea of ADR. When told about ADR, their opinion about ADR changed significantly.
Lawyers	40	10	15	35	42	8	Though lawyers

Stakeholders	Know (awareness)		Satisfied with Courts		Preference		Remarks
	Yes	No	Yes	No	Court	ADR	
(practicing in divisional headquarters of KP)							were not satisfied with court but did not prefer ADR which shows they might have fear of losing clientele.
Judiciary	7	2	9	-	8	1	Participation of judiciary was low. Though they pointed out flaws in judicial system yet preferred it as they considered it close to the constitution and principles of natural justice.
District Administration Officers	20	3	5	18	4	19	District administration overwhelmingly supported ADR but pointed out lacunas in its weak enforcement mechanisms.
Police Supervisory level Officers	14	5	3	16	3	16	Though police favored out-of-court settlement, they preferred DRC and were skeptical about ADR. As they considered it a tool to limit their powers under Police Act, 2017.
Saliseen (prominent members of civil	18	0	3	12	1	14	Saliseen wanted disputes should be solved under ADR but they



Stakeholders	Know (awareness)		Satisfied with Courts		Preference		Remarks
	Yes	No	Yes	No	Court	ADR	
society having knowledge of legal process and traditions, selected through a transparent process under ADR Act)							complained that they were not facilitated by the government.

The above data shows that majority of people were not satisfied with formal court system. People had low awareness, when briefed, their perception about ADR changed positively. Overall, people had little awareness about ADR, lawyers mostly favoured courts (formal judicial process) to ADR. District Administration pointed out implementation issues though they preferred it. Judiciary seemed reluctant about ADR terming it against the due process of law and police only favored DRC and not ADR.

4.4.1. Urban Case Study: Peshawar

In Peshawar, 40 individuals reported frustration with the formal judicial system due to lengthy delays and perceived corruption. Many community members expressed a preference for ADR mechanisms, particularly when seeking quick resolutions. The establishment of DRCs and ADR was noted as a positive step, though awareness of their existence remained low.

4.4.2. Rural Case Study: South Waziristan

In South Waziristan, traditional *Jirgas* are the primary method for resolving disputes. Participants highlighted the effectiveness of *Jirgas* in fostering community dialogue but also acknowledged the exclusion of women in decision-making. The locals had little knowledge about ADR. A participant from South Waziristan stated, "I submitted an application with the SHO for recovery of my dues from the opposite party but to no avail. After passing of two months, my journalist friend told me to access the office of Assistant Commissioner for resolution through ADR".

4.5. Observational Insights

The remarks of judicial officers in the questionnaire (Annex-A) reveal that ADR operates under the constraints of bureaucracy and inefficiency, and thus does not fulfil the criteria of judicial scrutiny. On the other hand, bureaucracy considers that judiciary's low interest in ADR is diluting their efforts of dispute resolution. Also, police are still referring disputes to DRC without any

mandate because they perceive ADR a threat to their autonomy. It can be deduced from these observations that different stakeholders are not on the same page. There is a pressing need to bridge this communication gap.

5. Analysis and Findings

5.1. Data of ADR Cases

Presently ADR Act is extended to the whole of KP and a list of *Saliseen* has been notified for each district. Relevant trainings to stakeholders have been imparted except for *Saliseen* which is still awaited. The details of ADR cases since its enactment are as under⁵:

Table 2

Details of ADR Pending Cases

S. No.	Division	Cases Referred	Decided	Pending
1.	Peshawar	130	93	37
2.	Mardan	21	19	2
3.	Hazara	2	0	2
4.	Malakand	32	16	16
5.	Kohat	27	1	26
6.	Bannu	40	22	18
7.	D.I. Khan	3	2	1
	Total	255	153	102

The above data shows weak confidence in ADR Act, considering the fact 16808 cases were resolved by DRCs⁶ during the last two years without mandate after enactment of ADR.

Theoretically speaking, the primary data, field observations and above data of ADR cases show that the ADR has no impact on distributive and restorative justice due to lack of awareness, implementation issues and competing priorities of stakeholders.

⁵ Home and Tribal Affairs Department's data collected from Deputy Commissioners

⁶ Data was collected from Police Central Police Office, personally by the author.



5.2. Regional Comparative Analysis

ADR practices in India and Bangladesh are compared with KP to learn lessons from regional practices. The below tabular analysis have been extracted from various studies on the ADR (Islam, 2011, Afridi, 2023, Gupta and Sheikh 2023, and Karmakar, 2023).

Table 3

Regional Comparison

Areas	India	Bangladesh	KP
Nature of disputes	Business, land, family and employment cases	Business, land and civil cases	More exhaustive list of civil, criminal, family, land, business and miscellaneous cases
Awareness	High	Medium	Low
Participation level	High	High	Low
Judicial recognition	High	Medium	Low
Support of government	Various institutes and centres established by government	Institutes in a nascent stage and Arbitration centre established	Neither centres nor institute established
Arbitrators	<i>Lok Adalat</i> , Neutrals, Panels for complicated cases by consent of parties	Village council, <i>Shalish</i> by consent of parties	<i>Saliseen</i> by consent of parties
Experience of arbitrators	Highly experienced	Highly experienced	Professionals from various backgrounds are selected as <i>Saliseen</i> who lack ADR experience

All three laws operate on the principle of voluntariness i.e. a case can only be referred to ADR after mutual consent of the parties. India has a greater success

in putting it into practice because of several factors, including a high level of awareness and participation, a network of established ADR facilities, experienced professionals, and strong support from government and judiciary. Bangladesh too is following in the footsteps of India, though their ADR mechanism is still in an evolution stage but has highly experienced arbitrators and government support which makes it better than ADR in KP. The ADR Act in KP is more exhaustive but faces challenges of lack of awareness, low participation, lack of expertise of *Saliseen* and inadequate infrastructure. Cultural norms and customs like *Jirgas* may deter people from using the official ADR procedure (Boule & Kelly, 1998).

5.3. Impact Analysis

A boundary commission was formed in 2024 under the Chairmanship of Commissioner Bannu which in its classified report found serious lacunas in ADR and commented that it fails to have an impact on ground. According to the report⁷, the *Saliseen* have lost their interest, people are still preferring traditional *Jirgas*, and judiciary is not willing to implement ADR. Similar observations were made by the Deputy Commissioners in law-and-order meeting⁸ in Home Department that ADR was not effective in resolving decades-old land disputes in the tribal districts. District administration still constituted *Jirgas* in law-and-order situation because ADR did not provide the required flexibility. It has also been reported that parties retreat after decision of *Saliseen* and there is no mechanism to penalize the retreating party⁹. The role of ADR under the Conflict Resolution theory remains low.

5.4. Theoretical Construal of ADR

It can be deduced after analyzing different aspects of ADR that it fails to satisfy the criteria of distributive and restorative justice as it has not been effectively applied. Though legally it has the potential but has been minimally utilized. As regards Conflict Resolution theory, ADR has been not applied in conflict emerging disputes because of its lack of resilience to substitute *Jirga* system. As regard Legal Pluralism, ADR is regarded as a parallel tool to available judicial forums making it a pluralist law. The inclusion of female *Saliseen* for family matters will further increase its pluralism aspect.

5.5. SWOT Analysis of ADR Act

The strengths of ADR Act include its comprehensiveness of covering all major dispute areas. It has formalized *Jirga* system. *Saliseen* are selected through a transparent process. Cheap and speedy justice mechanism. Whereas, ADR's

⁷ Boundary Commission Report of North Waziristan, submitted to the Board of Revenue.

⁸ A meeting was held in Home Department on law-and-order situation in the merged districts in April, 2022.

⁹ Deputy Commissioners of North and South Waziristan reported this issue in Home Department meeting in April, 2022.



weaknesses include judiciary is not taking active interest in referring cases to ADR. Police are still deciding cases through DRC without any mandate. Lack of training is weakening ADR mechanism. Due to lack of awareness among public, people are not availing ADR window. Female Participation in ADR is low.

The opportunities for ADR comprise of its mechanism which is quick and cost-efficient. Thus, it has the potential of optimal utilization. A huge number of pending disputes and local jirgas provide an opportunity for resolution under ADR. District administration's key role in dispute resolution brightens ADR's prospects. While, a major threat for ADR is that people are heavily relying on informal *Jirga* system. Low priority of government is making ADR ineffective. Local elders prefer *Jirga* over ADR due to enforcement issues in it. Parties retreat after decisions made under ADR by *Saliseen*, which makes ADR unproductive.

5.6. How to Address SWOT

The strengths of ADR can be capitalized on by having a robust monitoring mechanism for ADR proceedings so that the disputes are resolved timely, which will help in the speedy dispensation of justice. Establishment of a database and frequent meetings with *Saliseen* will increase the quality of decisions and resolve their issues timely. The weaknesses of ADR can be eliminated by imparting trainings for judiciary, *Saliseen* and the district administration can increase their professional capabilities, bridge institutional gaps and address trust deficit issues. Female *Saliseen* should be included in the panel for family disputes. Awareness campaigns through electronic, print and social media can help in increasing acceptability of ADR in society.

While taking advantage of opportunities, judiciary should be taken on board through Peshawar High Court. District administration should play an active role in referring cases under ADR and review the progress of each case. And the threats to ADR can be hedged by amending ADR Act to incorporate enforcement mechanism in it. A further amendment is required to make ADR more flexible so that it can be implemented in complex land and order situations. Penalty should be imposed or guarantees be confiscated from the party who retreats from any commitment made before *Saliseen* or creates hurdles in decision-making. District administration and police should discourage local *Jirgas* and encourage them to use ADR forums for dispute resolution. Proper ADR centres should be established in each district to facilitate people and *Saliseen*, and to regulate the proceedings.

6. Issues and Challenges

6.1. Legal Issues and Challenges

ADR's current legal regime is weakening its practicality, as administration is not actively engaging parties under ADR and on the other hand, judiciary too is reluctant to validate ADR decisions. ADR has no enforcement mechanism. The ADR lacks clauses for enforcement mechanism in cases of a law-and-order situation.

6.2. Administrative Issues and Challenges

DRCs are still functioning despite their repurposed role of referral only. Even though the settlement seems to be voluntary, and parties choose this path at their own will, they retreat after the decision and *Saliseen* cannot enforce their decision on disputants. *Saliseen* cannot proactively resolve decisions due to lack of proper training. A significant proportion of the *Saliseen* lack legal literacy and management skills.

7. Recommendations

7.1. Short Term

1. Monthly progress review meetings on ADR should be held by district administration to resolve issues timely. It will create ownership for ADR, *Saliseen* will feel empowered and ensure quality decisions.
2. Training sessions shall be arranged for all the stakeholders including judiciary, administration, lawyers, prosecution, *Saliseen* and community elders to alleviate their concerns, bridge communication gap and bring all stakeholders on the same page.
3. Awareness campaigns should be launched throughout the province for general awareness of the masses.

7.2. Medium Term

1. Females should be included in *Saliseen* to address women's issues especially in cases of family disputes.
2. ADR centres should be established at district level to facilitate public, *Saliseen* and regulate ADR proceedings.

7.3. Long Term

1. A database for ADR should be created for maintenance of record, monitoring and tracking of disputes.
2. Section 8 (nomination of *Saliseen*) of ADR Act should be amended to empower Deputy Commissioners to nominate *Saliseen* outside the notified



panel in cases of law-and-order situation after getting approval from the Commissioner. It will empower administration to adapt to the situation under the ADR (Draft amendments placed vide Annex-B).

3. Section 16 (execution of order) of ADR Act should be amended to give enforcement powers to Deputy Commissioners to increase its efficacy (Annex-B). It will prevent the parties from retreating and refrain from creating hurdles in the proceedings.
4. Section 17 (appeal against the order) of ADR Act should be amended to keep a check on enforcement powers exercised by Deputy Commissioners (Annex-B). It will alleviate the genuine concerns of judiciary and curb misuse of powers by Deputy Commissioners.

Table 4

Log Framework

Sr. No.	Action	By	How	Time Period	KPIs
1.	Proper Monitoring & Monthly Review Meetings	H & TA Department	Directions by H & TA Department	Short Term	Directions issued and review meetings held
2.	Training Session to all Stakeholders	H & TA Dept	Request KP Judicial, Prosecution, Provincial Services Academy for training sessions	Short Term	Number of training sessions conducted
3.	Awareness campaign	H &TA Dept, Information Dept, District Administration	Activate print, social, radio media and arrange seminars	Short Term	Number of seminars held, advertisements & audience engaged on social media
4.	Female inclusion in <i>Saliseen</i>	H &TA Department	Reserve seats for women through executive order	Medium Term	Number of females included in <i>Saliseen</i> panel
5.	Establishment of ADR centres at District level	Provincial Government	Tasking DCs of each district	Medium Term	Number of centres established
6.	Establishment of ADR Database	H & TA Department	KP IT Board should be tasked	Long Term	Database functionalized, dashboard access to judiciary, administration & Home Dept
7.	Amendment in ADR Act (Annex-B)	H & TA Dept, Law Dept.	Through legislation	Long Term	Amendments notified



8. Conclusion

KP province is host to numerous traditions including resolving disputes through Jirga system. To formalize DRM in KP, the government introduced an all-inclusive mechanism under the ADR Act. The Act has benefits of quicker resolution of disputes, reduced burden on the formal justice system, and is considered as a pluralist law. However, the legal and administrative impediments obstruct ADR's effective implementation.

ADR has a low impact on conflict resolution theory as people still prefer informal Jirgas. Furthermore, ADR has low impact on the distributive and reformative aspects of justice. The issues include non-validation by judiciary, lack of clear enforcement mechanism, lack of training for Saliseen and low level of public participation.

In a nutshell, while ADR promises a valuable tool for resolving disputes in KP, addressing the legal and administrative challenges is crucial to realizing its full potential. By resolving these issues in ADR mechanism, KP can promote access to justice, and enhance the effectiveness of formal DRM under ADR Act in the province.

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