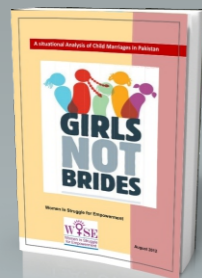
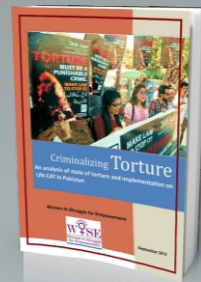


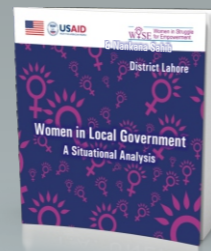
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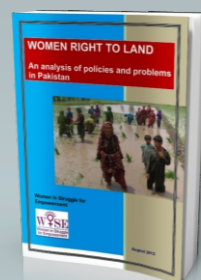
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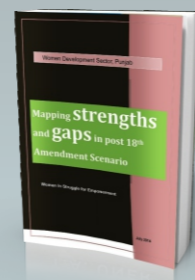
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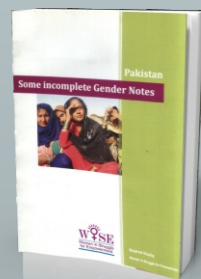
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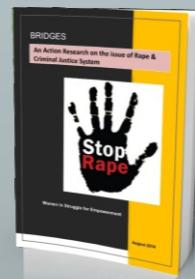
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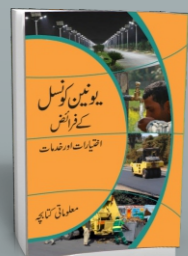
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TRAINING MANUAL: Local Govt. Women Councilors in Punjab

Alternative Dispute Resolution (ADR) & Efficacy of Local Govt. System in Punjab

Identifying Gaps and Good practices in ADR forums and their critical role in mitigating local disputes and fostering communal bond at community level



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Foreword

The poor governance and weak implementation of 'Rule of Law' in Pakistan has created mistrust among the communities and caused lack of trust on the state institutions. The formal justice system is overburdened while other agencies meant to dispense justice among the communities, lack capacity in growing need to mediate and provide justice. In view of the burden of the formal justice system and to supplement its efforts for speedy and inexpensive justice, ADR is generally considered as efficient mechanism to dispense justice.

In our society, the current dispute resolution mechanisms being practiced at the local level are informal, highly male-dominated, class-based and controversial, which need to be replaced with efficient and gender sensitized mechanisms. Most of the disputes associated with marital and other family matters, with women folk as the major stakeholders. In this context, ADR provides good opportunity to the poor people with limited access to the formal justice system. In view of the fact, Punjab Government while introducing the PLGA 2013, incorporated 9-member Panchayat/Musalihat Anjuman in every UC.

Similarly, the Alternative Dispute Resolution Act 2017 provides parties opportunity to resolve the dispute other than by adjudication by Courts. The Act also provides the formation of ADR centers at district level and a panel of neutral for the purpose. The Act requires civil courts to refer certain cases for meditation, conciliation or arbitration before proceeding.

Keeping in view the importance of the ADR and the recent govt. supported initiatives in this regard, WISE undertook the study in hand to analyze gaps in legally recognized ADR forums by exploring the current practices and effectiveness of ADRCs, Panchayat and Musalihat Anjuman, besides their critical role in mitigating disputes and fostering communal bonding.

To gather qualitative and quantitative information legal provisions were consulted and semi-structured interviews were conducted with Key Informants to assess their opinion. While Focus Group Discussions (FDGs) with community people in selective UCs of Lahore and Sheikhpura were organized to have their views pertaining to community disputes and the mechanisms for ensuring justice. Thus, gathered information was objectively analyzed to reach impartial conclusions and present practical recommendations.

Hope, you would appreciate our modest effort to carry forward the much-needed agenda of access to justice for the people in general and marginalized communities in particular. On behalf of WISE, I appreciate Ahmed Nadeem for developing this report and thankful to NED for the financial assistance to make it happen.

Sincerely,
Bushra Khaliq
Executive Director

1- Background

Alternative Dispute Resolution (ADR) is a vast field. In Pakistan, it is not a new concept. In fact, dispute resolution in Pakistan is, in one form or another, as old as the country itself. Parties have presented disputes to *Punchaiats or Jirgas* – committee of honorable elders of the community – to resolve them for years. However, this type of particular dispute resolution has been most often associated with marital and other family matters. But most importantly these traditional methods are often captured and influenced by power elites against the vulnerable.

The poor governance and weak implementation of 'Rule of Law' in Pakistan has created mistrusts among the communities and caused lack of trust on the state institutions. The agencies, which are meant to dispense justice among the communities are overburdened and lack capacity in growing need to mediate and provide justice. A major proportion of such disputes is of small nature and caused due to non-availability of the institutions at the local level. Further, dispute resolution mechanisms at the local level are either absent or lack capacity to deliver. Over the years, such institutions are deemed necessary to resolve small level of disputes at the local level. In the past, the government of Pakistan has practiced number of initiatives to develop institutions that could support resolving the local level disputes.

Since the traditional mechanisms of dispute resolution have long been practiced in Pakistan but were hardly recognized by our legal system from time to time, also they have been given inadequate space and opportunity to develop and modernized by our complicated legal systems and structures. However, through Punjab Local Government Ordinance 2001 and Act PLGA 2014 the Govt. made an effort to enable grassroots participation in the process of development; particularly dispute resolution through formation of Panchait/Musalihat Anjuman as Alternate Dispute Resolution (ADR) mechanism at local level.

In December 2017, the Federal government has passed a special law on ADR i.e. The Alternative Dispute Resolution Act, 2017 followed by Punjab Assembly to approve the ADR Act 2017 to provide parties opportunity to resolve the dispute other than by adjudication by Courts and includes arbitration, mediation and dispute resolution through conciliation. The Act provides the formation of ADR center and a panel of neutral for the purpose of the Act. The Act requires civil courts to refer certain cases for meditation, conciliation or arbitration before proceeding for before or after framing the issues. Under the Act, the court, with the consent of the parties, may appoint mediator, conciliators etc., to facilitate the compounding of the offence. The Punjab province has also set up ADR centers at the district courts with the support of the World Bank. These centers aim at resolving civil as well as certain criminal cases.

Compoundable offences under section 345 of the Code of Criminal Procedure 1898

2- Research Objectives

The overall objective of the study is to gather knowledge/good practices and identify gaps in different recognized ADRs; moreover, the findings will be used to raise the institutional capacity of Musalihat Anjumans/punchait. The research study aims at:

- i. Exploring the good practices and effectiveness of Panchayat and Musalihat Anjuman, besides their critical role in mitigating disputes and fostering communal bonding.
- ii. Identify gaps and measure the effectiveness of Panchayat/Musalihat Anjuman, and other ADR forums at local level.
- iii. Current level of knowledge and trust among citizens regarding process of accessing and duties of Panchayat / Musalihat Anjuman

3- Methodology

WISE selected communities from two districts, namely Lahore and Sheikhpura. A checklist was developed to conduct Key Informant Interviews (KII) and Focus Group Discussions (FDGs) on key themes pertaining to community disputes and the mechanisms for ensuring justice is given and implemented was developed. Broadly speaking, the following themes were explored:

- Conflict resolution mechanisms and procedures and effectiveness in communities i.e. the mechanisms and processes used.
- Communities' interaction with informal justice bodies if they exist in their areas (i.e. Musalihat Anjuman, Alternative dispute resolution center etc.)
- Numbers of conflicts AnjumanMuliha/ Punchait have been resolved
- The implementation and effectiveness of Anjumn Muliha decisions.
- Women's role in conflict resolution and related mechanisms (in 'mixed' and women's and predominantly men's in Anjumn Muliha)

The FDGs were conducted with male and female members of communities including Anjumn Muliha body members and UC chairpersons. The KIIs included consultations with LG experts and lawyers. For the purpose a set of leading questions was developed for the participants of the FDGs and semi structured interviews with UC chairmen, Secretaries, UC councilors and members of the Anjumn Musalihat, Arbitration council.

Implementation Approach

The consultant used mixed method, participatory methods and tools for this research study. The methods and tools selection is driven by the expected deliverables in the TORs. The diagram below illustrates the design of the study to be adopted after inception stage, which follows a logical and coherent approach by building complementarities between the various methods.



4-Desk Review

According to the World Justice Project's latest [Rule of Law Index](#), Pakistan ranks near the bottom in its ability to ensure protection of fundamental rights and advancing civil and criminal justice.

Pakistan's justice system is stressed for a number of reasons, including insufficient budget allocations (less than 1% at the federal and provincial levels), lack of human and material resources to dispense speedy justice, corruption, nepotism, sub-standard legal education, and ill-equipped lawyers who lack practical skills and training opportunities.

According to a report titled *Understanding the Informal Justice System: Opportunities and Possibilities for Legal Pluralism in Pakistan* (2015), 98.2 per cent of respondents in a survey opined that the poor and lower classes do not have access to justice in the formal justice system.

In the same survey, 42.8% felt that women and 25.2% that landless peasants and agricultural laborers similarly lack access. One of the reasons for limited access to the formal justice system, as perceived by half the respondents, is the high legal fee charged by lawyers.

As a consequence, justice is often delayed or inaccessible, particularly for the poor and marginalized groups. There are currently over 1.7 million cases pending in the Supreme Court, high courts, and district courts. Delays and pending cases also create stress, intolerance, and tension between the parties, which often escalates into further violence at the community level.

Although some laws do contain provisions for initiating settlement of disputes through ADR, but these provisions have till recently not been put to use due to reasons. For example, in family laws there is a particular provision for pre-trial and post-trial conciliation/mediation by the court. In 1998 chief justice of Lahore High Court launched a pilot project on ADR, comprising 2 courts in Lahore, limited to family cases only. It was in July 2002 that civil Procedure Code was amended and section 89 was introduced to make room for ADR. Thus, legislative and executive support for ADR mechanism was there.

² <https://asiafoundation.org/2017/07/26/alternative-dispute-resolution-paradigm-shift-pakistans-justice-system/>

Combat and conciliation are two most inherent human virtues. Combat leads to conflict, fight and litigation whereas conciliation promotes negotiation, compromise, mediation and consensual settlement. The legal jurisprudence emphasizes on the virtues of conciliation in settlement of disputes among people.

There is misunderstanding in the minds of people belonging to legal fraternity and media that the ADR mechanisms are an imported or alien concept, which is being implemented to our judicial system at the behest of some foreign legal experts. But the fact is that the resolutions of dispute through alternative dispute resolution mechanism have centuries' old history in our own culture.

The institution of "*Punchayat*" is perhaps the oldest recognition of this virtue and existed in almost all countries of the World in one form or the other. In modern times, this institution has been made more comprehensive and has assumed many forms. In legal phrasing these forms may be called "Alternative Dispute Resolution (ADR) Mechanisms. Responding to the challenges of backlog and an ever-increasing workload on courts many countries have introduced reforms and have adapted ADR Techniques with impressive results.

The crisis underscored the fact that Pakistan's formal justice system as it exists today cannot provide adequate justice to individual citizens. The Pakistani Legal Study with respect to ADR was unofficially initiated in April of 1997. It also brought attention to the possibility of a less expensive and time consuming alternative dispute resolution (ADR) process that could fill significant gaps; PLGA 2013 and then Alternative Dispute Resolution Act 2017.

In March 2017, Lahore High Court Chief Justice, Syed Mansoor Ali Shah, opened the first judicially backed ADR center in Lahore city in Punjab. The mediation center has 36 highly trained judges who serve as mediators. The mediations follow a confidential and flexible process in which the mediator helps the parties understand the interests of everyone involved, and their practical and legal options.

To date, the center has received a total of 209 cases out of which 141 have been successfully resolved, 27 failed, 18 dropped due to absence of parties, and two were remanded back to the courts. Following the success of this model, similar mediation centers have now been set up in all 36 districts of Punjab province.

Mainstreaming of ADR is a necessity in Pakistan if it is to reduce inequality and expand rights the marginalized segments of its population. It will prove as paradigm shift in the justice system. Now a new initiative in Punjab province could offer a way forward for the country's beleaguered justice system.

5- Major Legal Resources

I) Constitution of Pakistan: Although no explicit mention of ADR is mentioned in the Constitution of Pakistan, however, a reference to commercial and financial activities have

been mentioned in the Constitution, which may, implicitly, lead to a view that Pakistan practices certain methods of ADR. A quick review of the Constitution reveals that articles 153-154 deal with the Council of Common Interest, article 156 deals with the National Economic Council, article 160 deals with the National Finance Commission, and article 184 of the Constitution gives rise to original jurisdiction to the Supreme Court of Pakistan in "any dispute between any two or more Governments.

ii) The Small Claims and Minor Offences Courts Ordinance of 2002;

The Small Claims and Minor Offences Court Ordinance 2002 intends to establish a court of Small Claims and Minor Offences, where the value of the small claims suit is less than Rs.100,000 (\$1600) and the punishment for minor offences is less than three years. The purpose of the law is to "provide legal cover to amicable modes of settling disputes between parties...easily and expeditiously. This law encourages "amicable settlement" which includes arbitration, mediation and conciliation – all forms of ADR.

iii) Code of Criminal Procedure 1898:

Section 345 of the Code of Criminal Procedure, 1898 (Act V of 1898) provides room for using the ADR forums in non-compoundable cases also.

Section 345 (5) says; When the accused has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the Court before which the appeal is to be heard.] The sub section (5A) A High Court acting in the exercise of its powers of revision under section 439 [and a Court of Session so acting under section 439-A], may allow any person to compound any offence which he is competent to compound under this section.]

iv) Code Civil Procedure 1908:

Through introduction of Code of Civil Procedure Amendment Act 2015, fairly significant moves were made to provide for mediation and speedy disposal of minor cases, through insertion of Section 89-A and Order X Rule 1-A to the Civil Procedure Code. Thus, concept of ADR has been heightened in this section, which the courts intend to enforce robustly.

v) The Arbitration Act of 1940:

The Arbitration Act of 1940, an Act passed for all of British Indian before Pakistan's independence, continues to apply to Pakistan today. The Act provides for three classes of arbitration: 1) arbitration without court intervention (Chapter II, sections 3-19); 2) arbitration where no suit is pending, (but through court) (Chapter III, section 20); and 3) arbitration in suits (through court) (Chapter IV, sections 21-25).

vi) Local Government Ordinance 2001;

Sections 102 – 106 under Chapter XI of the Ordinance encourage "amicable settlement of disputes...through mediation, conciliation, and arbitration. Given

Government Asked to Enforce Small Claims Ordinance, *available at* <http://www.dawn.com/2004/05/30/nat7.htm>. (May 30, 2004).
[National Reconstruction Bureau of Pakistan \(NRB\)](#)

that this is provincial law (equivalent of state law in the U.S.); it goes to show that Pakistan has resolved to the use ADR methods, even at a local level. Under this ordinance over 10,854 cases registered with local reconciliatory bodies across Punjab and Khyber Pakhtunkhwa, 8,020 were settled amicably.

vii) Punjab Local Government Act 2013;

It provides that Village Council shall constitute a Panchayat and a City Council shall constitute a MusalihatAnjuman for amicable settlement of disputes in the prescribed manner. Whereas a Municipal Committee shall, for a ward or a group of wards, constitute a MusalihatAnjuman for amicable settlement of disputes in the prescribed manner

A Panchayat or MusalihatAnjuman shall consist of a panel of nine members, including at least two women, to be nominated by the local government, within thirty days of its first meeting, from amongst residents of the local government but the members of the local government shall not be appointed as members of the Panchayat or MusalihatAnjuman. These members of Panchayat or MusalihatAnjuman shall be nominated for a term of five years or until earlier replaced by the Union Council or the Municipal Committee.

Any person may refer a civil or criminal dispute to the Panchayat or MusalihatAnjuman where the dispute has arisen within the territorial jurisdiction of the Panchayat or MusalihatAnjuman or where parties to the dispute are residing in such area or where the parties to the dispute have agreed to submit themselves to the jurisdiction of the Panchayat or MusalihatAnjuman. The Panchayat or MusalihatAnjuman shall make efforts for amicable settlement of the dispute between the parties and it shall record its findings through agreement between the parties

It is hoped that the PLGA 2013 will evolve over time as the local governments will be strengthened through real powers devolved at the grass roots level. Making ADR forums at local level more effective would lend greater legitimacy to local government and strengthen the justice system.

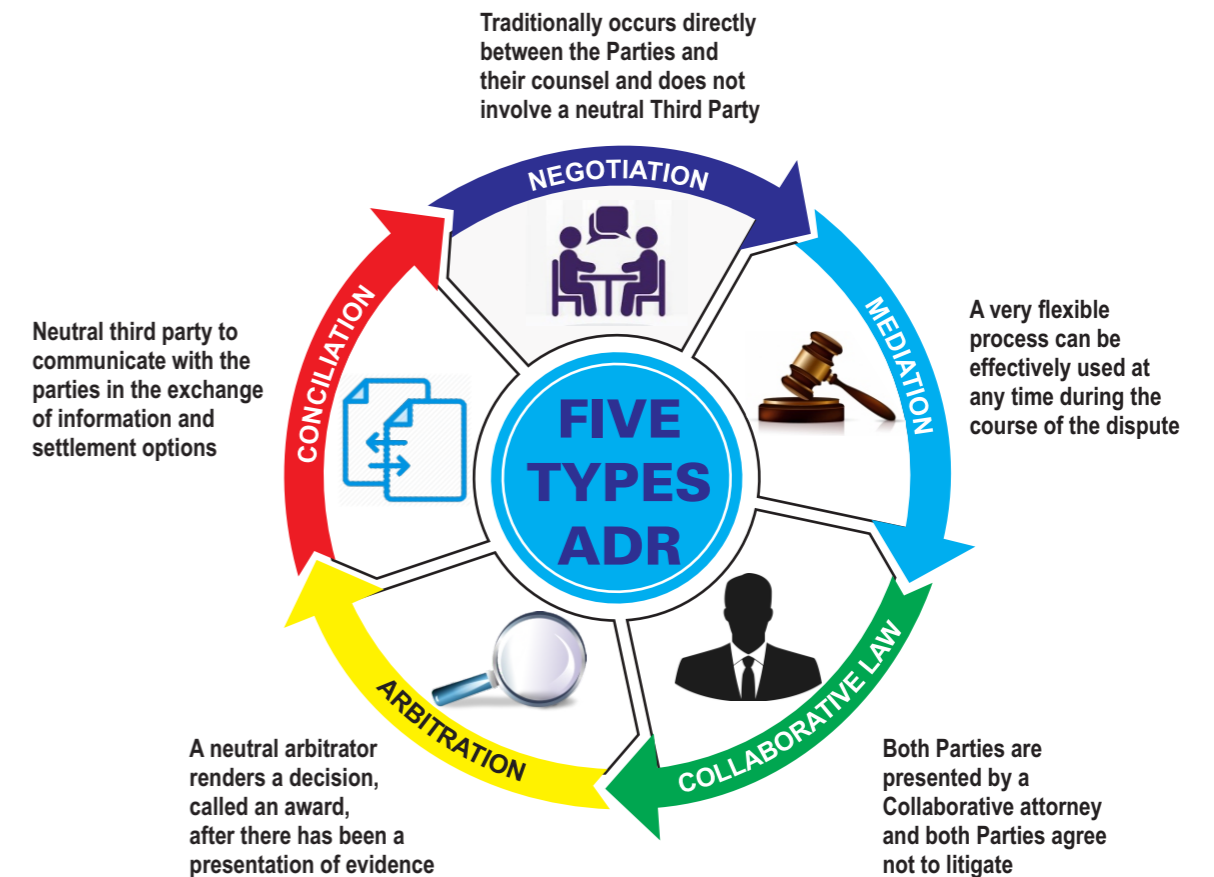
6- Alternative Dispute Resolution

ADR is defined as any process or procedure other than adjudication by a presiding judge in court – litigation in which a neutral third party decides on the resolution of the issue in dispute. Among different types of ADR process, the most common are mediation, arbitration and conciliation. Others include early neutral evaluation, summary jury trial, mini trial and settlement conference.

The main difference between arbitration and mediation is a simple one; arbitrators hand down decisions, just as judges do which can only be contested under certain circumstances. In other words, by agreeing to arbitration a party agrees to be bound by the arbitrator's ruling barring some exceptional deviation from the normal procedure. Let us look at the basic difference between the two forms of dispute resolution.

⁵<https://tribune.com.pk/story/644286/dispute-settlement-experts-underscore-alternative-modes/>

Mediation	Arbitration
Can be voluntary or compulsory (court order)	Can be voluntary or compulsory (court order)
Trial is stayed (put on pause) pending outcome	Trial is replaced by arbitration
Generally, involves single mediator	There may be single arbitrator or a panel of arbitrators
Mediators need not to have any formal legal training	Arbitrators need not to have any formal legal training
Choice of mediator often has important effect on settlement reached	Choice of Arbitrators can be crucial and specially in panel situations may lead to further litigation
Mediator's function is to facilitate the negotiation	Arbitrator's function is to render decision on the matter
Mediation ends when settlement is reached or when parties deadlocked	Arbitration ends when decision is handed down
Agreements to mediate are generally enforceable, requiring the parties to make in good faith	Agreements to mediate are generally enforceable, requiring the parties to accept the arbitrator's decision as a court decision



7-Alternative Dispute Resolution (ADR) Act 2017:

The Act provides Alternate dispute resolution system to facilitate settlement of disputes without resort to formal litigation. Under the Act a Court shall refer every civil matter mentioned in the Schedule for ADR except where: - (a) the parties do not agree for ADR; (b) the Court, having regard to the facts and circumstances of the case, is satisfied that there is no possibility of resolution of the dispute through ADR; or (c) an intricate question of law or facts is involved.

Before referral to ADR, the Court may frame issues with the consent of the parties for facilitating the settlement of the dispute. This section shall not apply where ex-parte proceedings are subsisting against the defendant or the respondent. Provided that even if such proceedings are set-aside, unless the court, in view of the stage of the proceedings of the case or agreement of the parties decides otherwise.

The Government, after consultation with the High Court, shall notify in the official Gazette a panel of Neutrals for each Province or each district from amongst lawyers, retired Judges of superior and subordinate judiciary, retired civil servants, social workers, ulema, jurists, technocrats and experts and such other persons of repute and integrity having such qualifications and experience as may be prescribed. The Government may not remove a Neutral once he is seized of the matter referred to him unless both the parties agree on his replacement.

The parties to the dispute shall take part in the ADR proceedings in person or through duly authorized representatives or attorneys. A neutral appointed by the court or an ADR center to which the matter is referred for mediation shall dispose of the matter within a period of thirty days, provided that the Court may for sufficient cause extend this period for further fifteen days on a request made by the Neutral.

If the matter is referred to an Arbitrator, he shall complete the process within sixty days: Provided that the Court may for sufficient cause extend this period for further thirty days on a request made by the Arbitrator. The Court may, from time to time, give such directions as it deems fit regarding the conduct of the ADR and the same shall be binding on the parties and the Neutral.

The costs and fees of ADR process shall be borne by the parties as may be mutually agreed upon by them, failing which it shall be determined by the Court.

In cognizance of a compoundable offence specified in section 345 of the Code of Criminal Procedure, 1898 (Act V of 1898) or under any other law for the time being in force, the Court may appoint a Neutral or such other person as may be agreed upon by the parties to facilitate compounding of the offence. Only minor matters can be taken to the ADRC [for detail see annexure-2]

In compoundable offences under section 345 of the Code of Criminal Procedure, 1898 (Act V of 1898) or under any other law for the time being in force, the Court may appoint a Neutral or such other person as may be agreed upon by the parties to

facilitate compounding of the offence: Provided that the Court shall not refer a case for compounding of an offence without consent of the parties;

The Neutral shall try to facilitate compounding of the offence within thirty days and if the offence is compounded, he shall submit a report in this respect in the Court duly witnessed and signed by him and by the persons authorized to compound under any law for time being in force. If the Court is satisfied that the parties have voluntarily compounded the offence and the document recording their agreement has been duly witnessed and signed by them, the Court shall pass order accordingly and the accused shall be acquitted or discharged keeping in view stage of the case.

8- Alternative Dispute Resolution (ADR) Methods

Alternate Dispute Resolutions (ADR) refers to a variety of procedures for the resolution of disputes. Common to all ADR procedures is the word alternate. Each ADR procedure is an alternative to court adjudication.

Alternative Dispute Resolution ("ADR") refers to any means of settling disputes outside of the courtroom. ADR typically includes arbitration, mediation, early neutral evaluation, and conciliation. As burgeoning court queues, rising costs of litigation, and time delays continue to plague litigants, more states have begun experimenting with ADR programs. Some of these programs are voluntary; others are mandatory. The two most common forms of ADR are arbitration and mediation. The other forms of A.D.R such as Case Management, the Ombudsmen Schemes and Early Neutral Evaluation are also gaining wide spread popularity.

ADR processes can offer numerous advantages over both formal litigation and direct negotiations between the parties. In contrast to formal litigation and direct negotiations, ADR procedures may lead to resolutions that are faster, less expensive more creative and better tailored to all parties' underlying interests

9- ADR and the Judicial System

Most cases can benefit in some way from ADR. The various ADR processes offer different types of benefits. However, each ADR process offers at least some of the following advantages over traditional litigation or direct settlement negotiations.

A) Producing Results

After litigating a case through trial, even the winners may feel they have lost. The costs and time commitment on both sides may be enormous. Sometimes neither side is satisfied with the result -- and any relationship that may have existed between the parties is likely to have been severely strained. On the other hand, ADR may:

- Help settle all or part of the dispute much sooner than trial.
- Permit mutually acceptable solution that a court hasn't power to order.
- Save time and money.
- Preserve ongoing business or personal relationships.
- Increase satisfaction and likelihood of a lasting resolution.

B) Allowing flexibility, Control and Participation

In formal litigation, the court is limited in the procedures it must follow and the remedies it may award and submitting a case to a judge can be extremely risky. ADR processes are more flexible and permit parties to participate more fully and in a wider range of ways. It affords parties more control by providing opportunities to:

- Tailor the procedures used to seek a resolution.
- Broaden the interests taken into consideration.
- Find solution that may not be available from the court.
- Protect confidentiality.
- Eliminate the risks of litigation.

C) Enabling Better Understanding of Cases

In traditional litigation, sometimes the parties stop communicating directly and it is only after a significant amount of time and expensive discovery or motions that the parties understand what is really in dispute. ADR can expedite the parties' access to information. It can also improve the quality of justice by helping the parties obtain a better understanding of their case early on. It may:

- Provide opportunity to clients to speak their views directly, informally.
- Help parties get to the core of the case and identify the disputed issues.
- Enhance the parties' understanding of the relevant law and evidence and the strengths and weaknesses of their positions.
- Help parties agree to exchange key information directly.

D) Improving Case Management

The lawyers in litigation sometimes find it difficult, early in the case, to devise a cost-effective case engagement plan, reach stipulations or narrow the dispute. An ADR neutral can help parties:

- Streamline discovery and motions.
- Narrow the issues in dispute, identify areas of agreement/disagreement.
- Reach factual and legal stipulations.

E) Reducing Hostility

Due to its adversarial nature, litigation sometimes increases the level of hostility between sides, which can make communication more difficult and impede chances for settlement. In contrast, a trained ADR neutral can:

- Improve the quality and tone of communication between parties.
- Decrease hostility between clients and between lawyers.
- Reduce the risk that parties will give up on settlement efforts.

10- Alternative Dispute Resolution Centers (ADRC) Performance

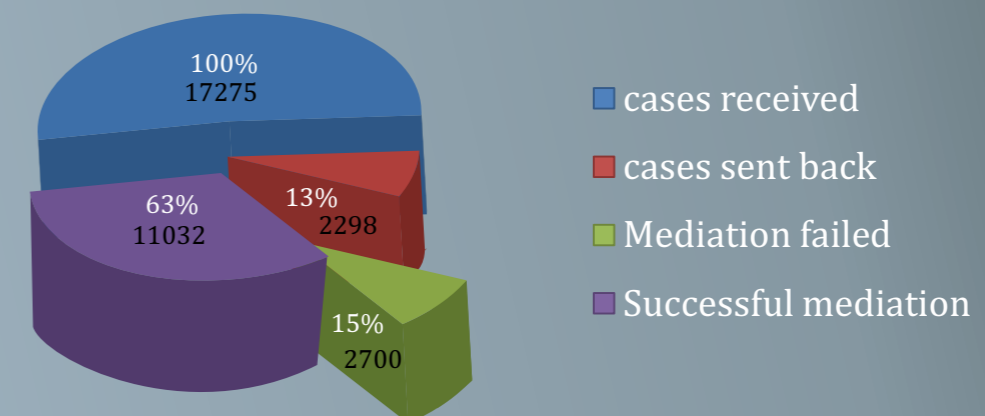
The Government of Punjab has up Alternative Dispute Resolution (ADR) centers across the province with first center in Lahore on 1st June 2017. Right now, 36 ADRCs are functional in all the 36 districts of Punjab. These centers handle disputes of low intensity outside the court so that the burden on the High Court can be reduced.

The main aim of opening these centers is to provide speedy justice and providing easy access to justice. So far 11032 cases have resolved through these centers in less than one year (for detail see annexure-1)

No.	Performance sheet of 36 ADR centers in Punjab			
1	Number of Reference received from courts	No. Of Reference sent back due to absence of parties	No. Of Reference in which mediation failed	No. Of Reference in which mediation was successful
2	17275	2298	2700	11032

Source: <http://lhc.punjab.gov.pk/system/files/Consolidated%20ADR%20till%2022.03.18.pdf>

Performance summary of 36 ADR centers in Punjab



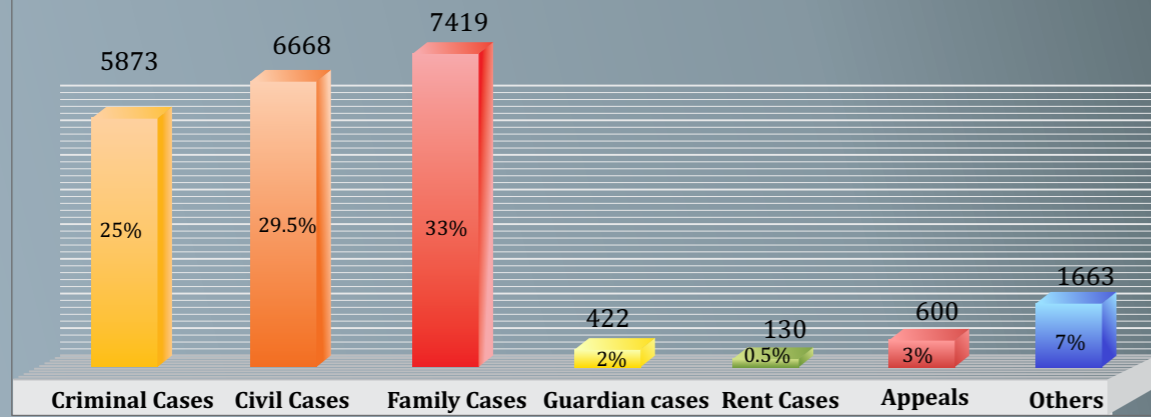
There seems error in the ADRC data as it explains 91% of the total cases. The figures about the status of rest of the 9% cases are missing. It appears serious error in data of the ADR centers, as total sum of the above said cases is 22775 cases, while total number of references received by the ADR centers in 36 districts of the Punjab mentioned as 17275. There is a gap of 5500 cases with no details. This means ADRCs decided upon 5500 more cases than received.

Category of Cases referred by courts to ADR Centers						
Criminal case	Civil cases	Family cases	Guardian cases	Rent cases	Appeals	Others
5873	6668	7419	442	130	600	1663
						Total= 22775

Source: <http://lhc.punjab.gov.pk/system/files/Consolidated%20ADR%20till%2022.03.18.pdf>

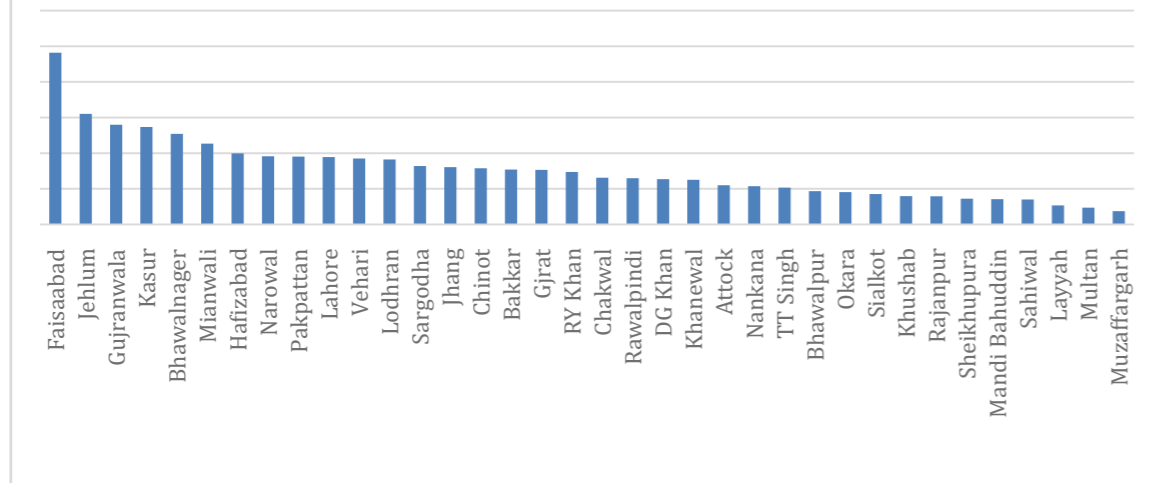
⁶<https://www.pakistantoday.com.pk/2017/05/30/adrs-to-help-courts-in-providing-speedy-justice-in-punjab/>

Category of Cases referred by courts to ADRC



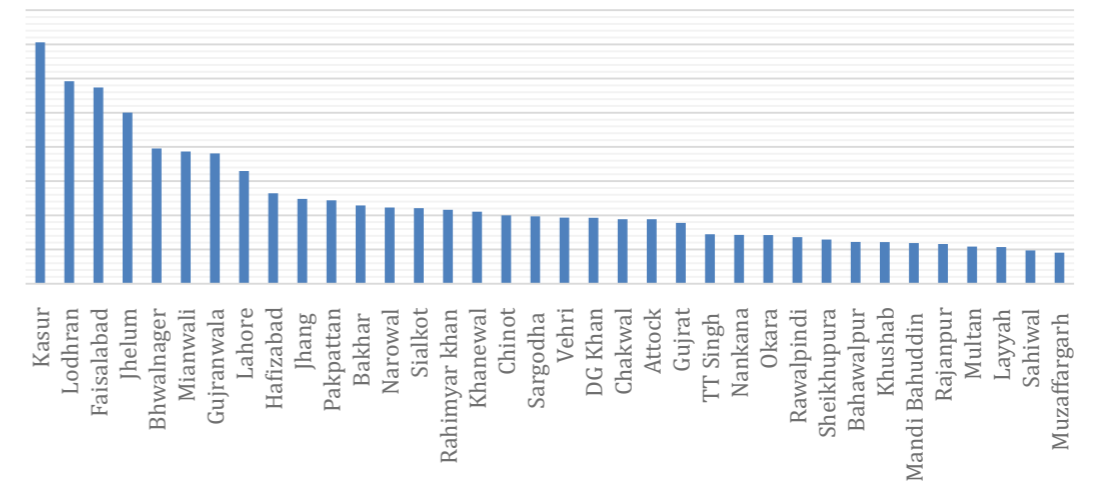
The trend shows that majority of the cases (33%) sent by the courts to ADRCs, comprises family cases, followed by 29.5% civil cases and 25% criminal cases.

District-wise number of cases, successfully mediated by ADRCs



If we look at the district-wise performance of the ADRCs, among top 10 districts, Faisalabad was on topmost with 964 cases mediated successfully, followed by Jhelum (621), Gujranwala (560), Kasur (547), Bahawalnager (508), Mianwali (454), Hafizabad (399), Narowal (383), Pakpattan (381), and Lahore (378) cases.

District-wise number of cases ADRCs recieved from courts



With regard to number of cases received by the ADRCs, among the top 10 districts, Kasur was on topmost with 1412 cases received from courts, followed by Lodhran (1184), Faisalabad (1148), Jhelum (1001), Bahawalnager (791), Mianwali (773), Gujranwala (762), Lahore (659) and Hafizabad (529) cases.

11- Key Informant Interviews(KIIs)

In-depth semi structured interviews were organized with selected individuals and experts because of their presumed knowledge about particular subject. This includes AbidSaqi Advocate Supreme Court, member Pakistan Bar Council, Zahid Islam LG Expert and executive director Sanghat Foundation.

A) AbidSaqi, Advocate Supreme Court and member Pakistan Bar Council:

In Pakistan, both, informal and formal ADR mechanisms are in practice. Informal mechanisms such as Jirga and Panchayat have been used for administration of justice since long. These centuries old systems may be good for simple cases but when it came to status quo issues, they can succumb to elite capture.

In many cases, these mechanisms have resulted in miscarriage of justice due to absence of transparent and fair rules of procedure. For formal ADR, several laws have provisions relating to its formation and legitimacy. These provisions include the Arbitration Act 1940, Section 89-A of the Code of Civil Procedure, 1908, Section 10 of the West Pakistan Family Courts Act, 1964, and Local Government Acts of the provinces.

However, he was concerned over the issue of referring compoundable cases to ADRCs. Section 345 of the Code of Criminal Procedure, 1898 (Act V of 1898) states that ADR forums have the powers to decide upon the non-compoundable cases also. This seems something needs to be debated.

He highlighted the need of unambiguous rules and policy guidelines regarding the modes and mechanisms of referral of the disputes to the ADR. It surfaced from the discussion that the existing legal and framework particularly Section 89-A of the Code of Civil Procedure and related rules must be reviewed in the light of best practices.

Unfortunately, ADR does not appeal to police and lawyers, as it demands financial sacrifices from both but streamlining of informal ADR mechanism and introducing a hybrid model including the attributes of both court-annexed and independent mechanisms. He also underlined the role of the Bar in implementation of the ADR mechanism and stressed upon the need of awareness among the legal fraternity about ADR mechanisms.

He suggested that the litigants should be apprised of the outcome of ADR and litigation both. This process demands an active participation and engagement on the part of Judge and respective lawyers, which further leads to the need of training lawyers on ADR and specifically for mediation.

B) Zahid Islam, LG Expert and Executive Director Sanghat Foundation

The panchayats, were quite active in Punjab till independence, performed important mediatory functions. In keeping with this tradition, the Punjab Local Government Act of 2013 provides for a musalehatanjums /panchayat in each Union council.

The British had also arranged for the quick hearing of murder cases by providing for assessors (community representatives) to sit with the session's judges. This system was given up soon after independence

The local politician and feudal are hurdles to legalization of ADR mechanism. He was of the view that Local government should play an active role in devising strategies and implementation of the awareness campaigns for community orientation and mobilization through print and electronic media

He suggested that instead of developing parallel systems of ADRs, there should be unified system ADR. More importantly the strengthening of the AnjumnMusalihah/Punchait must be addressed with awareness among public and education of the members of the ADR bodies.

Ideally speaking the ADR is not the job of Judges, it is the domain of the community leaders, and so any attempt to unify these mechanisms should be aware of this fundamentals proposition. At the end he recommended there should be part of curriculum of L.L.B and L.L.M programs in educational institutes, and universities.

12- Focus Group Discussions

The Focus Group Discussions (FGDs) were conducted to draw primary quality information. The participants were identified in 6 UCs of districts of Lahore and Sheikhupura. Being sensitive to the local context, these FGDs are planned separately with men and women. A total 15 FGDs were conducted; 6 in district Sheikhupura (UC 28 & 29) and 9 in Lahore (UC 19 & 20, Badami Bagh, and UC 229, 230, Kot Lakpath).

No	Category	No of FGDs conducted			
		Sheikhupura		Lahore	
		Men	Women	Men	Women
1.	Govt. Officials (UC secretary)	1	0	2	0
2.	Elected Representatives	1	1	2	1
3.	Community Members	1	2	2	2
4.	Total	3	3	6	3

No	Category	No of people participated in GDGs			
		Sheikhupura		Lahore	
		Men	Women	Men	Women
1.	Govt. Officials (UC secretary)	4		5	
2.	Elected Representatives	6	3	11	4
3.	Community Members	10	17	13	20
4.	Total	20	20	29	24

No	Cases resolved	Sheikhupura			Lahore		
		UC 27	UC 28	UC19	UC 20	UC 229	UC 230
1	No. Of cases resolved by AnjumanMusalehat in 2017	0	6	0	0	0	0
2	No. Of cases resolved by Arbitration Council in 2017	28	23	27	30	26	19

A) Views of Government Officials (UC secretaries)

A total 9 Union Council Secretaries from 6 Union Councils of Lahore and Sheikhupura joined 2 FGDs. Only one UC has so far formed AnjumanMasalehat while others were still in the process of setting up the required bodies. However, Arbitration Councils were functional in all the 6 UCs.

In UC 28, Sheikhupura UC secretary informed that AnjumanMasalehat was formed in June 2017. It has 9 members (7 men and 2 women) however 6 members are active while 3 members rarely turn up in meetings.

Actually, people still are not much aware of the presence of the AnjumnMusalhat in this UC. When they take their cases direct to the police station and local SHO refers them back to the Union Council, then people get aware of this forum and its role, told Karamat, the secretary of UC 28.

"We have no opportunity to intervene when people come to us with court decisions in hand. This year out of 27 cases where divorce cases that had direct court decision obtained already. In this case, we are bound to implement the decision." Karamat, Secretary, UC 27.

The majority of the participants were of the view that UC chairmen were not interested to form AnjumnMusalihah, because they don't want to share powers with others. They agreed to the importance of the Muslahat committee, adding that in UCs, where such bodies have been formed were even underutilized due to lack of public awareness. People are in habit of using the formal justice to resolve their petty disputes. We are trying to promote awareness but it is still long way to go to change the old practices, they opined.

"It is a very beneficial forum for the resolution of local disputes if functional and plays its role effectively. We can resolve 50-60% of our local disputes within the premises of UC Office and people can save their time and money. But unfortunately, people are not aware that they have solution available at their doorstep." Muhammad Riaz, UC Secretary UC 28 Sheikhpura.

B) Views of Elected Representatives(Councilors)

A total 5 FDGs (2 in Sheikhpura and 3 in Lahore) were arranged with local councilors. 24 elected councilors were part of this exercise including 4 Chairman, 3 Vice chairman, 12 General Councilors and 5 lady councilors from areas of Shahdhra, Badami Bagh and KotLakhat.

Out of six UCs visited, One UCs # 28 has formed its AnjumanMasalehat, two others have finalized the lists of members and rest of the three UCs were still awaiting orders from the mayor. While discussing the roles, functions and powers of the AnjumnMusalhat, it was observed that although majority of the participants had the basic idea about it, but in most of the cases Chairmen were reluctant.

"We know our areas very well and know most of people. If we are involved in the disputes of our area, we can give best advice and solution knowing local people." Rana Mehmood Ahmed, General Councilor, UC 20 Lahore.

"When people take their cases to court, their whole of monthly income is spent in a single day. Divorce cases have increased so much that we receive 4-6 cases every month, those who has a decision from court. Most of the time, there are petty issues on which people take divorce which affect their family and children. If these cases come first to the Arbitration Council, then we can facilitate the people in taking time and thinking on the last final decision. It will give them enough time and counseling which can save many families." Qasim Ali Bhatti, UC 27 Chairman.

"AnjumnMusalihah is good forum. There can be no better way to resolve issues and provide access to justice at your doorstep. But members of the Anjumn must do their job with commitment. People in communities are also unaware of this forum. We need to aware people that for which types of issues they can have ready access to justice." said Imran Ilyas, Chairman UC 19.

"This forum can be made more effective, through more powers to implement the decisions. If AnjumnMusalihah empowered with some powers, it can reduce the court burden and can provide local solutions. For instance, this forum should be given the right to launch FIR against the people who do not accept the decisions of AnjumanMasalehat" Zahid Chohan, UC Chairman, UC 28, Sheikhpura.

A) Views of Community Members

Around 60 people including vigilance committee members, social activists and health workers (men and women) took part in 7 FDGs organized in 6 UCs of two districts of Lahore and Sheikhpura.

In UC 27, although AnjumnMusalihah has yet to be formed, but the local vigilance committee was playing active role and it has resolved the cases related to violence against women. Some women were of the view that such local level vigilance committees were important dispute resolution in short time. While some other women were not satisfied with performance these local committees and termed their decisions biased. They said they prefer to go to court instead of the approaching to such biased committees.

In UC 29, Sheikhpura, women were aware of the members of the local Arbitration council but they were not satisfied with the functioning of the Arbitration council. They viewed the male members as biased as they succumb to the pressure of the influential party.

In UC 20, Lahore, community women were unaware of the AnjumnMusalihah and arbitration council. However, when told, they appreciated the availability of such ADR forums, so that they could have opportunity to get their petty disputes resolved and have inexpensive justice at their doorstep without wasting time and money. "We get very nervous when we have to go to police station or courts in the process of seeking justice. It would be very good that a body of our own people, our local elders listen to us and decide upon our conflicts." Said Robina, the community, UC 20.

13- Major findings

- Although PLGA 2013 provides for the establishment a 9-member Anjuman Masalehat/Punchait, within 30 days after the 1st meeting of the meeting of the union Council, but only 11 out of 274 UCs in Lahore have been successful so far, to fulfill this legal requirement.
- Majority of the community people, particularly women were unaware of the availability of ADR forums, like; district level ADR centers, set up under ADR Act 2017 and Anjuman Masalehat/Punchait under PLGA 2013.

Although people have reservations over the performance of the Arbitration councils but, as compare to Anjuman Masalehat/Punchait, the Arbitration

- bodies were functional. In 6 under study UCs 153 cases were decided upon in 2017.
- The chairmen with certain level of education or those having differences with ruling party. had either formed Anjuman Musalhat in their respective UCs or considering forming the one. While pro. Govt. Chairmen were found least bothered about the formation of a legal ADR forum.
- The community members were still taking their petty disputes to the courts that come under the jurisdiction of newly formed Anjuman Musalhat or old formed Arbitration Council.
- The Arbitration bodies were underutilized. According to UC Secretaries, in 90% of the cases, referred to UCs, the parties had already secured court decisions, and they come to Arbitration Council as last step to secure final certificate and to get the implementation of the court decision.
- In most of the Ucs, Anjuman Masalehat have yet to be formed, depriving the local people of access to inexpensive justice. Due to the absence of these legal forums people have option but to directly approach the courts to get justice.
- Some people have mistrust on the members of the Anjuman Masalehat/Punchait (wherever it is formed) and they think it as an ineffective forum, failed to deliver justice. Therefore, they still prefer formal justice system to Alternative dispute resolution mechanism.

- There was lack of will on the part of the govt. and Chairmen to set up Anjuman Masalehat/Punchait as majority of the Chairmen along with secretaries were reluctant to set up Anjuman Masalehat on the pretext of orders from the Mayor. While Vice Chairmen were in favor early set up of such ADR forums.
- The reluctance to form the MasalehatAnjumanby the UC Chairmen was predominantly based on the fearthat members of the Anjumn may become more powerful than the Chairmen. Thus, Chairmen and secretarieswere using delaying tactics to establish these ADR forums on various pretexts to avoid power sharingin decision making.
- Some community members were found confused about Anjuman Masalehat being different from arbitration council. They took the both being the same, having same roles and number of members.
- Community members also viewed some Arbitration Councilsasslow and biased and failed to listen both parties to resolve the dispute amicably. As a result people prefer taking their issues to police and courts.
- It was also found that the absence of women in arbitration councils or inactive participation in Anjuman Masalehatp rovides an all-male member environment, which ultimately give way to the gender biased decisions.
- Last year the govt. introduced Alternative Dispute Resolution Act (ADR) 2017. Under the law district level ADR centers have been established with judicial officers as their heads in 36 districts of the Punjab.
- The legal provision for community-based ADR mechanisms at union council levels; like AnjumnMuslihat, Punchait or Jirgas, is present. But unfortunately, the progress level in this regard is very slow. Either these ADR bodies have yet to be formed or these are non-functional due to multiple reasons.
- The local govt. department has not yet introduced rules of business for the functioning of these AnjumnMuslihat/Punchait, making the memberspowerless. There are no mechanismsin place to implement their decisions. As a result, community people don't take them seriously, causing lack of interest among the members of the AnjumnMuslihat/Punchait.

- On account of lack of public awareness particularly among the communities regarding ADR, is a matter of serious concern. The reason behind the fact is lack of political will and dominance of the political feudal on the social structures, who want to sustain their traditional decision-making powers in their own hands through unofficial panchaits and jirgas. They never allow the community based legal ADR mechanisms, like AnjumnMusalihat/Punchait to function.
- There seems error in the ADRCs data provided on the website as these centers have resolved 22775 cases, while according to the same data they received total 17275. There is a gap of 5500 cases with no details. This means ADRCs decided upon 5500 more cases than received.
- The trend shows that majority of the cases (33%) sent by the courts to ADRCs, comprises family cases, followed by 29.5% civil cases and 25% criminal cases.
- The district-wise performance of the ADRCs reflect, among top 10 districts, Faisalabad was on topmost with 964 cases mediated successfully, followed by Jhelum (621), Gujranwala (560), Kasur (547), Bahawalnager (508), Mianwali (454), Hafizabad (399), Narowal (383), Pakpattan (381), and Lahore (378) cases.
- With regard to number of cases received by the ADRCs, among the top 10 districts, Kasur was on topmost with 1412 cases received from courts, followed by Lodhran (1184), Faisalabad (1148), Jhelum (1001), Bahawalnagar (791), Mianwali (773), Gujranwala (762), Lahore (659) and Hafizabad (529) cases.

14- Conclusions & Recommendations

There is no doubt, the federal and provincial governments are striving for promoting ADR mechanisms which is evident from promulgation of ADR 2017 at Federal level and ADR centers in Punjab. However, it is recommended that all efforts should be made to take the idea and initiative to the grass root level by empowering the local governments because it is the basic unit as well as the parameter of good governance.

Where these local level ADR forums exit, the members of the Anjumn Musalihat/Punchait need more clarity about their role. They need training in ADR; which can be both generic and specific to the needs of communities. While generic trainings can be about the principles and legal framework of the country/province that need to be upheld, the specific/focused trainings can be designed according to the variation of issues that communities face.

The ADR trainings should be designed according to the community's specific context (rural/urban), and the types of disputes (e.g., gender related customary practices or disputes within the context of the geographical area or province. Therefore, some training interventions need to be designed according to the needs of the particular community in a province or geographic zone, as a 'one-size-fits-all' approach may not work; the 'size' needs to be tailored according to the community and the issues it faces.

The ADR committees need to have clarity on the types of disputes they can and should resolve. The distinction between criminal cases and civil suits needs to be maintained; ADR committees should ideally address civil cases and minor cases of a criminal nature-not heinous crimes like; murder, abduction, rape etc.

The ADR committees should be clear about main purpose of ADR is to assist the courts by reducing cases at the pretrial level. Applying different mechanisms to resolve cases, and the different sets of laws or moral/ethical considerations in their decision-making do not necessarily reflect upholding rule of law principles. If the ADR processes and mechanisms are to be streamlined, it would be important that clear rules of business should be introduced.

Trainings on gender justice issues, as well as on the effective use of conflict resolution mechanisms and advocacy tools also required. More specifically, since the types of disputes that come for ADR are categorized and documented, paralegal trainings can actually be tailored according to Community needs. However, it should be noted that trainings should equip communities with knowledge and awareness of laws in the longer term/on a sustained basis.

This would help members of the Anjumn Musalihat/Punchait work in a more professional manner by being familiar with the latest approaches to conflict resolution and what could ensure effectiveness in their contexts.

Addressing gender and women's issues requires a special focus on capacity building across the board. Trainings to enable greater involvement of women on ADR committees,

strengthening their role, would be critical. Similarly, assertiveness training for women members is critical for gender justice to be sustainable.

A clear distinction is needed between proactive community level ADR initiatives and initiatives by unofficial panchait/Jirga in rural areas. Such vigilante action by organic community institutions can defeat the very spirit of justice. It is important to define the areas that come within the ambit of ADR. Also, the relationship of community structures with the state and the community itself necessarily involves public policy debates around democracy, the involvement of citizens in the provision of justice and accountability as well as the limits upon the state's administrative setup to provide justice.

There is need to determine a clear strategy for ensuring that the organic ADR process to best be aligned along the national and international guidelines. The latter will ensure that the justice that is meted out is not contrary to the justice system of the country and it meets all moral and ethical propositions that are involved in the provision of justice to the marginalized groups of society.

Annexure-1: summary of the ADRC performance till March 2018

Consolidated ADR Report till 22.03.2018													
Sr.No.	Name of District	Name of Mediators	References Accepted	Category of Cases Referred							Reference Sent Back due to Absence of Parties	No. of References in which Mediation Failed	No. of References Mediated Successfully
				Criminal Case	Civil Case	Family Case	Guardian Case	Rent Case	Appeals	Others			
1	Attock	Mian Magasood Ahmad Arjun, Civil Judge	377	33	55	208	6	8	46	24	66	101	270
2	Bahawalnagar	Mr. Muhammad Arshad Hashmi, Civil Judge	791	209	215	295	3	0	11	60	89	174	508
3	Bahawalpur	Mr. Mazhar Gillani, Civil Judge	244	45	46	177	7	2	0	9	8	34	187
4	Bhakkar	Mr. Akhtar Ali, Civil Judge	438	90	39	287	14	0	25	1	38	114	308
5	Chakwal	Syed Naseer Abbas, Civil Judge	377	229	103	98	0	11	134	701	42	130	262
6	Chenab	Mr. Tasawar Iqbal, Civil Judge	400	129	89	157	0	0	10	16	36	57	315
7	D.G.Khan	Mr. Sheikh Jahangir Sultan, Civil Judge	386	152	140	82	1	0	6	8	76	52	254
8	Faisalabad	Ms. Nabila Amir, Civil Judge	1148	525	180	348	52	14	3	27	50	89	964
9	Gujranwala	Mr. Muhammad Azhar Qayyum, Civil Judge	762	335	130	329	26	0	12	0	96	102	560
10	Gyrat	Mr. Shoaib Adeel, Civil Judge	336	119	84	125	9	5	0	22	22	13	306
11	Hafizabad	Mr. Ilyas Raza Naveer, Civil Judge	529	64	290	138	4	6	12	17	98	16	399
12	Jhang	Mr. Barkat Ali, Civil Judge	496	149	158	132	9	3	4	21	50	111	322
13	Jhelum	Mr. Bilal Jhikar, Civil Judge	1001	210	330	232	13	1	99	96	163	162	621
14	Kasur	Ms. Farzana Kausar Farman, Civil Judge	1472	75	2360	84	6	0	4	1	300	7	547
15	Khanewal	Hafiz Muhammad Saleem Tahar, Civil Judge	421	99	171	147	2	1	18	0	11	143	251
16	Khusab	Mr. Sulman Asif, Civil Judge	243	57	50	123	2	0	2	9	17	68	159
17	Lahore	Mr. Tajamal Shahzad Ch. ASJ (from 13-04-17)	163	21	33	50	20	0	0	33	37	16	97
i	Lahore	Mr. Muhammad Ilyas Saleem (from 16-11-17)	266	17	59	130	46	3	4	18	61	27	149
ii	Lahore	Ms. Aisham Bante Saadiq, SCJ (From 15-03-17)	228	17	55	114	33	0	3	9	49	17	132
18	Layyah	Mr. Muhammad Aslam Khan Gadhi, Civil Judge	214	150	150	382	22	2	38	8	1	83	167
19	Lodhran	Hafiz Muhammad Obaid, Civil Judge	1184	344	318	403	2	0	35	80	510	237	365
20	M.B.Din	Ms. Mehrun Nisa, Civil Judge	238	95	72	23	3	3	6	36	16	63	142
21	Mianwali	Mr. Aurangzeb, Civil Judge	773	324	218	287	8	6	45	60	90	128	454
22	Multan	Mr. Riaz Ahmad Khan, Civil Judge	217	32	133	41	11	0	0	0	3	88	94
23	Muzaffargarh	Mr. Muhammad Yaqub Khan, Civil Judge	182	216	68	563	56	0	6	82	30	50	75
24	Nankana	Mr. Faraz Javed Warrach, Civil Judge	286	87	77	113	0	0	7	2	13	48	215
25	Narwal	Ms. Samra Yaqub, Civil Judge	446	102	68	206	24	0	7	41	30	33	383
26	Okara	Ms. Shazia Kausar, Civil Judge	285	26	80	132	14	3	3	4	12	36	182
27	Pakistan Sharif	Mr. Muhammad Awas, Civil Judge	488	134	299	41	0	0	1	5	1	104	382
28	R.Y.Khan	Mr. Munir Ahmad Saleem, Civil Judge	433	133	144	101	5	2	8	40	112	30	295
29	Rajapur	Ms. Asma H Syed, Civil Judge	232	93	16	121	0	0	0	2	27	39	158
30	Rawalpindi	Mr. Ahmad Shahzad Gondal, Civil Judge	272	108	54	64	1	35	9	5	0	11	260
31	Sahiwal	Mr. Shaher Yar, Civil Judge	195	10	20	150	22	0	3	11	16	43	140
32	Sargodha	Mr. Muhammad Yasir Hafiz, Civil Judge	394	183	200	121	6	1	3	22	42	61	328
33	Sheikhupura	Mr. Asad Inam, Civil Judge	238	75	82	80	11	0	6	3	38	44	145
34	Shikot	Mr. Muhammad Fayaz, Civil Judge	442	16	134	230	9	24	17	15	24	105	171
35	T.T.Singh	Mr. Abid Iqbal Khorana, Civil Judge	289	29	83	149	13	0	11	9	17	50	287
36	Vehari	Mr. Muhammad Khaleef Raza, Civil Judge	387	130	75	207	22	0	2	76	7	12	370
			12275	5823	6668	7419	442	130	600	1663	2236	2700	11032

Source: <http://lhc.punjab.gov.pk/system/files/Consolidated%20ADR%20till%2022.03.18.pdf>

Annexure-2: List of disputes under ADR Act 2017

1. A dispute between a landlord and tenant.
2. Pre-emption cases.
3. Land and property disputes.
4. Civil matters under the Small Claims and Minor Offences Courts Ordinance, 2002. 5. Commercial dispute including but not limited to any claim, right or interest arising out of trade and commerce.
6. Contractual cases.
7. Disputes relating to professional negligence.
8. Family disputes such as dissolution of marriage and maintenance etc.
9. Suits for specific performance.
10. Companies and banking matters.
11. Revenue matters.
12. Insurance.
13. Negotiable instruments.
14. Personal injury.
15. Compensation and damages suits.
16. Patent and Trade mark.
17. Disputes under the Canal and Drainage Law.
18. Dispute for recovery of movable property or value thereof.
19. Dispute for separate possession of joint immovable property through partition or otherwise.
20. Dispute for redemption of mortgaged property.
21. Dispute for rendition of accounts of joint property.
22. Dispute to restrain waste and remove nuisance.
23. Mesne profits of property.
24. Any other matter under the law not falling in the Schedule but agreed to by the parties for settlement under this Act.

Annexure-3: Guiding Questions for FDGs

- What do you understand by Alternative dispute resolution (ADR)?
(Mechanisms include mediation, conciliation, negotiation and arbitration through punchait/AnjumnMusalhat, distinction between civil and criminal cases? resolving disputes outside of litigating in the courts. Knowledge about Supreme Court declared Jirgas unconstitutional In 2012, ordering strict action against organisers of such jirgas in accordance with article 10-A. Knowledge about district level judicially backed ADR centres in Punjab)
- Is there any AnjumanMusalhat/Punchait in your area? When was it formed.
(Every UC is bound to form punchait/AnjumnMusalhat comprising 9-members including 2 women. Usually ADR committees are formed according to the nature and location of the case, the criterion for membership of the committee includes expertise, and respect in the community)
- Is it functioning to the satisfaction of the people? If so why, if not, why not?
(Are committee members neutral? Their processes to resolve disputes and reach decisions are similar to traditional modes or different. What is the gender context of ADR work presents challenges?)
- The difference between traditional litigation system through courts and ADR?
(Court system with binding decisions, cost of litigation, delay, hostility among parties, environment of civil courts, while ADR committees act to strengthen the rule of law, speedy and cheap justice)
- Have you ever experience of taking your case to any ADR forum; Punchait or Arbitrational council?
(Was it faster, less expensive & more creative, better tailored to the involving parties? Or contrary to this? How do you compare it with court system, in terms of quality of access to justice?)
- How can we further improve the ADR forums at policy and functional level?
(Capacity building of the members, more funding, paralegal training, awareness of gender dimensions of justice, streamlining ADR interventions etc.)

Leading questions for councilors, Panchait members and secretaries

- Number and Types of Cases punchait/AnjumnMusalhat have resolved?
(Family disputes, violence against women property/land disputes, disputes over water or agricultural resources, disputes of a miscellaneous nature pertaining to petty theft, loans, or verbal altercations.)
- Number and Types of Cases Arbitration council have resolved?
(Divorce, dowry, maintenance, dissolution of marriage, negative customary practices etc.)
- Views about the effectiveness of the ADR forums
(Is it less expensive and less time-consuming process that could fill significant gaps, knowledge about other ADR forums like judiciary backed district level mediation committees. Their critical role in mitigating local disputes and fostering communal bond.)
- Does local elite control institutional power and resources of the ADR forum?
(The poor and vulnerable with weaker social and economic basis remain victims of the formal, expensive and inaccessible justice system and thus they tend to approach the forums like ADR.)