

# **Effectiveness of ADR Methods in Combatting Delays in the Civil Justice System**

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## Abstract

*The system of civil justice in Pakistan suffers from crippling problems of delays and high litigation costs. These problems serve as a force which opposes the very essence of the judicial system: attaining justice. The courts are overburdened with case load way beyond their capacity. The pre-existing problems of delay and high litigation costs are added to as the number of litigations occurring in civil courts increases. The civil justice system in Pakistan, therefore, needs a solution which will act adjacent to it, without intruding upon its sovereignty, while carrying an equal share of its workload. The system of Alternate Dispute Resolution (ADR) has been introduced in other countries to serve as one such solution. While the results that ADR has produced seem to favour it as an option for the civil justice system in Pakistan to resort to, it needs to be analysed whether this will be a viable option for the problems specific to the system in Pakistan. This is an argument which is dealt with by this paper. Comparisons are made to the regional counterpart and cultural twin, India, to decide whether methods employing ADR can serve as a viable option to help resolve the problems plaguing the civil justice system in Pakistan.*

## Introduction

William E Gladstone said, “*Justice delayed is justice denied*”<sup>1</sup>. Delay in the justice system (whether civil or criminal) has remained a universal problem<sup>2</sup> and many researches have been conducted on what causes delay and how to combat it, but the problem persists while lawmakers, judges and lawyers have been trying to look for solutions to combat it. According to Lord Bingham, ‘*the right to fair trial is a cardinal requirement of the rule of law*’<sup>3</sup>, and while looking at this statement it can be observed that fair trial is every person’s right. Fair trial includes justice in a timely manner and with cost effectiveness- its two major components. Delay is in itself a problem and it paves the way for a bigger problem which acts as an antithesis to the work of the entire justice system: injustice. Receiving a decision for a case filed years ago, which extracts from the litigant, his time, money and acts to create more burdens, rather than conveying relief is nothing short of injustice. The Magna Carta agreed with this argument over seven centuries ago<sup>4</sup> and it morphed into the popular maxim “delayed justice is injustice” after Walter Landor Savage articulated the idea into a statement.<sup>5</sup>

In Pakistan, a large number of cases are pending before the courts. According to an estimate there are 452,168 cases pending in the province of Punjab.<sup>6</sup> As the number of cases filed for adjudication has increased with

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<sup>1</sup> William Ewart Gladstone was Prime Minister of Great Britain on four separate occasions between 1868 and 1894.

<sup>2</sup> Zafar Iqbal Kalanauri, ‘Combat Delayed Justice: Proposal for Reform in the Judicial System in Pakistan’ (2012) <<http://www.zklawassociates.com/wp-content/uploads/2012/03/Combat-Delayed-Justice.pdf>> accessed 20 October 2017.

<sup>3</sup> Tom Bingham, *The Rule of Law* (Penguin Books Limited, 2011) 90.

<sup>4</sup> Wendell A. Falsgraf, ‘Justice Delayed is Injustice’ <<http://heinonline.org/HOL/LandingPage?handle=hein.journals/clevslr7&div=16&id=&page=>>> accessed 20 October 2017.

<sup>5</sup> Walter Savage Landor was an English writer and poet.

<sup>6</sup> Zafar Iqbal Kalanauri, ‘Tracing the Future of ADR in Pakistan: A Background Paper’ (2012) <<http://www.zklawassociates.com/wp-content/uploads/2012/03/Tracing-the-Future-of-ADR-in-Pakistan1.pdf>> accessed 20 October 2017.

time, so has the burden on the judges to decide cases and on the lawyers to prepare them. The number of pending cases in Pakistan increased from 1,709,345 in 2013<sup>7</sup> to 1,777,184<sup>8</sup> in 2014. This shows that the courts were incapable of dealing with the increase in litigation and were hence overburdened. There was therefore, a dire need of further legislation on this matter which later came in the form of the Alternative Dispute Resolution (ADR) Act 2016, which was to promote methods to deal with cases outside the court set up.

### **A. Problems in the Civil Justice System of Pakistan**

Any adversarial system has three main objectives which are: finding out the truth, a constant battle to reduce delay and maintaining the cost effectiveness of the case procedure. In Pakistan, the most relied method of seeking justice still continues to be adversarial.<sup>9</sup> Civil cases in Pakistan normally take two decades to be decided, which spans the lives of many litigants and ends up with his/her next of kin.<sup>10</sup> This shows that the main objectives of an adversarial system are not being fully achieved and further measures need to be taken to make people have easier access to justice.

In the Civil Justice System of Pakistan, the remedies awarded are very limited and sometimes there are no remedies at all, which makes it risky for the parties to opt for this system.<sup>11</sup> And when there is an alternative in the form of ADR mechanisms, which take less time, reduce costs involved and allow litigants to achieve the results they desire, litigation in

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<sup>7</sup> National Judicial Policy Making Committee, 'Judicial Statistics of Pakistan 2013' (*Law & Justice Commission of Pakistan*, 2013) <<http://www.ljcp.gov.pk/Menu%20Items/Publications/2013/2013.pdf>> accessed 22 October 2017.

<sup>8</sup> National and Judicial Policy Making Committee, 'Judicial statistics of Pakistan 2014' (*Law and Justice Commission Pakistan*, 2014) <<http://ljcp.gov.pk/nljcp/viewpdf/pdfView/UHVibGljYXRpb24vNWE4MzgtanNwXzE0LnBkZg==#book/15>> accessed 20 October 2017.

<sup>9</sup> Justice Tassaduq Hussain Jilani, 'Delayed Justice & The Role Of A.D.R' <<http://www.supremecourt.gov.pk/ijc/articles/7/1.pdf>> accessed 20 October 2017.

<sup>10</sup> Kalanauri (n 6).

<sup>11</sup> Kalanauri (n 6).

court, unless absolutely necessary, seems to be a less sensible option. Secondly, in some cases the parties stop communicating directly during the case and after a long battle in the court, which comes at much personal financial expense, they come to understand what the matter actually is.<sup>12</sup> As opposed to ADR, the adversarial process, due to its formal nature encourages the communication gap and this increases hostility between the opposing parties which decreases chances of a settlement.<sup>13</sup> Sometimes both the parties are not satisfied with the result which they reach after extreme delay and paying high costs.<sup>14</sup> This damages the trust of people towards the achievement of justice and the adversarial system, which further strengthens the need for ADR methods to be used as an alternative to cater to the problems of delay and increased costs. Generally, attorneys in Pakistan find it very difficult to devise a cost effective plan, reach stipulations and narrow down the dispute so that it takes less time in litigation.<sup>15</sup>

## B. Historical Background of ADR

Alternative Dispute Resolution methods are various approaches for resolving disputes in a non-confrontational way outside the court, which range from negotiation between the two parties, a multiparty negotiation, through mediation, consensus building, to arbitration and adjudication<sup>16</sup>. The alternative methods which include: Case Management, Judicial Settlement, Early Neutral Evaluation, Mediation, Arbitration and Summary Judgment, are considered to be effective in solving the issues outside the court worldwide. There are two systems of dispute settlement outside the court in Pakistan: traditional dispute resolution methods and public bodies based on ADR. The traditional systems are: *Panchayat* which can be compared to arbitration and usually comprises of 5 elderly men deciding the

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<sup>12</sup> Kalanauri (n 6).

<sup>13</sup> Kalanauri (n 6).

<sup>14</sup> Kalanauri (n 6).

<sup>15</sup> Kalanauri (n 6).

<sup>16</sup> Yona Shamir Israel (assisted by Ran Kutner), *Alternative Dispute Resolution Approaches and Their Application* (Israel Center for Negotiation and Mediation (ICNM), UNESCO, 2003).

matter while applying equity<sup>17</sup> (in Punjab) and *Jirga* which means circle<sup>18</sup> and is an institution that exists in *Pashtun* culture for dispute resolution outside the court<sup>19</sup> (in Khyber Pakhtunkhwa and Balochistan). These institutions were useful in the resolution of minor matters, but they lacked capacity to solve greater issues. They have been used for centuries in the above-mentioned regions of Pakistan to avoid the time and expense of court and also to solve matters privately (protecting the privacy of people involved). The public bodies practicing ADR in Pakistan include: Arbitration Councils, Union Councils and Conciliation Courts.<sup>20</sup> Similarly, India also has the concepts of '*Lok Adalat*' (Peoples' Court) and '*Panchayat*' to solve problems of people who do not wish to go to court due to lack of finances or delay in the court process.<sup>21</sup> These methods in India and Pakistan are more popular in rural areas. There are also Islamic perspectives of ADR as Muslim jurists used to solve the matters with '*Takhim*' (arbitration) and '*Sulh*' (which means peace) which were similar to ADR methods of arbitration, mediation and conciliation.<sup>22</sup> Recently, the new Alternative Dispute Resolution Act 2016 has passed in Pakistan to institutionalize ADR mechanisms further.

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<sup>17</sup> Namrata Shah, Niyati Gandhi, 'Arbitration: One Size Does Not Fit All: Necessity of Developing Institutional Arbitration in Developing Countries' (2011) 6 Journal of International Commercial Law and Technology 232.

<sup>18</sup> Fakhr-ul-Islam, Khan Faqir and Malik Amer Atta, 'Jirga: A Conflict Resolution Institution in Pukhtoon Society' (2013) 29(1) Gomal University Journal of Research <<http://www.gu.edu.pk/new/gujr/pdf/june-2013/87-95.jarga.pdf>> accessed 20 October 2017.

<sup>19</sup> Ibid.

<sup>20</sup> 'Alternative Dispute Resolution (ADR)' (Law and Justice Commission of Pakistan) <[http://www.ljcp.gov.pk/njc/Alternative%20Dispute%20Resolution%20\(ADR\).htm](http://www.ljcp.gov.pk/njc/Alternative%20Dispute%20Resolution%20(ADR).htm)> accessed 20 October 2017.

<sup>21</sup> Anurag K. Agarwal, 'Role of Alternative Dispute Resolution Methods in the Development of Society: Lok Adalat in India' (*NAPSIPAG*, 7 December 2005) <<http://www.iimahd.ernet.in/publications/data/2005-11-01anurag.pdf>> accessed 20 October 2017.

<sup>22</sup> Dr. Qazi Attaullah And Dr. Lutfullah Saqib, *Tracing the Concept of ADR In Sharô'Ah and Law: A Comparative Study* (Khyber Pakhtunkhwa Judicial Academy, XXXIX No.3)).

### C. Why is there a Need for ADR?

There are plenty of reasons for why there is a need of ADR in Pakistan. The reasons include the continuing increase in the population and people having more awareness than before about their rights and interests and with that came increasing number of matters needing adjudication. The new dynamics of economy<sup>23</sup> is also a reason of increase in commercial litigation which comes under the ambit of civil litigation. Civil matters can be decided by ADR because most of them do not require the defendant to be tried by criminal law which involves state sanctioned encroachment upon civil liberties, and therefore do not require a judicial body to preside over the matter. Secondly, according to the ADR Act 2016, Chapter 1 (Civil Matters) s.9, the civil matters that are decided by the neutral can be made binding by application to the court for passing a decree which is binding on both parties. Minor disputes which require speedy justice can be resolved easily outside the court while both parties have the options to agree or disagree to the decision<sup>24</sup> which is not a choice once the matter is adjudicated upon by a judge. ADR keeps the parties satisfied of the results as it reaches settlement early, is therefore cost effective and has the greater likelihood of a lasting resolution as it allows parties more control over the process, encouraging stable relations between them, in the course of the dispute.<sup>25</sup> It also protects the privacy of the parties and eliminates the risks of litigation.<sup>26</sup> It helps parties exchange information and also enhances their understanding of relevant law applicable to their dispute.<sup>27</sup>

Despite many advantages, there are some deficiencies in ADR methods as well. ADR methods can only be decided according to equity, not law and cannot be considered a substitute (but an alternative only) for the formal judicial system.<sup>28</sup> Also, these systems cannot be expected to set

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<sup>23</sup> National and Judicial Policy Making Committee (n 8).

<sup>24</sup> Ibid.

<sup>25</sup> Kalanauri (n 6).

<sup>26</sup> Kalanauri (n 6).

<sup>27</sup> Kalanauri (n 6).

<sup>28</sup> Scott Brown, Christine Cervenak and David Fairman, 'Alternative Dispute Resolution Practitioners Guide' (USAID)

precedents unlike formal judicial systems and neither can they implement changes in legal and social norms.<sup>29</sup> However, they can support the judicial system by solving civil matters outside the court.

### 1. ADR in Pakistan- Description and Statistics

Initially, the ADR mechanisms in sub-continent were not institutionalized/established despite the Arbitration Act 1940 regulating them and due to pendency leading to increased cost in the civil cases which used to take approximately 976 days and had 47 procedures, to be resolved and decided by a court in Pakistan causing delay<sup>30</sup> resulting in 1.4 million cases pending in civil courts of Punjab.<sup>31</sup> The total number of judges in Pakistan is about 4200 (including the judges of Superior Courts, Subordinate Courts and Special Courts/Administrative Tribunals) for a population of 180 million which means that there is only one judge for every 42,857 people which is far below the international standards and this lack of judicial staff is another issue causing delay in decision of matters before the courts.<sup>32</sup> According to standards, the burden of cases on one individual judge should not exceed 500 for each Civil Judge and 450 cases each for District Judges. By current estimates these numbers have been exceeded many times over which shows that there is a crippling burden on the incumbent judges in Pakistan.<sup>33</sup> Judges even working in their full capacity and trying to decide as many cases as possible are likely not able to fully

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<<https://www.usaid.gov/sites/default/files/documents/1868/200sbe.pdf>> accessed 18 October 2017.

<sup>29</sup> Ibid.

<sup>30</sup> The World Bank, *Doing Business 2011* (The World Bank and the International Finance Corporation, 2010).

<sup>31</sup> Isfandyar Ali Khan, 'Karachi Centre for Dispute Resolution: First Mediation Centre in Pakistan' (*The Counsel*, 2013) <[http://www.counselpakistan.com/vol-3/international\\_finance\\_cor/by\\_Isfandyar\\_ali\\_khan.php](http://www.counselpakistan.com/vol-3/international_finance_cor/by_Isfandyar_ali_khan.php)> accessed 18 October 2017.

<sup>32</sup> Dr Faqir Hussain, *The Judicial System of Pakistan* (4th edition, Federal Judicial Academy, 2015)

<[http://www.supremecourt.gov.pk/web/user\\_files/File/thejudicialsystemofPakistan.pdf](http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf)> accessed 20 October 2017.

<sup>33</sup> Ibid.



reduce delay in the courts of Pakistan. On the other hand, 90% of the cases are dealt with in the subordinate court and the rest of them come to the High Courts and the Supreme Court of Pakistan which shows that the subordinate judges have a plethora of cases to decide. On the other hand, the shortage of courtrooms, ministerial staff and office equipment which only adds to the increasing burden of work.<sup>34</sup> The strength of the subordinate judiciary has not been increased with the number of increasing cases which is another cause of delay in decision making.<sup>35</sup> These statistics indicate the severe need of an alternative mechanism to decide matters outside the courts, that is, ADR mechanisms. According to a survey,<sup>36</sup> 70% lawyers, 60% litigants and 100% judges of Pakistan held the view that ADR reduces litigation and should be introduced in the country.<sup>37</sup>

Small Claims and Minor Offences Ordinance 2002 was also passed to accommodate small claims under ADR.<sup>38</sup> Secondly, the institution of '*Musalihat Anjuman*' (conciliation forums) was also provided at the level of Union Councils for dispute resolution through ADR (conciliation, mediation and arbitration).<sup>39</sup>

ADR Act 2016 has been recently passed to institutionalize (promote and establish ADR methods as proper dispute settlement system). ADR has been promoted by the Lahore High Court as ADR centers have been opened in the many districts of Punjab which include: Attock, Faisalabad, Mandi Bahwaldin, Gujranwala, Narowal, Sahiwal, Sargodha, Vehari, Multan, Okara, Khanewal, Rawalpindi, Mianwali and Rahim Yar Khan.<sup>40</sup> These centers have been helpful in reducing the amount of cases coming to the courts and also reduce the delay, cost and hostility among the parties (as mentioned above).<sup>41</sup> Mediation and Arbitration have been the most

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<sup>34</sup> Hussain (n 32).

<sup>35</sup> Hussain (n 32).

<sup>36</sup> A survey by the Pakistan College of Law, Lahore, "to observe the public perception of ADR in the light of its pilot project"- Jillani (n 9).

<sup>37</sup> Jillani (n 9).

<sup>38</sup> Jillani (n 9).

<sup>39</sup> n 20.

<sup>40</sup> 'ADR centres' (Lahore High Court) < [http://lhc.gov.pk/Adr\\_Centers](http://lhc.gov.pk/Adr_Centers) > accessed 17 October 2017.

<sup>41</sup> Kalanauri (n 6).

prevalent forms of ADR in Pakistan.<sup>42</sup> The Lahore High Court (LHC), has used mediation as a tool to counter cases. On weekly basis, there were 250 cases<sup>43</sup> successfully decided which have increased to 397 successful cases solved on the basis of mediation in Punjab, Pakistan.<sup>44</sup> In 98 cases, mediation has failed and in 77 cases the case was called off due to absence of parties.<sup>45</sup> On the other hand, Consolidated Report shows that 2497 cases were solved by mediation, while 597 being the unsuccessful ones and 333 cases were closed because of absence of parties.<sup>46</sup> Karachi Center for Dispute Resolution (now known as National Center for Dispute Resolution) had solved 1053 disputes out of a total of 1522 cases through mediation involving \$23.4 million in claims in 2007.<sup>47</sup> These statistics show the promotion of ADR and that within the period of a few months. This indicates that ADR methods are and further can be useful in combatting delay and cost in the matters and also the settlement outside the court can reduce the burden on the courts.

In a report by the Lahore High Court, the pending civil cases in the District courts of Lahore since 2012 were 115109, 6368 cases were newly institutionalized, disposal was only 7181 and the balance (remaining pending cases) are 114296, which is still a huge number and the increasing number of newly institutionalized cases will further increase the burden on the courts, strengthening the need for promotion of ADR methods further, to be used as alternatives to solve disputes.

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<sup>42</sup> Kalanauri, (n 6).

<sup>43</sup> 'Consolidated Report of ADR Centers Of All Districts in The Punjab from 01.6.2017 TO 03.6.2017' (*Lahore High Court*, 2017) <<http://lhc.punjab.gov.pk/system/files/ADR%20all%20District%2001.6.2017%20to%2003.6.2017.pdf>> accessed 31 October 2017.

<sup>44</sup> 'Weekly ADR report from 22.07.2017 to 28.07.2017' (*Lahore High Court*, 2017) <<http://lhc.punjab.gov.pk/system/files/weekly%20ADR%2022.07.17%20to%2028.07.17.pdf>> accessed 31 October 2017.

<sup>45</sup> Ibid.

<sup>46</sup> n 43.

<sup>47</sup> Ed Finkel, 'Bringing Mediation to Pakistan' (*ABA Journal*, October 2011) <[http://www.abajournal.com/magazine/article/bringing\\_mediation\\_to\\_pakistan](http://www.abajournal.com/magazine/article/bringing_mediation_to_pakistan)> accessed 17 October 2017.

## 2. Comparison with India

India re-introduced ADR mechanisms before Pakistan, as Pakistan re-introduced the first act after independence in 2002 which was the Small Minor Claims and Offences Ordinance. India re-introduced them through the promulgation of the Legal Services Authorities Act 1987 at the level of trial court which came into effect in 1995, '*Lok Adalats*' had been set up under this law.<sup>48</sup> Which according to Dr. Adarsh Sein Anand, former Chief Justice of India, '*Lok Adalats*' were able to solve overall 97,00,000 cases.<sup>49</sup> And in the year 1999, 9,67,990 disputes were solved by the '*Lok Adalats*' throughout the country which shows the success ratio of the ADR systems which were successful in promoting the out-of-court resolution in the Indian public due to their cost and time effectiveness.<sup>50</sup> According to a study in Rajasthan (India), the cost of deciding a matter via '*Lok Adalat*' was 38 rupees compared to the 955 rupees of litigation costs that shows a tremendous cost difference between the two systems.<sup>51</sup> The National Legal Services Authority (NALSA), has also been trying to spread 'legal literacy' so that people are able to know their rights and fight for themselves. NALSA and State Legal Service Authority in India, are working to make a bond between the public and judicial system.<sup>52</sup> That shows that Indian government agencies are striving for promoting ADR, so that people can have easy access to justice.

The Indian system of '*Lok Adalats*' is similar to the system of '*Musalihat Anjuman*' in Pakistan. Both the countries share culture and their legal systems are influenced by the English Legal System due to years of colonization of the subcontinent by the British. Many laws are also similar and some laws implemented in both the countries were of pre-partition times, for example, Arbitration Act 1940. This adds to the evidence for ADR aiding in combatting delays of the justice system. Seeing how the precedent

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<sup>48</sup> *Naya Deep* (Jamnagar House, New Delhi-110011, National Legal Services Authority, 2000).

<sup>49</sup> *Ibid.*

<sup>50</sup> n 48.

<sup>51</sup> Brown, Cervenak and Fairman (n 28).

<sup>52</sup> Agarwal (n 21).

has been set by Indian ADR processes, it is likely that Pakistan, the cultural contemporary, and to a great extent, the legal twin, is likely to follow.

## Conclusion

To conclude, the introduction and further promotion of ADR methods and their institutionalization through the ADR Act 2016 are so far able to and will likely in the future be able to solve many problems related to adjudication (as explained above) mainly of delay and cost in Pakistan as the statistics above show the tremendous increase in the public's attraction towards the ADR mechanisms (mainly: Arbitration, Mediation and Negotiation). Its further promotion and more steps towards encouraging the general public of Pakistan will have positive effects in the form of informal settlement with low cost, peaceful resolution and no delay, and it still needs to be improved and publicized further to encourage more people coming towards it. ADR methods so far have been effective in combatting delay in the Civil Justice System of Pakistan, according to the above mentioned statistics and their further promotion can improve the problem of delay in the system. The statistics show that there is a fair amount of success ratio achieved by the ADR methods as more than 50% of the cases have been successfully resolved.<sup>53</sup> And continued application of alternative dispute resolution is likely to eventually rid the civil justice system of the problems of delay.

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<sup>53</sup> Finkel (n 47).

## **Bibliography**

--*Naya Deep* (Jamnagar House, New Delhi-110011, National Legal Services Authority, 2000)

‘ADR centres’ (Lahore High Court) < [http://lhc.gov.pk/Adr\\_Centers](http://lhc.gov.pk/Adr_Centers)> accessed 17 October 2017

‘Alternative Dispute Resolution (ADR)’ (*Law and Justice Commission of Pakistan*) <

[http://www.ljcp.gov.pk/njc/Alternative%20Dispute%20Resolution%20\(ADR\).htm](http://www.ljcp.gov.pk/njc/Alternative%20Dispute%20Resolution%20(ADR).htm)> accessed 20 October 2017

‘Consolidated Report of ADR Centers Of All Districts in The Punjab from 01.6.2017 TO 03.6.2017’ (*Lahore High Court*, 2017)  
<<http://lhc.punjab.gov.pk/system/files/ADR%20all%20District%2001.6.2017%20to%2003.6.2017.pdf>> accessed 31 October 2017

‘Weekly ADR report from 22.07.2017 to 28.07.2017’ (*Lahore High Court*, 2017)

<<http://lhc.punjab.gov.pk/system/files/weekly%20ADR%2022.07.17%20to%2028.07.17.pdf>> accessed 31 October 2017

Alternative Dispute Resolution Act 2016

Agarwal A K, ‘Role of Alternative Dispute Resolution Methods in the Development of Society: Lok Adalat in India’ (*NAPSIPAG*, 7 December 2005) < <http://www.iimahd.ernet.in/publications/data/2005-11-01anurag.pdf>> accessed 20 October 2017

Bingham T, *The Rule of Law*, (Penguin Books Limited, 2011) 90

Brown S, Cervenak C and Fairman D, ‘Alternative Dispute Resolution Practitioners Guide’ (*USAID*)

<<https://www.usaid.gov/sites/default/files/documents/1868/200sbe.pdf>> accessed 18 October 2017

Dr Hussain F, *The Judicial System of Pakistan* (4<sup>th</sup> edition, Federal Judicial Academy, 2015)

<[http://www.supremecourt.gov.pk/web/user\\_files/File/thejudicialsystemofPakistan.pdf](http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf)> accessed 20 October 2017

Dr. Attaullah Q and Dr. Saqib L, 'Tracing the Concept of ADR In Sharô'Ah and Law: A Comparative Study' (Khyber Pakhtunkhwa Judicial Academy, XXXIX(No. 3) <

<http://www.kpja.edu.pk/sites/default/files/digitallibrary/TRACING%20THE%20CONCEPT%20OF%20ADR%20IN%20%28No.%203%2C%202016%29%20%281%29%20%281%29.pdf>> accessed 20 October 2017

Fakhr-ul-Islam, Faqir K and Atta M A, 'Jirga: A Conflict Resolution Institution in Pukhtoon Society' (2013) 29(1) Gomal University Journal of Research <<http://www.gu.edu.pk/new/gujr/pdf/june-2013/87-95.jarga.pdf>> accessed 20 October 2017

Falsgraf W A, 'Justice Delayed is Injustice' <<http://heinonline.org/HOL/LandingPage?handle=hein.journals/clevslr7&div=16&id=&page=>>> accessed 20 October 2017

Finkel E, 'Bringing Mediation to Pakistan' (*ABA Journal*, October 2011) <[http://www.abajournal.com/magazine/article/bringing\\_mediation\\_to\\_pakistan](http://www.abajournal.com/magazine/article/bringing_mediation_to_pakistan)> accessed 17 October 2017

Justice Jillani T H, 'Delayed Justice & The Role Of A.D.R' <<http://www.supremecourt.gov.pk/ijc/articles/7/1.pdf>> accessed 20 October 2017

Kalanauri Z I, 'Combat Delayed Justice: Proposal for Reform in the Judicial System in Pakistan' (2012) <<http://www.zklawassociates.com/wp-content/uploads/2012/03/Combat-Delayed-Justice.pdf>> accessed 20 October 2017

Kalanauri Z I, 'Tracing the Future of ADR in Pakistan: A Background Paper' (2012) <<http://www.zklawassociates.com/wp-content/uploads/2012/03/Tracing-the-Future-of-ADR-in-Pakistan1.pdf>> accessed 20 October 2017

Khan I A, 'Karachi Centre for Dispute Resolution: First Mediation Centre in Pakistan' (*The Counsel*, 2013) <[http://www.counselpakistan.com/vol-3/internation\\_finance\\_cor/by\\_Isfandyar\\_ali\\_khan.php](http://www.counselpakistan.com/vol-3/internation_finance_cor/by_Isfandyar_ali_khan.php)> accessed 18 October 2017

National and Judicial Policy making committee, 'Judicial statistics of Pakistan 2014' (law and justice commission Pakistan,2014)

<<http://ljcp.gov.pk/nljcp/viewpdf/pdfView/UHVibGljYXRpb24vNWE4MzgtanNwXzE0LnBkZg==#book/15>> accessed 20 October 2017

National Judicial Policy Making Committee, 'Judicial Statistics of Pakistan 2013' (Secretariat, Law & Justice Commission of Pakistan, 2013)

<<http://www.ljcp.gov.pk/Menu%20Items/Publications/2013/2013.pdf>> accessed 22 October 2017

Shah N, Gandhi N, 'Arbitration: One Size Does Not Fit All: Necessity of Developing Institutional Arbitration in Developing Countries' (2011) 6 Journal of International Commercial Law and Technology 232

Shamir Y (assisted by Ran Kutner), *Alternative Dispute Resolution Approaches and Their Application* (Israel Center for Negotiation and Mediation (ICNM), UNESCO,2003)

The World Bank, *Doing Business 2011* (The World Bank and the International Finance Corporation, 2010)