



Integration of Alternate Dispute Resolution as a Complement to the Traditional Court System in Pakistan

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ABSTRACT

This article aims to examine the possibility of alternative dispute resolution (ADR) in Pakistan replacing the country's established legal system. The main objective of the study is to assess the applicability of Alternative Dispute Resolution (ADR) in the Pakistani legal framework, highlighting the advantages and disadvantages of this approach, and compared it to the traditional court system. Like the judicial system of many other countries, Pakistan's judicial system is plagued by serious problems such as backlogs, delays, high costs, and limited access to justice. However, alternative dispute resolution (ADR) methods, including negotiation, mediation, arbitration, and conciliation, have attracted attention because they offer a faster, more affordable, and more flexible way to resolve disputes than traditional dispute settlement system. The study begins with a description of the components and challenges of Pakistan's legal system, and then delves into the concept of Alternative Dispute Resolution (ADR) and its different models. It examines the context of the development and integration of alternative dispute resolution (ADR) into the legal system of Pakistan. The purpose of this evaluation is to identify the strengths and weaknesses of each strategy and to determine whether ADR is an appropriate alternative to resolving the conflict in Pakistan. To provide in-depth knowledge, the study also examines the relevant laws in Pakistan and best practices for the United States, the United Kingdom, and India to improve alternative dispute resolution (ADR) system. The outcomes of this research will contribute to the existing knowledge on ADR in Pakistan, offering practical insights for policymakers and legal professionals. Moreover, it will emphasize ADR's potential to relieve pressure on the court system, lower litigation costs, expedite case resolution, and enhance access to justice for various sectors of society.



Introduction

In the world, we cannot expect to eliminate all the differences, conflicts, and arguments that naturally arise in any community. These differences are just a part of human interaction. However, what's important is finding ways to keep things peaceful. (Won, 2013) Techniques for resolving disputes have a long history that goes back to early civilizations. Early human civilizations relied heavily on communal rules, norms, and the experience of respected elders or leaders to help them handle disputes informally. (Mutuku et al., 2022) These strategies were intended to maintain social cohesiveness and peace within the community. Formal conflict resolution mechanisms started to arise as cultures became sophisticated. Ancient societies having appointed authorities in charge of resolving conflicts, such as those in Mesopotamia, Egypt, and Greece, created basic legal systems. These early systems mainly depended on religious or supernatural components. These legal systems were successful in many ways, but they also have drawbacks, including exorbitant expenses, drawn-out hearings, and little influence over the outcome. (Won, 2013)

ADR has been incorporated into judicial systems all around the world as its advantages have gained more and more attention. Governments and legal organizations have embraced ADR by passing legislation and creating specialized ADR facilities to encourage its usage. This trend demonstrates a movement in favor of giving parties more authority to actively participate in settling their conflicts and seek results catered to their particular requirements. (Hassan & Malik, 2020)

ADR is important in Pakistan for several reasons. The administration of justice has been severely delayed due to the large number of cases pending before the country's courts. Alternative dispute resolution can help reduce the backlog of cases and expedite conflict resolution because it is faster, more efficient, and less costly than traditional court proceedings. In addition, in remote areas with limited access to formal court proceedings, ADR can enhance the delivery of justice. (Bilal & Khokhar, 2021)

In addition, alternative dispute resolution (ADR) can reduce the burden on the legal system, thereby making the administration of justice more effective and efficient. This also contributes to the enhancement of trust and confidence in the justice system, as parties to the conflict can feel more empowered and accountable for the process. Alternative Dispute Resolution (ADR) offers the potential to be more effective, affordable, and adaptable. This will enhance the administration of law and promote public trust on the legal system (Hasan Awais, 2017).

Literature Review

This literature review will explore the background and importance of alternative dispute resolution (ADR) in Pakistan, explain its use, and provide a framework for traditional judicial institutions in the country. By examining the use and effectiveness of ADR in the world, we can gain insight into its advantages, disadvantages and potential as an alternative to the existing legal system.

ADR is an impartial method of resolving disputes without the involvement of the courts. It saves money and time, and the parties involved always get what they want from the fight. Eliminate the need for courts and find alternatives to dispute settlement. it is an incredible way for dispute settlement. (Kendal D. Isaac, 2019)

Professor John Lande, an authority on alternative dispute resolution (ADR) in United States, pointed out that while ADR mechanisms can be a useful tool for conflict resolution, it is important

to take into account cultural differences and ensure that ADR methods are developed and used sensitively. (Lande, 2023)

Sir Laurence Street the chief justice of New South Wales, has described the efficiency and importance of ADR as ADR is significantly more flexible and non-adversarial approach. In most cases, Parties would often select ADR to arrive at a peaceful settlement. Cost of proceedings, length of proceedings, the selection of a mediator, mutual benefits and collaboration are also features of ADR. (Outline, 2003)

ADR was hailed by Lord Woolf, former Chief Justice of England and Wales, as having the potential to be a more efficient and cost-effective method of resolving disputes in the UK than traditional litigation. He adds that alternative dispute resolution (ADR) is more flexible and a unique need of the parties involved in a dispute. (De Girolamo & Underhill, 2022)

Richard C. Reuben expresses an extreme view. The alternative dispute resolution mechanism differs from other traditional techniques as in ADR an impartial third party selected by the parties to resolve disputes with their consent, while formal litigation imposes a judicial decision on the parties, which is legally binding. In ADR, the parties choose the forum and control the process. (Reuben, 2010)

An international arbitration expert, Gary Born has highlighted the advantages of ADR, as ADR can help preserve business relationships between parties. However, he has cautioned that ADR may not always be appropriate for complex or high-value disputes. (Born, 2015)

The words of Justice Warren Burger former chief justice of the Supreme Court of the USA are of great importance he said the uncomfortable reality is that we might be headed towards a society dominated by swarms of lawyers, voracious like locusts, and a multitude of judges in quantities never previously envisioned. The belief that ordinary individuals prefer judges in black robes, well-groomed attorneys, and elegantly paneled courtrooms as the backdrop for resolving their conflicts is unfounded. Just like individuals in pain seek relief, those facing legal issues desire resolution swiftly and economically. The legal profession must act as healers of human disputes, offering methods that can deliver a satisfactory outcome in the shortest timeframe, at minimal cost, and with the least stress on all involved parties. This encapsulates the essence of justice. (Mitchell, 2019)

As an alternate method to settling disputes outside the court, ADR has grown popularity in Pakistan. ADR methods received more attention in recent years due to the traditional legal system's difficulties, i.e. case backlog, lengthy procedural requirements, and expenses. The Arbitration Act of 1940 is one of the most important pieces of legislation supporting ADR in Pakistan. The legal basis for arbitration procedures is provided by this law, which also recognizes the enforcement of arbitral awards. It specifies how arbitrators are chosen, hearings are held, and arbitration agreements are enforced. The statute permits parties to settle disagreements through arbitration, a less rigid and formal process than litigation. (Rahman & Hilal, 2022)

Additionally, ADR in family conflicts is covered by the Family Courts Act 1964. Family courts may facilitate resolution through mediation or conciliation within the authority of Sections 10 and 12 of the Act. These provisions of family court act recognize the importance of family relationships. (Qureshi et al., 2021)

Furthermore, various laws and regulations, such as those related to sales taxes, customs, and taxes, recognize ADR techniques. For example, section 195C of the Customs Act, 1969 allows for

arbitration of customs-related matters. ADR procedures are used for resolution under the Income Tax Ordinance of 2001 and the Sales Tax Act of 1990. (Tarar, 2018)

Syed Mansour Ali Shah, Justice of the Supreme Court of Pakistan, said litigation is a scenario where you go in like a bull but come out like a sausage. (Ahmed & Hussein, 2023)

Lahore high court Lahore in a case has highlighted the potential benefits of alternative dispute resolution (ADR) in resolving disputes, including the ability to reach a mutually acceptable solution and avoid prolonged litigation. (Fatima, 2022)

Former Chief Justice of Pakistan Nasir Aslam Zahid talked about the potential benefits of alternative dispute resolution (ADR) in Pakistan. he said that alternative dispute resolution (ADR) can offer a less formal and adversarial approach to dispute resolution, which could be more suited to Pakistan's culture and legal system. He admits, however, that ADR has certain disadvantages, such as the enforcement of ADR agreements/awards. (Ullah & Khan, 2021)

Former Justice of Pakistan's Supreme Court, Tassadiq Hussain Jillani has highlighted the flexibility of ADR as it empower the parties to make their own decisions in the ADR. He has also noted the potential limitations of ADR, such as the lack of transparency and accountability in some cases. (Jillani, 2013)

The potential benefits of alternative dispute resolution (ADR) in Pakistan, particularly with regard to access to justice are for individuals and small businesses who do not have the resources to engage in traditional litigation, alternative dispute resolution (ADR) could provide a more accessible and affordable way to resolve disputes. (Hasan Awais, 2017)

Every individual has a right to be dealt with in accordance to law and easy access to justice is a fundamental right. (Const. Pakistan 1973, 1973) All the legal experts and judges believe that the ADR is the mechanism to decrease the burden of courts and to achieve speedy justice. Judicial dispensation concerning the rights of parties should be transparent and open after affording the full right of representation to the parties to support their respective claims. ADR is the expressed tool for fair justice and dispute settlements. If justice is to be made easily accessible and affordable, additions to the existing mechanism should be considered. A local justice or elder of the town, hears and settles cases. An attorney may or may not be hired to represent the parties. The applicant makes his statement in writing, under oath and accompanied by documents. If the other party has a record, he makes it known. Generally, a single hearing is enough to resolve the conflict. ADR is the only way to reduce the backlog of courts while providing affordable and accessible justice.

This research on alternative dispute resolution (ADR) in Pakistan contributes significantly to the current situation of ADR in dispute resolution. The study highlights the gaps and provides valuable insights into the current situation of ADR in the country, and areas where further work is needed to promote and expand the use of ADR As the popularity of ADR continues to grow, it is hoped that this study will help to raise awareness of the benefits and challenges of ADR and encourage the development of more effective ADR systems in Pakistan.

Research Methodology

As the purpose of this study is to explore the ADR laws of Pakistan, examine and compare them with the traditional court system, and highlighting the use and effectiveness of ADR. So, the

questions under discussion are What are the hurdles in the way of the ADR system in Pakistan? How the system of ADR can be improved in Pakistan using examples from other jurisdictions?

In, this study, qualitative research method, as well as comparative, are used to explore advantages, disadvantages, and limitations or hurdles in the way of speedy justice and implementation of ADR. The focus of this study is to describe and compare the laws related to ADR in Pakistan and other countries. Data for this research is collected from secondary sources e.g., journal articles, books, treaties, declarations, documents, reports, special legislations, case laws, and statutes covering important aspects. The study's findings are analyzed, taking into consideration the dimension of ADR in Pakistan and in the developed countries. This study describes the implications, contributions, and limitations of ADR system, as well as recommendations for its improvement. The implications of this study will be discussed with legal professionals and policymakers. The study will also identify areas for further research on the topic of ADR and its usefulness in courts for speedy justice.

Traditional Court System of Pakistan and Factors Affecting Justice System of Pakistan

The court system in Pakistan is based upon the British common law system. Civil litigation in Pakistan is governed by the Code of Civil Procedure, 1908. Pakistan has a three-tiered court system, consisting of district courts, high courts, and the Supreme Court. The district courts are the lowest level of courts, and they handle civil and criminal cases. The high courts are appellate courts that hear appeals from the district courts and have the power to issue writs. The Supreme Court is the highest in the country and has appellate jurisdiction over all other courts. (Const. Pakistan 1973, 1973)

Civil litigation in Pakistan typically begins with the filing of a plaint (complaint) in the lowest grade of civil court. The defendant is then served with a summons, and if they fail to appear, the court may issue an ex-parte judgment. If the defendant appears he submits a written reply (written statement) the court frame issues and asks the parties to produce their evidence and court will then hear evidence from both parties and make a decision. (Hasan Awais, 2017)

Factors and problems affecting the justice system in Pakistan

In Pakistan, legal cases take a long time to resolve due to several reasons, which lead to a lack of trust in the legal system. One of the main causes of the delay is a large number of lawsuits filed in recent decades. Even minor issues that could be resolved through negotiation or compromise are now taken to court. (Fatima, 2022)

In Pakistan, non-compliance with the provisions of the law is a significant cause of delay in the judicial process. (Ali & Razzaque, 2023) Unluckily, frequent adjournments, strikes and boycotts by lawyers are also a common and significant cause of delays in civil cases. Lawyers in Pakistan frequently resort to strikes and boycotts to protest. These strikes have a severe impact on the judicial process, leading to delays and the piling up of cases in courts. (Shah et al., 2014)

The number of courts and judges is a crucial factor that contributes to the delay in civil cases. In Pakistan, there is a significant shortage of courts and judges, and the existing courts are heavily burdened with cases. This as well as interim matters which takes a long time to decision leads to prolonged delays in the resolution of cases, causing frustration and mistrust among litigants. (Javed et al., 2023)

At the execution stage, judgment debtors employ various tactics and strategies to prolong the execution process. Unfortunately, these practices have cast a negative impact on the entire judicial process, as proceedings extend over several decades. (Fatima, 2022)

The Limitation Act of 1908 introduces delay by providing provisions for the condonation of delay, as stated in section 5 of the Act. However, section 3 of the Limitation Act clearly states that any suit, appeal, or application filed after the specified period of limitation shall be dismissed.

The lack of effective governmental oversight has contributed to delays in the resolution of cases. As a consequence, there is a substantial increase in litigation, including a surge in writ proceedings against the government. Consequently, the government has emerged as one of the largest litigants in the country. (Ali & Razzaque, 2023)

ADR and its Kinds

ADR refers to a variety of techniques, such as mediation, arbitration, negotiation, and conciliation. ADR provides parties with an alternative to formal court processes for resolving their conflicts. Instead of depending on combative litigation, ADR emphasizes collaboration, communication, and the promotion of amicable agreements. (Hamaish Khan, Umair Afzal, 2022)

The following four are the most commonly used kinds of ADR;

- Arbitration
- Mediation
- Conciliation
- Negotiation

Arbitration

Arbitration is a dispute resolution process in which issues/disputes are referred to one or more neutrals, known as arbitrators, for resolution. In a dispute, the parties allow the arbitrator to consider their case, and the arbitrator acts as an impartial judge and evaluates the arguments and supporting documents presented by the parties. Decision given by the arbitrator known as an award. In addition to improving efficiency and providing parties with a more professional and customized resolution process, arbitration provides a flexible and useful way to resolve disputes outside of the courts. (Arbitration et al., 2022)

Mediation

Mediation is a well-known alternative dispute resolution method that provides parties with a private, consensual way to resolve their disputes. It is aided by an intermediary an impartial third party that helps the parties communicate and negotiate. Rather than making legal judgments, mediation focuses on building cooperation, understanding, and finding common ground for dispute resolution. (Farooqui et al., 2022) The spontaneity of mediation is one of its main characteristics. Recognizing that they can decide the outcome of the dispute, the parties voluntarily participate in it. In contrast to adversarial court proceedings, where parties are bound under law, mediation allows them to actively participate in the resolution process freely. The intrinsic part of the mediation is feeling control over the proceedings. (Abigail et al., 2019)

Conciliation

In the context of alternative dispute resolution (ADR), conciliation refers to an important method of dispute resolution that relies on the active participation of the mediator (a neutral third party). Unlike mediation, where the main function of a mediator is to facilitate discussions, a conciliator takes a more proactive stance, proposes workable solutions and helps, the process of bridging the differences between the parties to the conflict. The goal of this process is to help the parties find common ground, encourage understanding of each other's views, and ultimately arrive at a resolution that is mutually beneficial. (Jain & Pathak, 2022)

Negotiation

Negotiation, within the scope of ADR, stands as an essential and foundational process for resolving conflicts through direct engagement between opposing parties. Unlike formal legal proceedings or third-party interventions, negotiation centers on the parties themselves collaboratively seeking a resolution by navigating their differences and finding common ground. This voluntary and informal dialogue serves as a space for open communication, where the parties articulate their interests, concerns, and desired outcomes. Negotiation often transpires in diverse settings, encompassing interpersonal conflicts, commercial disputes, and diplomatic negotiations between nations. Parties in a negotiation have the autonomy to control the process, with no third party imposing decisions upon them. This self-determination aspect allows for creative and tailored solutions that might not be feasible within the confines of traditional court litigation. Furthermore, negotiation encourages active engagement and fosters a deeper understanding of the opposing viewpoints, humanizing the conflict and fostering empathy. (Schmitt, 2017)

Legislative Framework for ADR in Pakistan

The Arbitration Act of 1940 holds significant importance within Pakistan's legal framework as it dictates the procedures for arbitration proceedings. It specifies how arbitrators are chosen, hearings are held, and arbitration agreements are enforced. The statute permits parties to settle disagreements through arbitration, a less rigid and formal process than litigation. This legislative piece was established during the era of British rule and has undergone multiple revisions to adapt to the changing demands of Pakistan's legal environment. (Arbitration et al., 2022)

The enactment of Islamabad's Alternate Dispute Resolution Act on May 30, 2017, is Pakistan's official adoption of ADR. (Ali & Razzaque, 2023) This Act streamlines the process of resolving conflicts without formal court proceedings. It is important to note that, except for specific situations where the court determines that resolution through ADR is not viable, the Act mandates the referral of disputes to ADR.

In the province of Punjab The Punjab Alternate Dispute Resolution (ADR) Act, 2019 was passed by the Punjab assembly in November 2019. The Punjab ADR Act, 2019, provides a comprehensive framework for the implementation of various ADR methods in the resolution of disputes, including mediation, conciliation, arbitration, and other forms of Alternate Dispute Resolution. (Research Journal, 2022)

In the province of Sindh, there is no special enactment that deals with Alternate Dispute Resolution. The amendment of the code of civil procedure in 2018 introduced section 89-A which is the only uniform or codified law related to Alternate Dispute Resolution existing in the province of Sindh. (Detho, 2018)

On December 28, 2020, the KPK ADR Act was enacted to introduce an alternative method of resolving disputes in the province of KPK. This act aimed to facilitate dispute resolution among parties without resorting to formal court proceedings, thereby ensuring a quicker and more cost-effective delivery of justice to the public. According to the provisions of this Act, civil disputes can be referred to ADR by the court with the consent of the disputing parties. Additionally, a civil dispute can also be referred to ADR by a Deputy Commissioner or another authorized officer. (Hamza Ali, 2015) The maximum time frame for ADR proceedings in civil matters is six months while ADR proceedings in criminal cases are expected to conclude within three months. (Manzoor et al., 2020)

In the province of Balochistan, the legislation on Alternate dispute resolution is under process.

After the rising demand for expeditious disposal of cases, section 89-A was inserted in The Code of Civil Procedure 1908. The said section was inserted to provide ADR in civil cases, to lessen the burden of courts, and to tackle the increased number of pending cases. Order IX-B Alternate Dispute Resolution was also inserted for the resolution of disputes through ADR in code. Courts under the above-said provision can adopt alternate means to resolve disputes between parties. (Hassan & Malik, 2019)

Other laws containing ADR provisions in Pakistan

Some other Acts which encourage the use of ADR in Pakistan are;

- The Probation of Offenders Ordinance, 1960(Laws et al., 1960)
- Sections 10 and 12 of the Family Courts Act, 1964(THE FAMILY COURTS ACT, 1964, 1964)
- Section 195-C of the Customs Act, 1969(GOP, 2011)
- Chapter 17 of the Customs Rules, 2001(CUSTOMS RULES, 2001, 2001)
- Article 163 of the Qanoon-I-Shahadat Order, 1984(Qanun i Shahadat Ordinance 1984, 1984)
- Plea Bargaining (sec. 25 of NAB Ordinance, 1999)(At, 2006)
- Section 134-A of the Income Tax Ordinance, 2001(Board et al., 2006)
- Rule 231-C of the Income Tax Rules, 2002. (Income Tax Rules 2002, 2002)
- Section 47-A of the Sales Tax Act, 1990(Jillani, 2013)
- Chapter 10 of the Sales Tax Rules, 2004(Sales Tax Rules 2004, 2004)
- Section 38 of the Federal Excise Act, 2005(Federal Excise Act, 2005)
- Rule 53 of the Federal Excise Rules(The FEDERAL EXCISE, 2015)
- Chapter 12 of The Land Revenue Act 1967

Under Alternate Dispute Resolution Law in Pakistan i.e. schedule I and II of Punjab Alternate Dispute Resolution the following cases are normally considered to be suitable for the ADR process; (Rahman & Hilal, 2022)

1. Land and property disputes
2. Contractual disputes
3. Dispute between landlord and tenant
4. Commercial disputes
5. Pre-emption cases
6. Companies and banking matters
7. Insurance disputes

8. Personal injury/defamation suits
9. Negotiable instruments
10. Suits for specific performance
11. Disputes related to professional negligence
12. Suits for compensation and damages
13. Disputes related to mortgage
14. Trademark disputes
15. Dispute for recovery of moveable property
16. Dispute related to accounts in joint business
17. Suits related to mesne profit
18. Suits for partition
19. Suits to remove nuisance

Best practices of ADR in the United Kingdom, USA, and India

In the UK the ADR campaign was at its peak in the '90s, and a substantial contemporary advancement emerged with the introduction of the Woolf Reforms in 1999. These reforms were designed to enhance access to justice and mitigate the substantial expenses and delays linked with traditional litigation. (De Girolamo & Underhill, 2022) ADR in the UK involves non-court litigation methods to resolve conflicts. ADR procedures are preferred over litigation because they are more flexible, cost-effective, and efficient. (Cortés, 2023) The Civil Procedure Rules (CPR) guided the proceedings of ADR. While The UK Arbitration Act 1996 makes arbitration agreements enforceable. UK arbitration is administered by the prestigious London Court of International Arbitration (LCIA).

Currently, the UK is promoting an online Dispute Resolution system (ODR). ODR often is an emerging trend within the UK's dispute resolution landscape. This approach capitalizes on technology to facilitate mediation sessions, enabling participants to engage in conflict resolution from remote locations in which parties can discuss and settle their, disputes online and there is no need to meet face to face or sit for dispute resolution proceedings. It is gaining attraction due to its practicality, efficiency, and alignment with contemporary communication methods. (Anderson, 2019) Another best practice of ADR in the UK is, a court-annexed ADR system, the ADR can be allowed by staying proceedings, and courts can support mediation throughout case management. Institutions, professional associations, and mediation centers in the UK assist the parties. (Mistelis, 2006)

In the USA ADR procedures are efficient and practical alternatives to litigation, giving disputants several possibilities for finding a compromise. (*ADR and Settlement in the Federal District Courts*, n.d.) The US legal system employs ADR throughout various litigation phases due to its benefits. Many states mandate or promote ADR. Local rules and court-sponsored programs to promote ADR. (Nolan-Haley, 2020)

In the Northern District of Alabama, the process of arbitration takes place as the second stage of a two-stage mediation/arbitration procedure. This means that before reaching arbitration, the party's first attempt to resolve their dispute through mediation. If mediation fails to reach a satisfactory resolution, then arbitration is pursued as the next step in the process. This two-stage approach allows the parties a chance to explore settlement options and potentially avoid the need for formal arbitration. (Courts, 2004)

Moving on to the Northern District of California's Multi-Option ADR Program, parties involved in cases that meet the eligibility criteria are presented with multiple ADR options. These options include mediation, Early Neutral Evaluation (ENE), arbitration, magistrate-judge settlement conference, and private ADR. The parties are allowed to select the ADR method that they believe will be most effective in resolving their particular case. This flexibility allows for a tailored approach to dispute resolution and enhances the chances of a mutually satisfactory outcome. (Kendal D. Isaac, 2019) In contrast, in the Southern District of California, parties in all eligible cases are required to engage in pre-litigation mandatory ADR. This means that before a case proceeds to trial, the parties must participate in some form of Alternate Dispute Resolution. (Courts, 2004) This requirement emphasizes the court's commitment to promoting the use of ADR as a means to reduce the burden on the court system and encourage efficient resolution of disputes.

ADR in India has gained popularity as it offers a quicker and simpler way to seek justice. The governing legislation for arbitration in India is the Arbitration and Conciliation Act of 1996. (Jain & Pathak, 2022) Indian courts have introduced mediation and resolution programs as part of their practice. Judges actively support and encourage parties to explore ADR methods. In many cases, judges refer the parties to mediation or other ADR procedures to help them avoid prolonged litigation. This approach not only saves time and resources but also facilitates a more amicable resolution of the dispute. (Corpus & Journal, n.d.) In recognition of the significance ADR, the Business Courts Act of India mandates pre-institution mediation for business disputes. This means that before filing a case in court, parties involved in business disputes are required to attempt mediation. (Singh, 2020)

Lok Adalats are judicial forums that aim to promote compromise and peaceful resolutions. The Lok Adalat, commonly known as the "People's Court," is presided over by a person who may be a social activist, a legal professional, or a current or former judge. Lok Adalat is regularly organized by the National Legal Service Authority (NALSA) and other Legal Services Institutions. Lok Adalat is a platform where parties to the dispute and the presiding officer interact directly. This practice distinguishes the Lok Adalats from conventional courts. (Jain & Pathak, 2022)

In addition to Lok Adalats, India is actively exploring online dispute resolution (ODR) solutions. These innovative methods utilize technology and virtual mediation to help resolve conflicts. ODR opens up new possibilities for individuals to access justice conveniently from the comfort of their own homes, without the need for physical court hearings. By incorporating technology into the dispute resolution process, India aims to make justice more accessible, efficient, and cost-effective for all its citizens. (Keshavjee, 2016). The Supreme Court of India has been at the forefront of championing mediation and conciliation as preferred methods for resolving disputes. By encouraging parties to engage in meaningful discussions and negotiations, mediation and conciliation facilitate the amicable settlement of disputes, fostering harmony and satisfaction among the parties involved.

Drawbacks of ADR in Pakistan

- One of the most significant disadvantages is that the general public and legal professionals have an inadequate awareness and understanding of ADR procedures.
- The ADR centers and institutions still lack the requisite infrastructure, skilled personnel, and resources to properly handle a growing caseload and deliver high-quality services.
- The enforceability of Alternate Dispute Resolution (ADR) decisions/awards particularly in arbitration proceedings is a challenge in our country.

- There is a cultural aversion to the idea of employing third parties in the process of conflict resolution, particularly when it comes to sensitive topics such as family or religious disagreements.

Recommendations to Improve Pakistan's ADR System

- The government should start public awareness campaigns like UK and USA, to educate individuals, legal practitioners, and companies about the benefits of ADR
- By development and implementation of ADR laws level of confidence in the system can increased and it will encourage the parties for usage of ADR methods.
- It is important to invest in training programs for mediators, arbitrators, and other professionals working in Alternate Dispute Resolution (ADR) to guarantee that these experts have the essential abilities, knowledge, and ethical standards to support successful and fair conflict settlement.
- There is a need to enhance the Institutional Framework by providing appropriate money, Infrastructure, and administrative support to ADR Centers and institutions.
- Pakistan should amend current legislation or propose new laws like other countries to address concerns linked to the enforceability of ADR decisions, to ensure that parties have confidence that their agreements would be honored via the implementation of these changes.
- Pakistan needs a law similar to the USA that can establish a mandatory pre-litigation system for ADR. Similar to the models in the USA and the UK, Pakistan should make it compulsory for parties to go through ADR proceedings before filing of suit, and for the parties who have not gone through ADR proceedings the cases of such parties should be rejected/dismissed on procedural grounds summarily.
- Pakistan needs to adopt Alternate Dispute Resolution (ADR) practices that respect cultural values and customs, and forms at the local level, institutions like Lok Adalts especially to deal with disputes involving daily topics.
- By introducing ADR as a compulsory subject in law schools Pakistan can enhance its ADR system. Laws related to ADR must be taught to future lawyers not only to educate them but also to encourage the use of ADR to resolve disputes.
- By Using online dispute resolution mechanism like web-based case presentations or development of mobile applications as everyone has smartphones nowadays may achieve justice speedily.

Conclusion

In traditional court system cases take a long time to resolve due to several reasons, which lead to a lack of trust in the legal system. One of the main causes of the delay is minor issues that could be resolved through negotiation or compromise are now taken to court. ADR is an alternative mode of settling disputes without going to the court. Pakistan has enacted legislation to facilitate ADR processes. The Arbitration Act of 1940 governs arbitration proceedings in Pakistan. Additionally, the Alternate Dispute Resolution Act 2017 in Islamabad, the Punjab Alternate Dispute Resolution Act 2019 in the province of Punjab, the Khyber Pakhtunkhwa Alternate Dispute Resolution Act 2020 in the province of KPK and insertion of section 89A in CPC is introduced to promote ADR mechanisms. But, the general public and legal professionals have an inadequate awareness and comprehension of ADR procedures. Many people are still uninformed of the advantages and opportunities that may be obtained through ADR, which leads them to filling court cases. Pakistan

can improve its ADR system by addressing the challenges i.e lack of enforcement, unawareness, lack of institutional backing, cultural obstacles etc. and putting these ideas or recommendations i.e by awareness campaigns, establishing institute, training of lawyers, mandatory pre litigation system into practice. This would make Pakistan's ADR system more user-friendly, effective, and widely acknowledged as a trustworthy alternative to traditional court litigation.

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