
 <p>Journal of International Law & Human Rights</p>	Volume and Issues Obtainable at Centeriir.org	 <p>Center of Innovation in Interdisciplinary Research</p>
	<p>Journal of International Law & Human Rights ISSN (Print): 3007-0120 ISSN (Online): 3007-0139 Volume 5, No.1, 2026 Journal Homepage: http://journals.centeriir.org/index.php/jilhr</p>	

The Pakistan's ADR Model: Analyzing Arbitration's Role in Effective Dispute Settlement

Muhammad Umair Razzaq¹

Dr. Malik Zia ud Din²

¹ PhD Scholar, Department of Law, The Islamia University of Bahawalpur. Email ID: umair.razzaq@iub.edu.pk

² Assistant Professor, Department of Law, The Islamia University of Bahawalpur. Email ID: malik.ziauddin@iub.edu.pk

ABSTRACT

This abstract aims to shed light on the changing face of ADR in Pakistan and add to the ongoing discussion on how disputes are really resolved by conducting a thorough analysis of relevant case studies and legal requirements. One common, low-cost, and fast method of resolving disputes is ADR and arbitration. The global significance of ADR is changing. In Pakistan, new legislation is being drafted and is underway to become an absolute law of arbitration, in line with the model law of arbitration. Then it can remove the outdated arbitration law by way of promulgation of a new law. This research delves into the use and difficulties of alternatives within the context of Pakistan's arbitration law. In addition, the study compares and contrasts Pakistan's arbitration statutes with those of other foreign Multi-Door-Court theory. Because of the direct effect on Pakistan's public policy & access to justice, the country's ADR laws need strict implementation and the standardization of arbitration law. If we want people to be able to afford justice, we need to update and implement ADR and arbitration laws and make them more tech-savvy and easier for people.



© 2026 The Authors. Published by [Center of Innovation in Interdisciplinary Research \(CIIR\)](http://Center of Innovation in Interdisciplinary Research (CIIR)).
This is an Open Access Article under the Creative Common Attribution Non-Commercial 4.0

Article History: Received: 04-01-2026

Accepted: 04-04-2026

Published: 30-04-2026

Keywords: ADR, arbitration, mediation, litigation, justice

Corresponding Author's Email: malik.ziauddin@iub.edu.pk



<https://doi.org/10.62585/ilhr.v5i1.174>

Introduction

"Does a doctor always perform surgery when a patient is unwell? Certainly not. The physician and patient consider all potential options." Similarly, in the legal domain, a range of alternatives must be considered for each legal issue. The U.S. Supreme Court judges have said many times that there should be more than one way to settle disagreements in the justice system. Chief Justice Warren E. Burger, in particular, always backed ways to settle disputes other than going to court. The *ABA* pressed more people to practice processes like mediation, conciliation, and arbitration, especially for disputes like family, rent, & estate administration (Burger, 1982).

A multi-door courthouse is a new institution that channels incoming Legal cases to the most relevant dispute resolution techniques. ADR saves the courts and the people involved both time and money. Pakistan's economy has also grown a lot in the past few years. However, the country's development remains limited by the inefficiency of its justice sector, which is hindered by numerous case backlogs, lengthy delays, and limited access to justice (Kassar et al., 2024). Consequently, ADR has been an important instrument in reducing these pressures. Mediation, arbitration, and negotiation are ADR techniques that provide an effective, inexpensive and readily available means to settle conflicts. ADR is a non-conventional conflict resolving procedure that entails various approaches of resolving conflicts more efficiently, amicably and informally than in a traditional litigation. It plays a vital role as a quasi-judicial redress in the presence of monumental backlog in the Pakistani judicial system. Nevertheless, the existing ADR framework in Pakistan, described in the ADR Act of 2019, has its own weaknesses, such as the problem of rigid implementation and the overall performance of the justice system. This study gives an examination of the history, development, and organization of ADR in Pakistan with regard to existing laws and regulatory agencies. Among the areas of inconsistency, which are noted as having the greatest effect in the analysis, addresses transparency, efficiency, and implementation, and expands on the adverse effect of these areas on access to justice and trustworthiness of Pakistan in society.

Lastly, the research advises on certain recommendations and legislative changes to make the legal ADR system in Pakistan effective, fair and operational. The increased backlog of the formal court system greatly impacts justice delivery in a timely manner which negatively impacts the trust of the population and impacts civil, business and corporate operations. It is against this backdrop that ADR mechanisms especially the arbitration and mediation is gaining more importance. ADR is a valid, quasi-legal mode of dispute resolution that comes in many ways and is aimed at addressing conflicts more effectively, in a friendlier and less formal way than standard litigation. However, the system of ADR in Pakistan is not yet useful because there are institutional loopholes that cast doubts on the fairness, availability, and

effectiveness of the system. This research critically examines the status of arbitration and the ADR regime in Pakistan, especially concerning the divergence between the outdated law regulating domestic arbitration and modern developments. It also discusses the challenges of court-annexed ADR under the ADR Act of 2017 and 2019, emphasizing the urgent need for their immediate strict implementation to establish a truly robust dispute resolution infrastructure (Khan & Iqbal, 2023).

The Multi-Door Courthouse Concept and Theory

Harvard Law Prof. Frank E. A. Sander, came up with the idea of the “*Multi-Door Courthouse*” to make sure that the best way to solve a dispute is used. In his perfect world, there would be one courthouse-like center that had both advanced intake services and a variety of ways to settle disputes, all in one place. A screening unit would be at the heart of this system. Its job would be to look at each citizen's dispute and then direct the parties to the best “*door*” or process to use to settle the case. The name of the building is “*Multi-Door Courthouse*” (Sander, 1976).

The increase in urbanization, greater administrative integration in daily activities, and the deterioration of informal institutions that were previously used to mediate conflicts have all led to a phenomenal rise in formal litigation. The judicial institutions have trailed behind. Therefore, there has been an increasing congestion in the courts, a reduction in the effectiveness of the law system due to the costs and length of time, as well as an increased elusiveness of justice and compassion (American Bar Association, Special Committee on Alternative Dispute Resolution, 1983).

David Miller: The concept of Justice Theory

Justice Theory was developed by John Rawls and expanded upon by such scholars as David Miller reflect on concepts of justice and equality in society (Miller, 1976). In the area of ADR, this theory underlines the significance of equitable processes and results.

Parties may choose mediation or arbitration when they believe these processes will lead to a more reasonable and impartial outcome as compared to conventional litigation. The Justice Theory offers an insight into the understanding of justice reasons in the selection of ADR approaches and the evaluation of their efficacy in attaining fair results (Pablo, 2024).

English Law Perspective

Arbitration has not been a new trend in courts for a long time. In England and Wales, the Woolf Reports promoted a culture of cooperation in civil justice, incorporating *ADR*. Promulgation of law in the EU had similar policy directions. Art five sub Clause one of the (*Mediation Directive 2008/16*) lets courts and associated States encourage mediation and make it mandatory for parties move towards mediation. *The Law Decree (LD) of Twenty first June Two Thousand and thirteen* in Italy also gives courts the power to suggest and, if necessary, order mediation. One of the main ideas behind these changes is that lawmakers

and judges want to make ADR more widely used and effective in both online and traditional civil court cases (Lord Chancellor's Department, 1995). The CoA strongly supported in *Churchill v Merthyr Tydfil* (Churchill v. Merthyr Tydfil County Borough Council, 2023). The court said that judges can tell people to try ADR and that doing so does not violate Art Six of the *ECHR*, Protected the right to fair determination. After Churchill, some parts of the CPR, especially notwithstanding the goal and changed to make it clear that the courts can tell parties to use ADR.

Four related duties help us understand judicial "ADR activism"

Putting ADR powers to use courts should not only recognize ADR authority, but also use it with confidence. Knowing about different types of ADR the judges should know about more than one type of ADR and not just see mediation as the only option (judicial ADR pluralism). Getting parties to talk about ADR. Supervising the ADR pathway the Judges should not just give orders and send people to private providers; they should also guide and watch the ADR process (Civil Procedure Rule Committee, 2024). ADR procedure instead of defaulting to mediation; Instead of just going with mediation, courts should talk to the parties about their needs, wants, and the case's features to find the best process (Khan et al., 2025). These changes are important because getting justice is still a global problem. Almost two-thirds of the world's people still can't get to justice systems that work (HiiL, 2018). Because of this, many people at the grassroots level are interested in community-based and informal justice systems. This is mostly because they are cheap, quick, seen as fair, and let people participate in a meaningful way (Faruque & Khaled, 2010).

ADR Perspective

No consensus or singular notion exists that any widely accepted ADR technique can genuinely encapsulate "true spirit". "*ADR*" denotes any approach to resolving conflicts outside of formal judicial processes. However, defining ADR processes simply as the opposite of adjudication relies on a reductive logic that treats all ADR methods merely as alternatives to litigation. (Brown et al., 1998). Nevertheless, the ADR method is based on two important aspects that based on a simplistic reasoning of all methods to oppose the formal litigation process (Faris, 1995). This rationale backed by ADR processes are purely avoid the formal court process, which is a fallacy that leads to the confusion of the terms and a blurring of the specific scope and role of each ADR process. Although other scholars like Tarpley consider ADR as an involvement of the private parties in a dispute that would otherwise lead to litigation, the definition is conceptually weak on the role of the judicial officers. An example is that it does not explain whether a judge who is a mediator can be classified as a private party or not (Maraire, 2025). This difference especially applies to the United States where federation and state courts offer ADR services publicly. One major advance in this development was a Congressional directive in 1998 to all federal district courts to

establish ADR programs, thus entrenching such programs in the official court system (Reuben, 2000).

Problem Statement

Although the judiciary has made major attempts to encourage ADR, Pakistan's inefficient judicial system is evident from the huge backlog of pending cases (2.2 million), which not only hampers the constitutional right to timely justice as mandated by the law of the land. The major challenge is the disjointed and obsolete legal framework of the (AA) of 1940, which is incongruent the Model Law and results in unnecessary judicial intrusion and delays in proceedings. Moreover, provincial laws like the Punjab ADR Act of 2019 have promising models as they have been enacted, but their efficacy is minimized by those cultural inclinations to litigate adversarial proceedings. The absence of institutionalized mediation, ADR centers, and the lack of a standardized professional cadre of mediators, and the lack of implementation and awareness. The restrictive prohibitive price of court fees and lawyers' high fees and technicalities like strike and adjournment culture, delay in decisions of the formal court system further worsen this gap in disputes, which, to the grassroots population, can appear as a major barrier in the dispensation of justice. It is therefore rather urgent to enact arbitration legislation, align with compulsory ADR practices, and ensure a paradigm shift to a more citizen-focused and inclusive system capable of making ADR a primary and globally recognized component of Pakistan's legal system.

Research Questions

1. What are the primary legal and procedural issues that make Pakistan's existing ADR & arbitration system less effective for swiftly and affordably settling disputes, and how effectively does it function in practice?
2. How can modifications, including standardizing arbitration legislation and by means of ADR, be implemented to enhance ADR & arbitration in Pakistan? How do other nations handle this issue?

Research Methodology

This study is based on a doctrinal, descriptive, analytical, and interpretive framework to examine the element, which is a description of the legal and factual context, whereas the analytical and interpretive elements mean a deeper evaluation of the subjects. Primary sources, such as case law, laws and used to gather data, and secondary sources, such as scholarly research journals and legal commentaries, are used to ensure thorough and comprehensive academic research is conducted.

The Imperative for ADR Reform in Pakistan: Addressing Backlogs and Systemic Weakness in judicial System

Arbitration occurs at times instead of the standard court proceedings to settle a disagreement due to its

ability to provide a cost-efficient and efficient resolution by an expert arbitrator in a quick, often informal process. Earl Warren believed that justice is done in the spirit of the law as opposed to formality. It is an open secret that individuals in Pakistan view going to a court as the final option, as a plaintiff or a defendant. Litigation may be too costly, psychologically demanding, and time-consuming, whether business related or not. Nevertheless, the modern and conventional type of the dispute resolution in the legal sphere is the settlement of a disagreement by arbitration (Hassan, 2018).

However, institutional weaknesses in Pakistan have limited the usefulness of the ADR structure because of its questionable fairness, availability, and effectiveness in the justice system. The current paper is a critical analysis of the position of arbitration and ADR regime in Pakistan with special reference to an examination of the difference between the old legislation governing domestic arbitration and the new events that affected foreign awards. It also examines the challenges of court-annexed ADR in the ADR Act, 2017, and concludes by emphasizing why the proposed (AA), 2024, should be made proper law after fulfilling the due process and applicable immediately to establish a truly robust dispute resolution system and mechanism in Pakistan.

ADR Modes in Pakistan

ADR encompasses several methods aimed at resolving conflicts outside the conventional judicial environment. The alternative techniques. They provide unique strategies for efficiently and collaboratively resolving issues. It is customized to the requirements of the parties concerned. Mr. Tassaduq Hussain Jillani, former chief justice of Pakistan, posits that equitable procedural law seeks to achieve three objectives: the discovery of truth, the expeditious settlement of disputes, and a cost-effective approach in accomplishing these aims. Regrettably, Pakistani procedural laws did not succeed in achieving these goals. Justice has been delayed. A realistic and effective answer to this is the implementation of alternate conflict settlement methods (Jillani, n.d.).

Under the (AA) 1940, arbitration is not defined ((Hussain, 2023), it is, however, defined and explained by case laws. The Lahore High Court held in *Daulan Bibi v. Aisha Bibi* (2014), that arbitration can be described as a judicial action in which a dispute between parties is resolved based on each of the following elements. Controversy, the case will be argued by both sides, with evidence being provided where it is considered appropriate. The application of the intellect and logical thinking by the arbitrator led to the award that was made with justification. Even though the literal meaning of panchayat is five people, in the current times, the figure does not hold any significance. It is a title that has been used in all traditional village meetings in the past. These are men who are respected by the community or the parties and invited to the assembly to help them out of the situation; they are the leaders, who are referred to as panches.

They are not duly elected or selected. The magnitude of this volunteer committee depends on the severity of the crime and the importance of the people involved. Guidelines or conventions are nonexistent. It is an assembly of people who will gather and deliberate on the existing issues.

The Characteristics and Shortcomings of Litigation in the Pakistani Judicial System

In Pakistan, the judiciary and other tribunals have been vested with the exercise of judicial power that is defined by the various foundational legal instruments, whose primary one is the Constitution of Islamic Republic of Pakistan, 1973, and other general laws.

The litigation system has its own benefits in the judicial system, and these comprise the setting of legal precedents and authoritative explanations on difficult matters concerning the law. It is also the unavoidable step of action when parties have not agreed upon a certain method of solving the dispute, or where one unwilling party should be forced to undergo a formal process. The judgment produced is legally enforceable and binding without any additional consensus. Nevertheless, litigation is confrontational and adversarial in nature. The legal process where parties institute disputes and claims before an adjudicator, third person to arrive at a solution that is stipulated by the law. More importantly, parties lose their control of the choice of the judge and the forum. The court provides an enforceable judgment to all parties that is subject to the law, and the only other option that a displeased party will have is the formal appeal procedure. Litigation has major disadvantages despite the finality that it provides. The outcome of the resolution is frequently a zero-sum game and produces an undesirable party who, although he/she must accept the decision or risk penalties/contempt, might not be happy. In addition, the courts can effect settlements, solve the origin of a dispute, and offer innovative solutions that would remain effective and work to the satisfaction of both parties. Conversely, ADR techniques such as mediation promote enduring partnerships and allow innovative solutions that cannot be limited to legal precedents since they follow the philosophy of win-win. The truth is that people in court cases want to find a solution that is quick, convenient, and affordable, something that was not usually true of the traditional form of litigation with its robes and fancy courtrooms (Burger, 1982).

Pendency of Cases in Pakistan

The chronic delay in the justice delivery process in Pakistan is a major impediment to justice delivery, which violates fundamental rights. This policy tenet outlined the 1973 Pakistani Constitution.

This massive accumulation of delayed cases hinders both individual security and societal progress. The reason why quick justice is not being served is mostly due to a complicated system of justice, mazes of litigation, and a heavy, continuously growing backlog of pending litigation. This is due to the unprecedented increase in case pendency, the most critical factor that has led to delays. Although there are government efforts aimed at solving this large backlog, they are as yet not good enough to create the

much-needed quick, accessible as well and efficient justice system. This crisis needs immediate and wholesale judicial reform to put in place effective justice delivery in Pakistan. According to the study, the case pendency increased 3.9pc to 2.26 million in the second half of 2023. The report presents SCP, FSC, HCs, and District Judiciary case information (Jafri, 2024). The number of outstanding cases (1.86 million) is divided into 82pc (district judicial), 18pc (SC, FSC, and HCs). According to the study, 2.38 million new cases were presented, and 2.30 million were closed. The backlog remained large due to this significant settlement, because of the continuous processing of new cases. The report provides information on High Court and District Judiciary cases. The statistics reveal that 81 percent of the High Court cases are civil and 19 percent criminal. It has 64% civil and 36% criminal cases in the District Court. Further information is on the LJCP website and social media pages. The Secretary of the LJCP and the NJCPMC have also published the Annual Reports of the Courts of Pakistan (Law and Justice Commission of Pakistan, n.d.). This work was published and printed by the Secretariat of the Commission as part of the GOP Access to Justice Program. The number of cases in Pakistani courts was 2,177,527 in Aug 2021. The SCP, FSC, and HCs of Pakistan have 54043, 350495, and 1,773,171 cases pending, respectively (Law and Justice Commission, 2021). As of January 2021, all Pakistani courts had 2,162,042 unresolved cases (Law and Justice Commission, 2021). Therefore, fast justice has become a dream in Pakistani courts. The use of former judges as Ad hoc judges, particularly the top court in Pakistan, was done with the sole purpose of overcoming the problem of backlog that is of criminal matters. It is noted that out of the 58,000 cases currently pending resolution in the Supreme Court, there is a high number of 10,000 cases directly connected with criminal cases.

Post Implementation Evaluation of ADR in Punjab: Problems and Solutions:

ADR (ADR) has been implemented in Punjab with mixed effects in spite of the early promise and the setup of specific centers of its operation.

The report accompanying the cases that have been solved through ADR in Punjab, which can be found on the official Lahore High Court (LHC) webpage (Lahore High Court, n.d.), indicates that the ADR mechanism is still inherently good and can lead to better access to justice. This potential is confirmed by the data covered by 2017-2019 on the LHC site. The reality at present, however, shows that there is a lack of realization of the potential of the ADR framework. Despite the establishment of ADR centers and the training of judges as one of the first steps, the positive results that should have been achieved have not been recorded. In several districts, many ADR centers have been shut down or have become dormant due to lack of proper operations and low confidence in implementation. The primary component of a civilized society is the efficient administration of justice. Nonetheless, there is a dire situation in courts throughout Pakistan, where there is a growing pile of cases, which are equal to about two million pending cases at

the moment. This huge log jam would greatly affect the principle of fast justice and would make it difficult to process new filings (Ali & Hassan, 2022). Obtain real results and strengthen the system; the judiciary needs to be prolific in furthering a pro-settlement bias. This practice enhances cooperation and the parting ways of litigation fighting, towards constructive approaches to dispute resolution. The encouragement of ADR, especially mediation, conforms to the international judicial principles: making sure that dispute resolution is fair, fast, and beneficial to the well-being of the parties in the long term. These non-traditional approaches are expected to replace the traditional trials more and more in the future.

Judicial Support for ADR and Arbitration: Pakistan Case Study Analysis:

As part of a major change in judicial philosophy, Pakistan's highest court has become more "pro-arbitration" and aggressive in its efforts to bring domestic legal interpretations in line with global standards. Understanding that a contemporary, investment-friendly economy can't thrive with a 2.2 million-case backlog, the higher court is making clear that the *AA, 1940* and the *ADR, 2017* not just options for procedures, but fundamental components of the constitutional guarantee of "expeditious justice." Courts are protecting the principles of the constitution of Pakistan by endorsing an activist court opinion that seeks to bring the legal system of Pakistan close to the international norms including the Singapore Convention and the UNCITRAL Model Law. This makes justice affordable and as well as accessible to the common man, and it also serves as a powerful trigger of the socioeconomic success of the country (Alina, 2022).

The Supreme Court of Pakistan has been growing into a more pro-arbitration attitude, as seen by its recent interventions in business cases over the fraudulent transfer of shares and the correction of member registers. The Court made a major decision by aligning the procedural requirement of Section 18 and 34 of the (AA) of 1940 with the current legislative intent of the Companies Act of 2017. Although the High Court had previously granted that the litigation be proceeded with, the Supreme Court reversed the decisions pointing out that, under Section 278 of the Companies Act, it was clear that corporate bodies should settle disputes by resorting to alternative procedures. The Honorable Supreme Court upheld the principle of the judiciary promoting but not hindering the valid arbitration agreements by keeping judicial action and submitting the case to an arbitrator with the agreement of the parties. This judicial activism does not only guarantee a faster decision against corporate entities but also makes the domestic legal practice of Pakistan to be in accordance with the international commercial practice, which is a clear indication of a revamp of justice system towards a more efficient and investor friendly system (Kausar Rana Resources PVT v. Qatar Lubricants Company W.LL. (QALCO), 2025).

The concept of ADR in fashionable Pakistan has transformed a lot in the law, shifting it to the alternative of a minor one to a major component of the judicial procedure. Mediation is consolidated as a mandatory judicial role in the statutory definitions, which are: Section 2(i) of the Punjab Alternate Dispute Resolution Act (2019), Section 2(b) of the Balochistan Act (2022), Section 2(i) of the Khyber Pakhtunkhwa Act (2020) and Section 89-A(1) This unified juridical position underscores the fact that mediation is not merely an option to the traditional litigation process but in fact a constituent part and necessary component of a modern court system. Through the formalization of mediation by way of these specific provincial mandates, the state acknowledges its role in the reduction of the court congestion, preservation of the party sovereignty and the provision of restorative, as opposed to purely adversarial, approach to justice. This legislative alignment shows that the country is determined to shift its legal culture to be a culture where peaceful and mediated resolutions form part of the free and fair trial and adjudication (*Mughals Pakistan Pvt Ltd v. EOBI Through Director Law, Lahore, 2025*).

The ADR in the financial environment of the country has been strengthened due to the involvement of the High Court in the Section 134A (1) of the ITO, 2001. A major constitutional petition under Article 199 involved the court reviewing a systematic lapse where federal authorities had not put in place an ADR Committee (ADRC) despite a judicial directive in place. The court held that failure by the state to offer the required venue of mediation was tantamount to depriving the taxpayer of his right to a non-adversarial settlement. The court passed a Mandamus asking the Federal Government to expedite the creation of the necessary committee and made it clear that the institutionalisation of ADR is much needed to curb the unnecessary litigation that is dragging the courts. The court provided a fair recovery by declaring that authorities may not take coercive recovery measures, as a litigant cannot be subjected to penalty due to the administrative nonaction of the state in failing to offer an effective mediation venue. This ruling underlines the fact that ADR in Pakistan not only is a discretionary right, but it is also a mandatory procedural safeguard that the state is under legal obligation to uphold (*National Logistics Cell v. Assistant/Deputy Commissioner, 2025*). By declaring that mediation is a complicated method of resolving disputes involving contracts, relationships, HR with a neutral third party, the honorable court has done a huge thing in line with restorative justice. Mediation is used to resolve contract, interpersonal and HR disputes. Through mediation, a mediator assists parties to a conflict to find a compromise. The mediator gathers the parties in an unbiased location whereby the parties are able to explain their positions and discuss different solutions. Each party is encouraged to express its viewpoints openly and honestly. The person, maintaining objectivity, aids the parties in contemplating alternatives and options that may not have previously been considered (*NVFMO v. Morgah Valley Ltd & SECP, 2024*).

Arbitration is essentially a commercial agreement, and the parties must adhere to their commitments. Parties shall not be permitted to bypass the arbitration process stipulated in the arbitration clause; the method for appointing an arbitrator, as outlined in the arbitration agreement, must be enforced (*Taiga Apparel (Pvt) Ltd v. International Fabrication Company*, 2025).

In this judgment, the Honorable Court observed the Preamble of Pakistan Constitution, Art 38(A), states the mandatory character of ADR scope. The recently added provision of Sec.16A of the Islamabad Rent Restriction Ordinance, 2001, provides an alternative framework for mediation. The legislative objective was articulated by the phrase "shall," which indicated a compulsory directive for the Rent Controller to send every matter to the Mediation Council in accordance with S.16A. The Statement of Objects/Reasons highlighted the focus on Art 38(A) of the Constitution, which pertains to the idea of State Policy aimed at ensuring a fair balance of rights between landlords and tenants (*Miss Mehmoona Zainab Kazmi v. ADJ Islamabad West*, 2023).

Conclusion

The research study proposal to include ADR in the Pakistani legal system can be seen as a radical change in the way of providing the opportunity to obtain convenient, fast, and comprehensive justice. The national economic development still fails to propel the formal judicial system, as it has a high volume of cases in backlog, prolonged delays in the processing of cases, and the prohibitive nature of traditional litigation. Pakistan can develop a more effective and investment-friendly legal climate by strategically taking on mechanisms like arbitration, mediation, conciliation and negotiation. Such legislative advances as the Punjab Alternate Dispute Resolution Act of 2019 are evidence of an economical way of solving civil, criminal, family, and property disputes, hence creating a sense of trust in people. Nevertheless, the potential of these mechanisms can be realized only in case of modernizing the outdated (AA) of 1940 to be adjusted to the current international standards. As the higher judicial authority continues to promote ADR in the quest to spur socio-economic growth, there are still cultural, institutional, and financial entrenched obstacles. To shift ADR out of an elite process and into a grassroots reality, a paradigm shift must be brought to the process that involves more awareness of the masses, increased legitimacy of the institution, and a broader inclusion aspect of the reform. Finally, a renewed ADR system can transform into a complementary asset into a revitalizing, citizen-based component of the Pakistani justice system. Moreover, Pakistan's apex court has played an exceptionally active role in institutionalizing ADR, which indicates a conclusive change in Pakistan. In the past five years, *the SC* and the different *HC* have made important decisions that have made mediation and arbitration not only valid options to going to court, but

also the main ways to settle disagreements. The result of this judicial activism has been the creation of specialized ADR centers and the development of hundreds of judges and legal practitioners, thereby helping immensely to lighten the load on the conventional court dockets. Such attempts have already gained it a favorable international effect; by harmonizing domestic practices with the international standards, such as the tenets of the Singapore Convention on Mediation, Pakistan is fast gaining a positive image as a safe and reliable destination. Such a developing legal environment is a bright opportunity that sets Pakistan on the way to being known in the world as the country that adheres to a modern and efficient justice system.

References

- Ali, S., & Hassan, M. (2022). Evaluation of pending cases in the judiciary of Pakistan: Figures and statistics. *Pakistan Social Sciences Review*, *6*(2), 592.
- Alina, B. (2022). Promoting Asian economic development by designing culturally conscious alternative dispute resolution (ADR). *Journal of Legal Studies*, *29*(43), 125–141.
- American Bar Association, Special Committee on Alternative Dispute Resolution. (1983). *Dispute resolution program directory*.
- Brown, S., Cervenak, C., & Fairman, D. (1998). *Alternative dispute resolution practitioners guide*. Center for Democracy and Government.
- Burger, W. (1982). Address to ABA Midyear Meeting. *American Bar Association Journal*, *68*, 274–276.
- Churchill v. Merthyr Tydfil County Borough Council, [2023] EWCA Civ 1416.
- Civil Procedure Rule Committee. (2024). *The Civil Procedure Rule Committee consultation: Alternative dispute resolution in the light of Churchill v Merthyr Tydfil: Proposed rule changes*. Ministry of Justice.
- Daulan Bibi v. Aisha Bibi*, 2014 YLR 1628 (Lahore High Ct.).
- Faris, J. J. (1995). *An analysis of the theory and principles of alternative dispute resolution* [Doctoral dissertation, University of South Africa].
- Faruque, A. A., & Khaled, M. M. (2010). Local level justice system in Bangladesh: Challenges and search for way-out. *The Chittagong University Journal of Law*, *15*(1), 5.
- Hassan, J. (2021). *Role of judiciary and jurisprudence in domestic and international arbitration*. Law and Policy Reform, Asian Development Bank. <https://lpr.adb.org/sites/default/files/resource/135/202103-role-judiciary-and-jurisprudence-domestic-and-international-arbitration.pdf.pdf>
- HiiL. (2018). *Justice needs and satisfaction in Bangladesh 2018: Legal problems in daily life*. Ministry of Foreign Affairs of the Netherlands; BRAC Human Rights and Legal Aid Services. <https://www.hiil.org/wp-content/uploads/2018/07/HiiL-Bangladesh-JNS-report-web.pdf>
- Hussain, R. R. (2023). *International and domestic arbitration in Pakistan: Law and practice* (2nd ed.). Sang-e-Meel Publications.
- Jafri, C. (2024, February 16). Pakistan must revamp its arbitration law. *Dawn*. Retrieved June 28, 2024, from <https://www.dawn.com/news/1814586>
- Jillani, T. H. (n.d.). *Delayed justice and the role of ADR*. Federal Judicial Academy. Retrieved April 25, 2024, from <https://www.fja.gov.pk/files/articles/DelayedJustice&TheRoleofA.D.R.pdf>
- Kassar, G. R., Kausar, S., & Laghari, A. R. (2024). Evolving case management systems: Technological and administrative reforms to address judicial delays in Pakistan. *Annals of Human and Social Sciences*, *5*(3), 763–778.
- Kausar Rana Resources PVT v. Qatar Lubricants Company W.LL. (QALCO)*, 2025 SCMR 517 (Supreme Court of Pakistan).
- Khan, B., & Iqbal, J. (2023). Critical analysis on existing framework of ADR in Pakistan. *Indus Journal of Law and Social Sciences*, *2*(2), 1.
- Khan, I. U., Mohamed, N. S., & Omoola, S. (2025). Alternative dispute resolution (ADR) in resolving community disputes in Pakistan: Learning from Malaysia's experience. *International Islamic University Malaysia Law Journal*, *33*, 167.
- Lahore High Court. (n.d.). *Home*. Retrieved December 8, 2025, from <https://www.lhc.gov.pk/>

- Law and Justice Commission of Pakistan. (n.d.). *Home*. Retrieved December 8, 2025, from <https://www.ljcp.gov.pk/>
- Lord Chancellor's Department. (1995). *Access to justice: Interim report* (By Lord Woolf). HMSO.
- Maraire, W. (2025). The pursuit of an appropriate dispute resolution philosophy for Africa. *Journal of African Law*, *69*(1), 1–19.
- Miller, D. (1976). *Social justice*. Clarendon Press.
- Miss Mehmoona Zainab Kazmi v. ADJ Islamabad West*, 2023 CLC Islamabad 207 (Islamabad High Ct.).
- Mughals Pakistan Pvt Ltd v. EOBI Through Director Law, Lahore*, 2025 CLD 150 (Supreme Court of Pakistan).
- National Logistics Cell v. Assistant/Deputy Commissioner*, 2025 PTD Lah 614 (Lahore High Ct.).
- NVFMO v. Morgah Valley Ltd & SECP*, 2024 CLD Lah 685 (Lahore High Ct.).
- Pablo, J. (2024). Effectiveness of mediation and arbitration as alternative dispute resolution methods in Mexico. *Journal of Conflict Management*, *4*(1), 38–50.
- Reuben, R. C. (2000). Constitutional gravity: A unitary theory of ADR and public civil justice. *UCLA Law Review*, *47*, 954.
- Sander, F. E. A. (1976). Address at the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice (April 7–9, 1976). *Federal Rules Decisions*, *70*, 111.
- Taiga Apparel (Pvt) Ltd v. International Fabrication Company*, 2025 CLD Lahore 954 (Lahore High Ct.).
- The Constitution of the Islamic Republic of Pakistan*, 1973.