

ACCESS TO JUSTICE IN PAKISTAN JUDICIAL DELAYS, ALTERNATIVE DISPUTE RESOLUTION, AND THE EFFECTIVENESS OF CIVIL JUSTICE

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Abstract

Pakistan's civil justice system continues to carry a substantial backlog despite high levels of case disposal. According to the Law and Justice Commission of Pakistan's Judicial Statistics 2024, the district judiciary began the year with 1,863,028 pending cases and disposed of 5,452,308 cases during 2024, yet ended the year with 1,965,172 pending cases—an increase of 102,144 cases, or about 5.5%. The superior courts also had 406,217 cases pending at the end of the year. These figures indicate that disposal volume alone has not been sufficient to eliminate accumulated delays. Against this background, this study investigates whether Alternative Dispute Resolution (ADR) can improve the timeliness and effectiveness of civil justice in Pakistan. It examines the relationship between case duration, procedural delay, disposal outcomes, litigation costs, and the use of ADR, with particular attention to whether disputes resolved through mediation, arbitration, conciliation, or other ADR mechanisms reach settlement more quickly and at lower cost than comparable disputes handled through formal adjudication. The study draws on official judicial statistics and, where accessible, case-level and primary evidence from litigants and legal practitioners to identify the procedural and institutional factors associated with delay and ADR outcomes. Pakistan's Alternative Dispute Resolution Act, 2017 provides the statutory basis for several ADR mechanisms and seeks to facilitate the expeditious settlement of disputes. The research therefore evaluates ADR as an empirical question rather than assuming that it is inherently more effective than litigation. By linking judicial backlog with measurable differences in resolution time, costs, settlement, and enforcement, the study assesses the extent to which ADR can function as a practical complement to Pakistan's formal civil justice system and identifies reforms most likely to improve access to timely remedies.

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Introduction

Access to justice is more demanding than the formal availability of courts. It requires a system in which legal rights can be converted into remedies that are reasonably timely, affordable, impartial and enforceable. Pakistan's constitutional policy expressly directs the State to ensure "inexpensive and expeditious justice" under Article 37(d).[1] Delay can therefore undermine

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the practical value of an otherwise valid civil remedy through repeated appearances, legal expense, lost working time, uncertainty and difficulties in execution.

Official judicial statistics make the scale of the problem unusually clear. The district judiciary entered 2024 with 1,863,028 pending cases, received 5,058,762 institutions and recorded 5,452,308 disposals, but closed the year with 1,965,172 pending cases.[2] Superior-court pendency also remained substantial, reaching 406,217 at year end.[2] The coexistence of very high disposal volumes with a larger closing stock demonstrates why throughput cannot be treated as a sufficient indicator of civil-justice effectiveness.

This paper separates three concepts that are often conflated: caseload, backlog and delay. Caseload describes the volume of matters requiring institutional attention; backlog is the stock of unresolved matters carried forward; delay concerns the time taken to move an individual dispute from filing to an effective remedy. A court can achieve high annual throughput while old cases remain unresolved. Conversely, a settlement programme can dispose of matters rapidly without necessarily improving fairness, affordability or enforcement.

Alternative Dispute Resolution (ADR) has become an important component of Pakistan's institutional response. Section 89-A of the Code of Civil Procedure provides a procedural basis for court-linked ADR, while the Alternative Dispute Resolution Act 2017 establishes a statutory framework for the Islamabad Capital Territory.[3–5] Federal accreditation and mediation rules adopted in 2023 further institutionalised the framework.[6–8] Punjab, Khyber Pakhtunkhwa, Sindh and Balochistan have developed jurisdiction-specific legislation and procedures.[9–14]

The existence of ADR legislation does not itself establish effectiveness. Mediation may reduce delay where referral occurs early, parties possess a genuine bargaining range, the neutral is competent and resulting settlements are enforceable. Arbitration may be appropriate for specialised commercial disputes but can carry substantial private costs. Failed or late ADR may simply add another procedural stage. The central question is therefore conditional: under what institutional and procedural circumstances can ADR improve the timeliness, affordability and effectiveness of civil justice in Pakistan?

This article makes three specific contributions. First, it combines the LJCP's official 2024 judicial statistics with a multidimensional conception of civil-justice effectiveness, distinguishing high disposal from actual backlog reduction. Second, it integrates doctrinal analysis of Pakistan's federal and provincial ADR architecture with recent Pakistani judicial decisions and implementation scholarship. Third, it develops a measurable framework for future case-level evaluation of ADR without claiming that the present aggregate data prove a causal reduction in duration or cost. The paper therefore treats ADR effectiveness as an empirical proposition to be tested rather than a conclusion to be assumed.

2. Literature Review

2.1 Access to justice, delay and institutional inequality

The modern access-to-justice literature treats legal rights as incomplete when institutional cost, delay or complexity makes enforcement practically inaccessible. Cappelletti and Garth shifted attention from formal entitlement toward the capacity to vindicate rights in practice.[15] Galanter's repeat-player framework further showed how litigation systems can distribute strategic advantages unevenly because repeat participants can spread costs,

accumulate expertise and pursue long-term legal strategies more readily than one-shot litigants.[16] These perspectives are relevant to Pakistan because delay and cost can reduce substantive access even where formal procedural rights remain available.

Contemporary rule-of-law measurement similarly treats civil justice as multidimensional. The World Justice Project evaluates accessibility and affordability, unreasonable delay, effective enforcement and effective ADR as distinct components of civil justice.[17] Pakistan's 2025 Civil Justice factor score was 0.38 and its global rank on that factor was 129 of 143 jurisdictions.[17] These experience- and perception-based measures do not replace court administrative records, but they reinforce the need to assess civil justice through more than disposal counts alone.

2.2 Court congestion, case management and institutional design

Court congestion is not explained by filings alone. Delay is shaped by the interaction of incoming caseload, judicial and administrative capacity, service of process, adjournments, evidence, appeals, execution and case-management practices. Recent World Bank justice-reform work emphasises the importance of reliable judicial data, geographical and institutional design, resource distribution, digital capacity and impact evaluation.[18] The World Bank's ADR guidance likewise stresses that dispute-resolution reform must be adapted to local legal, institutional and socio-economic conditions rather than imported as a uniform model.[19] For Pakistan, the 2024 caseload therefore provides a descriptive diagnosis of system pressure, not a complete causal explanation of delay.

2.3 International evidence on court-connected mediation

International empirical research supports a conditional rather than universal claim for court-connected mediation. Wissler's review of general civil mediation studies found that programme effects vary across court setting, referral stage, case type and design, while participant assessments of process fairness are often favourable.[20] More recent evidence is methodologically stronger. Grajzl, Cepec and Mörec analyse nearly 380,000 Slovenian civil and commercial disputes and report that conducting court-annexed mediation is associated with shorter duration and higher settlement probability, while effects vary substantially by case group and judge.[21] Their use of matching and parametric adjustment is especially relevant to Pakistan because ADR selection is not random.

International policy guidance also presents ADR as complementary to formal justice. The World Bank emphasises safeguards such as neutrality, confidentiality, fairness and continued access to adjudication.[19] The United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention on Mediation) reflects the international importance of enforceability for mediated commercial settlements.[22] These sources support a broader measure of ADR performance in which speed must be considered together with consent, fairness, durability and enforcement.

2.4 Pakistan-specific ADR scholarship

Pakistan-focused scholarship has increasingly shifted from descriptive advocacy toward implementation analysis. Khan and Abbasi trace the legal development of ADR and identify institutional and practical obstacles to its assimilation.[23] Javed's 2025 study uses thematic content analysis to highlight weak institutional practices, limited implementation and litigation-oriented behaviour.[24] Abdullah and Rasool's 2024 mixed-method study identifies

regulatory uncertainty, limited institutional capacity, professional incentives, perceptions of informality and power imbalance as important barriers to court-annexed mediation.[25] Jurgees, Suleman and Shahid similarly examine mediation, arbitration and conciliation as mechanisms for addressing backlog and access-to-justice problems.[26]

The most directly relevant quantitative Pakistan evidence is provided by Ullah and Hussain's study of weekly ADR-centre registers in Punjab. Using a quasi-experimental design, they examine how earlier access to digitised land-record information affected the registration and resolution of land-related disputes.[27] The contribution is important because it demonstrates that ADR outcomes can be studied using administrative records and explicit identification strategies rather than anecdotal success claims. Community-level Dispute Resolution Councils have also been studied as accessible mechanisms, although reported limitations include training, resources, awareness and integration with the formal system.[28]

Recent arbitration scholarship raises related but distinct questions. Faizan, Tahir and Jummani argue that Pakistan's arbitration framework requires modernisation and greater consistency.[29] Arbitration differs from mediation because the arbitrator adjudicates rather than facilitates consensual agreement; its cost, procedural formality and enforcement pathway must therefore be analysed separately. The Arbitration Act 1940 remains central to domestic arbitration, while the Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act 2011 gives effect to the New York Convention framework for foreign awards.[30–31]

2.5 Synthesis of the literature and research gap

The literature consistently identifies delay, cost, enforcement and institutional capacity as central to effective access to justice, but it also reveals three unresolved problems. First, Pakistan's aggregate judicial statistics are rarely connected to a multidimensional outcome framework that separates throughput from delay reduction. Second, ADR scholarship is institutionally fragmented across federal and provincial settings, making comparisons difficult. Third, many claims that ADR is faster or cheaper do not fully address selection bias, referral timing or differences in case complexity. The present article addresses the first two gaps directly and develops a transparent empirical framework for the third without inventing unavailable case-level results.

Study	Jurisdiction	Method/data	Issue	Principal finding	Limitation / relevance
Cappell etti & Garth (1978) [15]	Comparative	Foundational socio-legal analysis	Access to justice	Formal rights are insufficient without practical ability to obtain remedies.	Conceptual foundation; not Pakistan-specific.
Galante r (1974) [16]	General	Socio-legal theory	Repeat-player advantage	Institutional structure can distribute litigation	Explains why delay/cost may

				advantages unevenly.	have unequal effects.
WJP (2025) [17]	Pakistan / global	Household and expert surveys	Civil justice	Pakistan ranks poorly on civil-justice factor; delay, enforcement and ADR are separate dimensions.	Perception/experience data, not administrative case records.
Madadi et al. (2025) [18]	Comparative	World Bank policy analysis	Judicial system design	Data, court configuration and impact evaluation matter for justice efficiency.	Policy guidance rather than causal Pakistan evidence.
World Bank ADR Guidelines (2011) [19]	Comparative	Practice and policy synthesis	ADR design	ADR effectiveness depends on institutional context, safeguards and delivery model.	Older, but still foundational implementation guidance.
Wissler (2002) [20]	United States	Empirical literature review	Court-connected mediation	Effects vary by programme design, case type and referral stage.	Older evidence; useful methodological benchmark.
Grajzl et al. (2026) [21]	Slovenia	~380,000 civil/commercial cases; matching and regression	Court-annexed mediation	CAM associated with shorter duration and higher settlement, with heterogeneous effects.	Different legal system; strong design illustrates selection adjustment.
Khan & Abbasi (2023) [23]	Pakistan / comparative	Qualitative doctrinal comparison	ADR legal framework	Pakistan has an expanding legal framework but persistent assimilation challenges.	Limited direct outcome measurement.

Javed (2025) [24]	Pakistan	Thematic content analysis	ADR implementation	Weak institutional practices and limited implementation remain major constraints.	Primarily qualitative.
Abdullah & Rasool (2024) [25]	Pakistan	Mixed-method	Court-annexed mediation	Regulatory uncertainty, capacity, incentives and power imbalance constrain uptake.	Nationally relevant but implementation evidence remains uneven.
Ullah & Hussain (2023) [27]	Punjab, Pakistan	ADR registers; quasi-experimental design	Land dispute resolution	Digitised land information affected ADR registration/resolution outcomes.	Sector- and province-specific.
Farhad et al. (2024) [28]	Pakistan	Descriptive/qualitative study	Dispute Resolution Councils	Accessibility benefits coexist with training, resource and coordination problems.	Community DRCs differ from court-annexed civil mediation.
Faizan et al. (2024) [29]	Pakistan	Doctrinal/comparative analysis	Arbitration	Calls for modernisation and greater consistency in arbitration law.	Does not estimate comparative cost or duration.
Study	Jurisdiction	Method/data	Issue	Principal finding	Limitation / relevance

Table 1. Synthesis of selected literature informing the analytical framework.

3. Research Objectives, Questions and Propositions for Future Empirical Testing

The present study assesses the extent to which ADR can contribute to timely, affordable and effective civil justice in Pakistan while identifying the institutional conditions necessary for successful implementation. It asks what the 2024 caseload reveals about backlog and throughput, which procedural and institutional mechanisms sustain delay, how ADR may alter

resolution time and cost, and how settlement, fairness and enforcement should be incorporated into measures of effectiveness.

P1: ADR participation is expected to be associated with shorter total resolution duration than comparable formal adjudication, after controlling for observable case characteristics.

P2: ADR participation is expected to be associated with lower total dispute-resolution cost than comparable formal litigation.

P3: Earlier ADR referral is expected to produce greater time savings than late-stage referral.

P4: ADR effectiveness is expected to increase with institutional capacity and enforceability and to weaken where bargaining-power asymmetry is severe.

These propositions are not findings of the present article. They are stated solely to make the future empirical design explicit and testable.

4. Methodology and Evidence-Search Protocol

The article uses a doctrinal and structured narrative-review design combined with descriptive analysis of official judicial statistics. Primary legal materials include the Constitution of Pakistan, the Code of Civil Procedure, federal and provincial ADR legislation and rules, and reported Pakistani judicial decisions. Institutional evidence is drawn principally from the Law and Justice Commission of Pakistan (LJCP), Ministry of Law and Justice, Islamabad High Court, Federal Judicial Academy, World Justice Project, World Bank and UNCITRAL.

The final verification search for this revision was completed on 31 August 2026. Searches used Google Scholar/web-indexed journal records, publisher and DOI pages, official Pakistani legislation and court portals, and authoritative institutional repositories. Representative search combinations included “Pakistan judicial delay civil justice”, “Pakistan alternative dispute resolution mediation”, “court-annexed mediation Pakistan”, “section 89-A CPC Pakistan”, “ADR Act 2017 Pakistan”, “Punjab ADR mediation”, “court-connected mediation empirical duration cost”, “arbitration enforcement Pakistan” and combinations of these terms with 2020–2026. Foundational socio-legal works were retained where conceptually necessary.

Inclusion criteria were: (i) primary Pakistani law, reported case law or official judicial/institutional data; (ii) peer-reviewed or clearly identified scholarly work directly relevant to access to justice, court delay, mediation, arbitration or ADR implementation; and (iii) authoritative international material relevant to institutional design, measurement or enforcement. Preference was given to 2020–2026 research. Sources with uncertain authorship, incomplete publication details or claims that could not be independently checked were not retained in the final reference list.

Reference verification proceeded source by source. Journal articles were checked against publisher pages and DOI records where available; statutes and rules were checked against official federal or provincial legal repositories; reported cases were cross-checked against official court judgments where accessible and recognised Pakistani law-report databases otherwise. The in-text numbered citations were then audited so that each citation supports the proposition immediately preceding it.

Because the official 2024 statistics are aggregate, this article does not report fabricated average case duration, litigation cost, ADR settlement rates or regression coefficients. The descriptive calculations below are derived only from LJCP-reported counts. Proposed

econometric specifications are separated into a later section as a framework for future case-level research.

5. Conceptual Framework: From Judicial Congestion to Effective Access to Justice

The framework treats judicial congestion and procedural barriers as upstream institutional pressures. Their practical effects are transmitted through delay and direct or indirect cost, which can reduce effective access to justice even where a formal cause of action exists. ADR is treated as a possible intervening mechanism rather than a guaranteed cure. Its expected benefit depends on early and appropriate referral, competent neutrals, meaningful consent, enforceable outcomes and adequate institutional support. Dispute complexity, bargaining power and the capacity of the formal judiciary moderate these relationships.

Conceptual Framework: From Judicial Congestion to Effective Access to Justice

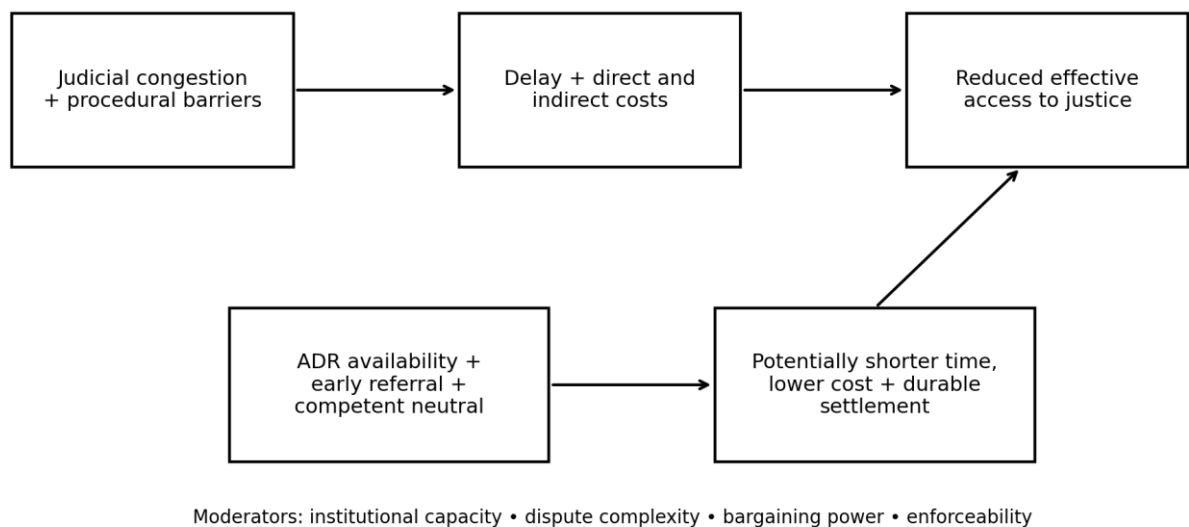


Figure 1. Conceptual framework linking judicial congestion, ADR and effective access to justice. Author's synthesis.

6. Descriptive Findings: Judicial Caseload and Pendency, 2024

6.1 District judiciary

The district judiciary disposed of 5,452,308 cases against 5,058,762 institutions during 2024, giving an aggregate disposal-to-institution ratio of approximately 107.8%. Nevertheless, official closing pendency was 1,965,172 compared with 1,863,028 at the start of the year, a net increase of 102,144 cases (approximately 5.5%).^[2] The factual finding is therefore not that judicial output was low, but that high annual throughput did not translate into a lower reported national stock of pending district cases.

Jurisdiction	Opening	Instituted	Disposed	Closing	Disposal/ institution %	Pendency change %	Share of closing backlog %
Punjab	1,387,809	3,973,206	4,345,365	1,500,872	109.4	+8.1	76.4
Sindh	131,923	409,978	400,765	142,374	97.8	+7.9	7.2
Khyber Pakhtunkhwa	273,762	501,383	530,015	254,830	105.7	-6.9	13.0
Balochistan	17,818	58,107	56,749	18,685	97.7	+4.9	1.0
Islamabad	51,716	116,088	119,414	48,411	102.9	-6.4	2.5
Total	1,863,028	5,058,762	5,452,308	1,965,172	107.8	+5.5	100.0

Table 2. District judiciary caseload and derived indicators, 2024. Source data: LJCP, Judicial Statistics of Pakistan 2024.[2] Percentages are calculated from reported counts.

The province-level pattern is heterogeneous. Punjab recorded a disposal-to-institution ratio of about 109.4% but an 8.1% increase in reported pendency and accounted for approximately 76.4% of national district closing pendency. Khyber Pakhtunkhwa recorded a ratio above 100% together with a 6.9% reduction in pendency, while Islamabad reduced pendency by about 6.4%. Sindh and Balochistan recorded small increases in closing pendency. These descriptive differences justify jurisdiction-specific diagnosis rather than a single national explanation.

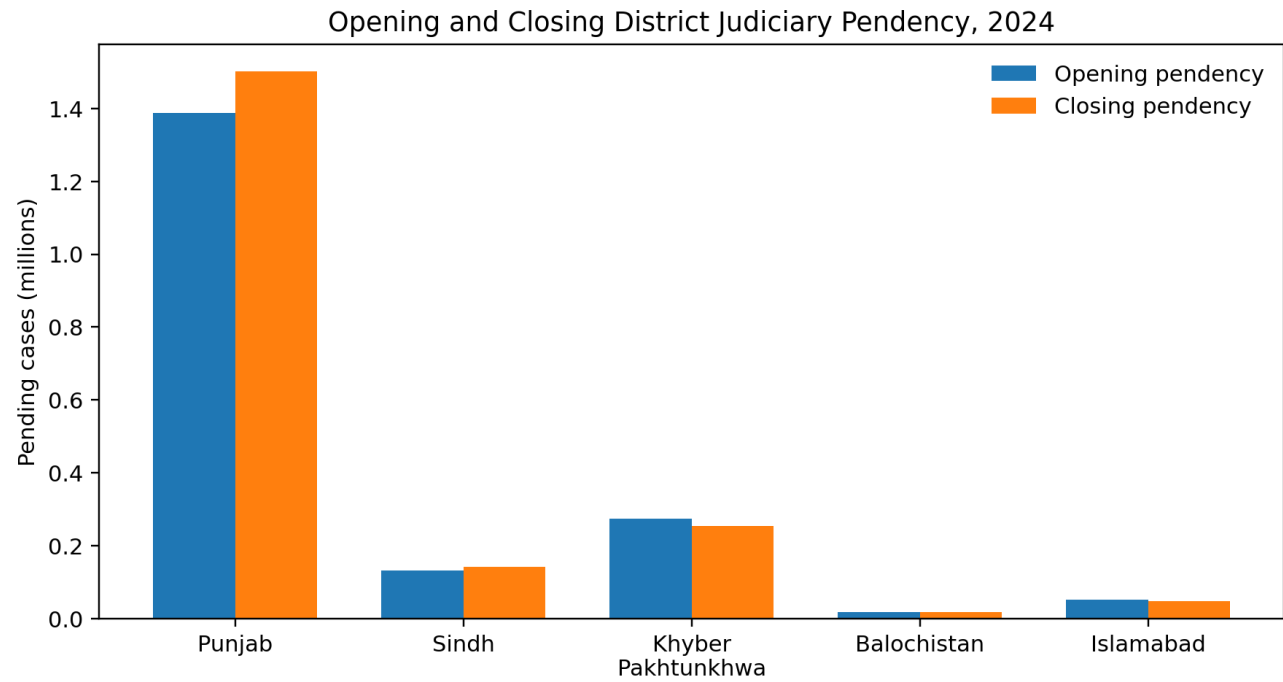


Figure 2. Opening and closing district judiciary pendency by jurisdiction, 2024. Source data: LJCP.[2]

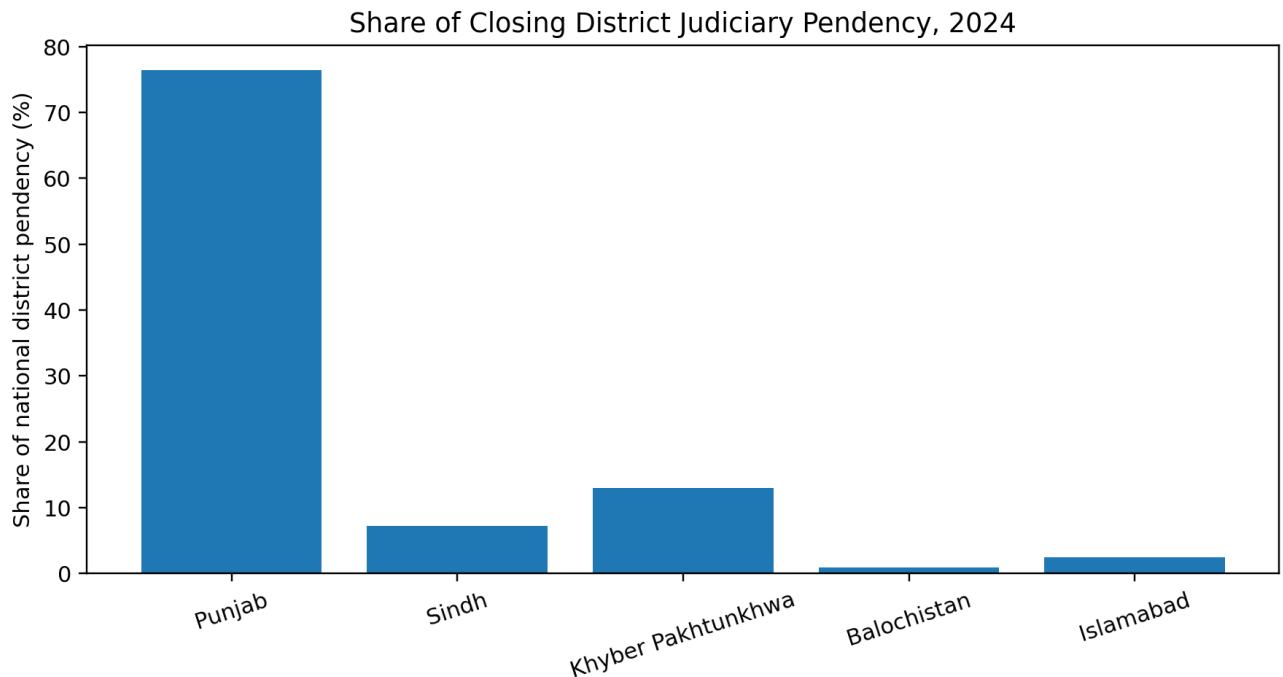


Figure 3. Jurisdictional share of closing district judiciary pendency, 2024. Source data: LJCP.[2]

6.2 Superior courts

The superior courts collectively ended 2024 with 406,217 pending matters.[2] The Supreme Court reported 57,316 pending cases; the Lahore High Court 198,005; the High Court of Sindh 86,421; the Peshawar High Court 40,667; the High Court of Balochistan 5,272; the Islamabad High Court 18,458; and the Federal Shariat Court 78.[2] The distribution is highly uneven, reinforcing the need for court-specific as well as national reform strategies.

6.3 Data-quality and stock-flow sensitivity

The LJCP aggregate figures require careful interpretation because the reported stock-flow identity does not mechanically reconcile: opening pendency plus reported institutions minus reported disposals would ordinarily be expected to approximate closing pendency, yet the published aggregate totals do not do so exactly.[2] This article does not infer the reason. Possible administrative explanations could include restored matters, transfers, reclassification, reporting adjustments or subsequent reconciliation, but the published figures examined here do not establish which of these, if any, accounts for the difference.

For that reason, the analysis treats the LJCP opening, institution, disposal and closing figures as separately reported official indicators and does not reconstruct an alternative closing balance. The robust conclusion is narrower: the reported closing stock remained close to two million and was higher than the reported opening stock. Future LJCP reporting would be strengthened by a reconciliation note and age-banded or cohort data showing how institutions, transfers, restorations, disposals and carry-over cases interact.

7. Federal and Provincial ADR Architecture

Pakistan's ADR framework is jurisdiction-specific rather than uniform. Federal legislation governs the Islamabad Capital Territory, while Punjab, Khyber Pakhtunkhwa, Sindh and

Balochistan have developed their own statutory or procedural arrangements.[4,9–14] This variation creates both implementation complexity and a natural basis for comparative evaluation.

Jurisdiction	Legal basis	Core mechanisms	Referral	Institutional structure	Settlement / enforcement	Implementation issue
ICT / Federal	ADR Act 2017; Rules 2018; Accreditation/Eligibility Rules 2023; IHC Mediation Practice Direction 2023 [4–8]	Arbitration, mediation, conciliation, neutral evaluation	Court/party referral under statutory and procedural framework	Accredited centres and neutrals; court-connected mediation	Settlement can be incorporated into court order/decrees; arbitration governed by applicable law	Need consistent referral, outcome data and professional capacity
Punjab	Punjab Alternate Dispute Resolution Act 2019 [9]	Mediation, conciliation, evaluation and other statutory ADR	Court referral in covered disputes	Provincial ADR service-provider/centre framework	Successful ADR outcome returned to court under statutory procedure	Scale, consistency of referral and outcome monitoring
Khyber Pakhtunkhwa	KP Alternate Dispute Resolution Act 2020 and Rules 2021 [10–11]	Statutory ADR including Saliseen framework	Referral under Act and rules	Provincial/district administrative structure	Settlement/outcome governed by provincial Act and rules	Training, geographic implementation and data comparability
Sindh	Code of Civil Procedure (Sindh Amendment) Act 2018,	Mediation, conciliation and negotiation	Court may refer qualifying civil/commercial	Court-recognised mediators/conciliation structures	Settlement deed may be submitted to court for judgment/decrees	Need comparable administrative data on

	Sindh Act IV of 2019 [12]	tion within amended CPC framework	matters under s 89-A and Order X			referrals and outcomes
Balochistan	Balochistan ADR Act 2022, as amended by 2024 Act published as Act VII of 2025 [13–14]	Mediation, conciliation, evaluation and court-annexed mechanisms	Provincial statutory referral	ADR centres / court-annexed mediation structure under amended framework	Outcome/enforcement under provincial statute and court process	Recent framework; implementation evidence remains comparatively limited

Table 3. Comparative overview of selected ADR frameworks in Pakistan. Legal bases verified against official federal and provincial sources.[4–14]

8. Pakistani Judicial Decisions and the Doctrinal Development of ADR

Pakistani case law demonstrates that ADR is not merely a policy aspiration. In *Messrs Transglobe Shipping Service v WAPDA and another* (2016 SCMR 2023), the Supreme Court reviewed litigation that had been referred to mediation under section 89-A read with the relevant civil-procedure mechanism, illustrating judicial recognition of court-linked mediation within ordinary civil litigation.[32]

The Lahore High Court developed the mediation discussion further in *Netherlands Financierings Maatschappij voor Ontwikkelingslanden N.V. v Morgah Valley Limited and SECP* (PLD 2024 Lahore 315; 2024 CLD 685). The long-running corporate dispute was disposed of in terms of a mediated settlement, demonstrating the practical relationship among neutral facilitation, settlement recording and judicial enforceability.[33]

In *Strategic Plans Division and another v Punjab Revenue Authority and others* (PLD 2024 Lahore 545), the Lahore High Court endorsed the use of ADR in a public-revenue dispute and situated mediation within the wider federal and provincial ADR architecture.[34] The Sindh High Court's decision in *Messrs Focus Entertainment through Authorized Partner v Messrs Television Media Network (Pvt) Ltd and others* (2021 CLD 885) applied section 89-A as amended in Sindh and addressed referral of a civil/commercial dispute to mediation.[35]

The Supreme Court's recent decision in *M/s Mughals Pakistan (Pvt) Limited v Employees Old Age Benefits Institution and others* (2024 SCP 391; PLD 2025 Supreme Court 1; 2025 CLD 150) is especially significant. The Court framed mediation as an access-to-justice mechanism, surveyed Pakistan's federal and provincial ADR laws, noted the 2023 accreditation framework and referred the parties to mediation by agreement.[36] The decision

strongly supports a pro-mediation institutional orientation while still illustrating that mediation depends on party participation and an operational legal framework.

Arbitration jurisprudence adds a distinct enforcement dimension. In *Injum Aqeel v Latif Muhammad Chaudhry and others* (2023 SCMR 1361), the Supreme Court reiterated the limited grounds for judicial interference with arbitral awards under the Arbitration Act 1940.[37] In *Taisei Corporation and another v A.M. Construction Company (Pvt) Ltd and another* (2024 SCMR 640), the Supreme Court emphasised the pro-enforcement orientation of the New York Convention framework for foreign arbitral awards.[38] The Lahore High Court's *Waqas Yaqub v Adeel Yaqub and another* (2024 CLD 990) likewise stressed the courts' role in supporting agreed arbitration rather than unnecessarily obstructing it.[39]

9. Can ADR Improve Timeliness, Cost and Effectiveness?

9.1 Timeliness

The strongest theoretical and empirical case for mediation concerns appropriate early intervention. If referral occurs only after pleadings, repeated hearings, expert evidence or appeals have accumulated, a short mediation stage may produce little reduction in total dispute duration. International evidence therefore supports measuring time from a common origin, preferably filing or first formal claim, and adjusting for case characteristics.[20–21] Pakistan-focused research likewise warns that implementation quality and referral design matter.[25]

9.2 Cost

ADR may reduce counsel time, repeated appearances, travel and opportunity costs, but cost advantages are mechanism-specific. Mediation can be relatively inexpensive, while commercial arbitration can involve substantial tribunal, institutional and counsel fees. A valid empirical comparison should therefore estimate total direct and indirect cost and distinguish mediation, conciliation and arbitration instead of treating all ADR as a homogeneous intervention.[19,29–31]

9.3 Settlement, fairness and durability

A settlement rate is informative but incomplete. High settlement may reflect effective facilitation, but it can also reflect financial pressure, information asymmetry or bargaining inequality. Evaluation should therefore record voluntariness, representation, perceived neutrality, compliance and return-to-court rates. The enforceability of settlement agreements and awards is particularly important because a nominally fast outcome that triggers subsequent enforcement litigation may not improve effective access to justice.[19,22,33,36–38]

9.4 Institutional capacity

Pakistan-specific evidence repeatedly identifies implementation capacity as decisive. Accreditation, mediator competence, judicial referral behaviour, lawyer incentives, public awareness, record keeping and credible enforcement determine whether statutory ADR becomes a functioning service.[24–26] The 2023 federal accreditation and eligibility rules and the Islamabad High Court's Mediation Practice Direction provide a more structured institutional base.[6–8] The Federal Judicial Academy's notification that members of its faculty were accredited as mediators on 29 July 2026 indicates continued capacity building.[40]

10. Framework for Future Empirical Evaluation

This section is deliberately separated from the present findings. A future case-level dataset should link court records, ADR-centre registers and, where ethically and legally permissible, litigant or practitioner surveys. Core variables should include filing date, referral date, ADR start and completion dates, final disposal date, case type, claim value, adjournments, representation, complexity, ADR mechanism, settlement status, direct and indirect cost, enforcement and appeal.

$$\text{Duration}_i = \beta_0 + \beta_1 \text{ADR}_i + \beta_2 \text{Complexity}_i + \beta_3 \text{ClaimValue}_i + \beta_4 \text{Adjournments}_i + \beta_5 \text{CaseType}_i + \beta_6 \text{Court}_i + \varepsilon_i$$

A coefficient on ADR in such a model would estimate an adjusted association, not automatically a causal effect. Selection into ADR may remain endogenous. Matching can improve observed comparability, while stronger quasi-experimental designs may become possible where courts introduce referral policies at known dates or apply eligibility thresholds. Survival analysis would be appropriate for right-censored cases that remain unresolved at the end of the observation period. Grajzl, Cepec and Mörec's recent large-sample mediation study illustrates the value of explicitly addressing selection and heterogeneous effects.[21]

11. Discussion

The descriptive findings are consistent with the institutional literature in one important respect: system performance cannot be judged from disposal volume alone. The World Bank's recent judicial-reform framework emphasises the interaction among data, resource distribution, institutional configuration and evaluation.[18] Pakistan's 2024 figures extend this point by showing that very high disposal can coexist with an increased reported closing stock. The present data cannot determine whether specific procedural mechanisms caused that pattern, but they demonstrate why age-of-case and stock-flow information should supplement annual throughput.

The ADR analysis is also consistent with the implementation concerns identified in Pakistani scholarship. Abdullah and Rasool emphasise regulatory certainty, institutional capacity, professional incentives and power imbalance,[25] while Javed identifies weak implementation practices,[24] and Khan and Abbasi describe slower assimilation of ADR despite legal development.[23] The present provincial comparison extends this literature by showing that Pakistan does not have a single ADR system: the federal/ICT, Punjab, Khyber Pakhtunkhwa, Sindh and Balochistan frameworks differ in legal form, institutional maturity and available implementation evidence.

At the same time, the paper differs from strongly promotional accounts of ADR by refusing to infer effectiveness from legal availability or settlement alone. International empirical work demonstrates that court-annexed mediation can reduce duration and increase settlement in some settings, but effects are heterogeneous and depend on case mix and judicial behaviour.[21] The aggregate Pakistan data used here cannot determine whether ADR cases are faster or cheaper than comparable litigated disputes because individual case duration, referral timing and cost are not observed. That limitation is substantive, not merely technical.

The judicial decisions reviewed here nevertheless show an increasingly supportive doctrinal environment. The Supreme Court's *Mughals Pakistan* decision frames mediation as an access-to-justice mechanism and surveys the national ADR architecture,[36] while Taisei

supports a pro-enforcement approach to foreign arbitration awards.[38] These decisions are consistent with the conceptual claim that ADR and formal adjudication are complementary. Credible courts provide legal boundaries and enforcement; well-designed ADR can preserve judicial capacity for disputes that genuinely require adjudication.

Accordingly, the article's principal conclusion is conditional. ADR is most likely to improve civil justice when suitable disputes are identified early, neutrals are competent, parties participate meaningfully, lawyers and judges support the process, outcomes are enforceable and performance is measured with standardised case-level data. Where these conditions are absent, failed referral may simply shift or add delay rather than remove it.

12. Policy and Legal Reform Priorities

12.1 Immediate priorities (0–2 years)

Standardise civil-justice and ADR data. LJCP and courts should publish anonymised, standardised fields for filing date, case age, adjournments, disposal, ADR referral, outcome, execution and appeal. Annual statistics should include a stock-flow reconciliation note.

Report age-banded pendency. Pending cases should be grouped by age so that reduction of old backlog can be distinguished from rapid disposal of newer matters.

Standardise ADR outcome reporting. Court-connected programmes should record referral date, mechanism, mediator/centre, duration, full/partial/no settlement, compliance and return-to-court status.

Protect procedural fairness. Screening protocols should identify coercion, vulnerability, urgent relief and serious bargaining imbalance. Administrative settlement targets should not pressure parties to compromise legal rights.

12.2 Medium-term priorities (2–5 years)

Institutionalise early ADR screening. Courts should use transparent case-type and suitability criteria early in proceedings rather than indiscriminate referral.

Strengthen accreditation and continuing competence. The 2023 federal accreditation framework should be supported by continuing education, ethics standards, conflict disclosure, complaints processes and quality monitoring; provinces should pursue comparable standards.

Align professional incentives. Judicial and lawyer training should make serious early settlement assessment part of modern case management while preserving the right to adjudication.

Pilot and independently evaluate referral models. New programmes should use pre-specified indicators and, where feasible, comparison groups or phased implementation before claims of success are scaled nationally.

12.3 Long-term structural priorities (5+ years)

Integrate digital case management. Electronic filing, service tracking, hearing management and automated monitoring of adjournments should complement ADR rather than operate as separate reform streams.

Make enforcement predictable. Lawful settlements and awards should translate into effective remedies without unnecessary secondary litigation, while legitimate statutory grounds of challenge remain available.

Build a national comparative evidence system. Federal and provincial institutions should converge on common outcome definitions so that different ADR models can be compared across jurisdictions, case categories and time.

13. Limitations

The study relies on aggregate official judicial statistics and published legal, institutional and scholarly materials. Aggregate data cannot establish individual causes of delay or the causal effect of ADR. Published implementation evidence is uneven across provinces, and standardised ADR outcome data remain limited. The apparent non-reconciliation of aggregate stock-flow figures is therefore treated cautiously rather than explained by assumption. The article does not present invented case-level durations, litigation costs, settlement effects or regression results. Its empirical claims are confined to transparent descriptive calculations, while the propositions and econometric model are explicitly reserved for future research.

14. Conclusion

Pakistan's civil-justice challenge cannot be understood through disposal counts alone. The 2024 district judiciary processed an exceptionally large volume of cases, yet reported national closing pendency increased and remained heavily concentrated in particular jurisdictions. Effective access to justice therefore requires attention to the age of cases, total resolution time, affordability, enforcement and institutional capacity as well as throughput.

ADR now has a substantial and increasingly developed legal foundation across Pakistan, supported by federal accreditation measures, provincial legislation and important judicial decisions. The evidence does not justify treating ADR as an automatic substitute for litigation. Its contribution depends on appropriate and early referral, competent neutrals, meaningful consent, professional engagement, enforceable outcomes and reliable data. The strongest reform strategy is an integrated civil-justice model in which ADR resolves suitable disputes while a capable formal judiciary remains available for authoritative adjudication, urgent relief, precedent and enforcement. Future case-level research should test whether that integration produces measurable reductions in time and cost without sacrificing fairness or legal protection.

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