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Platform & Workflow by: [Open Journal Systems](#)**Mediation and Administrative Dispute Resolution in Pakistan: An Analysis of Legal Frameworks and Reformative Possibilities****Dr. Abida Hassan**

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dr.abidahassan@gcu.edu.pk**ABSTRACT**

The situation before the superior and subordinate courts of Pakistan is very peculiar; there are more than two million pending cases, many of which concern administrative disputes with the government agencies, revenue departments, public service commissions and regulators. These conflicts involve differences of opinion on taxes, land revenue, promotion and seniority of civil servants, enforcing regulations, and a host of citizens-state interactions that become enmeshed in a colonial style dispute resolution system. The present adjudicatory system is heavily clogged with precedent-based procedures, poorly staffed, and complacent in its procedures, resulting in delayed justice for aggrieved persons. The paper critically examines mediation as an alternative and constitutionally sound way of managing administrative disputes in the Pakistani legal system. This study explores the status quo of ADR mechanism in administrative disputes in Pakistan, primary legal sources, judicial rulings, empirical findings of revenue courts and civil courts, and comparative experiences of other jurisdictions including United Kingdom, South Africa, Bangladesh and U.S.A. It assigns a constitutional, statutory and institutional framework to build mediation as an independent, but connected, mechanism of alternative dispute resolution to administrative justice. The analysis reveals that Pakistan's traditional dispute resolution systems, such as Jirga and Panchayat, have a proven track record of resolving disputes through informal, consensual processes, though a formal institutionalizing of structured mediation in formal adjudicative processes is nascent, weak and incomplete. Lastly, the paper sets out a comprehensive reform agenda, such as harmonization of laws, institutional capacity building, special training courses for administrative mediators and the establishment of administrative mediation centers under judicial supervision, which are required by the Constitution and desirable to achieve the 'Foundational promise of access to justice.

Keywords: Administrative Disputes, Mediation, Access to Justice, Civil Service, Legal Reform

1. Introduction

Administrative justice is one of the most significant of processes in any democracy. Pakistan is a land of enormous conflicts every year between the citizen and the state, and the ability of the current adjudicatory process to resolve the disputes fairly, speedily and in an accessible manner has been the object of constant scholarly interest and public dissatisfaction. The judiciary, which is widely seen as the final front for respecting fundamental rights and the rule of law, is faced with a growing number of cases that it can no longer manage even as it strives to keep up with the increasing demand. Data collated by the Law and Justice Commission of Pakistan showed that the overall pendency in all tiers of the judiciary far outstrips 2.14 million, of which about 1.76 million are pending in the district judiciary (Awais, 2018). Many of the more important and ever-increasing portion of this backlog consists of administrative disputes, such as challenges to the tax assessment, actions in the revenue court, grievances against civil servants involving promotions

and postings, and enforcement actions by the regulatory authorities that involve individual citizens and commercial entities.

This is not just a statistic and it is far from trivial. Every pending case is the case of a citizen or other body whose right to timely justice is denied despite the fact that it is implicit in articles 4, 9 and 25 of the Constitution of Pakistan, 1973. The economic impacts are also severe. Disputes regarding tax have resulted in the locking up of hundreds of billions of rupees of revenue in lengthy litigations before the appellate tribunals, high courts and the Supreme Court and have placed an undue compliance burden on the taxpayers for which the national exchequer is deprived of much-needed resources (Shafqat et al., 2022). When judicial resolution of land disputes is delayed, these disputes have been demonstrated to "grow by degrees" until they become violent, compromising social cohesion and public order, and frequently a major form of revenue court litigation (Abid, 2021). Repercussions of this are thus not only procedural but existential for the working of democratic governance.

In this context, mediation has become a known and sound procedure to resolve conflicts between citizens and administrative bodies on a worldwide scale. Mediation maintains the parties' autonomy and promotes an organized dialogue for reaching mutually agreeable results while arbitration results in binding determinations through a quasi-judicial process. It is flexible, inexpensive, and places great importance on continued relationships and suits administrative settings well, where there are often continued interactions between the parties to the dispute. The United Kingdom has recently shown the feasibility of tax disputes being mediated with substantial time and cost savings for both the revenue authority and the taxpayer, via its mediation Programme overseen by Her Majesty's Revenue and Customs (Shafqat et al., 2022). Mediation is now built into the revenue administration systems in South Africa, and there are advanced mediation programmes in Bangladesh and the United States, based on the revenue administration systems in those countries.

ADR is not an alien concept in Pakistan; it has been used for a long time. Mediation forums like the Jirga system (historically used in the Khyber Pakhtunkhwa Province and the tribal areas) and Panchayat (in Punjab and Sindh) are de facto forums in which conflict is settled by engaging with members of the community who are respected in the past, centuries ago (Yahya et al., 2024; Javed, 2025). Mediation however, is still not formally integrated into the administrative justice system, which is a conspicuous lack. Legislative measures like Alternative Dispute Resolution Act, 2017, Punjab Alternative Dispute Resolution Act, 2019 and Khyber Pakhtunkhwa Alternative Dispute Resolution Act, 2020, have provided statutory basis; however, there is little to no implementation in administrative practice (Javed, 2025). Tax dispute resolution committees set up under the fiscal laws to reach a settlement in tax disputes have been heavily criticized for their inadequacies in terms of procedures, independence, and for not achieving the objective of settlements in an expeditious way (Shafqat et al., 2022).

The paper tries to explore the mediation process as an alternative dispute resolution method for all shades of every citizen's dispute with the state which has been bogged down in the existing judicial system in Pakistan. It is organized within five related analytical dimensions. It then sets the discussion in a theoretical framework of access to justice and procedural efficiency, as a foundation for the concept of mediation in administrative contexts. Second, it sets out the current legislative and institutional landscape in Pakistan governing the regulation of ADR, the instruments available and the major gaps in the instruments in relation to the regulation of administrative disputes. Third, it explores those areas of administration where conflicts may arise such as tax disagreements, land revenue issues and civil service grievances where mediation can be the best way to resolve the

conflict. Fourth, it has the advantage of those who have come before them in comparison to find models and best practice that can be transferred to the County. Fifth, it provides a detailed agenda of reform with the vision to integrate mediation as a powerful, available and viable channel of administrative justice in Pakistan.

2. Literature Review

Over the past couple of decades, the debate on alternative dispute resolution (ADR) in Pakistan has been enriched and new platforms have been created for a discourse on the subject, partly because the exclusive focus on litigation as the forum of dispute resolution is inherently problematic. Yahya et al. (2024) gave a detailed discussion about the various mechanisms of the ADR and its potential to reduce the burden on courts and concluded that the total load of the courts in all over Pakistan is always higher than its capacity to timely dispose of the cases. From the Access to Justice Theory and the Efficiency Theory, they concluded that access to justice could be enhanced and the efficiency of the system improved through the use of ADR, particularly mediation without depending on the capacity of the formal justice system. They concluded that the key challenges for the adoption of ADR in general use were: low public awareness, weaker legal system and cultural resistance, and called for the need for harmonization of the law, capacity development and strengthening of public awareness.

Abid (2021) made a solid empirical study on land disputes and civil and revenue court functioning in Pakistan focusing on Punjab. His findings showed that during April 2020 to June 2021 only 39 per cent of the cases were disposed of by the revenue courts in Punjab while 61 per cent of the aggrieved were left unheard. At lower levels of the revenue court hierarchy the Tehsildar and Naib Tehsildar courts rates of disposal were average of just 28 per cent, reflecting high levels of institutional dysfunction at the bottom of the court hierarchy, where they directly engage with ordinary citizens. Abid noted that a number of systemic factors are responsible for this substandard performance, such as administrative responsibilities and judicial functions being shouldered by one and the same officer, frequent changes of judicial officers, corrupt practices by process servers, unnecessary adjournments and the non-functioning of any proper case management system. His study on the performance of the Peshawar High Court jurisdiction which implemented a Court Case Management System in 2018, and saw a significant improvement in the disposal rate of cases, lent empirical support to the proposition that improvements to judicial efficiency are possible through systemic reform efforts.

Abid (2021) further highlighted the structural impossibility of attaining acceptable disposition rates through the existing adjudicatory system alone by presenting the case to the judge. The ratio in Punjab was 833 cases per judge, while it was 568 in Sindh, 596 in Khyber Pakhtunkhwa, 208 in Balochistan and 70 in Islamabad. The magnitudes of these numbers are sufficient to show that the burden is not only heavy, but structurally unsustainable, and that the role of complementary mechanisms like mediation is not an optional "add-on" to any viable way forward in the field of administrative justice.

Javed (2025) did a study from a practical perspective about the implementation of ADR; the study employed a thematic content analysis of newspaper articles from Dawn and Daily Times that were published to track the evolution of ADR in Pakistan. Her study recorded continued high levels of implementation gaps despite multiple pieces of legislation. She noted that the ADR Act of 2017 was supposed to encompass everything related to ADR, but actually had not been applied in practice. The study also pointed out that traditional dispute resolution mechanisms continue to hold relevance in the present context, with Panchayats and Jirgas being the most functional alternative conflict resolution mechanisms in the local landscape, especially in Khyber

Pakhtunkhwa, Balochistan and the rural parts of Punjab. But Javed spoke about the restrictions imposed on Jirgas and Panchayats by the Constitution, which said that these structures are not allowed to participate in criminal cases and can only be involved in a civil dispute within the legislative frame.

A major advance came from Shafqat et al. (2022) who explored the practical use of mediation in a particular context: tax conflicts. Tax conflicts are an administrative arena of conflict which are heavy on the fiscal side of the state and on the compliance side of taxpayers. Their study of the mechanism of Alternative Dispute Resolution (ADR) Committee introduced in the Finance Act, 2004 and amended by the Finance Act, 2018 found that the mechanism had fundamental design defects. The committees were not operationally independent; there was no formal mediation procedures and often the committees used confrontational investigative methods which were in opposition to the consensual nature of mediation. The authors found helpful parallels with tax mediation programmes in the United Kingdom, South Africa, the United States and Bangladesh, and showed that key factors in the effective implementation of tax mediation include the independence of the mediator, the voluntary nature of participation, and the non-binding nature of the recommendations, thereby allowing for the use of appellate mechanisms, and ensuring that the process is simple and does not duplicate the formalities of traditional tax adjudication.

The existing literature, further enriched by the empirical work of Aman-Rana (2023) on the discretionary promotions in the Pakistan Administrative Services, has also offered insights into the dynamics of administrative decision making which often led to disputes. The study showed that sometimes the promotion is indeed based on merit, but that the ability and performance of the junior officers are also highly heterogeneous between the teams, revealing that favoritism and opaque decision-making processes are not exceptional, but they are part of the system. These grievances arising from these discretionary practices represent a significant proportion of administrative disputes which are now referred to long-term court cases in administrative tribunals and high courts, and are part of the overall court backlog.

As can be seen, the current body of literature provides several key propositions. Firstly, the structure of the judiciary system in Pakistan is not being able to solve its existing and growing load of cases by adjudicative methods of solving cases. Conventionally, the judiciary system in Pakistan can resolve its existing and burgeoning load of cases, but structurally, it is incapable of doing so. Second, there is legislation on ADR but it is underutilized, especially in the administrative arena. Third, indigenous dispute resolution traditions offer an underpinning of culture to which formal mediation processes can be built. Fourth, some types of administrative conflicts can be resolved through mediation, such as tax disputes, land revenue issues and civil service grievances. Fifth, lessons can be learned from other jurisdictions' experiences. Fifth, there are lessons to be drawn from other jurisdictions' experiences. This paper further develops these foundations to create a comprehensive model to embed mediation into the institutional framework of administrative justice in Pakistan.

3. Constitutional and Statutory Framework for Administrative Mediation

While it is generally recognized that mediation is not well established in Pakistan and there is a lack of it on the ground, the constitutional and statutory framework for administrative conflicts is more robust than most realize, although it has not yet been fully translated into viable institutional frameworks. Any dispute resolution mechanism must be exercised within the overall framework of the Constitution of Pakistan, 1973. According to Article 37(d) of the Constitution, the State should provide "easy and speedy justice" which is directly served by mediation. The constitutional rights guaranteed by Article 4 (to be dealt with according to the law), Article 9 (to life and liberty)

and Article 25 (to equality before the law) are all interdependent and collectively create a constitutional right to effective and accessible dispute resolution, which the current system lacks. Pakistan has a statutory framework for ADR that includes a number of statutes at both federal and provincial levels. The federal parliament's Alternative Dispute Resolution Act, 2017, is the most detailed piece of legislation to try to institutionalize ADR. This Act provides that disputes can be referred to ADR when the court believes that the dispute is not complex in law and may be better resolved by mediation or conciliation. The Act, however, has certain structural weaknesses. It is not an independent, pre-litigation mediation procedure, but is subject to court referral, and does not have the specific procedures and institutional structure to facilitate its implementation (Javed, 2025).

Provincially the Punjab Alternative Dispute Resolution Act, 2019 and the Khyber Pakhtunkhwa Alternative Dispute Resolution Act, 2020 have made some great strides in the law. The Punjab Act imposes a mandatory referral mechanism for specific types of disputes under the First Schedule, and courts have the discretion to do so for disputes in the Second Schedule. The Punjab Act sets out a mandatory process for referring disputes to ADR in the First Schedule, and also provides for a discretionary referral process for disputes in the Second Schedule. In 2018, the Sindh amendment to Code of Civil Procedure (CCP) has empowered courts to compulsorily refer parties to ADR in suitable cases. The KPK Act is the most specific provincial legislation governing institutionalized mediation, which is governed by a Selection Committee under the supervision of senior civil judges and divisional commissioners' Act is the most specific provincial legislation governing institutionalized mediation, which includes a Selection Committee under the supervision of senior civil judges and divisional commissioners. It creates and maintains qualified mediators' panels at the district level, which is an important measure of establishing the institutional framework for the use of mediation (Javed, 2025).

The ADR mechanism was introduced in the tax domain by incorporating provisions in Section 134A of the Income Tax Ordinance, 2001 and Section 195C of the Customs Act, 2006, Section 47A of the Sales Tax Act, 1990 and Section 38 of the Federal Excise Act, 2005. These are provisions which permit aggrieved Taxpayers to submit their grievances to the Federal Board of Revenue for resolution by the committee of Alternative Dispute Resolution. The Finance Act 2018 significantly changed this process by providing that the decisions of the ADRC would be binding on the Board, replacing the requirement to have a retired superior court judge as a committee member with the appointment of a retired superior court judge as chairperson of the committee, and by introducing stay of recovery during the proceedings. But, as Shafqat et al. (2022) illustrated, the changes shifted the ADRC away from mediation and towards more of an adjudicative model, which is at odds with the consensual and voluntary nature of mediation.

For integration of mediation, there are added complexities on the side of the revenue court system, which is regulated by the West Pakistan Land Revenue Act, 1967. Section 172 of the Act provides for the exclusive jurisdiction of revenue officers in revenue cases, and does not allow for civil court jurisdiction. But according to Abid (2021), the revenue courts have no jurisdiction to resolve factual disputes relating to fraud and to take evidence under the formal procedure of Code of Civil Procedure, 1908 or Qanun-e-Shahadat Order, 1984. This jurisdictional restriction often leads to multi-jurisdictional proceedings, in both revenue and civil courts, which exacerbates delays and costs. This structural issue could be overcome by introducing mediation at revenue courts level, which would allow parties to have a consensual resolution of factual issues without the complexity of parallel procedures.

The use of alternative dispute resolution techniques, such as mediation and conciliation, is generally granted by the courts by the provisions of Section 89-A of the Code of Civil Procedure, 1908, as amended, with the consent of the parties. Order X, Rule 1-A also gives courts the authority to use any lawful means that is not in contravention of the Code, such as alternative methods of dispute resolution. Although these provisions are generally drafted, they have not led to much administrative law judicial practice, in part due to the fact that they rely on the judge's initiative and party consent rather than imposing any pre-litigation mediation obligations.

This adds another layer of constitutional jurisdiction for High Courts in Article 199. Writ Petitions which challenge administrative decisions form a significant percentage of cases before the High Court, such as those before revenue authorities, taxation bodies and service tribunals. It is of course important to have constitutional remedies to safeguard fundamental rights, but they have also inadvertently encouraged litigants to avoid lower courts and therefore more heavily burdened the superior courts. Mandatory mediation as a pre-condition to access to certain categories of administrative remedies may be a constitutionally acceptable way to screen cases and rule out from the higher judiciary only truly contested legal issues.

4. Mediability and typology of Administrative Disputes

Administrative Disputes in Pakistan are broad and diverse in nature and are related to the implementation of government in different fields. Being analytical is the focus of this section, namely the main types of such conflicts and the possibility of resolving them by mediation.

Perhaps the most economically important of the types of administrative conflicts are tax disputes. Tax litigation is a huge sum of money. According to the data provided by Shafqat et al. (2022), more than a thousand tax cases have been pending with various courts, including Supreme Court, in which more than 1,674 tax cases were pending relating to the revenue of Rs. 50.81 billion and other cases with the revenue of Rs. 359.287 billion are pending. In the Commissioner Appeals, there were 8,011 cases pending throughout the country with a value of around 203.702 billion rupees. The cost of the existing tax dispute resolution system is reflected in these statistics. The fundamentally different approach is to allow for discussion and interaction between the taxpayer and the revenue authority in the search for a satisfactory outcome to the satisfaction of both parties – the taxpayer's interest is the fairway treatment; the interest of the revenue authority is the efficiency of the collection process and the tax voluntary compliance.

Mediation has been shown to be a viable process in other jurisdictions for resolving tax issues. In the United Kingdom, Her Majesty's Revenue and Customs (HMRC) piloted the programme to see if it could be implemented to solve long-term tax disputes and was very successful, disputes were settled within relatively short time periods and there was a significant saving in cost and time for both parties (Shafqat et al., 2022). The United States Internal Revenue Service has several mediation programs such as Post-Appeal Mediation and the Fast Track Mediation, which is intended to resolve expected conflicts before they reach the formal level, and can take about 40 days to reach a resolution. Mediation is recognized in South Africa and was incorporated in 2003 and is a process in which a mediator is appointed, who has to be impartial, but cannot take a binding decision. In 2011, Bangladesh expanded its mediation programme, which was introduced by the National Board of Revenue, into its Finance Act so that mediation was now taxpayer driven and has helped to clear the arrears.

The second major type of management conflict is land and revenue dispute. The number of pending land dispute cases in the civil courts of Punjab jumped from 33,650 during 2018 to 58,154 during 2019 (a 42 per cent rise) and to 90,260 during 2020 (a 35 per cent rise), according to Abid (2021).

The estimated pendency for 2021 (based on the first five months data) indicated an estimated increase of approximately 55 per cent. These conflicts can be attributed to several reasons: absence of title documents, weakness of the land registry system, differences between state and tenants regarding terms and conditions of allotments, inheritance disputes, boundary disputes, and illegal transactions because of the poor state of the manual land record system. While initiatives to digitalize land records by Punjab Land Records Authority (PLR Authority) and a project by World Bank funded under PULSE have been launched to tackle the root causes to improve accuracy of land records and to reduce opportunities for disputes to be manufactured, this technological solution is not a solution to current problem of disputes over land.

Mediation is particularly appropriate for land disputes because a lot of land disputes involve on-going relationships between the parties, e.g. family members, neighbors, tenant/landlord disputes. A court order, which can only make a binary decision of right or wrong, cannot offer the kind of innovative solutions that can be achieved through mediation and the consensual nature of mediation. Further, mediation can take place because of the factual understanding of the parties (which would not be available in revenue courts due to Section 172 of the West Pakistan Land Revenue Act, 1967 which restricts revenue courts from determining factual controversies).

Thirdly, there are grievances relating to civil service matters that can be addressed in mediation, such as promotion, posting, transfer, promotions, disciplinary action, pension eligibility and seniority. Aman-Rana (2023) found that promotion in the PAS is not always on the basis of merit and there is a considerable variation in teams. Thus, aggrievances are raised leading to major litigations in the service tribunals and finally in High Courts with constitutional powers. Much of these litigations are over factors concerning the comparative strengths of candidates, the role of seniority, or the procedure of the selection process. What is precisely these sorts of conflicts that could be resolved effectively through mediated dialogue where the offended officer, the authority involved, and a neutral mediator can check out the factual record, find common ground, and talk and accept resolutions that may contain career changes in compensation, reconsideration of choices and/or the adjustment of processes that will stop the scenario from repeating itself.

The fourth class of disputes are regulatory or licensing disagreements, such as disagreements between businesses and regulatory bodies regarding the issuance, modification, suspension and withdrawal of licenses, permits and approvals. These include telecommunications regulatory actions, building code enforcement and environmental compliance disputes. While these cases may have complex legal and technical considerations, many cases also have factual and procedural issues which can be addressed in mediation, including questions of whether deadlines for compliance are reasonable, remedies are adequate, or actions are proportionate.

5. Comparative perspectives: lessons from international jurisdictions

A comparative study of mediation practice in administrative dispute resolution in selected jurisdictions reveals the diversity of institutional models and commonalities in effective and successful applications. This section provides a recap of the lessons to be learnt from the UK, South Africa, the USA and some of the regional models for the lessons to be gained in Pakistan.

The United Kingdom is the country with the most advanced model of administrative mediation in the area of tax. HMRC's mediation programme, which was launched as a pilot in 2011, showed that mediation could be used to resolve tax disputes that had become stuck or were about to enter into expensive litigation. The key design elements that underpinned the success of the programme were: the mediator was recruited from within the HMRC, but not from the case team; both the taxpayer and the revenue authority had to come to the table; the process was confidential; and the mediation process was non-binding until the parties entered a settlement agreement. The pilot

proved resolution rates far superior to traditional processes and much faster (and cheaper) resolution times. The programme has since been embedded in HMRC's dispute resolution framework and made available as a "standing mediation facility" for disputes which are eligible for the programme (Shafqat et al., 2022).

The South African experience is relevant to other developing countries facing similar institutional problems. The Sars has implemented the procedures in 2003 under the Income Tax Act that offer a structured mediation process, which either the taxpayer or the revenue official may initiate. This process is run by a facilitator appointed by SARS, who must abide by a code of conduct that mandates fairness and equality in the process. The facilitator runs informal meetings where the parties present their case and evidence, but does not have the power to force any agreement or give any directions. This allows mediation to retain its consensual nature, and offers institutional encouragement and procedural framework. The South African model illustrates that mediation processes can be implemented to mediate in the revenue administration process even in countries where the rule of law is not well established as in Pakistan.

The United States has a multi-layered approach which includes the Internal Revenue Service's (IRS) mediation programs. The Post-Appeal Mediation programme aims to handle advanced appeals that are unresolved due to having gone through the admin appeal process. The Fast Track Mediation programme is targeted at smaller disputes that are in the early stages, and relies on trained Appeals staff to preside over a mediation session that typically resolves a dispute within around 40 days and has a high level of success. A key element of the American model is that mediation does not waive the taxpayer's right to avail himself of traditional remedies if mediation fails, thereby eliminating one important hurdle to participation. Administrative mediation is of great importance and has a statutory basis in the IRS Restructuring and Reform Act of 1998.

The model is of Bangladesh which introduced amendments in the Finance Act in 2011 that are relevant for Pakistan, especially in the light of its law background and similar institutional setting. The National Board of Revenue has taken a holistic approach that covers value added tax, customs and income tax disputes, and the mediation programmes could be launched at any time by the taxpayer, with the agreement of the tax authority concerned. This focus on taxpayer-initiated mediation is indicative of the fact that by encouraging the voluntary participation, the mediation process has greater legitimacy and effectiveness.

Denmark is first in the world in the World Justice Project's Rule of Law Index, and it shows how extensive land records modernization and effective dispute resolution systems can have lasting positive impacts. The computerization of the cadastral system in Denmark was launched in 1985-1989 and by 1997, the nearly 2.5 million parcels of land were entirely digitized, which has practically ended the boundary and ownership disputes that plague Pakistan's revenue and civil courts. The introduction of the Punjab Land Records Authority (PLRA) in Pakistan is a positive sign of technological modernization, but the Danish experience shows that institutional changes in dispute resolution are required to get the benefits of technological modernization.

Other experiences in judicial case management reform in Malaysia also bring some lessons. Since 2012 when Malaysia adopted new Rules of Court which introduced a proactive court case management system, the court's disposition rate has improved, and the number of pending cases has been reduced. The Peshawar High Court has adopted this model with its implementation of the Court Case Management System in 2018, which leads to an evident efficiency gain in the process. The Malaysian model takes it a step further by introducing compulsory mediation as part of the pre-trial procedures for civil cases that fall under the mandatory mediation framework, so

that the case only reaches trial should the mediation process have been tried and failed to obtain a resolution.

6. Challenges to Implementation of Administrative Mediation

This suggests that there is a huge challenge in implementing mediation in administrative disputes in Pakistan that needs to be clearly articulated in order to achieve the desired reform. It is vital to have an honest evaluation of the barriers to overcome to formulate realistic and effective strategies. The greatest structural problem is the lack of uniformity at both the federal and provincial levels in the legal framework of ADR. The various provisions of the Punjab Act 2019, KPK Act 2020, and federal ADR Act 2017, along with the different amendments to the Code of Civil Procedure in various provinces, make it difficult to understand as well as implement. Javed (2025) noted that three concurrent laws are in force in respect of the alternate dispute resolution which have different scope, procedures and institutional arrangements. The fragmentation of legislation is further amplified by the lack of a single national policy that communicates the place of mediation in the overarching system of administrative justice.

The institutional capacity is also a formidable challenge. There is a lack of trained mediators in the country who are knowledgeable of administrative law, taxation, revenue administration and public service rules. Most of the ADR centers are already in place in Punjab under the chairmanship of Lahore High Court and center their activity mainly on civil and family matters and not administrative matters. Although the Saliseen committees in Khyber Pakhtunkhwa are important institutional innovation, they are mostly at the community level and are not specialized in their legal or technical knowledge and understanding of complex administrative issues when it comes to taxation or regulatory matters (Javed, 2025). The establishment of a professional corps of mediators who are qualified, trained and have proper ethical standards is a precondition for credible administrative mediation.

The cultural attitude toward litigation is a very entrenched barrier. The formal litigation system is also preferred over consensual dispute resolution in Pakistan, as Javed (2025) found that many persons have been filing cases to assert exaggerated or fabricated claims strategically as a means to exert pressure on the opponent to obtain a fair and fair settlement. This litigation culture is also supported by the legal profession and its economic system which relies on the sustained and extended engagement in court proceedings. The phenomenon that Abid (2021) describes, in which lawyers strike and boycott for personal and professional interests, is an additional example of institutional resistance that mediation reform would likely face from within the legal profession. Mediators are particularly perceived as independent and neutral in administrative contexts, which calls the issue of their independence into question. The current ADRC model has been faced criticism in tax conflict cases as it involves the members nominated by the Federal Board of Revenue, which is perceived to introduce the bias in the process and affects the confidence in the model. The role of committees was further undermined by the Finance Act 2018 amendment, which made decisions of the ADRC final and binding and enabled committees to investigate and audit, blurring the line between mediation and adjudication, as the committees became something more than a mediation forum. A reform should ensure transparency of the structure of mediator independence, such as appointment rules that include both parties, codes of conduct with independent enforcement bodies and measures to prevent conflicts of interest (Shafqat et al., 2022).

There are further problems of enforceability. Mediation does not always result in final adjudicative decisions; mediated agreements in an administrative setting need the buy-in of agencies who may be reluctant to sign agreements that they see as an outcome from the mediation that would be

perceived as a deviation from precedent or established policy. Establishing the credibility and reliability of the mediation process is crucial to the development of clear legal rules for the recognition and enforcement of mediated agreements in administrative proceedings, such as requiring court endorsement of settlement agreements and requiring administration to implement mediated outcomes in good faith.

In addition, these are hindered by technological and infrastructural constraints. The digitalization of land records by the Punjab Land Records Authority has enhanced the accuracy and accessibility of land records, yet there are still substantial chunks of both rural and urban land that are not yet computerized. Lack of adequate and dependable administrative records in many areas, such as tax, civil service administration, and regulatory enforcement, undermine the fact-finding necessary for mediation to be effective. If there is no reliable and easily available information about the topic of disagreements, mediation is not likely to make informed and fair decisions.

7. The proposed framework of administrative mediation in Pakistan

On this basis, an integrated approach with a detailed framework for the incorporation of mediation in the resolution of administrative disputes in the context of Pakistan has been proposed in this section which builds on the previous analysis of the legal foundations, institutional constraints and the comparative experiences. The suggested framework includes the legislative, institutional, procedural, capacity building, monitoring and evaluation.

There should be two fronts of legislative reform. First, the existing federal and provincial ADR laws need to be harmonized by providing a coordinating mechanism, preferably under the umbrella of the Council of Common Interests or the Law and Justice Commission of Pakistan, in order to lay down minimum standards for administrative mediation across all jurisdictions. Such standards should cover qualification and appointment of mediators, confidentiality protections, the enforceability of mediated agreements, and the role of mediation in the adjudicatory process. Secondly, there should be specific provisions in the sectoral laws such as Income Tax Ordinance, 2001, Customs Act, 1969, Sales Tax Act, 1990, Federal Excise Act, 2005, West Pakistan Land Revenue Act, 1967 and Civil Servants Act, 1973, which provide for administrative mediation as a recognized and regulated way of settling disputes under each law.

Institutional Development should focus on the establishment of Administrative Mediation Centers at federal and provincial levels, which are under the supervision of the High Courts and are autonomous in their operation. Such centers should have panels of mediators who have experience and qualifications in administrative law, taxation law, revenue administration and public service law. Panel mediators should be appointed on the basis of clearly established criteria based on professional competency and independence, and the ethical character of the mediator, which should include members of the legal profession, retired judges, the academic world and members from related technical fields. The Salileen committees as implemented by the KPK could be modified and enhanced for this purpose, not just in the area of community-level dispute resolution, but also for specialized administrative mediation (Yahya et al., 2024).

Administrative mediation should be designed in such a way as to maximize accessibility, maintain voluntariness and fairness. The process must be initiated by the aggrieved party, the administrative authority or court referral at any point of pending proceedings. The key dispute categories to be mediated at a compulsory level should be those with a written dispute value cap or those where a dispute is not legal, but rather a factual one, and where either party has the option to terminate mediation and take the matter to a conventional dispute resolution process after a specific amount of time has passed. The South African model, which includes facilitation-assisted dialogue in informal sessions with a code of conduct, provides an appropriate template. Mediation sessions

should be private and the statements or concessions made at mediation should be discoverable on future adjudicatory proceedings to ensure that parties are not dissuaded from being candid at mediation.

Capacity building should tackle on the one hand the supply of qualified mediators, and on the other hand the demand for mediation. On the supply side, it is necessary to conduct comprehensive training programmes in collaboration with international organizations with experience in facilitating admin. mediation, such as the World Bank, the Asia Foundation and the International Mediation Institute. The curriculum should include theories and methodologies of mediation, administrative law and procedure, and knowledge of the relevant sectors taxation, revenue administration, and civil service regulations, ethics, and cultural competencies. Demand-side efforts should take place via public awareness-raising campaigns that inform citizens, businesses, and government officials about administrative mediation, its process and benefits, and should use media, community outreach, and the incorporation of administrative mediation into legal education programs and curricula.

It is necessary to use technology in administrative mediation as a priority. Online Dispute Resolution platforms can also bring mediation to people who are located further away, cut down on costs of travelling to the mediation and allow for better documentation and scheduling. The current digitalization system, created by the Punjab Land Records Authority, and the Court Case Management Systems in use in the Peshawar and Lahore High Court are strong bases to build dedicated ODR platforms for administrative mediation (Abid, 2021; Javed, 2025).

Having an effective monitoring and evaluation system from the outset of the administrative mediation process to measure the effectiveness of the process and to inform ongoing improvement is important. KPIs are defined as the number of cases referred to the mediation, the percentage of cases that settle, average time from referral to resolution, satisfaction of the parties, enforceability rates of mediated agreements, durability of mediated agreements, and effects on administrative tribunals and courts' docket. Longitudinal studies are needed to evaluate the long-term effects of mediation to determine if it is effective in resolving issues or if it is a delaying tactic. Data gathered within this structure should be regularly made public to ensure transparency and accountability, and public confidence in the system.

8. Conclusion

The problem of the administrative justice of Pakistan cannot be solved in a short time and cannot be resolved by introducing minor changes in the existing system of administration. The number of administrative disputes that comes from the expansive state machine and the inability of the judicial system to be able to solve them by normal litigation has reached an inflection point, and change is not only required but constitutionally mandated. The right to access is implicit in the constitutional guarantees of due process, equality and the directive principles of state policy and cannot be meaningfully realized in the absence of the rule of law, millions of citizens delay for years in endless battles in court, the fiscal cost to the nation is staggering and the people lose faith in the rule of law.

The concept of 'mediation' where trained mediators administer a consensual, structured, facilitated and independent dispute resolution process, offers a constitutional compatible and empirically supported alternative to arbitration and litigations, thereby finding a solution to a large number of administrative disputes that clutter Pakistan's courts. These experiences demonstrate that administrative mediation can be successfully institutionalized in various legal, cultural and institutional environments in the countries concerned, including the United Kingdom, South Africa, the United States and Bangladesh and others. In Pakistan, there is a tradition of settling

disputes by Jirga and Panchayat, which can be formalized and integrated into the administrative process as consensual dispute resolution, with adequate measures and safeguards taken to ensure the independence, fairness and regularity of the process.

Legal grounds of administrative mediation in Pakistan are sounder than they are believed to be. The federal and provincial ADR laws, the amendments to the Code of Civil Procedure and the fiscal legislation on ADR are all a patchwork of non-existent or poorly defined laws, rules and procedures that can be consolidated and enhanced to form a comprehensive administrative mediation law. The institutional framework established in Punjab (ADR centers) as well as in Khyber Pakhtunkhwa (Saliseen committees) and the evolving Court Case Management Systems can form the foundation of dedicated institutional mediation centers.

However, it requires commitment from a few aspects to make this come to fruition. When considering harmonizing provisions for ADR at the federal and provincial level, the current lack of uniformity should be taken into consideration. Administrative mediation needs material and organizational resources, including administrative mediation centers, qualified mediators' panels and cases management. Capacity building should result in a cadre of professional mediators that have knowledge in administrative law and in the particular sectors. Culture needs to change and there needs to be public awareness, as well as successful stories and professional education to cause this change. Technological integration must be based on the current digitalization projects in order to create user-friendly online dispute resolution platforms. Further, monitoring and evaluation needs to be strong and provide a body of evidence of effectiveness to ensure political support and public confidence.

The price of inaction is not abstract policy measures, but real and tangible pain felt by citizens who are denied timely justice, real money lost because they cannot get a state to resolve its tax disputes, real land disputes that can escalate to violence when a state has failed to provide justice for land disputes within reasonable time, and the loss of trust in democratic institutions due to the failure of the state to provide what the Constitution promises. The question on everyone's mind is not if Pakistan can institutionalize an administrative mediation, it can't not institutionalize an administrative mediation.

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