

**PUBLIC TRUST ON COMMUNITY BASED DISPUTE  
RESOLUTION IN AZAD JAMMU & KASHMIR**



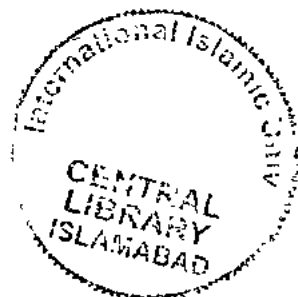
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**Submitted in partial fulfillment of the requirement for the award of degree of PhD, in  
Sociology at the faculty of Social Sciences, International Islamic University Islamabad.**

**DEPARTMENT OF SOCIOLOGY  
FACULTY OF SOCIAL SCIENCES  
INTERNATIONAL ISLAMIC UNIVERSITY ISLAMABAD PAKISTAN  
(August 2022)**

**INTERNATIONAL ISLAMIC UNIVERSIT ISLAMABAD**  
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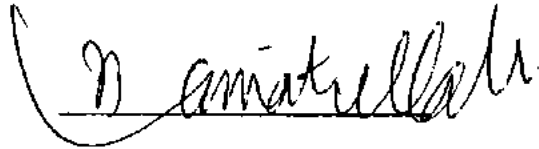
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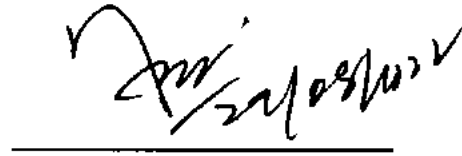
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**Subject: INCORPORATION OF THE RECOMMENDATIONS OF FOREIGN AND  
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Sir,

The undersigned pertaining to registration number 27-FSS/PHDSOC/F15, department of sociology, International Islamic University, Islamabad, has completed his PhD dissertation titled ‘Public Trust on Community Based Dispute Resolution in Azad Jammu & Kashmir’ under the supervision of Dr. Muhammad Babar Akram, Assistant Professor Department of Sociology, Faculty of Social Sciences, International Islamic University, Islamabad. It is hereby stated that, in compliance of the recommendations of the foreign and internal evaluators, the undersigned has incorporated all the recommendations in the above-mentioned PhD dissertation.

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## STATEMENT OF UNDERTAKING

I, Muhammad Faisal Khan Reg.No 27-FSS/PHDSOC/F-15, Student of PhD Sociology, Department of Sociology, International Islamic University, Islamabad hereby declare that the thesis entitled '**Public Trust on Community Based Dispute Resolution in Azad Jammu & Kashmir**' submitted' in partial fulfillment of PhD degree in my original work, except where otherwise acknowledged in the text.

**Dated:** \_\_\_\_\_

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**Muhammad Faisal Khan**

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## **DEDICATION**

I dedicate my research to my Father (Late), my loving mother, my wife, my kids, my brothers and sisters for their prayers due to that I accomplished this great milestone of life and achieve PhD.



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## ABBREVIATIONS

ADR	Alternative Dispute Resolution
AJ&K	Azad Jammu & Kashmir
CBDR	Community Based Dispute Resolution
FIR	First Investigation Report
CAB	Conciliation and Arbitration Board
CBO	Community Based Organization
NGO	Non-Governmental Organization
LSO	Local Support Organization
USA	United States of America
COBCOMREMs	Community-Based Conflict Management and Resolution Mechanisms
CPC	Criminal Procedural Code
PILDAT	Pakistan Institute of Legislative Development and Transparency
AIDS	Acquire Immune Deficiency Syndrome
NADRUUK	Nationwide Academy for Dispute Resolution United Kingdom
SPSS	Statistical Package for Social Sciences
SAS	Statistical Analysis System
TBDR	Time Bound Delay Reduction
NJPMC	National Judicial Policy Making Committee
EDR	External Dispute Resolution
DRT	Dispute Resolution Tools
CDR	Consensual Dispute Resolution

## Abstract

Recent times in Pakistan there is huge burden on Pakistani courts and over 2.1 million cases are pending. Similarly in Azad Jammu & Kashmir the Judiciary is also facing pendency of more than 43000 cases. The hard geography and strong social bindings in Azad Jammu & Kashmir be in favor of the people to adopt the substitutes to set on disagreements. The Alternative Dispute Resolution falls into two broad categories, the courts commandeered options and the Community established preferences. A Community Based Dispute Resolution course is one kind of dispute resolution which take in the entire community or their representatives all through the phases of its expansion. The end goal of a dispute resolution process is to offer a fair way for everyone involved in a complaint or dispute to deal with it. The defecto nature of Community Based Dispute Resolution is working through mediation, conciliation and arbitration. The civic trust on the community based dispute resolution is deliberated as the social assets .The present study is quantitative in nature and focused on registered First Information Reports (FIR) of year 2016-17, which were resolved through community based agreements in AJ&K. The current investigation is exploring those predicting factors (accessibility, participation and transparency) and their association with the public trust on Community Based Dispute Resolution. Sample size for the current study was taken as 348 (victims and perpetrators) where total selected cases are 174 by using Taro Yamane formula. Simple random sampling technique has used for the collection of data by face to face interviews through an interview schedule. Uni-variate, bi-variate and multi-variate statistics applied for data analysis. The results showed that the percent of variance in the criterion or dependent variables (trust) is 77.1% due to predictors (independent variables) and (43.4%) respondents are adopting arbitration as compare to mediation (25%) and conciliation (29.3%).



# 1. INTRODUCTION

## 1.1 Community Based Dispute Resolution

A community can be grounded on a distinctive culture, confidence, topography, industry, partiality, or cause. The civic acknowledgment assimilates individuals, such a community has a solid premium in safeguarding this attachment. Huchhanavar (2015) stated in India Alternative conflict settlements fall into two general classes: court-attached choices and local area based debate goal instrument. Mentioning the deferments in settle down the disputes Abraham Lincoln has mentioned "Debilitate suit, persuade your neighbors to think twice about you can call attention to them how the apparent winner is regularly a genuine failure, in charges, costs, and exercise in futility" Nevertheless, as among all meetings of individuals, disputes occur between individuals from even the most closely knit-networks. Additionally (Katz, 1993) assumed the court context as "unduly formalistic, cumbersome, and injurious of relations, dissatisfying, uneasy, slow, and costly. Furthermore, Barfield, Nojumi and Their (2006) found that Local area Based Dispute Resolution processes utilized for the debates inside the local area where the question has occurred, Mani, (2002) revealed these practices for dispute resolution are also referred to as "informal justice" and (Senier, 2006) stated it as "customary law".

Canadian Human Rights Commission (CHRC, 2010) defined "A community-based dispute resolution process is one kind of dispute resolution that involves the entire community throughout the stages of its development. The decisive objective of a dispute resolution measure is to offer a reasonable path for everybody associated with a grievance or dispute to manage it. Community Based Dispute Resolution make reference to the settlement of disputes out of the courts and lined up with existing laws. Making a community-based dispute resolution cycle ought to include the whole community all through all phases of improvement. Huchhanavar (2015) illumined that the

Lok Adalat in India is the conflict resolving structure directed by a sitting or resigned legal official as the administrator, with two different individuals, normally an attorney and a social specialist. There is no court expense. In case the case is now documented in the ordinary court, the expense paid will be discounted assuming the debate is settled at the Lok Adalat. Miller (2014) stated that Sierra Leone experienced a dangerous 11-years common conflict that to a great extent left its networks destroyed and needing huge re-advancement. One of the habits in which organizations are redoing and advancing endeavors to push ahead is through the chieftaincy-based local area debate goal measure. Based on verifiable standards, this cycle includes the community chief, or head, assisting with settling disputes inside the community.

According to (Burton, 1990) a dispute is a short term disagreement that can result in the disputants reaching some sort of resolution, involves issues that are negotiable and can be resolved through mediation, arbitration, conciliation and law. Conflict is long term disagreements with deeply rooted issues that are seen as 'non-negotiable' and can be manage or control by developing behaviors like avoiding, forcing or competing, compromising, accommodating and collaborating. Huchhanavar (2015) explicates for the proficient working of any overall set of laws essential imperative is that such framework will be based on the goals of individuals, law or general set of laws. The Lok Adalat is the thought having its basic establishments in Indian great past which mean people's Court; it is the course of action of nyayapanch, is conceptualized and organized as Lok Adalat. It incorporates people who are clearly or by suggestion affected by debate goal. The principle explanation behind bringing this framework is additionally to reduce the weights of Courts and give fast equity individuals' investment in dynamic.

Kabani (2017) shows one illustration of an ADR body within a cohesive community is the Aga Khan Conciliation and Arbitration Board (CAB), which assists members of the Ismaili Muslim

community in resolving commercial and family disputes and spread awareness in the Ismaili Muslim community about the advantages of mediation (including the impartiality, confidentiality, cost efficiency, and voluntary nature of the mediation process), a large majority of disputes come to Conciliation and Arbitration Board without prior litigation.

Community Based Dispute Resolution is exceptionally old component that existed looking like Panchayat and Jirga in the sub-continent. The minimized or even well off individuals engaged with the CBDR measures. The convoluted, expensive, time-taking Governmental case measure advocates the average person to follow a savvy approach to determine their disputes with honor, in less time, and inside a similar society, he is living in. The Community Based Dispute Resolution is the main framework where all partners are accepted, cycles and results are examined before, and afterward choices are taken officially. The Community Based Dispute Resolution is the only system where all stakeholders are taken on board, processes and results discussed earlier and then decisions taken formally. Mahtma Gandhi emphasized the private settlement of dispute and said “The bigger piece of my time, during the twenty years of my training as a legal advisor, was involved in achieving private tradeoffs of many cases “(Gandhi, 1948).The 'people group' has regularly demonstrated to be strong in such settings, giving endurance and methods for dealing with stress to frailty and delicacy. Experiences have shown that even in regions of sheer devastation, public activity and authoritative frameworks can promptly reappear inside local area organizations. (Pouligny, 2005) Growing consideration has hence been paid lately to the reception of local area based ways to deal with assistance address the broad necessities in clash influenced and delicate settings. The delicate settings are circumstances in which 'state structures need political will and additionally ability to give the fundamental capacities expected to destitution decrease, advancement and to defend the security and basic liberties of their populace. (OECD,

2007) explaining that any conflict-influenced settings incorporate circumstances proceeding, during and after outfitted clash.

McGillis (1977) studied the causes of well-known disappointment with the organization of Justice in Pound Conference which was supported by American Bar Association, the Judicial Conference of United States and the Conference of Chief Justices. Then, at that point, American Bar Association Dispute Resolution Center Directory, revealed just 100 area and community dispute resolution focused which were 300 of every 48 states and District of Columbia in 1990. The clashes like dispute between neighbors, customer cases, property manager inhabitant clashes, criminal cases, delinquency adolescent misconduct and police and youth cases were taken into Community Based Dispute Resolution and settled genially with unyielding execution.

In Azad Jammu and Kashmir, Community Based Dispute Resolution is centuries deep-rooted and is a development sort of Panchayat and Jirga and had been working under the Dispute Resolution Committees in District and Tehsil levels yet now Community Based Dispute Resolution is just working in un-regulate organization on the grounds that the Dispute Resolution Working group have been annulled because of non-appearance of Local Government. Be that as it may, Communities either in towns or in metropolitan zones receive the Community Based Dispute Resolution to determine their disputes.

### **1.2 Implication of Community Based Dispute Resolution in Azad Jammu & Kashmir**

It is the basic obligation of the state (AJ&K Interim Act 1974) to give admittance to equity to the everyday person on the entryway step yet ordinarily individuals are denied or can't get to the conventional admittance to the framework on equal basis on the grounds that AJ&K is topographically a hard zone to visit heads out from slopes to the urban communities just to rehearse a case in the courts. The cost associated with taking case to the court remembering the costs for

case, travel from significant distances, postponing the cycles and wastage of time away from home and work. The vast majority of the rustic populace is socially restricted, absence of introduction to the law and failure to make sure about sufficient legitimate portrayal. The uncertainties and the fear of unpredictability of the criminal impartiality structure and its representatives, absence of correspondence, language and scholarly obstructions and intentional and sensitive victimization weak like ladies, minorities and the poor among specialists of the fairness framework. Anyway Community Based Dispute Resolution in its un-regulated structure has critical function in Azad Jammu & Kashmir Rural and Urban existence of disputes resolution.

It is important because it prefers the local solution of local problems acceptable by all stakeholders involved. It is significant on the grounds that it inclines toward the nearby arrangement of neighborhood issues worthy by all partners included. It is quicker and simple to approach for each individual and has no costs or less cost. It is more innovative if there should arise an occurrence of choices and participatory in nature which can be better adjusted to all gatherings fundamental their inclinations and execution with extraordinary severity. It likewise constructs social contacts and certainty working for future among parties and legitimately worthy too yet not a pre-requisite. It follows and improves indigenous strategies for compromise and intervention in a settled community since it is autonomous of choosing the mediators. It also gives a prompt avoidance of crooks yet left a space for their incorporation in the general public in future again. It is less startling than the formal legal framework since, it is based on nearby standards and qualities, non-fierce and non-critical and looks to re-establish networks' ties and relationship and CBDR settles the disputes as well as end up the contention among them.

### **1.3 Community Based Dispute Resolution in the World**

The community based dispute resolution mechanism is employed in several countries with different labels and with similar goals through immediate or circuitous resolution of disputes inside the community all through of the court settlement.

#### **1.3.1 United Kingdom**

In Great Britain, the compromise procedures have become progressively famous inside local area improvement practice. In negotiation has been utilized to prevent aggravation, tackle area debates, address family struggle, work with local area contribution, address segregation and diminish against social conduct. The guarantee of conciliation is that classified and casual cycles of 'equity from underneath' might better accommodate local area interests, further develop connections and advance social change. Inside the field of local area improvement, these guarantees have been generally vaunted. (Asenjo, 2019).

#### **1.3.2 America**

In USA, few decades prior, the American Bar Council has recommended to acquaint not many ways with settle disputes out of courts in light of over-burdening courts and individuals disappointment with formal legal framework. The community dispute resolution focuses have been set up to determine crime and less lawful offense cases out of the courts (Stanley, 1976). Community Justice Centers, as described by the American Bar Association Report of the Pound Conference (1976) Follow-up Task Force, are workplaces - planned to make available a combination of techniques for handling questions, including assertion, intercession, reference to little cases courts just as reference to courts of general ward (McGillis, & Mullen, 1977).

### **1.3.3 India**

Barrett (2004) reasoned that Indian people using Jirga and Panchayat (arbitration) beginning twenty five hundred years ago. India has set up Lok Adalat (individuals' court) to give a lawful help to individuals to determine their debates and even resolve those cases which are under trial in formal courts. These courts are working with nominal fees or no fees at all.

### **1.3.4 Afghanistan**

The countries with tribal social order like Afghanistan community arrangements have central part of their dispute resolution to remove hostilities and contentions coming from family to family. In Afghanistan the “Loya Jirga” a type of dispute resolution organization has immense powers even to find solution of problems on state level. That consists of representative of the tribes to sit together and find some solution of the problem existing locally or nationally (Barakat, S et al. 2006).

### **1.3.5 Malaysia**

Malaysia is practicing court added intervention to determine disputes out of the courts under the umbrella of the courts. Mediation practice in Malaysia has made considerable progress since it's under developed days during the 1990s. Today, intercession frames a center segment in the Malaysian legal framework where it gives an option in contrast to contesting gatherings to determine their dispute without experiencing the preliminary cycle. Court-added intervention alludes to intercession where self-motivated appointed authorities and legal officials go about as middle people to contesting parties after they have recorded their activity in the courts. The Malaysian legal executive is the central player for presenting this type of intercession in the general set of laws in Malaysia (Callister& Wall, 1997).

### **1.3.6 Bhutan**

Community-based dispute resolution has existed in Bhutan for quite a while is still practically speaking. In the Bhutanese setting it is known as *nangdrik*, which means settling disputes and cases in the community by seniors without going to court. Notwithstanding, there were a few examples where certain grievous cases likewise were settled normally by community elders. Later with cataloguing the law, such cycle was to be halted, however due to hilly territory it was hard for individuals to go to court to settle the case, which unveiled expensive. To work with these loads, the legal executive permitted the act of community-based dispute resolution to proceed; in any case, there is a limitation that the genuine cases can't be settled at the community level. Individuals are, for the most part, mindful about the framework and are cheerful. They report the case to police and the police screen the case and permit them to settle the minor cases agreeably at the community level (Sonnenberg, 2020).

### **1.3.7 China**

In china, since the Western Zhou Dynasty 2,000 years prior, the post mediator has been specified for all legislative organizations. Today in China, it is assessed that there are 950,000 intercession boards of trustees with 6 million arbiters truth be told; there are a larger number of go between per 100 residents in China than legal advisors per 100 individuals in the United States (Jia, 2002). Chinese intercession points not exclusively to react to a contention when it breaks out, yet in addition to keep it from occurring in future (Fu, 2007).

### **1.3.8 Papua New Guinea (PNG)**

Town Court Mediation in the PNG setting is a standard method of settling disputes and looks after harmony what's more, amicability in networks. Community pioneers have an obligation to keep up harmony and concordance in networks. They use CBDR to intervene common cases and in



criminal cases. PNG law doesn't permit intervention of criminal cases, yet neighborhood networks resort to intervention, particularly in thrilling cases, for the sole motivation behind keeping up harmony and agreement in networks. This doesn't, notwithstanding, fundamentally absolved the charged gathering from criminal obligation; consequently installment of remuneration is considered as an alleviating factor in criminal procedures. Social variety and topography are significant difficulties. Factions or clans form their purported community and every community has its own way of life; in this way, it is practically unthinkable to concoct only one technique to be embraced by all without experiencing a lot of obstruction from the local people themselves. Individuals from distant territories can only with significant effort access the ordinary courts, so they resort to the intervention measure in the town courts. Great practices in PNG concerning CBDR are as per the following: social pressure from the community on the respondent to meet the concurred terms of settlement, so help is looked far from races, families in settling terms settled after during intercession. Community, family or ancestral commitment in settling disputes empowers more grounded networks in stopping violations (Zorn, 1990)

### **1.3.9 Philippines**

In the Philippines, the Barangay Justice System is ordered by State legal Act No. 7160 or the Area Government Code of 1991 as a community-based component for dispute resolution. The framework has set up strategy that covers all issues that may emerge in the organization of CBDR and all fundamental structures are accommodated appropriate account of grievances, serving summons, recognition of the time of settlement of disputes and other related methods. There are some indigenous clans generally in the northern furthermore, southern piece of the nation who have their own standard customs with respect to compromise in their separate networks; in any case, the law on the Barangay Justice System (BJS) gives that in networks that have unmistakable

conventional practices in settling disputes, the traditions and customs of the indigenous social networks will be applied. In this way, settling disputes through their Councils of Elders are perceived and followed with a similar power and impact as the methodology in the BJS. Besides the unmistakable reputation, the picked exceptional Lupon (Baragay Peace Chamber) will be given the Presidential Acclamation and a monetary reward. This conflict resolution arrangement is a solid stimulation to all Barangay Lupon to perform their best (Benter, 2020).

### **1.3.10 Sri Lanka**

In Sri Lanka mediation is represented by procedural law and is accessible for both lawbreaker and common issues in any case, with constraints (Valters, 2013). Minor criminal cases, for example, injury and wickedness where the sentence is short, of what one year, essentially should go to intervention. Minor common cases of fewer than 25,000 rupees, as well, ought to go through the same cycle. The first court has locale to attempt these cases just if the intercession or mediation cycle fizzles. Legitimate portrayal is not allowed. The arbitration is attempted by three arbiters. Two of them are chosen by the two players, and the pioneer is chosen by those two. Intercession isn't accessible in issues where the state is a party or in procedures initiated by the Attorney General (Jayasundere & Valters, 2014).

### **1.3.11 Pakistan**

In Pakistan, a general public with populated metropolitan regions and less populated ancestral zones and extraordinarily the provincial regions practiced distinctive dispute resolution frameworks. When Pakistan came into being in 1947, Pakistan adopted British Legislative Mediation Act 1940 which is as yet relevant in Pakistan. The mediation is the goal of an issue; between the gatherings; outside the official courtroom, through; an either delegated referee by the

gatherings or by the outsider or named by the court of law. Following out of court settlement of conflicts are working under these laws;

- Arbitration Act 1940
- Mediation: Section 89-A Civil Procedure Code 1908, Small Claims and Minor Offences Ordinance 2002
- Conciliation: Section 89-A Civil Procedure Code 1908, Family Courts Act 1964. Muslim Family Laws Ordinance 1961
- Other types of Alternative Dispute Resolution (unspecified): Section 89-A Civil Procedure Code 1908, Federal & Provincial Mohtasib (Ombudsman), Compounding of Offences under Code of Criminal Procedures 1898.

“Arbitration is a regarded framework for the closing and required goal of contrasts or contentions, identified with an understanding or contract or some other issues connected with a worldwide element, through an unbiased or free intervention, in accordance with instrument, foundation and both lawful and non-legitimate considerable principles; by the gatherings; either or in a roundabout way” (Lew et al., 2003).

Substitute conflict Resolution in metropolitan spaces of Pakistan isn't generally so normal as in the rustic regions, however referees of metropolitan regions observe current laws and present an honor in a courtroom for its execution and the court of the skilled locale passes a pronouncement upon the choice of a mediator, assuming no complaint is raised by the contracting parties, inside the time determined in the Limitation Act 1908 (Tilman & Shinwari, 2015). Arbitration Agreement is an inheritable case and it doesn't die with the party, along these lines after the passing of both of the gatherings of the discretion arrangement, his lawful agents are needed to show up before an

authority with the end goal of mediation and the judge then, at that point, chooses issues between the gatherings; which are referenced in a reference; put together by the gatherings.

A mediator is either delegated by the contracting parties or by the official courtroom or by the outsider; who isn't a party in the discretion arrangement. Regularly, there is just a single judge, however gatherings might select more than one mediator and when there are two authorities, they are needed to designate an umpire and in the event of a conflict between the referees, umpire's choice would be viewed as definite (Won, 2013). The honor of a referee is indisputable and last and make commitment and it is restricting upon the contracting parties and from that point the gatherings are needed to pay the costs to the authority and to an umpire (Lyon, 2002).

In Punjab, Jirga and Panchayat have been formalized, Musalieti Councils have been framed in KP and Punjab including the other dispute resolution systems like Alternative Dispute Resolution has been formalized in the territories to determine cases and disputes out of courts. These out of court dispute resolution systems have settled decade old ancestral ill wills and contentions and spared the lives. The Ismaili community in Pakistan is additionally settling their disputes through Arbitration and mollification gathering. Dominant part of rural region in Pakistan, particularly in Sindh, Azad Kashmir, KP and Baluchistan, individuals settle their disputes out of the courts. Major Pakistani laws, managing the assertion, are the Arbitration Act 1940 and the Recognition and Enforcement Act 2011 and the vitally International Conventions identified with the discretion are the New York Convention 1958 (Park and Yanos, 2006).

In March (2017), Chief Justice of Lahore High Court, Syed Mansoor Ali Shah, opened the first judicially supported ADR focus in Lahore city in Punjab. The intervention place has 36 exceptionally prepared appointed authorities who fill in as go mediator between disputants. The intercessions follow a secret and adaptable cycle where the arbiter assists the gatherings with

understanding the interests of all interested parties, and their down to earth and legitimate choices. Until this point, the middle has got an aggregate of 209 cases out of which 141 have been effectively settled, 27 fizzled, 18 dropped because of nonattendance of gatherings, and two remanded back to the courts. Judge Tajjamul Chaudhary, who manages the middle and furthermore fills in as an arbiter, said that "few references at this middle have been settled around the same time while the cases had been forthcoming in courts for quite a long time." Following the accomplishment of this model, comparative intervention communities have now been set up in every one of the 36 areas of Punjab region. (Asia Foundation, 2017)

Public Center for Dispute Resolution (NCDR), earlier known as Karachi Center for Dispute Resolution (KCDR) was set up in February 2007 with the endorsement of the High Court of Sindh. The Center has given proposals to the public authority for the execution of ADR in Pakistan. It has additionally drafted "Intervention Bill 2014" and submitted it to the Federal Government. The Center, additionally, suggests corrections in the High Court Rules identified with Alternative Dispute Resolution. NCDR is going by the previous Chief Justice of Pakistan, Justice (retd.) Saiduzzaman Siddiqui, the main thrust behind the Center. Public Center for Dispute Resolution (NCDR) started a local area intervention project as a team with SPADO. The task pointed toward building up elective question goal components in three objective spaces of Karachi in particular, Korangi, Sultanabad/Hijrat Colony and Jamhuria. Local area agents, strict researchers (Muslims and Christians), ladies and cops were prepared under this undertaking in the craft of contention avoidance and the board. Within two months after their preparation, NCDR began getting reports of debates settled by the preparation people. A sum of 52 out of 53 debates was settled in two months. In 2015, NCDR coordinated preparing programs on "ladies are strengthening through

compromise" and "advancement of peaceful compromise among strict researchers" in Karachi (NCDR, 2015).

Several NGOs are working on national, regional or on gross root level like the ALAAP (Ambassadors of Love, Arts & Peace) for the promotion of peace in the society and conveying their messages through different initiatives like peace walk, peace music and arts programs. Likewise the Taangh Wasaib Organization (TWO) has formed the group of different professions like teachers, students, media persons to promote peace in the fragile society of Pakistan.

Azad Jammu & Kashmir is geographically a hard area and people live in tribes and in remote areas where days are required to reaching the nearest cities. In such case, people depend on government provided services and also depended on natural resources like forest, water and grazing sites. The disputes arise on daily basis on utilization of these resources which can't be resolved in courts. The communities resolved their disputes on their own without going to the courts in shortest time and minimum resources. The community involvement is highly regarded and most of the local government projects financed by Local Government and District Councils are even implemented by the Community Based Organizations (CBOs) in Azad Kashmir.

#### **1.4 Concept of Dispute Resolution in Islam and Christianity**

Allie (2020) depicted the idea of the Islamic method of debate goal and articulated the system is profoundly established and inserted in scriptural (Quranic) and extra scriptural text specifically the corpus of Ḥadith. There is a plenty of directions to demonstrate that compromise is, in fact, an elevated objective which is compensated as a demonstration of love. In the same way, as other different parts of the Shariah, ṣulḥ is directed by arrangements of the sacred text and extra-scriptural sources considered by Muslims as the (Shariah). Furthermore, ṣulḥ is likewise the favored technique for elective question goal since it is liquid, authoritative, and speedy and perhaps

the best methods of tackling various kinds of debates, regardless of whether business or family. It has in this way, acquired impressive footing in present day western monetary industry which is generally because of its authoritative nature and the shortfall of the antagonistic component. As an instrument of review, *ṣulḥ* is represented by Islamic law of agreement which appears as an arrangement which can be commonly haggled between at least two gatherings. Of late it has likewise become the component of decision in family and conjugal debates.

Islamic law urges disputes to be settled in external court through *tahkim* (arbitration) or *sulh* (mediation). The dispute resolution measures in Islam are essential for a bigger Islamic lawful structure, known as Islamic law or Shariah.

*"O you who accept! Stand apart solidly for Allah as observers to reasonable dealings and let not the disdain of others to you make you steer to wrong and leave from equity. Be only, that is close to devotion. Dread Allah, without a doubt Allah is all around familiar with everything that you do."*      *Quran: Chapter 5*

It is regularly acknowledged that the substitute Dispute Resolution has emerged and begun from the Western countries is from several years. In fact, it is affirmed by various Islamic Jurists that the Dispute Resolution estimates like Negotiation, Mediation, Med-Arb, and Arbitration are rehearsed in Islam for 1400 years and are referenced in heavenly Quran.

In Islam, the great method for managing compromise depends on severe characteristics, customary society of give and take and rule of simultaneousness. The legitimacy of debate or arbitration in Islam can be got from the section of Quran,

*'The devotees are nevertheless a solitary fraternity, so bury the hatchet and compromise (sulh) between two (fighting) siblings; and dread Allah, that ye may get kindness' (Quran, (49:10))*

In the same line, another *Verse* of the Quran says

*'If two parties among the believers fall into a quarrel, make ye peace between them...with justice, and be fair; for Allah loves those who are fair and just' (Quran , 49: 9).*

In another verse, Allah states in the Holy Quran:

*'If you judge in equity between them, for Allah loves those who judge in equity' (Quran, 5:42.)*

The dispute resolution in Islam consists of following process.

### **1. Sulh (Ending a Dispute):**

In Islamic law, the idea of Sulh which incorporates compromise, settlement or understanding between parties is the most established act of debate goal. Its motivation is to end aggression and struggle among devotees with the goal that they might proceed with their tranquil relationship in the public arena (Allie, 2020).

### **2. Tahkim (Arbitration):**

Islamic law permits settling the debates between its adherents through assertion assuming they can't arrive at a friendly arrangement of their private questions (Moussalli, 1997). It is accounted for in the different writings that Prophet Muhammad likewise rehearsed and perceived intervention since mediation got its literary premise from the Quran,

"Furthermore, if ye dread a break between them (the man and spouse), choose a judge from his people and an authority from her society" (Quran, 4:35).

This section of Quran proves that discretion is a perceived practice in Islam.

### **3. Med-Arb:**

Mediation-Arbitration is a combination of dispute resolution refined and conditioned in Islam with lighter modifications as per the need for people. It got its acknowledgment from Verse 35 of Surah al-Nisa and it is blend of both sulh and tahkim. It is depended upon from the position to at first



mediate between the social affairs and in case of frustration of intercession he should proceed for discretion (Islam, 2012).

#### **4. Ombudsman (Mohtasib):**

In Islam, practice of ombudsman is available from when Al-Quran came from Allah and it began from Quranic verse 3.110:

"Let there emerge out of you a band of individuals welcoming to all that is great ordering what is correct and prohibiting what's going on; they are the ones to achieve felicity."

It is generally said that this training has 1400 years of age. The charge of initial two ombudsmen in Makkah and Madina was given to Umar receptacle Khattab and Sa'ad Umayyah separately by The Prophet (S.A.W) himself (Syed, 2008).

#### **5. Fatwa or Mufti:**

In some countries, a *fatwa* is also considered to be kind of dispute resolution, where any matter pertaining to legal issue is solved by legal opinion or *fatwa*. In certain nations, a fatwa is likewise viewed as sort of dispute resolution, where any issue relating to lawful issue is tackled by legitimate assessment or *fatwa*. In Islam fatwa is viewed as a strict decision, an insightful assessment on issues identified with religion. As indicated by the Islamic custom simply a remarkable genuine analyst, leading group of scientists (Ulema), in Sunni schools, a mufti, in Shia school Ayatollah are locked in to give a fatwa. It is generally expected that fatwa gave ought to be founded on the use of reasoning and thinking (Ijtihad). The disclosures of the fatwa are not limiting yet cautioning in nature. Islamic history is stacked with models where puzzled conditions implying Muftis and answers were given by them as the fatwa (Iqbal, 2001).

## **Dispute Resolution in Christianity**

The Christian custom of compromise depends on various scriptural references, remembering one for discretion in 1 Corinthians that recommend early knowledge of elective contest goal as a choice to war: "In the haziness of more seasoned time a longing would emerge to supplant equipped battle by mediation" Matthew 18 talks about absolution and tranquil compromise. In various different spots, the Bible discusses calmly working with others to try not to utilize the court or brutality for settling debates (Barrett, 2004).

### **1.5 Approaches to Community Based Dispute Resolution**

The approaches used for the Community Based Dispute Resolution are based on the nature of disputes. For some disputes, the single approach is used while for others, the combination of these approaches is used including discussion, negotiation and mediation arbitration.

The approaches are following;

1.5.1 **Mediation:** According to Alternative Dispute Resolution Act (2016) "Mediation implies an organized interaction in which a Mediator works with and empowers correspondence and exchange among gatherings, and looks to help them in showing up at willful commonly acceptable understanding. Mediation or Intercession is an adaptable cycle, which may change contingent upon the necessities of the gatherings. The arbiter will decide the best cycle in meeting with all gatherings included. Typically, an intercession cycle will comprise of:

- Separate fundamental gatherings with each gathering;
- Joint gatherings with all gatherings to examine and investigate the issues;
- Generating and creating choices for resolution;
- Forming understanding

**1.5.2 Arbitration:** According to Alternative Dispute Resolution Act (2016) “Arbitration means a process by which parties submit a dispute to the decision of the neutral person or persons appointed by mutual consent”.

- Arbitration is typically an out-of-court method for resolving a dispute.
- The arbitrator controls the process,
- The arbiter has to listen to both sides and make a decision.
- Like a trial, only one side has succeeded.
- Unlike a trial, appeal rights are limited.

**1.5.3 Conciliation:** According to Alternative Dispute Resolution Act (2016) “Conciliation means a process in which a neutral person encourages the parties to resolve their civil or commercial disputes voluntarily including by advising possible solutions and terms of settlement” Conciliation is an alternative out-of-court dispute resolution instrument.

Conciliation or Pacification is a deliberate, adaptable, secret, and premium based cycle. The gatherings look to arrive at an agreeable dispute settlement with the help of the conciliator, who goes about as an impartial outsider. The fundamental contrast among assuagement and intercession procedures is that, eventually during the placation, the conciliator will be asked by the gatherings to furnish them with a non-restricting settlement proposition. A definitive choice to concede to the settlement stays with the gatherings.

### **1.6 Public Trust on Community Based Dispute Resolution in Azad Jammu & Kashmir:**

A 2014 report by Rural Support Programme Network (titled Documentation of Alternative Dispute Resolution through Local Support Organizations) framed the Local Support Organizations (LSOs) and commanded them to determine the local area debates out of courts. These Local Support Organizations settled number of questions including the killings, savagery against ladies and

assault, disagreements about common assets, land debates, water debates, family questions like separation, love relationships, seizing and so on. The Village Topi Local Support Organization in District Bagh has settled 50 disputes in 2014. The Community Based Dispute Resolution approaches and choices have high trust level of general society because of usage of brief timeframe and assets. Different Non-Governmental Organizations in Azad Jammu & Kashmir are working on the grass root level for the community mobilization and sensitization for the efficacy of the indigenous resources to resolve their issues including the social resources like the closely- knit communities, tribes and social networks.

### **1.7 Trust and Types of trust:**

Research indicates that individuals characterize the experience of trust in terms of their thoughts, feelings, and behavioral intentions and shows that people describe the experience of confidence as far as their contemplations, sentiments, and social goals are concerned (Clark & Payne, 1997). Cummings & Bromley (1996) stated that trust is a widespread social marvel; however it's anything but not an inborn human capacity. Trust is a social limit obtained throughout socialization, established in early life. A few hypotheses allude to trust as a friendless that applies reliably across circumstances, while others allude to believe diversely based on the sort of circumstance in which it exists and brings out that a trustor's manner.

In spite of the fact that there is no broad arrangements with respect to the most ideal method of estimating institutional trust (Mishler & Rose, 1997). Research recommends that trust encourages key coordinated effort and collaboration (Dodgeson, 1993; Zucker, Darby, Brewer, & Peng, 1996), citizenship conduct (Deluga, 1995; Konovsky and Pugh, 1994; McAllister, 1995), and compromise (Parks, Henager, & Scamahorn, 1996). Trust is a multidimensional idea and its measurements are uprightness, trustworthiness or unwavering quality, transparency and

genuineness, weakness, worries for other people, distinguishing proof of shared objectives, standards, qualities and advantages of the local area, control commonality, fulfillment of the gatherings and responsibility of the gatherings to keep up the relationship. Fuzer (2016) identified three types of trusts while reconstructing the Theory of Social Capital into Social theory of trust. These are as following;

I. **Particular Interpersonal Trust:** Social orders with a thin range of trust, overwhelmed by specific relational trust are exemplified by supposed familial social orders (Barfield, 1958; Putnam, 1993; Fukuyama, 1995; Utasi, 2002; 2008, 2013) in which relations with family and family members are characterized by solid, practically unqualified dependability, though corresponding to non-kinfolk, standards of collaboration don't request genuineness, reliability or fortitude and in specific cases permit as well as essentially endorse doubt and deceitfulness (Barfield, 1958).

II. **Generalized Interpersonal Trust:**

Specific relational/interpersonal trust doesn't ban people from that external family, connection, strict or ethnic gatherings. Social orders with a wide range of trust, overwhelmed by summed up relational trust, mingle people for standards of participation with individuals outside specific gatherings: behind the scenes of summed up trust stand prerequisites and assumptions for genuineness, dependability, unwavering quality pertinent for all in the public eye, and used in willful associations like affiliations, common associations, social developments, or organizations that go past the family (Putnam, 1993& Fukuyama, 1995).

III. **Institutionalized Trust:**

Institutional trust alludes to individuals' assumptions for how establishments should treat individuals and what organizations ought to convey (Offe and Warren 1999; Abts 2006). People's

assessment is related with the suspicion that the foundation and its master experts will act in genuinely and will handle express issues viably (Giddens, 1990). Offe (1999) considered institutional trust to be containing three sections: the foundation ought to be viewed as huge and significant; it ought to be valid; and one ought to be convinced that others moreover trust this establishment.

Consider air traffic, the web or medical care establishments: there are without a doubt, not many who have master information about the operations of these theoretical frameworks, and it truly isn't essential for laypeople to grasp their activities. What the key is that we, as laypeople, can concede to the skill epitomized in them. This marvel is named institutional trust. Normally, the human factor is rarely missing: we are additionally called upon to confide in the delegates of dynamic frameworks, just as the individuals who ensure the mastery and uprightness of those agents, (for example, airplane pilots, anesthesiologist or instructors) by means of similarly standardized cycles, (for example, customary mental tests, or through oversights). Implies one accepts, with sensations of relative security, that positive conditions are set up that are helpful for situational accomplishment in a dangerous undertaking or part of one's life.

- a. **Conceptual definition of Trust:** Trust is an abstract evaluation of another's impact regarding the degree of one's insights about the quality and meaning of another's effect over one's results in a given circumstance, with the end goal that one's assumption for, receptiveness to, and tendency toward such impact give a feeling of command over the possible results of the circumstance (Romano, 2003)
- b. **Operational Definition of Trust:** In current research the Trust operationalized definition is as "an experience consisting of thoughts, feelings, and behavioral intentions and perceived influence of social interaction on one's outcomes. The institutionalized trust will be measured on the basis

of factors like competence, belief, sincerity and honesty of the system and persons involved in the process of community dispute resolution. In this research the trust is categorized into (low and high) on the basis of the competence, fairness, honesty, reliability and good will. In trying to operationally define trust, one must recognize that it is a construct, or a theoretical creation that is based on observation. We cannot directly view or measure trust, we can observe trustworthy actions or behaviors (Blanco, 2013).

### **1.8 Statement of the Problem:**

Pendency of cases in all courts of Pakistan is very high and reached about two million. The pendency of cases is also very high in AJ&K and reached 43000 cases in all courts. After the earthquake 2005, a large number of Non-Governmental Organizations (NGOs) with Community Based Organizations (CBOs) with help of social welfare department established the Local Support Organizations (LSOs) to resolve the problems of the people on gross root level. In this context several organizations are working to resolve the community disputes within the community by using indigenous social capital. The established law in the state including civil and criminal law allow the courts to accept the community agreements to end up the disputes if the agreements are aligned with the norms, value and acceptance on social and legal grounds. These Community Based Disputes Resolution processes adopted by the NGO sector have high reputation, significant acceptance and high trust level by the local people. The strong level of trust must ensure good quality of the relationship within a group which gathers consistently for a common purpose (Paine, 2003). Due to unusual delays in formal judicial system, the provision of immediate justice through communities is highly regarded and needs to explore options like Lok Adalat in India and Community Based Dispute Resolution in USA.

### **1.9 Objectives of the Study**

The present study conducts with the following objectives:

1. To investigate the Socio-economic characteristics of the disputants adopted the Community Based Dispute Resolution system in Azad Jammu & Kashmir.
2. To identify the predicting factors of public trust on Community Based Dispute Resolution system in Azad Jammu & Kashmir.
3. To analyze the relationship between predicting factors and public trust on Community Based Dispute Resolution system in Azad Jammu & Kashmir.
4. To suggest policy measures and recommendations for improvement in formal and informal judicial system in Pakistan and AJ&K.

### **1.10 Research Hypotheses**

- I. There is a relationship between accessibility to Community Based Dispute Resolution and Public Trust on Community Based Dispute Resolution.
- II. There is a positive relationship between implementation of decisions taken by Community Based Dispute Resolution and Public Trust on Community Based Dispute Resolution.
- III. The Transparency of the proceedings of the Community Based Dispute Resolution positively influences Public Trust on Community Based Dispute Resolution.
- IV. The Confidentiality of the proceedings of Community Based Dispute Resolution positively develops Public Trust on Community Based Dispute Resolution.
- V. The Participation of the community members in the process of Community Based Dispute Resolution increases Public Trust on Community Based Dispute Resolution.

### **1.11 Delimitation of the study**

- The data is collected for the year of 2016-17.



- The cases from terrorism are excluded from the current study.
- The cases of Murder are not included in the research study.
- Juvenile delinquency cases are not considered in this study.

### **1.12 Significance of Study**

In a report by the Daily “the News International” pointed out that 2.1 million cases pending in the different courts of Pakistan and still the pendency is increasing. Dispense of justice to the common man is going to be difficult. In such circumstances, the current study is opening new areas in community justice exploration and criminal equity framework. The results dissemination makes them think over new paradigms of community justice at the community levels. The discoveries of the examination are helping the analysts, understudies and strategy producers in future for arrangement of new legitimate rights and laws related with the brief arrangement of equity to the average person. It brings and bridges new components of neighborhood disputes and their answers satisfactory, locally and eventually can prompt the advantages of the general public. The investigation has given a rule to the Government for foundation of future legal framework for simple and ideal apportion of equity to the powerless portions of the community on their doorsteps.

This study is beneficial in the following ways:

- It helps to improve the current judicial system to provide the justice immediately, because justice delayed is considered as justice denied.
- Community justice can be emerged as in Lok Adalat in India or through community centers in USA.
- It can reduce the burden on the courts and minor offenses can be treated well in time and well in manners.

- The present research brings new grounds for immediate justice provision establishing the Alternative Dispute Resolution including court annexed options and community based dispute resolution. It is also helpful for policy makers in devising new policies and legislation.

In future, research on informal dispute resolution will be more successful if the questionnaires designed with legal practitioners with both qualitative and quantitative research approaches highly designed and expert opinion through SPSS. The future research will be more successful if entire informal dispute resolution studied through case studies, stakeholders' analysis and including the line departments as the participants of the processes. The future research on informal justice system can be best practiced as below;

- Possibly use a mixed method approach by using open ended questions to know the exact expressions of the victims and perpetrators about community based dispute resolution.
- Need to incorporate the expert's opinion involved in formal justice systems like any retired judge, any practicing lawyer and any one of human rights activists.
- Collect some community agreements (written) either through jirga, panchayat, musaliati committees or councils.
- Need to explore the documentation of Local Support Organizations (LSOs) and AJ&K Rural Support Programme with particular reference of informal dispute settlement.
- Need to design and redesign the research with consultation of SPSS expert or use of any other software to analyse the data.
- Need to examine the documentation of few cases resolved through CB dispute Resolution, Jirga, panchayat or any other informal approach to explore the data.

- There is a Need to explore the RSPN (Rural Support Programme Network) and Islamic Relief Pakistan documentation working with Community Organizations in different villages of Azad Jammu & Kashmir.
- There is a need to closely examine the ADR established (functions, approaches, and acceptance) in KP region of Pakistan.
- Need to explore those laws supporting informal dispute resolution system in Pakistan.

### **1.13 Theoretical Framework of the Research**

Theoretical framework provides a connection between the current study and the existing knowledge on the subject. It provides a foundation for the theory relevance, hypothesis and preference of research technique. In current study, public Trust is examined as the social capital prevails in the society.

**1.13.1 Social Capital Theory:** Social capital theory argued that community affairs are assets that can escort to the expansion and buildup of human capital. Trust has been a widely studied concept both by itself but, most importantly, as a component of the quality of relationship (Paine, 2003). Social capital resources consolidate trust, principles or standards, and associations or organizations of alliance addressing any get-together which aggregates dependably for an ordinary explanation. Social capital is the snare of helpful connection between residents that works with goal of assortment activity issues (Coleman, 1990), while Community Based Dispute Resolution is a defecto in nature and existing as a system and institution own by local communities as the Social Capital. It covers up all three dimensions of social capital i.e. trust, norms of cooperation and network through bonding, bridging and linking.

Although, routinely considered as a property of organizations, the equivalent association between local area affiliation and confidence in others is a display of social capital in individual

lead and mind-sets. Although (Putnam,1993) provided idea of social assets to allude to a property of total networks to such an extent that continuous investment by a local area prompts a tight snare of social collaborations and more noteworthy confidence in each other. The organic and mechanical solidarity (Durkheim 1893) Surplus value (Marx, 1955) Investment on social networks (Lin 1982, Putnam, 1993,Coleman, 1990) and investment on mutual recognition and acknowledgement described on different levels including the classless society, individual and group levels. While Putnam's emphasis is on the advantage gathering to the local area, Coleman and Bourdieu give conceptualization at individual level. They trust that social capital exists among people and can be learned at the singular level.

All human networks stand up to aggregate activity issues. Aggregately, social orders are in an ideal situation when their individuals help out each other to accomplish shared objectives. People, in any case, face motivating forces to act egotistically; looking for the advantages of participation without paying the expenses (Brehm, 1997).Generalized trust permits individuals to move out of recognizable connections in which trust depends on information aggregated from long involvement specifically individuals.

Putnam (1993) respects organizations of city commitment to be at the actual center of his idea of "social capital." Strong organizations empower networks to take care of aggregate activity issues by rearing collaboration and facilitating coordination. Optional affiliations, for example, church gatherings, worker's guilds, school gatherings, and brotherly associations are particularly significant indications of local area communications. Coleman(1990) and (Putnam,1993) propose social capital as a property of networks, to such an extent that those networks with better loads of social capital are better ready to stay away from coercive answers for aggregate products issues than those with feeble supplies of social capital.

Fuzer (2016) identified three types of trusts while reconstructing the Theory of Social Capital into Social theory of trust and connecting the bonding, bridging and linking social capital with three dimensions of trust, norms of cooperation and network and gave the concept of particular interpersonal trust, generalized interpersonal trust and institutionalized interpersonal trust.

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## CONCEPTUAL FRAMEWORK

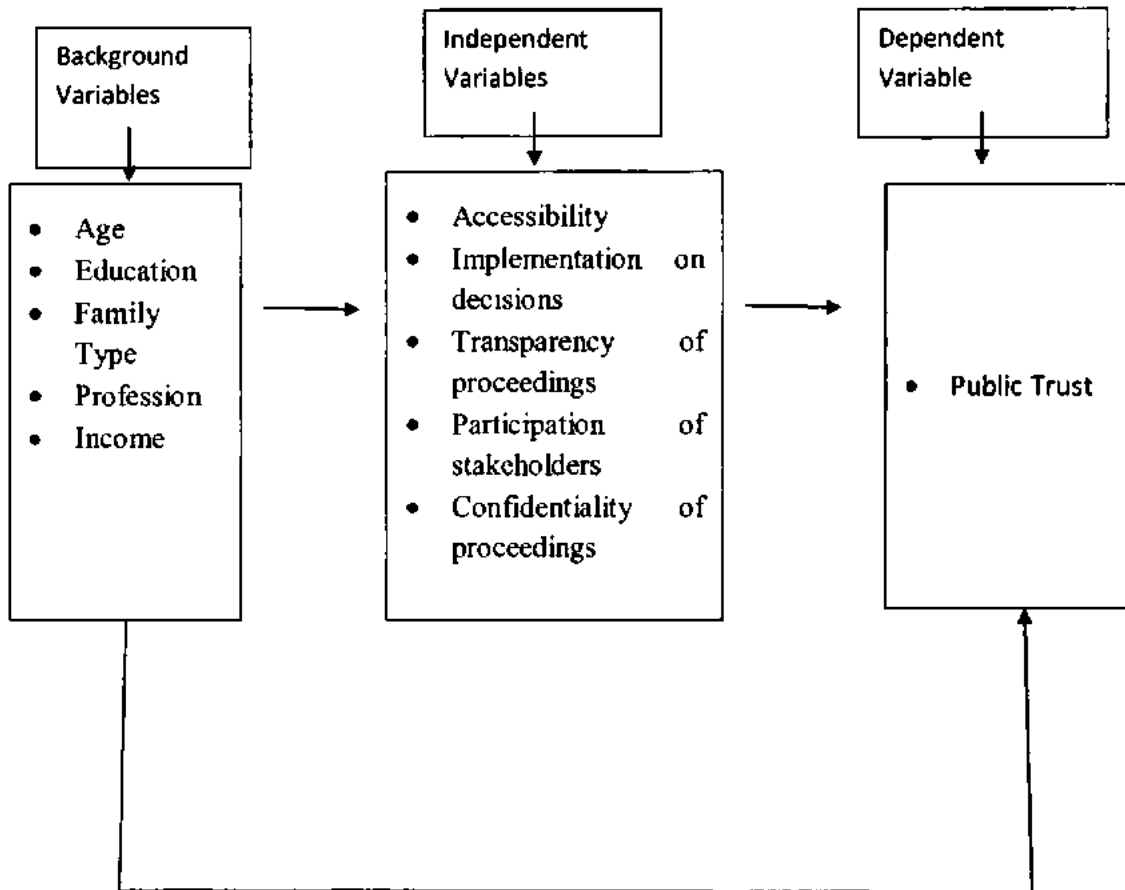


Figure: 1.1: Conceptual Framework

## 2. LITERATURE REVIEW

Abatena (1997) contends that grassroots support in local area significant thinking is fundamental for three basic reasons. It encourages: (1) legitimate issue determination and necessities evaluation, (2) quality dynamics with respect to decision of significant and possible objectives/arrangements, and (3) effective program execution. Brydolf (1980) proposed that the gross root dispute resolution is just conceivable while remembering the networks for settling their questions by receiving the indigenous arrangements of the indigenous issues.

Ackerman (2002) shouted out about the breakdown and recovery of American local area and portrayed the decrease in investment by Americans in local area exercises and decreased support in metro associations, social clubs, magnanimous associations, and the in like manner have reduced our store of social capital and with it, our municipal connectedness. Social capital- the associations between people that form interpersonal organizations is viewed as basic to the standards and social qualities. Abel (1982) expressed the deferrals in the formal legal framework apparently proposing the other to determine the debates in the areas.

Akudugu & Mahama (2011) concluded that around 79% of individuals in the Bawku Traditional Area of Ghana favor endogenous instruments, known as Community-Based Conflict Management and Resolution Mechanisms (COBCOMREMs), and their explanations behind this decision are comparable

Astor (2007) clarified the impartiality of an outsider who chooses or intervenes questions is fundamental to our thoughts of decency and equity in western liberal vote based systems. It contends that nonpartisanship is considerably more essential to the authenticity of intercession than it is to the authenticity of settling. He further suggests suggestions for go between works on,

preparing, morals, oversight and proceeding with schooling. Counting intercession, a considerable lot of the contentions may productively likewise be applied to mediation

Astor (2005) conceived questions in Australian colleges cost a large number of dollars every year that could be spent all the more productively on center exercises like exploration and instructing. Especially, the idea for public universities mediation and the utilization of alternative techniques for dispute resolution and coordinated peacemaking frameworks in Australian universities. The most fundamental type of elective question goal is exchange: at its center, two individuals basically talk about an issue and endeavor to arrive at a goal both can acknowledge and intercession began when two arbitrators, acknowledging they required assistance in this cycle, acknowledged the mediation of a third individual (Barrett, 2004).

Beck (2012) certifies that the helpful equity is entering the social work writing as a technique that can change lives hurt by viciousness. He further investigated the four helpful equity systems that try to change networks: therapeutic sheets, local area conferencing, local area remedial help, and truth and compromise commissions.

Brown, Barclay, Simmons, & Eley (2003) are of the opinion that the counter friendly behaviors can be constrained by received an inclusive local area based intercession program to handle the debates astutely and actually without escalating the circumstance within the disputants.

Crowfoot and Wondolleck (1990) expound in the ecological field, citizen, business, and the public authority agents have for right around 10 years been effectively exploring different avenues regarding elective dynamic cycles. at both approach and site explicit levels furthermore individuals are quite worried about the utilization of common assets with the progression of time.



Daley and Kettner (1981) elucidated dealing locally advancement regardless of the ascending of questions by utilizing the vital abilities for the compromise and haggling ideas and practice standards from the fields of global compromise, the social activity model of local area association, and political theory. Lawful observers have as of late engaged a lot of consideration on techniques for Elective Dispute Resolution, like assertion, intervention and a large group of other casual strategies. Most analysts have contended that these casual options in contrast to the court will prompt a more productive and open equity framework (Delgado, Dunn, Brown, and Lee, 1985).

Asenjo (2019) elucidated that compromise systems have gotten progressively mainstream inside local area improvement practice. Compromise has been utilized to avert conflict, tackle community disputes, address family strife, encourage local area association, address separation and lessen against social conduct. The guarantee of compromise is that private and casual cycles of 'equity from underneath' might better accommodate local area interests, improve connections and advance social change. Inside the field of local area advancement, these guarantees have been generally vaunted.

DORE (2012) explained that intervention can all the time assist with fixing harmed connections and aid restoring the relations, moreover, numerous businesses make inner strategies for the goal of separation grievances. We analyze inner objection overseers' originations of social liberties law and the ramifications of those originations for their way to deal with debate goal (Edelman, Erlanger, & Lande, 1993).

Edwards (1986) investigated that Alternative Dispute Resolution development has seen an uncommon change over the most recent ten years. Minimal over 10 years prior, just a small bunch of researchers also lawyers saw the requirement for options in contrast to prosecution. The

Alternative Dispute Resolution thought was viewed as just a hobbyhorse for a couple of unconventional researchers. Today, with the ascent of public grumblings about the shortcomings and treacheries of our customary court frameworks, the ADR development has drawn in a fad following of disciples.

Folberg (1983) stated that it is proper to put intervention in authentic viewpoint and to check out it in an expansive social contact. Intervention as an option in contrast to self-improvement or formal ill-disposed methodology is currently new yet to foster intercession as a discrete expert practice and field of study. Likewise, mediation and other methods of dispute resolution have made a great progress in the past decade towards occupying a significant role in relation to, and demonstrate the need for a rule to guarantee the confidentiality in the mediation which focused on the nonprofit community mediation (Freedman& Prigoff, 1986).

Gaynor (2016) explained the unrest in the Congo due to a continue war and the lengthy cycle of violence and intimidation has resulted in the highest death toll in any war since World War II, for the domination for the extraction of minerals and other natural resources within the group of different ethnicities. Furthermore the peacebuilding exercise by international forces encouraged the local based community conflict resolution and the development. The common courts contribute discreetly and fundamentally to social and financial prosperity. They have an impact as in we live in an organized society where there are freedoms and securities, and that these privileges and assurances can be made great. They advance social request and work with the quiet goal of questions (Genn, 2012).

Greatbatch (1990) explained the negotiation as an option in contrast to prosecution in settling the debate of separating from couples is the idea of the middle person as facilitator. Backers of the interceded settlement process suggest that it engages couples to settle on their own

choices. Furthermore it recognizes a strategy, named " specific assistance," through which customers might be guided specifically headings picked by the arbiter. Intervention has become progressively famous in the course of recent many years. It is one of a few types of compromise called " elective debate resolution"(ADR) which contrast themselves with court prosecution. The push for casual lawful establishments really started around the turn of this century out of worries for both acculturating the contention goal process, balancing admittance to legitimate foundations and, at last, for diminishing its expense (Gunning, 1995).

Hedeem (2004) described building significant people of specific local area limit and changing clash designs are the most amazing assets given by local area intervention programs. A considerable lot of the components of genuine majority rule government are available in the work we do. I trust that if, in some random circumstance, there is a local area and a contention, putting everybody together in one room and managing the intercession interaction will bring about the most fair and rich arrangement conceivable. Viable communities have a strong social control within by keeping a strong opinion about the crime control by utilizing the social norms and values and resolving disputes in the neighborhood (Hofrichter, 1978).Using intervention rather than mediation to decide questions passes on huge implications for value. Savants ensure that mediation and settlement repentance a basically result, a result with respect to clarified and recognized social norms, for straightforward capability or common sense. Such investigates ignore the intricate thought of value (Hyman, 2002).

Hedge and Folger (2012) delineated that since the soonest days of the " modern intervention field" during the 1970s, there has been a ceaseless and disagreeable discussion with respect to whether the utilization of intervention represents a danger to the estimation of equity, at both the individual and social levels. 'Early allies of the interaction guaranteed that it would extend"

admittance to equity," and accordingly give regulatory investment funds to the courts as well as significant private advantages to disputants who may some way or another be rejected from the equity framework.

Kane J. et al.,(2007) described the restorative practices and identified the core principles like cultivating good friendly connections locally of common commitment; assuming liability and responsibility for one's own behavior and their effect on others; regarding others, their perspectives and sentiments; compassion with the sensations of others impacted by own activities, decency; obligation to impartial cycle and dynamic contribution of everybody in choices about their own lives. Analysts and policymakers have for quite some time been worried about the degree to which such socio-social variables as identity and sex decide admittance to authoritative prizes and imperatives inside overall sets of laws. Researchers have additionally contemplated whether less conventional cycles, like those found in elective debate goal, are particularly helpless to predisposition. (LaFree& Rack, 1996).

Hughes (2013) investigated that community-based crime control has become one of the major political responses to crime and disorder in Western societies, and is now considered one of the keys to crime prevention and reduction of its own safety needs in the workplace.

Lambert (2015) explained the supportive equity processes are progressively upheld as strategies that can be executed to further develop local area improvement. Also about the method of equity (Wahrhaftig, 1983) viewed Liberian gatherings of village elders which dispensed an informal style of justice. Similarly, Connor (1997) declared entry of the Indian Reorganization Act permitted the clans to sort out their legislatures, by drafting their own constitutions, embracing their own laws through ancestral chambers and setting up their own court frameworks

and the majority of the ancestral courts that exist today date from the Indian Reorganization Act of 1934.

Nader (1979) gives further details that Americans have no admittance to law for particular sorts of issues, reporters have archived the purposes behind absence of access, passage to the general set of laws requests a measure of time, cash, and information that many individuals do not have, the courts have created gadgets to control their agendas and certain damages have not been agreed a legitimate cure. Settling cases represents a difficult assignment for the go between. Most debates are fervently challenged by the two players or they would not have advanced to the purpose in entering the court field or intercession (Silbey & Merry, 1986).

Wall and Dunne (2012) explained the debate goal and expressed that inside this cycle, the arbiter and disputants cooperate with one another, endeavoring to arrive at their own objectives. This communication produces results for the disputants, the mediators, and different disputants. Furthermore, Pound (1953) was of the opinion that law was created and designed to satisfy human wants. When Judicial System cannot provides in time justice to the people then alternatives remained the only option like American Bar Association (1976) report on Pound Conference showed the result of gathering was to underwriting of neighborhood equity focuses, programs intended to "make accessible an assortment of techniques for handling debates, including intervention, intercession, reference to little cases courts just as reference to courts of general ward. Starting around 1976, inspected the development to re-structure question philosophy in the United States.

Nader (1993) exclaimed that two parts of my work have shown 1) the presence and power of the development to "trade equity for amicability" in legitimate practice and 2) the philosophical idea of the movement as demonstrated by various examinations, which show both

that the "suit explosion" was an philosophical develop, and that Alternative Dispute Resolution is definitely not a generally wanted improvement, but instead a regularly coercive instrument of conciliation.

McGillis (1986) explained from relatively small beginnings approximately fifteen years ago, the dispute resolution field has grown remarkably. The field includes diverse mechanisms for the settlement of disputes outside of the courtroom through such techniques as mediation, arbitration, fact-finding, and conciliation. Community dispute resolution programs have been established across the nation, and projects are currently in operation in over 180 cities.

Waters (2016) states intervention is ostensibly now turning out to be more standard as far as debate goal process decision. In certain occurrences law changes host been acquainted requiring gatherings in debate with think about utilizing intercession; likewise, attorneys have a moral obligation to give guidance to their customers about the scope of question goal processes accessible.

Reuben(1997) contended the actual course of law is being compelled to stand up to this test, as an ever increasing number of cases are assigned administratively, judicially, and authoritatively out of open courts and into private hearings, because of the ascent of elective question goal. Also, nearby interest in formal and intentional associations seemingly provided the people of local area (community) with fortitude, institutional steadiness and expanded ability to control youth (Hunter, 1974; Sampson & Groves, 1989).

Dunlop (1984) contended that in western social orders, "compromise of commercial center" and "government administrative instrument set up by the political interaction" going from courts to managerial councils comprised for goal of questions among gatherings and associations. Similarly (Ury, Brett & Goldberg, 1988) viewed the viability of the interaction as far as cost,

result and solidness of compromise and further backers the ideas of interest-based, freedoms based and power-based ways to deal with question goal.

Giddens (1990) shouted that individuals' evaluation is associated with the assumption that the foundation and its expert specialists will act in sincerely and will take care of explicit issues proficiently. Just those distinctions that we see as difficulties to something we have confidence in or need or to some part of our individual or shared personalities become clashes (Lebarone, 2006). A portion of the local area programs remembered the middle for Dispute settlement for Rochester New York and Night investigators program in Columbus, Ohio (Umbreit, 1995) and furthermore guaranteed that a program like the Night examiners in Columbus Ohio had an gigantic effect in the neighborhood since it redirected a great deal of cases from the court framework. As indicated by Webber (1963) networks go past geological limits. Networks depend on individuals' confidence, convictions and side interests.

Merrills (2005) considers intervention as an intentional interaction and it is never constrained on the clashing gatherings rather it is requested in agreement moreover the inability to pick this type of carrying mental soundness to the contention might end up being tricky subsequently the middle person's recommendations might be satisfactory to one or the other or both of the gatherings however not restricting and expounding the techniques takes a gander at strategic (arrangement, intercession, request and mollification) and legitimate strategies (mediation, legal settlement and so on).

Zartman (2000) stated that while most investigations on tranquil settlement of debates see the substance of the recommendations for an answer as the way in to an effective goal of contention, a developing focal point of consideration shows that a second and similarly fundamental key lies in the circumstance of endeavors for goal. Gatherings settle their contention

just when they are prepared to do as such when elective, normally one-sided, method for accomplishing a good outcome are obstructed and the gatherings feel that they are stuck.

Hedge and Folger (2005) note that, Furthermore, in correlation with... an ill-disposed cycle, intervention is described by a familiarity and commonality that can decrease both the monetary and enthusiastic expenses of question repayment. Different defenders refer to the capacity of local area intercession to determine inherent social issues and cultivate municipal pride inside networks (Shonholtz, 2000). Still others accept that local area intervention can be utilized to address quite a few issues, for example, "...race relations, AIDS, public approach, jail, blacklists, transient specialists, horticulture, clean air/water freedoms, ranch touching privileges, work, strict debates, community policing, and business/corporate questions"(Wilkinson, 2001).

Hedeen (2004) argued that community based intercession in the U.S. arisen between the last part of the 1960's and mid 1970's because of a developing development towards tracking down options to the customary antagonistic cycle. This development notwithstanding, immediately veered into two separate ways; one zeroing in on commending the court framework and one keeping up with its emphasis on question goal entirely outside of the courts (Bradley and Smith, 2000).The people group sheets were planned around a model of local area commitment, instead of government/court association. The thought was that autonomous local gatherings would"... cultivate compromise rather than discipline through a free and decentralized arrangement of criminal equity" (Merry and Milner 1993).

Wahrhaftig & McGillis (1986) stated that there have been endeavors to additionally group local area put together intercession programs based with respect to the administrations they give rather than the finishes they desire to accomplish .The larger part of studies have zeroed in on two principle proportions of adequacy; settlement rate and member fulfillment (Long ,



2003;Hedeem, 2004). Regardless the absence of studies utilizing similar expense examination, overall the outcomes show that with regards to half of the time intercession is thought of as less exorbitant than mediation(Averril 1994; Hann & Baar 2001; Daniel 2001; Kobbervig 1991; Wissler 2002).

Anderson and Pi (2004) assessed that the local area Mediation projects would save \$1.4 million in San Diego, \$395,000 in Los Angeles, and \$9,770 in Sonoma dependent on deflected judges' compensations. Different examinations have moreover recorded expected reserve funds with local area intercession programs (MacFarlane 1995 and McAdoo 1997). Generally, most of studies that zeroed in on separate from intercession observed that the cycle was by and large less expensive and sometimes dramatically so (Kelly, 1990).

Sipe and Stifle (1995) observed that just about 95% of respondents imagined that intercession was productive as far as cost. Furthermore, Suskind (1999) observed that portion of the members thought intercession cost all the more and actually took additional time. The most immediate concern, accordingly, is the absence of near investigations that have been done on local area intercession and customary arbitration (Shack, 2007; McGillis, 1997; Hedeem, 2010).

Hedeem (2010) noticed that investigations of local area intercession frequently center something like a couple of proportions of adequacy, evaluating these without tending to different aspects or marks of viability. In USA Mediators are typically chips in and working as volunteer. One overview (McKinney, Kimsey & Fuller, 1996) which got reactions from 146 unique intervention places the nation over observed that portion of them offered intercession benefits free of charge. Local area based intervention programs, most of which are involved volunteer go between from a wide range of expert foundations (McKinney, Kimsey & Fuller, 1996).

Scott and Melinda (2000) noted 'community or local area mollification instruments were considered a chance for residents to take an interest in the avoidance of struggles as an option in contrast to institutional system'. Regardless of whether it had a poor start, as the ADR techniques came into general use in UK just during the 1980s (McThenia and Schaffer, 1985), intervention and particularly the local area intercession focuses (or neighborhood focuses, as they are known in UK), developed into a cross country administration with in excess of 12,000 questions addressed every year (Gray,2002). The disposition in UK is that the fundamental power for the improvement of ADR was for the most part attorneys engaged with business prosecution, a couple of scholastics, and the courts (Robertshaw and Segal, 1993). A portion of the local area programs remembered the middle for Dispute settlement for Rochester New York and Night examiners program in Columbus, Ohio (Umbreit, 1995).As indicated by (Webber, 1963) networks go past topographical limits.

Fuller (1970) accentuates further the requirement for ideal information on the conditions prompting the debate, the gatherings in question and the moral method of execution by the go between. As per The Nationwide Academy for Dispute Resolution in the UK, (NADR) Mediation is viewed as a purposeful, non-tying, fair strategy. Where the intervention cycle closes with an official arrangement among the clashing gatherings, then, at that point, it follows that the understanding can be upheld, basically and rapidly, by the courts should the need emerge (Academy for debate goal 2000). This cycle involves a typical comprehension of the current debate, an unmistakable image of the conflict from both-sides-of-the-coin viewpoint to such an extent that the go between knows about each party's complaints independently (Fuller, 1970).

Ron (1995) clarified that the compromise is certifiably not a one-contact method yet an extended arrangement of occasions in dreary movement to at last destroy sick sentiments between

the clashing gatherings. In his hypothesis "The Cycle of Reconciliation", Ron states that the interaction should begin with an underlying relationship. Assuming brief period is devoted to this self-assessment then, at that point, space for acknowledgment and absolution is made thus statement of regret and compromise (Yevsyukova, 1997).

NADR (2000), argued that dispute resolution in the UK evaluates the mediation strategy for settling questions and institute declares that Arbitration is in a general sense unfavorable and lawful in setting considerably finishing in a-champ takes-it all circumstances. The determinant in any contention is how it is settled. Wall can be retouched or broken, connections harmed or fixed relying upon how the contention was dealt with (Nadig, 2010).

Denney, Bennett and Khin (2016) in a report expressed that more extended term research and direct perceptions of question goal give exceptional bits of knowledge into regular practices and common individuals' impression of issues and equity, which until now has been inadequate in Myanmar where meeting and overview based examination has ruled. In this report, simply research bits of knowledge are enhanced with other late investigations of admittance to equity, and International Rescue Committee's own work. Because court cases often drag on over long periods of time with multiple appointments, this also induces additional costs for the litigants. Community intercession projects will guarantee that their administration is 'less expensive 'than the conventional ill-disposed framework for the two members and the court frameworks (Kovach 1997; Mediation Network of North Carolina Annual Report 2011).

Huchhanavar (2015) states over 70% cases in rural India even today were settled by conventional Panchayat, indeed these Panchayat were the genuine goal of foundations while, unfamiliar made current ADRs had got legal acknowledgment despite the fact that they were neglected to accomplish wanted outcomes.

Huchhanavar (2017) explains for the capable working of any general arrangement of regulations fundamental basic is that such structure will be founded on the objectives of people, regulation or general arrangement of regulations. The Lok Adalat is the idea having its essential foundations in Indian incredible past which mean individuals' Court; it is the strategy of nyayapanch, is conceptualized and coordinated as Lok Adalat. It consolidates individuals who are plainly or by idea impacted by banter objective. The rule clarification behind bringing this structure is moreover to diminish the loads of Courts and give quick value people's interest in unique.

According to Agarwal (2005) disputes and conflicts waste the society's valuable time, effort, and resources. Absolute priority must be given to ensuring that there is no conflict in society. However, this is not realistically practicable. Lok Adalat (People's Court), where justice is administered swiftly without too much attention on legal nuances, is another alternative approach that is currently being implemented. More and more disagreements are being settled using non-judicial means, such as negotiation, mediation, and conciliation.

Raju (2008) claimed that the Lok Adalat (Peoples' Court) concept and philosophy is an original Indian contribution to international law. Judges, mediators, conciliators, and arbitrators will need to actively participate in future litigation in order to expeditiously resolve current cases and cut costs.

Since its inception, society has had numerous conflicts and disagreements, and the resolution of these issues has become an integral aspect of it. Court-mediated resolution, while widely accepted, has suffered numerous drawbacks because of its onerous norms and rigorous procedures. By eliminating the shortcomings of the traditional court system, the alternative dispute resolution system is now viewed as the superior method for resolving conflicts (Jaiswal & Mandloi, 2020).

The Constitution of India intends to offer free legal aid to ensure that no citizen is denied the opportunity to obtain justice due to a lack of financial means. As a major portion of justice customers are either poor or uninformed, illiterate or backward, or both, India's socioeconomic situations call for highly driven and sensitive legal service programmes. The emphasis is placed on Section 89 of CPC, 1908 and its necessity, which has resulted in a radical shift in ADR methods in India. Rule of Law is justified by the notion of ADR, which is founded on the Natural Justice Principle. This is desperately required in nations like India where legal disputes lead to a lot of hostility (Sharma & Sahu, 2014).

Jayasundere and Valters (2014) stated that in Sri Lanka, the intervention is endeavored by three authorities. Two of them are picked by the two players, and the trailblazer is picked by those two. Intervention isn't available in issues where the state is a party or in methods started by the Attorney General. While in Philippines, Barangay Justice System (BJS) gives that in networks that have obvious regular practices in resolving questions, the practices and customs of the native informal organizations will be applied. Along these lines, resolving questions through their Councils of Elders are seen and followed with a comparative power and effect as the strategy in the BJS. Other than the indisputable standing, the picked outstanding Lupon (Baragay Peace Chamber) will be given the Presidential Acclamation and a money related reward. This compromise game plan is a strong excitement to all Barangay Lupon to play out their best (Benter, 2020).

LJCP (2002) explained to counter the justice delayed and due to huge number of pending cases in Pakistani Courts the Law and Justice Commission of Pakistan has revised the Civil Procedure Code, 1908, by which powers were given to the common courts under Section 89 to

take on (dependent upon the assent of the disputants), to resolve a question to resolve disputes alternatively.

Pakistan Institute of Legislative Development and Transparency (2016) indicates the Punjab Local Government Act 2013 sections 96-99 refers to provide for the amicable settlement of disputes through Panchayat established by the Village Councils in the rural area and through Musalihati Councils constituted by Municipal Committees in the Urban Areas. The current law working to resolve disputes out of court is Arbitration Act 1940 but after that major development took place in 2002 when enactment of Ordinance 34 of 2002 inserting Section 89-A into the CPC which insists to adopt alternate dispute resolution method either arbitration or reconciliation. While considering the importance of Jirga or Panchayat (PILDAT, 2016) recommended the establishment of Panchayat system as parallel system to ADR.

NCDR (2015) stated that National Center for Dispute Resolution previously known as Karachi Center for Dispute Resolution (KCDR) was set up in February 2007 with the underwriting of the High Court of Sindh. The Center has given recommendations to the public expert for the execution of ADR in Pakistan. It has furthermore drafted "Intercession Bill 2014" and submitted it to the Federal Government. The Center, furthermore, proposes remedies in the High Court Rules related to Alternative Dispute Resolution.

Sztompka (1999) in his renowned book "Trust: A Sociological Theory" portrayed the trust is simply the hope of other idealistic direct towards ourselves and represented three fundamental components of moral local area, the trust which is anticipation of others lead, second is loyalty that is , the commitment to forgo breaking the trust that others have presented to us and to satisfy obligations taken upon ourselves by tolerating someone's trust and third is fortitude, that is ,really

focusing on others' inclinations and the preparation to make a move for other people, regardless of whether it clashes with our own advantages.

Barbalet (2009) elucidated the trust is perceived as far as a) acknowledgment of reliance in b) the shortfall of data about the other's unwavering quality to c) make a result in any case inaccessible. The first of these is the expense of trust; the second, the circumstance of vulnerability it faces and may survive; the third, its buy and furthermore, differentiation among entrust and comparable relations with which it is oftentimes confounded; disclosure of the premise of confidence in the passionate worry of certainty; and exhibition of the connection among trust and both social capital and discernment, with irrational outcomes.

Trust is a general social wonder, yet it's anything but a natural human personnel: trust is a social limit gained over the span of socialization, established in early stages. A few mental and social mental schools (Giddens 1990; Fukuyama 2000; Erikson 2002; Bereczkei 2009) broke down the marvel of essential trust that creates over the span of early collaboration with life partners: the presence of parental figures, the advancement of confidence in their return, this natural dependence on soul mates is simply the way to both certainty just as the limit of relational trust.

Kohn (2008) investigate that the trust - our confidence in reality or dependability of a person or thing - lies at the actual heart of our connections, our general public and our regular day to day existences, also, depicted a wide range of points of view from the areas of science, social science, financial matters, and legislative issues, to draw out the more extensive ramifications for trust in human culture today. The book closes on an individual note, reasoning that our material flourishing isn't coordinated by the nature of our lives and connections, however

that, assuming we get what makes trust conceivable, and why it makes a difference, we will carry on with better lives in a quick, quick changing, globalized society.

Warren (1999) argued that the finish of the twentieth century and the beginning of 21st century is set apart by a change in the importance of trust/doubt division in European and North American public talks and in the media, and thus, in human and sociologies. Previously, the most widely recognized implications of trust/distrust in just frameworks were polarities like trust versus solid doubt and trust versus hazard and depicted the trust as the social idea.

Markova (2008) depicting that believing others implies taking risks, as trusting one is reliant upon the intensions and generousities of others. Simultaneously, distributions on trust have become joined by newly evolved scales to assess, quantitatively and genuinely, level of summed up, relational and institutional trust.

Offe (1999) viewed institutional trust as comprising of three parts: the organization should be seen as significant and helpful; it should be believable; and one should be persuaded that others likewise trust this foundation. Local area improvement may not be an old calling however it has had an incredible effect in the general public. It has turned into an instrument used to address indecencies like social rejection, neediness, separation and wrongdoing (Henderson, 2000).

Gronlund & Setala (2012) elucidated that institutional trust depends on the common acknowledgment and the acknowledgment of the standards directing the activity of an establishment just as the view that the establishment really performs as per these standards.

Offe & Abts (2006) contends that institutional trust alludes to individuals' assumptions for how establishments should treat individuals and what foundations ought to convey dependent on



the meaning of the destinations and the standards as indicated by which organizations are relied upon to work.

Portes (1998) inspects the social capital and its elements as the use of the idea of sociological writing that underscores its part in friendly control, in family support and in benefits intervened by extra familial networks. The social capital includes trust, social networks and social institutions' prestige.

### **Summary of the Literature Review**

Community based dispute resolution is in practice in almost every type of society adopted by different governments at different levels. The commonly practiced CB dispute resolutions methods in the Azad Kashmir are still known as Jirga, Panchayat, Musaliati commission or Islahi Committees. Few NGOs are giving the concept of social acceptance of these processes and linked these methods with public acceptance on one hand and legal and moral acceptance on the other hands. Most commonly used CB dispute resolution methods are mediation, conciliation, arbitration or combination of these approaches.

Some states like India which has such a big population has find alternates either annexed with courts or through the community. This mechanism creates the Lok Adalats. Similarly, USA, UK, China, Sri Lanka, Afghanistan have focused on the resolution of the disputes on the door step of the common man especially disputes related to neighborhood.

The current study is focused on the alternate dispute resolution but specifically focused on the out of court settlement of the cases and to measure the level of trust on these instruments of dispute resolution. The few studies simply measure the trust through the demographic factor like gender, age, profession and education but this study is focused on the independent variables like accessibility to the community based dispute resolution processes including time, cost and easiness

of approach, participation of the stakeholder in the processes, implementation of the decisions, transparency in the processes and the confidentiality in the processes. In some other jurisdictions of the world like Australia and Switzerland, the process is known as EDR (External Dispute Resolution) and DRT (Dispute Resolution Tools) respectively. It is, sometimes also called CDR (Consensual Dispute Resolution). In India, Pakistan and Afghanistan, it is named as 'Panchayat' and 'Jirga'. Again there are some others who prefer CR (Conflict Resolution) and CPR (Collaborative Problem Solving).

### **3. METHODOLOGY**

The current chapter aims to describe and explain research design and techniques of research. It also describes the process of data collection and procedure in the research. The present study is quantitative in nature. This study is based on both primary and secondary data. A detailed data of disputants collected from the District Police Stations against the FIR registered and quashed due to the community agreements and other settlements of dispute out of the court. The data is collected from identified respondents (victims & perpetrators) by face to face interview through interview schedule. Additionally, the survey is also conducted in ten district police stations of three divisions namely Muzafarabad division, Poonch division and Mirpur division of Azad Jammu & Kashmir. It also discusses different procedures and tools used in the current study.

#### **3.1 Universe or population of the Study**

The victims and perpetrators who registered the FIRs in police stations and resolved through community agreements in years (2016-17) is the population of the study. The Central Police Stations at District levels are included in the study excepting the tehsil police stations. There are total 309 cases from ten districts with 618 disputants and perpetrators. The sample is calculated through proportionate sampling technique by using Taro Yamni formula. There are total 10 District Police Stations from AJ&K namely Bagh, Poonch, Havaili, Muzafarabad, Neelam valley, Bhimber, Mirpur, Kotli, Sudhanuti, and Jhelum Valley/Hattain. The detail is as follow:

**Table 3.1:** Disputes resolved through community agreements in year 2016-17 & Sample calculation

<b>District Police Station</b>	<b>No. of Cases</b>	<b>Sample Size <math>n=N/1+N(e)^2</math></b>	<b>Proportionate Sample (No. of Cases)</b>	<b>No. of Victims</b>	<b>No. of Perpetrators</b>
Bagh (N1)	97		54	54	54
Poonch (N2)	35		20	20	20
Haveli (N3)	17		10	10	10
Muzafarabad (N4)	51		29	29	29
Neelam Valley (N5)	23	174	13	13	13
Bhimber(N6)	21		12	12	12
Mirpur(N7)	13		7	7	7
Kotli(N8)	18		10	10	10
Sudhanuti(N9)	14		8	8	8
Jhelum Valley (N10)	20		11	11	11
<b>Total</b>	<b>N=309</b>		<b>174</b>	<b>174</b>	<b>174</b>
<b>Grand Total</b>				<b>348</b>	

### **3.2 Research Design**

The study is quantitative in nature and focuses on the process of collecting and analyzing numerical data. All 10 District Police Stations were included in the study. The contact list (Home address, phone numbers and type of disputes) to approach the respondents is collected from district police stations by using formal procedure. There were total 309 identified cases but sample is taken by using Taro Yamane formula ( $n = \frac{N}{1 + N(e)^2}$ ) for the proportionate sample. Data is collected from both victims and perpetrators. The sample size is 174 cases and total number of victims and perpetrators are 348. The proportionate random sampling technique is used to collect the sample from the total population of the above mentioned districts of three divisions of Azad Jammu & Kashmir. A total sample size of (348) respondents both for victims and perpetrators are chosen through a multistage sampling. The data collected through face to face interviews by interview schedule from respondents and Cross sectional data collection method was used in present research. The questions are based on socio-economic and study subject. A list of district police stations and divisions cited in the previous section of the write up.

### **3.3 Ethical Consideration**

Moral contemplations in research are a bunch of rules that guide your exploration plans and practices. These standards incorporate willful interest, informed assent, obscenity, classification, potential for damage, and results correspondence. A formal process is adopted to collected data. A list of victims and perpetrators is collected from the district police stations. These police stations are requested through a formal letter by the International Islamic University (Appendix-A) issued by the supervisor. The proper consent of data collection (Appendix-B) by the competent authority is received. After receiving the list of the disputants the formal procedure of contact is used to

approach to the respondents as per the interview schedule through face to face interview prepared by using a five point Rickett Scale.

### **3.4 Sampling Procedures**

According to the (Trachoma, 2006) sampling is the process of selecting units from a population of interest while sample is the smallest unit under the study which portray the whole population besides representing the characteristics of population. It is conceivable in this manner to utilize testing strategies to choose a more modest gathering - or test - from the populace that will factually speak to the entire populace. In this study the researcher used the multi-stage sampling to gather data from the respondents.

#### **3.4.1 Identification and Selection of Police Stations during the study**

After the assessment of selection of respondents, it is mandatory to select the police stations to collect data from each district police station from the Azad Jammu & Kashmir. It is necessary to visit the central district police stations to get the information about the complainants for the year 2016-17. The researcher made an official request to the police headquarters and respective police higher authorities to allow the researcher to examine the record of the complainants from each district police station. This police record provides the details of the complainants about their locations, contacts and type of dispute reported at the time of registration of FIR. It is also easier to approach the complainants on basis of this information. A detail of the police stations is given in the table (3.1).

#### **3.4.2 Identification and Selection of the Respondents during study**

The research is conducted to measure the public trust on the community based dispute resolution in ten districts of Azad Jammu & Kashmir in three divisions. In present study, the researcher focuses on those respondents who registered FIR in the year 2016-17 and after that the FIR quashed

on the basis of the community agreements or other out of the court settlements. The researcher decided to collect data from ten districts but due to limited resources and timelines did not allow to cover the whole study universe; and researcher use a selection standard (Taro Yemeni Formula) for selecting the respondents on proportionate basis from each district. This formula is only applicable if the exact number of the population is known.

### **3.5 Study Approach**

Trust is the estimation of sentiments, conduct, assumptions; moreover research shows that people portray the experience of confidence as far as their musings, sentiments, and social goals are concerned (Clark and Payne, 1997; Cummings and Bromiley, 1996). The quantitative approach was used to ask the people about their feelings and thoughts over the community based dispute resolution or resolving dispute out of the court. The individual responses provide the ultimate objective of performance and satisfaction measurement of public despite the unusual delays in the formal courts.

### **3.6 Conceptualization of the Research**

The conceptualization of research means to bring the research on a conclusion about the terms and then ended up in the definition. In fact, it is a mechanism which is associated with using the meanings of the specific methods used in the study which is known as the conceptualization of the research. Conceptualization offers a unique measurable value at least one sign of what it is as the main concern. Conceptualization involves defining abstract ideas with specific characteristics. In quantitative research, conceptualization involves writing out clear, concise definitions for our key concepts. Working on conceptualization is likely to help in the process of refining your research question to one that is specific and clear in what it asks. It seems like a reasonable start, and at this early stage of conceptualization, brainstorming about the images conjured up by concepts and playing around with possible definitions is appropriate.

Conceptualization is to specify exactly what we mean and don't mean by the terms we use in our research. The terminology used in conceptualization framework is ontology, epistemology, methodology, methods and structure. In quantitative research, conceptualization involves writing out clear, concise definitions for our key concepts.

### **3.7 Socio-economic Characteristics**

Trust in institutions is related with socio-segment qualities. While a few creators have observed that institutional trust increments with age (Hutchison and Johnson 2011; Listhaug 1984), others have tracked down no impact (Rohrschneider and Schmitt-Beck 2002; Mishler and Rose 1997; Luhiste 2006). For instruction, some have tracked down an adverse consequence (Rohrschneider and Schmitt-Beck 2002; Blanco 2013; Hutchison and Johnson 2011; Luhiste 2006), however Abts (2012) demonstrated that the impact is positive and Mishler and Rose (1997) tracked down no relationship. In this study, the researcher uses the socio-economic attributes such as gender, age, matrimonial status, education completed, income, type of the family, type of dispute and nature of experience in using community based dispute resolution approach.

#### **3.7.1 Gender**

For sex, Listhaug (1984) and Mishler and Rose (1997) demonstrates that guys are less trusting, while Hutchison and Johnson (2011) announces that sexual orientation has no impact on institutional trust. But the nature of the familiarity with the system determines either it can be trusted or not. The both males and females come across with community based dispute resolution and show their levels of feelings and thoughts. Only two are categories included in the current research, i.e.

- I Male
- II Female



### **3.7.2 Age**

As the trust is the measurement of feelings and thoughts, the age has too much impact on trust as a demographic factor. The mental approach gets more maturity with the passage of time or age. Age is the completed years as the respondents introduced at the time of the interviews. The age categories used in the research study are as follow;

- I 20-30
- II 31-40
- III 41-50
- IV 51 and above

### **3.7.3 Education**

As the education has tremendous impact on the feelings of a person specially the communal agreements as compare to the formal judicial system, few researchers use it as the Illiterate, Primary, Matric and graduation. In this research, researcher used the following categories;

- I Primary
- II Middle
- III Matric
- IV Intermediate
- V Graduation
- VI Above

### **3.7.4 Marital status**

The parameter which defines the status of an individual in relation to marriage, widow or single is characterised as marital status. In this analysis, the researcher has used the following categories;

- I Married

- ii Single

### **3.7.5 Profession**

The profession is associated with the livelihood and nature of the work individual is involved as a breadwinner. The profession also affects the attitude and feelings of the individuals. The research uses the following categories of profession:

- i. Private Job
- ii Government Job
- iii Overseas Job
- iv Others (daily wagers, labourers and visitors )

### **3.7.6 Family Type**

Before earthquake 2005, the majority of families were living jointly in large houses but after that government put sanctions over the construction of big housing units in rural areas so now the nuclear families also exist in the Azad Jammu & Kashmir. The family type in this research typically indicates the living patterns of the people. The categories included in this research are;

- i Joint
- ii Nuclear
- iii Extended

### **3.7.7 Monthly Income of the Respondent**

The income has major impact on the living status of the people .In this research; researcher includes the earnings of the respondents only. The following categories are included in the respondent's income;

- i 15000-25000
- ii 25001-35000

- III 35001-45000
- IV 45001-55000
- V 55001 and above

### **3.7.8 Type of Dispute**

Nature of the dispute determines either it can be resolved through community agreements or not. In some cases, the compoundable and uncompoundable cases based on the nature of the cases are divided for the out of the court settlement. But in this research a broad category of disputes are included which are as follow;

- I Natural Resource Utilization disputes
- II Family associated disputes
- III Transport related disputes
- IV Kidnapping
- V Accidents
- VI Others

### **3.7.9 Nature of Experience in Community Based Dispute**

This characteristic is included just to get information about the respondents they practised. The following two categories are included in this study;

- I As a Victim
- II As a Perpetuator

In this research those participants are considered as victims who initiated the FIR or receivers of the damages by actions of those participants who are involved (doers or perpetrators) in damaging the others (victims). Simply the receivers are the victims and the doers are the perpetrators. A

person harmed, injured or killed of crime is victim and who carries out a harmful, illegal or immoral act is perpetrator.

### **3.7.10 Type of Approach Used**

This factor indicates that during the community based dispute resolution proceedings which type of approach is used by the respondents or dispute settlers. These are divided into three broad categories are following;

- I Mediation
- II Conciliation
- III. Arbitration
- IV Others

### **3.8 Independent Variables**

There are five key independent variables used in the current study i.e. Accessibility to the community based dispute resolution system, Participation of the stakeholders, Implementation of the decisions, Transparency in the process and confidentiality in the process.

#### **Accessibility (time, cost, access)**

The literature and previous assessment and current studies of the Pakistani formal and informal judicial system researcher identified following factors that affecting the accessibility to the community based dispute resolution system.

CBDR is available all the times for community.

Complain can be made anytime in CBDR.

Community agreements take less time to resolve dispute in your community.

CBDR always takes action timely.

The disputants pay to the community members for their services.

Less cost is involved in CBDR as compare to the formal judicial system.

CBDR put any financial liability on victims or perpetrators.

It is faster and easy to approach the CBDR body.

It is free from the fear and long procedures.

It can be approached both by victims and perpetrators.

CBDR is friendly in nature.

CBDR is meaningful and useful for the community as well.

### **Participation**

Members of CBDR participated on voluntarily basis.

CBDR members must have any relations with victims or perpetrators for the participation.

There is some specific criteria to be a member of dispute resolution process.

Amongst perpetrators or victims any one can go to the CBDR for initiation of the process of dispute resolution.

Either a woman can go to the CBDR for resolution of her dispute (Woman participation).

Any relative or representative of both victims and perpetrator can approach to CBDR.

There is always a space available for reorientation of perpetrators.

### **Implementation**

The decisions are based on mutual consensus of both the victims and perpetrators.

The decisions are non-monetized always (Penalties).

It ends-up the dispute and enmity as well (sustainability).

It is friendly and less frightened for both disputants.

It is also a source of prevention of further escalation/irritants.

The solutions are internalized by default.

Implementation of the decision by the CBDR is type of social control in the area.

### **Transparency**

CBDR is dispute specific not disputant specific.

CBDR is an open trial.

There is right of appeal.

It is free from external influence.

### **Confidentiality**

The decisions are kept secret from the irrelevant people.

Only the disputants and members of the CBDR have information regarding all decisions.

The decisions are also shared with government entities like police, courts etc.

### **3.9 Public Trust (Dependable Variable)**

The dependent variable of the current study is Public Trust. The indicative measures of the trust are based on the feelings and thoughts of the respondents. The trust is measured on the basis of the (sub-variables) competence, good will, integrity, Equity and reliability.

#### **Competence**

CBDR process is competent to resolve any dispute in the community.

The CBDR members are competent for dispute resolution.

CBDR Process provides what people expect (efficiency & Expectations).

Members of the CBDR generally know what they are doing? (Expertise).

#### **Good Will/Benevolence**

CBDR can be trusted for the disputes resolution in the area (Trust).

It changes the attitude of the people positively (Attitude).

Behavior of the disputants and CBDR members remains positive towards process of CBDR (behavior).

CBDR members usually try to help their appellants' (concern).

CBDR members really understand the problems facing by ordinary people (understanding).

### **Integrity**

CBDR is consider as more reliable system then formal judicial system to resolve disputes.

CBDR is consider as an honest system (honesty).

CBDR is free of external influence.

CBDR members have vested interests in the process.

CBDR is totally impartial in decisions making and implementation.

CBDR members admit the mistake if something goes wrong (Openness).

### **Equity**

It handles all people on similar manners.

It focuses on dispute not on disputants.

It focuses on remedies and punishments.

### **Reliability**

CBDR members try to keep their promises regarding the decision (promise keeping).

CBDR members always try to recover the relations between disputants (consistency).

CBDR usually follow the rules and norms of the local area. (Reliable).

### **3.10 Data Analysis**

It gives consideration to the meaning of the respondents as the main source of data (Howitt & Cramer 2008). The research is based on quantitative in nature and evaluate through Statistical Package for Social Sciences (SPSS) based on data collected from the research universe. The

regression and correlation from the Bi-variate analysis are used to check the relationship between dependent and independent variables. The Exploratory Data Analysis and Confirmatory Data Analysis exercise for the dimensions and new character judgment while testing the new theories for acceptance or rejection of the hypothesis respectively. The Uni-variate (demographic), bi-variate (correlation) and multi-variate analysis (regression) for data analysis in the research.

### **3.10.1 Percentage**

The simple occurrences are measured through the percentages including the description of the fundamental characteristics of the respondents. The data is entered in the computer with different categories to make simple percentages by using the following formula;

$$P = \frac{F}{N} \times 100$$

Where

N= population

P= Percentage

F= Frequency

### **3.10.2 Mean**

In statistics, mean is a set of numbers called average which indicates the total number divided by the number of observations.

The mean average is resolve with the following formula;

$$\bar{x} = \frac{\sum X}{n}$$

Where

$\bar{x}$  = mean of the sample size,

$\sum$  = sum of the observation,

X = responses obtained by all the respondents in a sample,

N = Sample size.



### 3.10.3 Correlation

Independent variables and dependent variables have a relationship which can be best measured by the statistical method known as correlation. In the current researched correlation tests are applied to identify the relationship between different variables. Following formula is used;

$$r = \frac{n(\sum xy) - (\sum x)(\sum y)}{\sqrt{[n\sum x^2 - (\sum x)^2][n\sum y^2 - (\sum y)^2]}}$$

### 3.11 Observations and Field Experience during the data collection

The research is initiated by the meetings with the relevant police officers in the districts selected for the study. The initial information gathered from the police department is enough to get the contact details of the respondents, the type of the dispute and settlement status. That is a long way started from Police Stations to the locale of the respondents. During the whole study and data gathering, a lot of observations are experienced including easiness and hard feelings from the community.

The police officers having no or even less information about alternative dispute resolution but have complete information about the community agreements based on Jirga and Panchayat. The department usually hesitate to answer openly because they think it can be problematic legally in future. The senior officials have allowed officially collecting the data and cooperated with the researcher at any level. A discussion with a Justice of High Court of Azad Jammu & Kashmir explore the idea of ending up of dispute on one hand and ending up of the enmity between the disputants on other hand. Other advocates of the district courts are also taken up on the board for

the open discussions and the legal perspective of the community based dispute resolution in the current scenario of the legal structures.

Although community based dispute resolution is very common practice in the rural life but still people have reservations over the legal status of the out of the court settlement of the disputes because of the Suo-Moto actions taken by the Chief Justice of Pakistan in the past on different occasions. During the data collection from the rural areas, few respondents either refuse or hesitate to answer properly specially regarding the type of dispute and punishments. The respondents usually disagree about the payment to the mediators but agreed with payment in the penalties as a result of punishment or decision. The most important finding about the types of the punishments was the social aspects of the punishments. In some cases, these social punishments were the 'social boycott' which can be life time and there is less or no possibility for the perpetrator for the reorientation in that typical community. Similarly, the 'financial penalties' is another punishment which is bound for the perpetrators and that can be of any sort of amount either financially affordable for the perpetrator or not but must have to provide to control the further escalation. The new paradigms in the community dispute resolution has changed or improved the social and legal acceptability of the community based dispute resolution processes in the rural life.

Another observation is the settlement of the disputes related to natural resources utilization and specially related to government lands (Khalsa Jaat) and forest lands but the most important is the land dispute amongst people are settled by the community members of the old ages and their decisions are considered as the final and the last and cannot be challenged in any court of law or in department of revenue. Similarly, the family disputes like divorce or love marriages which escalates the situations in the tribal society the decisions by the family elders are

considered as the final and can't be challenged in any court if the dispute settled amicably and with moral and legal grounds.

### **3.12 Pre-testing of Questionnaire**

For the purpose of data collection a questionnaire is designed by the researcher. After initial design of questionnaire and before going to the field for the data collection the researcher pre-tested the tool for the accuracy and validity. The pre-testing data is collected from the Tehsil Bagh and Tehsil Dhirkot. A total of forty (40) respondents are selected for pre-testing questionnaire. In the light of the pre-testing, the researcher tailors and confirmed the questionnaire. Few statements are giving the reverse reliability by giving disagree or strongly disagree as the positive answer.

### **3.13 Data Entry**

Researchers in social sciences used different software for the data analysis. These software packages facilitate the researcher to perform different statistical operations for the purpose of data analysis. Two well-known soft wares' included are Statistical Analysis System (SAS) and Statistical Package for the Social Sciences (SPSS) where last one is typically designed and used in the social sciences by the researcher. In present research, the researcher uses the Statistical Package for the Social Sciences (SPSS) for the data analysis because it is easy to comprehend and draw the results from a data.

#### 4. RESULTS AND DISCUSSION

Socio-economic or demographic characteristics of the variables play pivotal role in the study of respondents' baselines for the elucidation or assessment of the data presentation. The below tables show the demographic profile i.e. Age, gender, education, monthly income, nature of the experience, times of experience, type of the disputes, and marital status, type of family and profession of the respondents. This chapter also includes the descriptive analysis of dependent and independent variables.

Table 4.1: *Distribution of the respondents with respect to Demographic characteristics*

Variables	Frequency	Percent
Gender of the respondents		
Male	348	100
Age of the respondents		
20-30	51	14.7
31-40	104	29.9
41-50	147	42.2
51 and above	46	13.2
Mean 37.2 years. SD 1.00 years		
Marital status of the respondents		
Married	324	93.1
Single	24	6.9

Table 4.1(A): *Distribution of the respondents with respect to Demographic characteristics*

Variables	Frequency	Percent
Education of the respondents		
Primary	10	2.9
Middle	35	10.1
Matric	77	22.1
Intermediate	139	39.9
Graduation	52	14.9
Others	35	10.1
Profession of the respondents		
Private Job	123	35.3
Government Job	173	49.7
Foreign Job	34	9.8

Others	18	5.2
Family type of the respondents		
Nuclear	81	23.3
Joint	264	75.9
Extended	3	0.9

Table 4.1(B): *Distribution of the respondents with respect to Demographic characteristics*

Variables	Frequency	Percent
Monthly income (PKR) of the respondents		
15000-25000	28	8.0
25001-35000	55	15.8
35001-45000	147	42.2
45001-55000	94	27.0
55001 and above	24	6.9
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> Mean 38412 (226 USD)SD 1.01 </div>		
Nature of experience in CBDR		
Victims	174	50
Perpetuators	174	50
Times of experience in CBDR		
1	249	71.6
2	99	28.4
Types of the disputes respondents involved		
Disputes over natural resources	128	36.8
Family related disputes	86	24.7
Transport related disputes	70	20.1
Kidnapping	8	2.3
Accidents	46	13.2
Others	10	2.9
<b>Total</b>	<b>348</b>	<b>100</b>

Socio-economic or demographic variables have major role in preliminary interpretation of data trends. In the table (4.1) the demographic characteristics included are gender, age, marital status, education, profession, family type, monthly income, nature of experience in CBDR, times of experience and types of disputes respondents involved. Data shows that all the respondents are male (100%) although there are identified female cases but due to social constraints, researcher is not allowed to get the opinion of the females so only male respondents are included in the research.

Furthermore, the respondents with mature aged groups within the range of 40-50 are contributing (42.2%) while above of 50 years are contributing (29.9%). Moreover, the age group of 20-30 contributes (14.7%) and above the 51 are contributing (13.2%). Moreover, the above table also depicts that a vast majority of the respondents who are married which contributed (93.1%) while (6.9%) are single.

In terms of the education (table 4.1-A), majority of the respondents have intermediate level education who contributes (39.9%) high school (matriculation, 22.1%) and graduation (14.9%). Additionally, others included are some technical education, certificates and diplomas, contribute (10.1%), primary are (2.9%) and middle level education contributes (10.1%). Additionally, the table also showing the profession depicts that government job contributes (49.7%) with (35.3%) private job and overseas employment (9.8%). Others included are the daily wagers, laborers, visitors contribute (5.2%). Moreover, the respondents' family type data shows that joint families contribute (75.9%) while nuclear families contribute (23.3%) the extended type of families are contributing (0.9%).

The income table (4.1-B) shows that majority is earning with range of 36001-46000 Pakistani Rupees (PKR) and contributes (42.2%) while (27.0%) are earning in range of 47001-57000 rupees per month from all sources. The respondents with 15000-25000 earnings are contributing (8.0%) while (15.8%) respondents earning 25001-35000 PKR per month with all income resources. Only (6.9%) respondents are earning above 55000 PKR. Likewise, the data regarding the nature of the disputes shows that disputes over the natural resources contributed (36.8%) and the family related disputes (24.7%). Transport related disputes contribute (20.1%), disputed regarding kidnapping is just (2.3%), and disputes regarding the accidents contribute (13.2%). The disputes included the others are usually the minor disputes like quarrel, customers and traders contributes (2.9%).

Furthermore, the data also shows that majority of the respondents experience the community based dispute resolution process (71.6%) one time and (28.4%) respondents experienced the community dispute resolution second time. Additionally, the table shows that (50%) respondents are taken as victims and (50%) as perpetrators in the similar cases or in the different one.

*Table 4.2: Distribution of the respondents with respect to approaches used in Community Based Dispute Resolution Processes*

<b>Approach</b>	<b>Frequency</b>	<b>Percent</b>
Mediation	87	25.0
Conciliation	102	29.3
Arbitration	151	43.4
Mediation and Arbitration	2	0.6
any others	6	1.7
<b>Total</b>	<b>348</b>	<b>100</b>

The table (4.2) shows the types of the approaches used in the community dispute resolution. The mediation, arbitration and conciliation are approaches used by the respondents alone or in combination. Mediation is used by (25.0 %) respondents while arbitration used by (43.4%) respondents and conciliation used by (29.3%) respondents. Similarly, the combination of approaches are used like mediation-arbitration which contributes (0.6%). Additionally, negotiation or discussion is also included in the approaches which are indicated as the others and contributes (1.7%) in the table.

*Table 4.3: Distribution of the respondents with respect to accessibility (time) to the community based dispute resolution processes*

<b>Statement</b>	<b>SA</b>	<b>A</b>	<b>N.O</b>	<b>DA</b>	<b>SDA</b>	<b>M</b>	<b>SD</b>
	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>		
CBDR available all the times for community	267(76.7)	60(17.2)	-	20(5.7)	1(.3)	4.64	0.78
Complain can be made any time in the CBDR	274(78.7)	66(19.0)	-	8(2.3)	-	4.74	0.57
Community agreements take less time to resolve dispute in your community	262(75.3)	59(17)	2(0.6)	8(2.3)	17(4.9)	4.55	0.99
Community based dispute resolution always takes action timely	256(73.6)	62(17.8)	2(0.6)	27(7.8)	1(0.3)	4.56	0.87

SA: Strongly Agree A: Agree N.O: No Opinion DA: Disagree SDA: Strongly Disagree  
M: Mean SD: Standard Deviation

Table 4.3 is remarkably showing the results about the distribution of the respondents with respect to accessibility of the system with special reference to time. The results depict that about (76.7%) respondents are strongly agreed that the community based dispute resolution is available all the times. Only (17.2%) are agreed, (5.7%) are disagreed and (0.3%) are strongly disagree. Moreover, respondents (78.7%) are strongly agreed that complain can be made any time in the CBDR, where (19.0%) are agreed and (2.3%) are disagreed with the statement. Additionally, there are respondents (75.3%) strongly agreed that community agreements take less time to resolve disputes, whereas (17.0%) are agreed, (0.6%) have no opinion, (2.3%) are disagree and (4.9%) are strongly disagree with the statement. Similarly, (73.6%) are strongly agreed that community dispute resolution always takes action timely and (17.8%) are agreed with the statement. Additionally, respondents with (0.6%) have no opinion, (7.8%) are disagreed and only (0.3%) are strongly disagreed with the question.



Table 4.4: Distribution of the respondents with respect to accessibility (cost) to the community based dispute resolution processes

Statement	SA	A	N.O	DA	SDA	M	SD
	f(%)	f(%)	f(%)	f(%)	f(%)		
The disputants pay to the community members for their services	158(45.4)	8(2.3)	24(6.9)	108(31.0)	50(14.4)	3.33	1.61
Less cost is involved in community based dispute resolution as compare to the formal judicial system	265(76.1)	63(18.1)	-	9(2.6)	11(3.2)	4.61	0.88
Community Based Dispute Resolution puts any financial liability on victims or perpetrators	179(51.4)	32(9.2)	24(6.9)	75(21.6)	38(10.9)	3.69	1.53

SA:Strongly Agree A:Agree N.O: No Opinion DA: Disagree SDA:Strongly Disagree  
M:Mean SD: Standard Deviation

The Table 4.4 is showing the accessibility in terms of the cost involved. The (45.4%) respondents strongly agreed that the disputants pay to the community members for their services where (2.3%) are agreed, (6.9%) have no opinion, (31%) disagreed and (14.4%) are strongly disagreed with the statement. Furthermore, respondents (76.1%) strongly agreed that less cost is involved in CBDR as compare to the formal judicial system, while (18.1%) are agreed, (2.6%) are disagreed and (3.2%) are strongly disagreed with the statement. Additionally, the statement about the CBDR puts any financial liability on victim or perpetrator shows that (51.4%) are strongly agreed, (9.2%) agreed, (6.9%) have no opinion, (21.6%) disagreed while (10.9%) are strongly disagreed the statement.

Table 4.5: *Distribution of the respondents with respect to accessibility (Easiness) to the community based dispute resolution processes*

<b>Statement</b>	<b>SA</b>	<b>A</b>	<b>N.O</b>	<b>DA</b>	<b>SDA</b>	<b>M</b>	<b>SD</b>
	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>		
It is faster and easier to approach CBDR	269(77.3)	54(15.5)	8(2.3)	1(0.3)	16(4.6)	4.61	0.93
It is free from fear and long procedures	293(84.2)	41(11.8)	-	12(3.4)	2(0.6)	4.76	0.68
It can be approached both by victims and perpetrators	256(73.6)	57(16.4)	12(3.4)	10(2.9)	13(3.7)	4.53	0.97
It is more friendly in nature	255(73.3)	75(21.6)	-	17(4.9)	1(0.3)	4.63	0.75
CBDR is meaningful and useful for community as well	234(67.2)	105(30.2)	-	8(2.3)	1(0.3)	4.62	0.64

SDA:Strongly Agree A:Agree N.O: No Opinion DA: Disagree SDA:Strongly Disagree  
M:Mean SD: Standard Deviation

The accessibility can best be explained on the basis of easiness of the approach to the community based dispute resolution processes as compare to the formal judicial system. The above table (4.5) shows that (77.3%) respondents are strongly agreed that the process is faster and easy to approach for any dispute to be resolved within the community. Further, the (84.2%) respondents are strongly confident that to resolve disputes within the community has less or no fear and no long procedures involved at either stage. Additionally, respondents (73.6%) strongly agreed that in the community based dispute resolution either a victim or perpetrator can initiate as it is more friendly (73.3% strongly agreed) in nature with strict actions. The usefulness of the community based dispute resolution processes is recorded in (67.2%) as strongly agreed and (30.2%) as agreed.

Table 4.6: *Distribution of the respondents with respect to participation (members' participation) to the community based dispute resolution processes*

Statement	SA	A	N.O	DA	SDA	M	SD
	f(%)	f(%)	f(%)	f(%)	f(%)		
Members of the CBDR participated on voluntarily basis	252(72.4)	59(17.0)	2(0.6)	18(5.2)	17(4.9)	4.47	1.077
CBDR members must have any relation with the victim or perpetrator for participation	163(46.8)	15(4.3)	5(1.4)	146(42.0)	19(5.5)	3.45	1.54
There is some specific criteria to be a member of dispute resolution process	179(51.4)	11(3.2)	-	129(37.1)	29(8.3)	3.52	1.589

SA:Strongly Agree A:Agree N.O: No Opinion DA: Disagree SDA:Strongly Disagree  
M:Mean SD: Standard Deviation

The structure of the Community based dispute resolution processes is very simple and totally depends on the will of the people if not directed by the formal court from any level at any stage of case. The above table (4.6) depicts that community members who participated in the processes on voluntarily basis are (72.4%) respondents agreed strongly, (17.0%) are agreed, (0.6%) have no opinion, (5.2%) are disagree and (4.9%) are strongly disagree with the statement. Additionally, on the statement either CBDR members must have any relationship with victim or perpetrator to participate in the process the respondents (46.8%) strongly agreed, (4.3%) agreed, (1.4%) have no opinion, while (42.0%) disagreed and only (5.5%) strongly disagreed with the statement. Likewise on the statement about the criteria to be the member of the CBDR processes respondents (51.4%) strongly agreed, (3.2%) agreed, (37.1%) disagreed while (8.3%) are strongly disagreed with the statement.

Table 4.7: *Distribution of the respondents with respect to participation (victims & perpetrators participation) to the community based dispute resolution processes*

Statement	SA	A	N.O	DA	SDA	M	SD
	f(%)	f(%)	f(%)	f(%)	f(%)		
Amongst perpetrators or victims anyone can go to the CBDR for initiation of the process of dispute resolution	278(79.9)	50(14.4)	3(0.9)	16(4.6)	1(0.3)	4.69	0.74
Either a woman can go to the CBDR for her dispute resolution	278(79.9)	59(17.0)	3(0.9)	8(2.3)	-	4.74	0.59
Any relative or representative of both victims and perpetrator can approach to CBDR	265(76.1)	52(14.9)	5(1.4)	8(2.3)	18(5.2)	4.55	1.02
There is always a space available for reorientation of perpetrators	277(79.6)	40(11.5)	5(1.4)	25(7.2)	1(0.3)	4.63	0.85

SDA: Strongly Agree A: Agree N.O: No Opinion DA: Disagree SDA: Strongly Disagree  
M: Mean SD: Standard Deviation

The data shows in the table (4.7) that there is no binding for the victims or perpetrators (79.9%strongly agreed) to approach the community for the dispute resolution. Furthermore, (14.4 %) respondents agreed, (0.9%) have no opinion, (4.6%) respondents are disagreed while (0.3%) respondents strongly disagreed the statement.

The NGO sector has initiated the community based dispute resolution so either a woman can go to the community based dispute resolution (79.9% strongly agreed) to take her case for the resolution amicably. But there are the provisions and reluctance for the community to take up the dispute to the community based dispute resolution by relative of any victim or perpetrator (76.1% strongly agreed) to avoid any escalation in the future and benefit the community at large. The last statement of the table depicts the reorientation of the perpetrator after a punishment by the community (79.6%) strongly agreed that there is always a space is available after such decisions

but the ultimate decision is left for the victim solely to avoid any injustice and for the smoothness of the community to avoid any long term escalation. Its only possible if the punishments are related to social or financial grounds.

In this research those participants are considered as victims who initiated the FIR or receivers of the damages by actions of those participants who are involved (doers) in damaging the others (victims). Simply the receivers are the victims and the doers are the perpetrators.

Table 4.8: *Distribution of the respondents with respect to Implementation of the decisions of community based dispute resolution processes*

<b>Statement</b>	<b>SA</b>	<b>A</b>	<b>N.O</b>	<b>DA</b>	<b>SDA</b>	<b>M</b>	<b>SD</b>
	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>		
The decisions are always based on mutual consensus of both disputants	280(80.5)	38(10.9)	7(2.0)	4(1.1)	19(5.5)	4.59	1.00
The decisions are non-monetized always-(penalties)	196(56.3)	91(26.1)	25(7.2)	21(6.0)	15(4.3)	4.24	1.09
It ends up the dispute and enmity as well	268(77.0)	57(16.4)	7(2.0)	12(3.4)	4(1.1)	4.65	0.78
It is more friendly and less frightened for both disputants	271(77.9)	35(10.1)	9(2.6)	12(3.4)	21(6.0)	4.50	1.11
It is also a source of prevention of further escalation	268(77.0)	37(10.6)	9(2.6)	29(8.3)	5(1.4)	4.53	0.99
Solutions are internalized by default	260(74.7)	21(6.0)	12(3.4)	40(11.5)	15(4.3)	4.35	1.23
Implementation of the decisions by CBDR is a type of social control	284(81.6)	35(10.1)	4(1.1)	20(5.7)	5(1.4)	4.65	0.88

SA:Strongly Agree A:Agree N.O: No Opinion DA: Disagree SDA:Strongly Disagree  
M:Mean SD: Standard Deviation

The above table (4.8) shows that implementation of the decision and the type of the decision is always finalized with the consensus of the both disputants. Like (80.5%) respondents strongly

agreed, (10.9%) agreed while (2.0%) have no opinion. Similarly, (1.1%) respondents disagree and (5.5%) strongly disagreed the statement. Moreover, either the decisions are non-monetized (56.3%) strongly agreed, (26.1%) agreed, (7.2%) give no opinion, (6.0%) respondents disagree and (4.3%) are strongly disagreed the statement. The table also depicts that (77.0%) respondents strongly agreed that the resolution of disputes on community ends-up the enmity as well as the resolution of the dispute while (16.4%) agreed, (2.0%) have no opinion, (3.4%) are disagree and (1.1%) respondents have strongly disagreed the statement. As the CBDR is more friendly, (77.9%) respondents are strongly agreed, (10.1%) agreed, (2.6%) no opinion, (3.4%) disagreed and (6.0%) are strongly disagreed the statement. Additionally, CBDR is source of prevention from further escalation (77.0%) respondents strongly agreed, (10.6%) agreed, (2.6%) no opinion, (8.3%) disagreed and (1.4%) strongly disagreed. Furthermore, the community decisions are based on mutual consensus of the victims and perpetrators, the decisions are internalized by default (74.7%) respondents agreed strongly, (6.0%) agreed, (3.4%) have no opinion, (11.5%) disagreed while (4.3%) strongly disagreed. Additionally, community based dispute resolution processes are considered as a social control in that particular community (81.6%) respondents agreed strongly, (10.1%) agreed, (1.1%) no opinion, while (5.7%) disagreed and (1.4%) strongly disagreed the statement.

Table 4.9: *Distribution of the respondents with respect to Transparency in community based dispute resolution processes*

<b>Statement</b>	<b>SA</b>	<b>A</b>	<b>N.O</b>	<b>DA</b>	<b>SDA</b>	<b>M</b>	<b>SD</b>
	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>		
CBDR is dispute specific not disputant specific	231(66.4)	86(24.7)	14(4.0)	13(3.7)	4(1.1)	4.51	0.83
CBDR is an open trial	245(70.4)	62(17.8)	8(2.3)	12(3.4)	21(6.0)	4.43	1.10
There is right of appeal	198(56.9)	72(20.7)	9(2.6)	64(18.4)	5(1.4)	4.13	1.20
It is free from external influence	181(52.0)	117(33.6)	25(7.2)	20(5.7)	5(1.4)	4.29	0.93

SA:Strongly Agree A:Agree N.O: No Opinion DA: Disagree SDA:Strongly Disagree  
M:Mean SD: Standard Deviation

The table (4.9) shows the transparency in the CBDR processes which are dispute specific and concerned with the disputants, about (66.4%) strongly agreed, (24.7%) agreed, (4%) no opinion, (3.7%) disagreed and (1.1%) are strongly disagreed. Moreover, the community based dispute resolution processes are open trials where (70.4%) respondents strongly agreed, (17.8%) agreed, (2.3%) no opinion, (3.4%) disagreed and (6%) respondents are strongly disagreed. Likewise, there is right of appeal about (56.9%) strongly agreed, (20.7%) agreed, (2.6%) no opinion, (18.4%) disagreed and (1.4%) strongly disagreed the statement. Similarly, it is considered as free from the external influence (52%) strongly agreed, (33.6%) agreed, (7.2%) no opinion, (5.7%) disagreed while (1.4%) respondents strongly disagreed.

Table 4.10: *Distribution of the respondents with respect to Confidentiality in community based dispute resolution processes*

Statement	SA f(%)	A f(%)	N.O f(%)	DA f(%)	SDA f(%)	M	SD
The decisions are kept secret from the irrelevant people	212(60.9)	105(30.2)	5(1.4)	12(3.4)	14(4.0)	4.40	0.98
Only the disputants and members of the CBDR have information regarding all decisions	223(64.1)	45(12.9)	25(7.2)	33(9.5)	22(6.3)	4.18	1.27
The decisions are also shared with government entities like police, courts etc.	240(69.0)	66(19.0)	8(2.3)	29(8.3)	5(1.4)	4.46	0.98

SA:Strongly Agree A:Agree N.O: No Opinion DA: Disagree SDA:Strongly Disagree  
M:Mean SD: Standard Deviation

Although CBDR is an open trial but once decisions are made as the table (4.10) shows it can be kept in confidential. The disputants (60.9%) strongly agreed, (30.2%) agreed, (1.4%) no opinion, (3.4%) disagreed and (4%) strongly disagreed that decisions only shared with the relevant people. Similarly, respondents (64.1%) strongly agreed that information can be shared in the same community either for the information or for the implementation purpose with disputants and community members .While (12.9%) agreed, (7.2%) no opinion, (9.5%) and (6.3%) strongly disagreed the statement. Additionally, the decisions can be and must be shared with government entities either courts or police (69.0%) strongly agreed, (19%) agreed, (2.3%) no opinion, (8.3%) disagreed and (1.4%) respondents strongly disagreed.



Table 4.11: *Distribution of the respondents with respect to Dimensions of Trust (sub-variable, Competence) in community based dispute resolution processes*

<b>Statement</b>	<b>SA</b>	<b>A</b>	<b>N.O</b>	<b>DA</b>	<b>SDA</b>	<b>M</b>	<b>SD</b>
	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>		
The CBDR members are competent for dispute resolution	251(72.1)	59(17.0)	11(3.2)	22(6.3)	5(1.4)	4.52	0.93
CBDR process provides what people expect (Efficiency and Expectations)	227(65.2)	81(23.3)	16(4.6)	13(3.7)	11(3.2)	4.44	0.97
Members of the CBDR generally know what they are doing (Expertise)	284(81.6)	44(12.6)	6(1.7)	11(3.2)	3(0.9)	4.70	0.73

SA:Strongly Agree A:Agree N.O: No Opinion DA: Disagree SDA:Strongly Disagree  
M:Mean SD: Standard Deviation

The table (4.11) is showing the results of the indicative measures or sub-variables required to determine the level of the trust by the respondents. The CBDR members are competent about (72.1%) strongly agreed, (17%) agreed, (3.2%) no opinion, (6.3%) disagreed while (1.4%) strongly disagreed. Additionally, expectations and efficiency of the processes about (65.2%) respondents strongly agreed, (23.3%) agreed, (4.6%) no opinion, (6.3%) disagreed and (1.4%) strongly disagreed. Furthermore, about expertise of the CBDR members (81.6%) strongly agreed, (12.6%) agreed, (1.7%) no opinion, (3.2%) disagreed and (0.9%) strongly disagreed.

Table 4.12: *Distribution of the respondents with respect to Dimensions of Trust (Goodwill) in community based distribution processes*

Statements	SA	A	N.O	DA	SDA	M	SD
	f(%)	f(%)	f(%)	f(%)	f(%)		
CBDR can be trusted for the disputes resolution in the area (Trust)	231(66.4)	72(20.7)	6(1.7)	31(8.9)	8(2.3)	4.39	1.04
It changes the attitude of the people positively (Attitude)	228(65.5)	60(17.2)	28(8.0)	24(6.9)	8(2.3)	4.37	1.04
Behavior of the disputant and CBDR members remains positive towards process of CBDR	272(78.2)	53(15.2)	5(1.4)	14(4.0)	4(1.1)	4.65	0.79
CBDR members usually try to help their appellants	268(77.0)	32(9.2)	9(2.6)	15(4.3)	24(6.9)	4.45	1.17
CBDR members really understand the problems facing by ordinary people	272(78.2)	27(7.8)	9(2.6)	33(9.5)	7(2.0)	4.50	1.06

SA:Strongly Agree A:Agree N.O: No Opinion DA: Disagree SDA:Strongly Disagree  
M:Mean SD: Standard Deviation

The above table (4.12) depicts the results about the goodwill or benevolence of the processes and the people involved in the processes. The table shows (66.4%) respondents strongly agreed, (20.7%) agreed, (1.7%) no opinion, (8.9%) disagreed and (2.3%) strongly disagreed that the processes and the people involved in the CBDR processes have high trust. Likewise, respondents (65.5%) strongly agreed, (17.2%) agreed, (8%) no opinion, (6.9%)disagreed and (2.3%) strongly disagreed that the trust level on the CBDR processes have change the attitude of the people positively before and after the decisions have been taken for the resolution of the disputes. Moreover, the member of the CBDR processes have positive attitudes towards the resolution of the dispute as the stakeholder of the community the table shows that (78.2%) strongly agreed, (15.2%) agreed, (1.4%) no opinion, (4%) disagreed and (1.1%) strongly disagreed that the people

attitude is remain positive at one or all stages of the CBDR processes because member of the CBDR (77%) strongly agreed CBDR member help their appellants. It is just because these members of the CBDR really understand that the problems of the ordinary people living in the community (78.2%) strongly agreed, (7.8%) agreed, (2.6%) no opinion, (9.5%) disagreed and (2%) strongly disagreed.

Table 4.13: *Distribution of the respondents with respect to Dimensions of Trust (Integrity) of community based distribution processes*

<b>Statements</b>	<b>SA</b>	<b>A</b>	<b>N.O</b>	<b>DA</b>	<b>SDA</b>	<b>M</b>	<b>SD</b>
	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>		
CBDR is consider as a more reliable system then formal judicial system to resolve disputes	307(88.2)	24(6.9)	-	16(4.6)	1(0.3)	4.78	0.69
CBDR is consider as an honest system	178(51.1)	162(46.6)	-	8(2.3)	-	4.46	0.62
CBDR is free from external influence	303(87.1)	10(2.9)	10(2.9)	8(2.3)	17(4.9)	4.65	1.00
CBDR members have vested interests in the process	179(51.4)	141(40.5)	2(0.6)	25(7.2)	1(0.3)	4.36	0.84
CBDR is totally impartial in decision making and implementation	201(57.8)	71(20.4)	59(17.0)	16(4.6)	1(0.3)	4.36	0.93
CBDR members admit the mistakes if something goes wrong-(openness)	297(85.3)	33(9.5)	-	11(3.2)	7(2.0)	4.73	0.79

SA:Strongly Agree A:Agree N.O: No Opinion DA: Disagree SDA:Strongly Disagree  
M:Mean SD: Standard Deviation

The above table (4.13) depicts that Community Based Dispute Resolution is consider as the more reliable system and (88.2%) strongly agreed, (6.9%) agreed, (4.6%) disagreed while (0.3%) respondents are strongly disagreed with the statement. Additionally, CBDR can be consider as the honest system for that (51.1%) respondents strongly agreed, (46.6%) agreed and only (2.3%)

disagreed. Furthermore, the CBDR processes have no or less influence from externally for the decisions making for that (87.1%) strongly agreed, (2.9%) agreed, (2.9%) no opinion, (2.3%) disagreed while (4.9%) respondents strongly disagreed. Similarly, the respondents (51.4%) strongly agreed, (40.5%) agreed, (0.6%) have no opinion, (7.2%) disagreed and (0.3%) strongly disagreed that the CBDR members have any vested interests over the resolution of the disputes, making decisions and implementation and the only interest is the peace in the community to check the situation from getting worst. Moreover, the disputants (57.8%) strongly agreed, (20.4%) agreed, (17%) no opinion, (4.6%) disagreed and (0.3%) strongly disagreed that there is impartiality in decision making and even the implementation of those decisions. Similarly the members part of the community based dispute resolution processes open heartedly admit (85.3%) strongly agreed, (9.5%) agreed, (3.2%) disagreed and (2%) strongly disagreed that if there will be any mistake in the decision making process which shows the openness of the processes and the members regarding their role at one stage or at any stage in the whole process.

Table 4.14: *Distribution of the respondents with respect to Dimensions of Trust (Equity) of community based distribution processes*

<b>Statements</b>	<b>SA</b>	<b>A</b>	<b>N.O</b>	<b>DA</b>	<b>SDA</b>	<b>M</b>	<b>SD</b>
	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>	<b>f(%)</b>		
It handles all people on similar manners	166(47.7)	139(39.9)	10(2.9)	16(4.6)	17(4.9)	4.20	1.04
It focuses on disputes not on disputants	300(86.2)	12(3.4)	2(0.6)	33(9.5)	1(0.3)	4.66	0.92
It focuses on remedies and punishments	162(46.6)	153(44.0)	8(2.3)	22(6.3)	3(0.9)	4.29	0.86

SA:Strongly Agree A:Agree N.O: No Opinion DA: Disagree SDA:Strongly Disagree  
M:Mean SD: Standard Deviation

Table 4.14 shows the equity in the processes. The respondents (47.7%) strongly agreed, (39.9%) agreed, (2.9%) no opinion, (4.6%) disagreed and (4.9%) strongly disagreed that the CBDR handles the people on the similar manners and there is no discrimination or liking or disliking while hearing and decision making. Likewise, CBDR focused on the disputes (86.2%) strongly agreed, (3.4%) agreed, (0.6%) no opinion, (9.5%) disagreed and (0.3%) strongly disagreed and never judged the case by focusing on the disputants. Furthermore, it also focused on remedies of the disputes and respondents showed mixed opinions on remedies and punishments (46.6%) strongly agreed, (44 %) agreed, (2.3%) no opinion, (6.3%) disagreed and (0.9%) strongly disagreed on the question or statement. These results ultimately intact the integrity of the processes in the decision making and implementation.

Table 4.15: *Distribution of the respondents with respect to Dimensions of Trust (Reliability) of community based dispute resolution processes*

Statements	SA	A	N.O	DA	SDA	M	SD
	f(%)	f(%)	f(%)	f(%)	f(%)		
CBDR members try to keep their promises regarding the decisions (Promise keeping)	167(48.0)	129(37.1)	1(0.3)	45(12.9)	6(1.7)	4.17	1.06
CBDR members always try to recover the relations between disputants (consistency)	259(74.4)	10(2.9)	11(3.2)	45(12.9)	23(6.6)	4.26	1.35
CBDR usually follow the rules and norms of the local area (reliability)	168(48.3)	108(31.0)	3(0.9)	53(15.2)	16(4.6)	4.03	1.23

SA:Strongly Agree A:Agree N.O: No Opinion DA: Disagree SDA:Strongly Disagree  
M:Mean SD: Standard Deviation

Table 4.15 shows results over the reliability of the processes and respondents (48.0%) strongly agreed, (37.1%) agreed, (0.3%) no opinion, (12.9%) disagreed while (1.7%) strongly disagreed that CBDR members try their best to keep their promises till the change of the decisions by the victims. Similarly, in rural life society is very integrated and CBDR members try for recovery of the relations between disputants as (74.4%) strongly agreed, (2.9%) agreed, (3.2%) no opinion, (12.9%) disagreed while (6.6%) strongly disagreed. Additionally, CBDR processes usually follow the norms and rules of the local area (48.3%) strongly agreed, (31. %) Agreed, (0.9%) have no opinion, (15.2%) disagreed and (4.6%) strongly disagreed that maintain the reliability and status of the community agreements and the reputation of the CBDR members themselves.

Table 4.16 *Reliability Analysis of the Independent variables*

<b>Scale</b>	<b>Number of Items</b>	<b>Cronbach's Alpha</b>
Accessibility	12	0.606
Implementation	7	0.919
Transparency	4	0.815
Participation	7	0.729
Confidentiality	3	0.758

Reliability is the consistency of the observations or responses in the data and ranges from 0 to 1. It has categorized on the basis of the ranges, reliability is acceptable at 0.6, Good at 0.7, very good at 0.8 and excellent at .9 to 1. On the off chance that a similar outcome can be reliably accomplished by utilizing similar techniques under similar conditions, the estimation is viewed as solid. Most commonly the reliability determines how much the data reliable for the processing under the similar circumstances. The reliability varies from 0.6 to 0.9 showing an extend of uniformity of the data. The Cronbach Alpha values were calculated by SPSS showing the results lies from the 0.606 to 0.919. The first scale was measured with number of 12 items showing 0.606 which determines the accessibility to the community based dispute resolution processes focusing on the utilization of the time, cost and the easiness of the approach and showing a weak relationship. Considering the implementation of the decision the second scale showing Cronbach alpha 0.919 which has strong reliability. The third scale is related to the Transparency in the processes which shows 0.815 relatively a stronger reliability. The fourth scale is about the participation of the disputants (victims & perpetrators) which gives value of 0.729 relatively a

stable reliability. The fifth item is the confidentiality in processes which has 3 items and has Cronbach alpha 0.758 which shows a good reliability.



Table 4.17 *Correlation Matrix of independent Variables*

	<b>Accessibility</b>	<b>Participation</b>	<b>Implementation</b>	<b>Transparency</b>	<b>Confidentiality</b>
<b>Accessibility</b>		.734**	.567**	.605**	.520**
<b>Participation</b>	.734**		.533**	.687**	.660**
<b>Implementation</b>	.567**	.533**		.589**	.347**
<b>Transparency</b>	.605**	.687**	.589**		.602**
<b>Confidentiality</b>	.520**	.660**	.347**	.602**	

Note: \*\*p<.01

There are four types of associations or relationships studied in the correlation matrix which ranges from -1 to +1. The correlation is perfect when values are +1 or -1 either that is negative or positive. Similarly, association is strong at +0.7 or -0.7, moderate at +0.5 or -0.5 and weak when it ranges +0.3 or -0.3. It is an assumption the variables must be correlate to apply the regression to find prediction.

The above table depicts a correlation between the independent variables. These findings showing a relationship between variables. Accessibility to the community based dispute resolution processes show the correlation amongst the four variables. This variable has an association with participation. The table describes that the accessibility had statistically significant and positive ( $r=.0734$ ,  $p<.01$ ) relationship with participation. Likewise, the correlation coefficient between accessibility and implementation ( $r=0.567$ ,  $p<.01$ ) also representing a significant and positive relationship. These results depicts that if the implementation of the decision and making of the decisions reliable then the accessibility will be more due to more trust on the processes. This is the unique characteristic which gives the advantage to the community based dispute resolution as

compare to the formal judicial system. Similarly, the Accessibility has a significant and positive relationship with ( $r=0.605$ ,  $p<.01$ ) transparency in the processes because it is an open trial and there is usually very less chance of external influence. The decisions making process is transparent without any external influence. The accessibility also have a positive and significant relationship with the confidentiality of the community based dispute resolution processes ( $r=0.520$ ,  $p<.01$ ). It's a clear indication that people trust more on the informal justice systems because that keeps the decisions secret from irrelevant people and only share with the relevant people or with the government entities like police or courts. The implementations in the community based dispute resolution have a positive and significant relation with participation in the processes. The participation either by the members, victims or perpetrators or of any representative have a significant relation ( $r=0.533$ ,  $p<.01$ ). This is a concise way to get more trust on the processes as compare to any other.

It is obvious that participation of the stakeholders in the processes determine the level of the trust on the system. In the meanwhile, there is a significant ( $0.687$ ,  $p<.01$ ) and positive relationship between participation and transparency in the processes because it is not disputants specific but only focused on the disputes without any fear of external influence either from the victims, perpetrators or the members of the community based dispute resolution processes. The general observation show that there must be some sort of confidentiality in the processes like the participation of the stakeholders has a significant ( $0.660$ ,  $p<.01$ ) and positive relationship because the decisions are only shared with authorized individuals and the department for the removal of FIRs or complains between the disputants.

The decisions making processes and its implementation are transparent then the relationship between the transparency and the implementation have significant ( $r=0.589$ ,  $p<.01$ ) and positive

which shows that decisions are based on mutual consensus, sustainable, a type of social control and never monetized excepting the penalties over the perpetrators just to prevent the escalation by mutual understanding of the disputants to overcome any big loss of human lives or property. As the decisions are internalized and without any fear of loss for both disputants, so the implementation is as per the aspirations of the victims. There is significant and positive relationship between confidentiality and implementation (0.347,  $p < .01$ ). Similarly, the confidentiality also has significant and positive relationship with transparency (0.602,  $p < .01$ ). This result depicts there will be more transparent a process the more confidence on it hence the ultimate public trust will be more.

Table 4.18 Means, Standard Deviation and T-Values of study Variables as a Function of their nature of Experience (Victims & Perpetuators)

Variable	Mean	SD	t-value	95%CI		
				Lower	Upper	p-value
Trust						
Victims	93.890	11.17	0.813	-1.39	3.34	0.42
Perpetuators	92.91	11.25	0.813	-1.38	3.34	0.41

Table presents the outcome of independent sample t-test conducted to see the effect of type of the disputant on the study variables. The p-value of t-statistic for public trust (victims means=93.89, SD=11.17, 95% CI: -1.39---3.34) was not statistically significant ( $t = -0.813$ ,  $p > 0.05$ ). Similarly p-value of t-statistic for public trust (perpetuators means= 92.91, SD=11.25, 95%CI: - 1.38-----3.34) was not statistically significant ( $t = - 0.813$ ,  $p > 0.05$ ). Based on these findings, it is concluded that

nature of experience or type of disputant do not have any effect on their observation of public trust on community based dispute resolution.

Table 4.19: *Analysis of Variance based on the independent variables and dependent variables*

**ANOVA<sup>a</sup>**

<b>Model</b>	<b>Sum of Squares</b>	<b>Df</b>	<b>Mean Square</b>	<b>F</b>	<b>Sig.</b>
Regression	33554.403	5	6710.88	229.805	.000 <sup>c</sup>
Residual	9987.275	342	29.203		
Total	43541.678	347			

a Dependent Variable: Trust

b Predictors. (Constant), Confidentiality, Implementation, Accessibility, Transparency, Participation

The table (4.19) display that regression in the present research is 33554.403 and residual is 9987.275. The Sum of squares of the regression is 33554.403 and sum of square of residuals is 9987.275. Mean square of regression is 6710.881, mean square of residual is 29.203, as the actual variance is shown by the mean square. The degree of the freedom of the regression and degree of freedom of residual are added and it equals the total degree of freedom. Here, df of regression is 5 and degree of freedom of residual is 342 which when added equal to 347. Moreover, degree of freedom in the present research is (5,342) = F=229.805 which is significant at .000 and it implies that model is fit for the data.

Table 4.20: Coefficient of independent variables based on Analysis of Variance through regression

<b>COEFFICIENTS</b>					
<b>Model</b>	<b>Standardized Coefficients</b>		<b>Standardized</b>	<b>T</b>	<b>Sig.</b>
			<b>Coefficients</b>		
	<b>B</b>	<b>Std.Error</b>	<b>Beta</b>		
(Constant)	13.119	2.742		4.78	.000
Accessibility	.624	.079	.320	7.944	.000
Participation	1.438	.115	.575	12.525	.000
Implementation	1.434	.113	.574	11.524	.000
Transparency	.623	.078	.318	6.944	.000
Confidentiality	1.430	.112	.572	11.519	.000

The table (4.20) depicts the predictors' variables like participation, accessibility and constant etc. The constant represents the constant, also referred as the Y intercept, the height of the regression line when it crosses the Y axis. The t-value which shows the level related to significance. For the standardized Coefficient the regression data has been standardized in such a way that it seems equal to 1. Similarly for the unstandardized for instance accessibility, while holding the predictors constant, accessibility showed the value of B=.624.

Table 4.21: Predictors Explaining the Variance with Criterion Variable Trust (Multiple Linear Regression Enter Method)

Predictors	$\beta$ (Standardized Coefficient)
Accessibility	.320***
Participation	.575***
Implementation	.574***
Transparency	.318***
Confidentiality	.572***
F Test	229.805***
R <sup>2</sup>	.771
$\Delta R^2$	.771

**Note** \*p < .05, \*\*p < .01, \*\*\*p < .001, N = 347,  $\Delta R^2 = R^2$  Change

**Predictors**, Accessibility, participation, implementation, transparency and confidentiality.

There are three methods used in the regression. These are hierarchical method, enter method and stepwise method. In hierarchical method researcher has to follow the same order which practiced in the previous research. In enter method, researcher is not bound to follow the previous order while in the step wise method those variables included not discussed in the earlier research. In the current study researcher used the Enter Method.

The table (4.21) depicts that R<sup>2</sup> the percent of proportion of variance in response (dependent) variables caused by the predictors (independent variables). Where R<sup>2</sup> value varies from 0-1. When is R<sup>2</sup> value is 0 it means there is no prediction and if the R<sup>2</sup> value is 1 it indicates that the outcome

can be predicted by explanatory (independent) variables. In this study the  $R^2$  value is 0.771 which indicates that proportion of variance between independent and dependent variable is 77.1%. Similarly, F test, where  $R^2$  change is tested with new included variable to improve the reliability and prediction.  $\Delta R^2$  or  $R^2$  change is representing a difference between maximum and minimum value of one variable. The  $R^2$  is also called coefficient of determination and adjusted  $R^2$  called as shrunken  $R^2$ .

Table 4.22 Summary representing the model predicting variation

**Model Summary**

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Change Statistics				
					R Square Change	F Change	df1	df2	Sig. F Change
1	.878 <sup>a</sup>	.771	.767	5.40394	.771	229.805	5	342	.000

a. Predictors (Constant), Confidentiality, Implementation, Accessibility, Transparency, Participation

Table (4.22) depicts that R is the one measure of prediction in criterion variable. In the present research the value of prediction to happen the criterion variable was .878. Adjusted R Square represents percentage of variation in the response variable. In the present research, the amount of Adjusted R Square was .767. In other words, researcher concludes that (76.7%) of variation will take place in the response variable due to predictors. Standard error of the estimate is the total amount of error which a researcher can make to happen the response variable. In the present research, standard error of the estimate or average error is 5.40394. F change is significant at .000 which implies that the data is fit in the present research. R is also called Regression of Coefficient. The Degree of Freedom (df) is of those values involved in the final calculation those have freedom to vary where

$$\text{Total df} = \text{df1} + \text{df2}$$

Adjusted R<sup>2</sup> is the percent variance in criterion variable which is caused by actual variation of explanatory variables. It is also called penalized because percent of variation in dependent variable caused by one unit change in independent variable.



Table 4.23: *Distribution of Mean score of perpetrators and victims for independent variables*

S.No.	Variables	Means scores of Perpetrators	Means scores of Victims	Score Interpretation
1	Accessibility	4.62	4.36	Very high
2	Implementation	4.17	4.14	High
3	Transparency	4.09	4.12	High
4	Participation	4.68	4.42	Very High
5	Confidentiality	4.53	4.25	Very High

Table 4.24: *Distribution of mean scores of perpetrators and victims for the dimensions of Trust (Dependent variables)*

S.No.	Variables	Means scores of Perpetrators	Means scores of Victims	Score Interpretation
1	Competence	4.38	4.52	Very high
2	Good will/Benevolence	4.19	4.09	High
3	Integrity	4.17	4.11	High
4	Equity	4.58	4.50	Very High
5	Reliability	4.63	4.29	Very High

In table (4.23 & 4.24) according to (Moidunny, 2009) the mean score ranges from 1-1.80 representing the very low trust, similarly means scores ranges from 1.81-2.60 interpreted as low, 2.61-3.20 considered as medium while means scores ranging from 3.21 to 4.20 interpreted as high expectations and means scores from 4.21 to 5.00 representing as very high level of expectations. Actually, the mean scores described how much data is pointing towards center or average i.e. adding values of X and divided by total number of observations.

## 5. SUMMARY, CONCLUSION AND RECOMMENDATIONS

### 5.1 SUMMARY

The law must be according to the will and aspirations of the people but in Pakistan the delay in cases is as high as it takes decades to resolve few and even till the death of the petitioners. The pendency of cases is as high as of 2 million in Pakistan and about 45000 cases pending in different courts in Azad Jammu & Kashmir. The commonly practiced Community Based Dispute Resolutions methods in the Azad Kashmir are still known as Jirga, Panchayat, Musaliati commission or Islahi Committees.

In the current study, the variables used to predict the public trust on community based dispute resolution are accessibility which consists on time, cost and ease to approach the system. Similarly, Participation of the members and disputants, confidentiality in the processes , transparency in the decision making process and implementation of the decisions made by the community based dispute resolution have their contribution in enhancing the trust on community based dispute resolution.

Means scores for these predictors showed that accessibility, participation and confidentiality shows data is pointing towards the center is very high both for perpetrators and for the victims. Accessibility is showing a score of 4.62 for perpetrators and 4.36 score for the victims out of the total score 5 the scale developed by (Moidunny, 2009) which ranges from 1 to 5. Similarly, participation is scoring 4.68 for perpetrators and 4.42 for the victims described as very high. Likely, Confidentiality has scores of 4.53 for the perpetrators and 4.25 for the victims as compare to the implementation 4.17 for perpetrators and 4.14 for the victims and transparency 4.09 for perpetrators and 4.12 for the victims showing just high level of scores.

So, the level of trust on community based dispute resolution is more because it has good accessibility in terms of less time to resolve dispute, less cost involved in processes and easiness in approaching the system which is available for all the people for all the times to submit appeal, hearing the dispute and resolving dispute in amicable manners. Likewise, participation of both the disputants and members of the community based dispute resolution increases the level of trust. The confidentiality in the processes, in decisions and sharing the decisions only with legal entities also increases the level of feelings and thoughts on people on the community based dispute resolution.

The current study is focused on the alternate dispute resolution but specifically focused on the out of court settlement of the cases and to measure the level of trust on these instruments of dispute resolution. The few studies simply measure the trust through the demographic factor like gender, age, profession and education but this study is focused on the independent variables like accessibility to the community based dispute resolution processes including time, cost and easiness of approach, participation of the stakeholder in the processes, implementation of the decisions, transparency in the processes and the confidentiality in the processes. Similarly the indicative measures of the trust are identified like the competence of the people and the processes, goodwillness of the processes and the people, integrity, equity and reliability of the people and processes involved in the community based dispute resolution. Despite the Suo-moto actions taken by the Chief Justices in Pakistan the people still trust on the out of court settlement of the disputes just because of the unwanted delays and tactics in the formal judicial system. The majority of the people in the rural areas still give priorities to the time and cost saving mode of dispute resolution. Hence, they adopt the community based dispute resolution options in family disputes like divorces,

marriages, natural resources disputes like water, land and forest disputes including the transport and commercial disputes.

## **5.2 CONCLUSION**

This study is an assessment of the public trust on the informal dispute resolution processes adopted by the people in rural and urban areas in Azad Jammu & Kashmir. The formal judicial system has setbacks due to delays and long procedures including the police investigation without any productive results. The people consider that formal judicial system is a power show influenced by all segments of power like authority, wealth and political position. The international media quoted the Pakistani courts as the “bitches of the riches” because of biased decisions in favor of powerful people.

The study shows that participation for perpetrators and victims (4.68 & 4.42), accessibility (4.62 & 4.36), implementation (4.17 & 4.14), transparency (4.09 & 4.12) and confidentiality (4.53 & 4.25) and have positive relationship with public trust on the community based dispute resolution. A larger group of community of either socioeconomic status are using the community dispute resolution mechanism for save time, to reduce cost and to get justice in fast and fair way. The results also depicts that sub-variables of the trust like competence, integrity, good willness and reliability are highly regarded in the communities. The CBDR process is competent as well as reliable for every segment of society and people of either socio-economic characteristics are exercising and adopting it.

In this study, the disputants show a complete agreement over the fruitfulness of the resolution of disputes out of the formal courts and prefer a friendly settlement through mediation, arbitration or conciliation. The disputants adopted the mediation are (25%), conciliation (29.3%) and Arbitration (43.4%) in the current study. A few numbers of the disputants were also resolved

their disputes through combination of mediation & arbitration (0.6%) and discussion and negotiation contributes as (1.7%) in this research. The study has shown that (77.1%) proportion of variance was caused by predictors in the criterion variables.

### **5.3 RECOMMENDATIONS OR SUGGESTIONS**

#### **5.3.1 Establish Community dispute resolution centers and make accessible for the people.**

As the time, cost and easy approach to the community based dispute resolution played a vital role in developing confidence level of disputants in the system. The accessibility is making the people to put their dispute to the dispute resolution body anytime because community is available for resolution of disputes all the times. The less cost is involved because nobody is claiming for the monetary benefits from the disputants and don't put any financial liability on the victims or perpetrators at any level. As community based dispute resolution takes actions timely to prevent any type of escalation or irritants just after the dispute occur and considered as more friendly and meaningful for the community as well as for the disputants.

#### **5.3.2 Improve Participation and transparency in decision making and implementation**

The results of the research showed that participation of disputants or members of the community based dispute resolution body has a positive relationship with the level of the trust. It is also very flexible and if there will be a condition then any nominee or relative of the disputant can be part of the community based dispute resolution just to avoid any further escalation, This participation is meaningful because any woman can be participated and presenting her dispute for the resolution. Either the decisions are strict to follow and may lead to the social boycott of an individual but there is always a space available for the reorientation of the perpetrators. The improve participation also enhances the likelihoods of commencement of trial on will of either the victim or perpetrator.

### **5.3.3 Establish and empower the Lok Adalats (Peoples' courts) like India**

India has established the Lok Adalats to resolve less felony cases. India accepted Lok Adalat town level individuals' courts during the 1980s, where prepared arbiters looked to determine normal issues that in a previous period might have gone to the Panchayat, a board of town or rank elderly folks. The writings from the India show that these people groups' courts are settling greater part of the cases identified with engine mishaps, cases and other mutual debates in the town levels. When Mahatma Gandhi said, "I had taken in the real demonstration of law. I had sorted out some way to find the better side of human intuition, and to enter men's hearts. I comprehended that the real limit of a lawful instructor was to join parties given as under. The model was so forever burned unto me that the huge piece of my time, during the twenty years of my preparation as a lawyer, was engaged with accomplishing private compromises of many cases. I lost nothing, in this way not cash, unquestionably not my soul". The mid 1980s saw a coordinated work to advance a more native person inside the equity apportioning framework, and to give options in contrast to the Anglo-Saxon models of arbitration. Lok Adalat is the idea having its underlying foundations in Indian sublime past which signify 'individuals' Court', it is the arrangement of —nyayapanch- is conceptualized and systematized as Lok Adalat. It affects individuals who are straightforwardly or in a roundabout way impacted by question goal. The Legal Services Authorities Act, 1987, according to the established command in Article 39-An of the Constitution of India, contains different arrangements for settlement of debates through Lok Adalat. Lok Adalat is the debate goal framework directed by a sitting or resigned legal official as the director, with two different individuals, typically a legal advisor and a social laborer. There is no court charge. Assuming the case is as of now recorded in the normal court, the expense paid will be discounted on the off chance that the debate is settled at the Lok Adalat , Sec 21 of the Act pronounces that each grant

of (a) Lok Adalat will be considered to be announcement of Civil Court, (b) Every Order made by the Lok Adalat will be conclusive and restricting on the every one of the gatherings, (b) no allure will lie structure the request for Lok Adalat. The writing shows that individuals of India consider the formal legal framework as an elective structure brought by the British and supplant the Jirga and Panchayat which was the native legal arrangement of India. Pakistan and Azad Kashmir specially necessitate having such provisions in law to address the peoples' legal issues in shortest times and with no or less expenses on the door step of the common man. The society of Azad Jammu & Kashmir is too much integrated and almost everyone is connected with other either with respect to tribal or political or social aspects. The Lok Adalat's model is not only implemented but it can be successful because it takes decisions in shortest times and without wastage of money and time despite the hard geographical conditions in the rural areas.

#### **1.3.4 Formalize and improve the Jirga, Panchayat in rural areas to make is more socially acceptable for the people and for the legal entities.**

The Punjab government few years back introduced the Alternative Dispute Resolution but formally established the Jirga and Panchayat as the separate dispute resolution process. The government has established the Musahaliti councils to resolve the disputes. As indicated by Justice Syed Mansoor Ali Shah, Pakistan by and by has one Judge for each 60,000 individuals, which isn't sufficient to look for expedient and opportune equity. "Case is a situation where you go in as a bull however leave as a hotdog," commented Justice Mansoor Ali Shah of the Supreme Court of Pakistan at a November course in Lahore. The course, Mediation—A New Code of Adjudication, was coordinated by The Asia Foundation and the Kinnaird College for Women, at their Lahore grounds, to investigate the difficulties, openings, and new improvements in elective debate goal in the 21st century. "Let the attorney to become arbiter, rather than simple pleader," This organization

of Jirga and Panchayat can be best settled under the oversight of the legitimate and government substances to guarantee the insurance of essential basic liberties and making the cycle all the more socially adequate.

### **5.3.5 Justice provision at the door step by providing the indigenous solution of the indigenous problem**

The sustainability in the decision and processes is only probable when the solutions of the problems will be indigenous and will be according to the will and aspirations of the people. These types of decisions are more acceptable because more reliable and according to the norms and values of the community. The ultimate decisions are of the community to prevent escalations and to keep the community intact for safeguarding the values and norms. This type of solution will enhance more participation and level of trust on the system in place.

### **5.3.6 Timelines for specific cases in the court**

In Pakistani courts, cases span decades and sometimes outliving the litigants. Time Bound Delay Reduction (TBDR) plan was presented by the National Judicial Policy Making Committee (NJPMC), where uncommon worth has been given to the friendly settlement of the cases. The Arbitration and Conciliation Bill 2009 is likewise holding up the consent of Parliament. In excess of 20 establishments like Land Revenue Act 1967, Electricity Act 2003, Income Tax Ordinance 2001, Custom Rules 2001, Custom Act 1969, Sales Tax Act 1990, Federal Excise Act 2005, Family Laws and Banking Act, separate arrangements are accessible for casual neighborly settlements. Musaliete Anjuman (placation board) is the remarkable element of Local Government Ordinance 2001. The inquiry is the reason the entire world is fleeing from formal equity framework to a casual one? The appropriate response is that proper framework couldn't stay up with time, and



all things considered, it has become obsolete. It is costly thus keeps most of the defendants out-evaluated. There is need to:

- Remove pendency of the cases in every court of the country
- Change the behavior of the advocates
- Litigation between state and the citizens increase the burden over the courts
- There must be adjournments on the moral and legal grounds not just a delay tactics.
- The maltreatment made both by judge and direction is extremely normal and any circumspection in techniques should be utilized sensibly and similarly. The first issue is to place in the torpidity, raise another issue and series of legal surveys, proclamations, remarks and leaving the main problem aside.
- Avoid lengthy and meaningless cross examinations.
- Avoid lengthy arguments
- Avoid the unnecessary citations which are put to combat the opponent counsel.
- Strikes of advocates on various occasions must be limited.
- Discourage or overcome the rawness or inexperience of the reader of the court, resulting in unsuitable fixation of dates of hearings.

### **5.3.7 Remove burden on the courts**

The lower courts and the apex courts are overburdened because no mechanism is present to scrutinize the cases before submission and approval in the courts. One judge is appointed for 60,000 people so it's virtually not possible to entertain all cases on merit to dispense justice. So the government must adopt some national policy to reduce burden on courts while diverting the less felony cases out of the court through community agreements.

### **5.3.8 Adopt a National Action Plan to promote out of court dispute resolution**

A program of Legal and Judicial Capacity Building should be prepared which should include with other things, Law Reform, Judicial Reform, Judicial Training and Legal Education, Court Automation and Infrastructure, Access to Justice, ADR and Legal Aid, Legal Literacy and Public awareness and Gender Sensitivity. According to some law experts it is the parties to choose that what technique of dispute resolution would be more appropriate for their needs and interests. The circumstance in Pakistan is tenuous and the agonies of the conventional equity framework have brought forth a maxim in KP Province which says, "May Allah (God) not humors you in a clinic or in a court". In a climate like this, the main equity of India R.C. Lahoti has properly said: "Presently plainly the gulf (of water store) can't be completely halted. Will we basically speed up outlet or increment the quantity of outlets? One such new outlet is Alternative Dispute Resolution, which incorporates intervention, intercession and placation. In a February 2018 article for mediate.com, Leonardo d'Urso, CEO of the ADR Centre Rome (and a member of our ADR project's "core group"), noted that Turkey had received 30,828 mediation requests and achieved a 72 percent settlement rate in just the preceding month. In Italy, he continued, "virtually everyone now agrees that the net results of the current mediation model have been positive."

### **5.3.9 Minimize the Bribery and corruption in the Judiciary to ensure the more transparency and confidentiality in the processes.**

Pretty much every resident of Pakistan is saying that debasement is the most serious issue of Pakistan and considered as the main driver, everything being equal. As indicated by the National Corruption Survey led by Transparency International in 2002 and in 2006, the three most degenerate government offices are the police, the political area, and the legal executive. The Law Reform Commissions framed by legislatures of Pakistan composed: Police station is the primary

focus of degenerate exercises. A case isn't enlisted or a F.I.R. is not acknowledged nor is adequate premium displayed in the examination except if the complainant gives an attractive delight to Officer-in-Charge of the police headquarters or Station House Officers. On the off chance that the charged party is more liberal, the scales are perpetually tipped in support of its. Both the gatherings are frequently kept similarly fulfilled by an astute examining official who sends the cases up to the Court of Magistrate with such lacunae in that that the blamed may make capital out for them." (Law Reform Commission 1967-70: 414). One huge issue at the courts is delay. All individuals who are identified with criminal equity like the legal advisors, the adjudicators, the police, the legitimate interaction serving staff, and so on all are answerable for the deferral. The Law Reform Commission noted: "There is a wide-spread grumbling that criminal cases are by and large postponed unnecessarily by certain officers with the end goal of removing unlawful delight. ..., 'oiling of the wheels' is fundamental make even the legal hardware run as expected and with speed at this level." (Law Reform Commission 1967-70: 414-15). Judicial corruption in any form affects the stages of impartial decision-making in

- I Establishing the facts,
- II finding law s,
- III understanding the legal materials selected
- IV Be valid the resulting legal percept to the cause.

In fact in the democratic country the judicial truthfulness are the independence, transparency and accountability but real potency is the trust of the people on the judicial institutions.

### **5.3.10 Check and Balance on the lower formal courts to make decisions more acceptable and create accessibility for the disputants.**

The appointed authorities of the pinnacle courts concede that the lower courts have defilement at certain stages or at all stages. The lower staff engaged with helping the area and meeting judges straightforwardly or in a roundabout way elaborate debasement. The pursuers, the assistants and so forth are engaged with lower courts defilement. The blessing has been given on preferring and hating reason for the conference dates and the legitimate stuff like confirmations, witnesses have been imparted to adversary legal counselors for the advantages. This is bringing about decrease in the formal legal framework on the grounds that there isn't any gathering where grumbles can be made and engaged. The undesirable postponements in hearings by the supporters is likewise overarching and making the circumstance most noticeably terrible. If there will be any substitute like the Lok Adalats in India where formal court legal counselors will undoubtedly return charge on the off chance that case will be gotten comfortable Lok Adalat.

### **5.3.11 Creating positions of Arbiter or Mediator in every registered organization**

In Pakistan where people cannot afford the delays in courts, there is a need to create positions of arbiters in every department, institution and registered organization as the china is doing. This will provide prompt decision in that particular body. This will save the time of people, employees, and provide immediate solution as per the rules of that organization. Like in China, where an arbiter is appointed on every 100 people more as compare to the solicitor available for 100 people in USA.

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**APPENDIX-A**  
**INTERNATIONAL ISLAMIC UNIVERSITY ISLAMABAD**  
 (Department of Sociology)  
 Interview Schedule

**MUHAMMAD FAISAL KHAN**

I am student of PhD (Sociology) and conducting my PhD research on “Public Trust on Community based dispute resolution in Azad Jammu & Kashmir” The questions that will be asked are drafted in the form of questionnaire and it is purely an academic exercise. However, your comprehensive and factual responses are solicited, and will be treated in strict confidence. Please feel free to share the absolute truth on all issues raised in the course of interview since the success of this study depends on your cooperation.

**PART A- DEMOGRAPHIC DATA:** respondent’s profile. Please provide answer to the following by filling one box only.

**Q1. Gender**

Male	
Female	

**Q2. Age (in completed years)**

18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, 72, 73, 74, 75.
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**Q3. Marital Status**

Married	
Single	

**Q4. Education of the respondents (in completed years)**

1    2    3    4    5    6    7    8    9    10    11    12    13    14    15    16    17    18    19    20
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**Q5. What is your profession?**

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**Q6. Family Type**

Nuclear	
Joint	
Extended	

**Q7. Monthly Income from all resources (Rs/Month)**

--

**Q8. How many times you experienced through Community Based Dispute Resolution process.**

a) .....

**Q9. Nature of the experience in CBDR**

a) As a victim

b) As a perpetrator

Q10. Type of dispute-----

Q11. Type of approach used (1. Mediation, 2. Conciliation, 3. Arbitration) -----4.(other)---

<b>A. ACCESSIBILITY TO THE COMMUNITY BASED DISPUTE RESOLUTION SYSTEM</b>					
<b>A1. Time Utilization &amp; Dispute Resolution</b>	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
CBDR is available all the times for community					
complain can be made anytime in CBDR					
community agreements take less time to resolve dispute in your community					
CBDR always takes action timely					
<b>A2. Cost and Dispute Resolution</b>					
	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
The disputants pay to the community members for their services.					
Less cost is involvein CBDR as compare to the formal judicial system					
CBDR put any financial liability on victims or perpetrators.					
<b>A3. Ease of access to the CBDR System</b>					
	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
It is faster and easy to approach the CBDR body					
It is free from the fear and long procedures					
It can be approached both by victims and perpetrators					
CBDR is more friendly in nature					
CBDR is meaningful and useful for the community as well					
<b>B. PARTICIPATION OF STAKEHOLDERS</b>					
<b>B1. CBDR Members Participation</b>	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
Members of CBDR participated on voluntarily basis					
CBDR members must have any relations with victims or perpetrators for the participation					

There is some specific criteria to be a member of dispute resolution process					
<b>B2. Victims and Perpetuators Participation</b>					
	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
Amongst perpetrators or victims any one can go to the CBDR for initiation of the process of dispute resolution.					
Either a woman can go to the CBDR for resolution of her dispute. (woman participation)					
Any relative or representative of both victims and perpetrator can approach to CBDR					
There is always a space available for reorientation of perpetrators					
<b>C. IMPLEMENTATION OF THE DECISIONS</b>					
	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
The decisions are based on mutual consensus of both the victims and perpetrators					
The decisions are non-monetized always (Penalties)					
It ends-up the dispute and enmity as well (sustainability)					
It is more friendly and less frightened for both disputants					
It is also a source of prevention of further escalation/irritants					
The solutions are internalized by default					
Implementation of the decision by the CBDR is a type of social control in the area					
<b>D. TRANSPARENCY IN THE PROCESSES</b>					
	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
CBDR is dispute specific not disputant specific					
CBDR is an open trial					
There is right of appeal					
It is free from external influence					
<b>C. CONFIDENTIALITY IN PROCESSES</b>					

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
The decisions are kept secret from the irrelevant people					
Only the disputants and members of the CBDR have information regarding all decisions					
The decisions are also shared with government entities like police, courts etc.					
<b>1. DIMENSIONS OF TRUST/Indicative measures of Trust</b>					
<b>1.1 Competence</b>					
	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
CBDR process is competent to resolve any dispute in the community.					
The CBDR members are competent for dispute resolution					
CBDR Process provides what people expect (efficiency & Expectations)					
Members of the CBDR generally know what they are doing? (expertise)					
<b>1.2 Benevolence/Goodwill</b>					
	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
CBDR can be trusted for the disputes resolution in the area (Trust)					
It changes the attitude of the people positively (Attitude)					
Behavior of the disputants and CBDR members remains positive towards process of CBDR (behavior)					
CBDR members usually try to help their appellants' (concern)					
CBDR members really understand the problems facing by ordinary people (understanding)					
<b>1.3 Integrity</b>					
	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
CBDR is consider as a more reliable system then formal Judicial system to resolve disputes					
CBDR is consider as an honest system (honesty)					

CBDR is free of external influence					
CBDR members have vested interests in the process					
CBDR is totally impartial in decisions making and implementation.					
CBDR members admit the mistakes if something goes wrong (Openness)					
<b>1.4 Equity</b>					
	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
It handles all people on similar manners					
It focuses on dispute not on disputants					
It focuses on remedies and punishments					
<b>1.5 Reliability</b>					
	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
CBDR members try to keep their promises regarding the decision (promise keeping)					
CBDR members always try to recover the relations between disputants (consistency)					
CBDR usually follow the rules and norms of the local area.(Reliable)					



## APPENDIX-B

International Islamic University Islamabad  
Faculty of Social Sciences  
(Department of Sociology)

District Police Offices/IJP  
Muzaffarabad, Azad Jammu & Kashmir

**Subject: Doctoral Research Project on Public Trust on Community Based Dispute Resolution**

Dear Sir,

Hope this letter will find you best of your health and spirit. International Islamic University Islamabad (IIUI) is a reputed institute of higher education where students from more than forty countries are studying. In this way IIUI is working for the betterment of Pakistan as well as Muslim Ummah.

The department of Sociology is one of the prestigious department of IIUI in the sense that it trains students through extensive involvement in academic activities as well as research on various social issues. Few to mention here include criminology, criminal justice system, gender, health, education, drug addiction, migration, social networking, natural disaster, terrorism and violence, social vulnerabilities, women empowerment, social development, social injustice, alternative dispute resolution, mediation, arbitration, conciliation, social media and cyber-crime. Moreover, the department also organizes knowledge sharing events and welfare activities for the benefits of students in particular and society in general.

Considering the significance of police in administrating the law and order activities, Mr. Muhammad Faisal Khan S/O Sardar Fiyaz Ahmed Khan has selected research project titled "**Public Trust on Community Based Dispute Resolution in Azad Jammu & Kashmir**" as a part of his PhD degree. The project will be supervised by under signed faculty member holding Doctoral degree and hopefully the outcome of this research will provide insight to government, academic and legal practioners to improve legal situation and promote Alternative Dispute Resolution (ADR) like other provinces in Pakistan. The researcher will collect the relevant data from police stations. The researcher will fulfill the ethical requirement and ensure that the collected data will purely be used for research purposes. For this purpose, your cooperation will be highly appreciated.

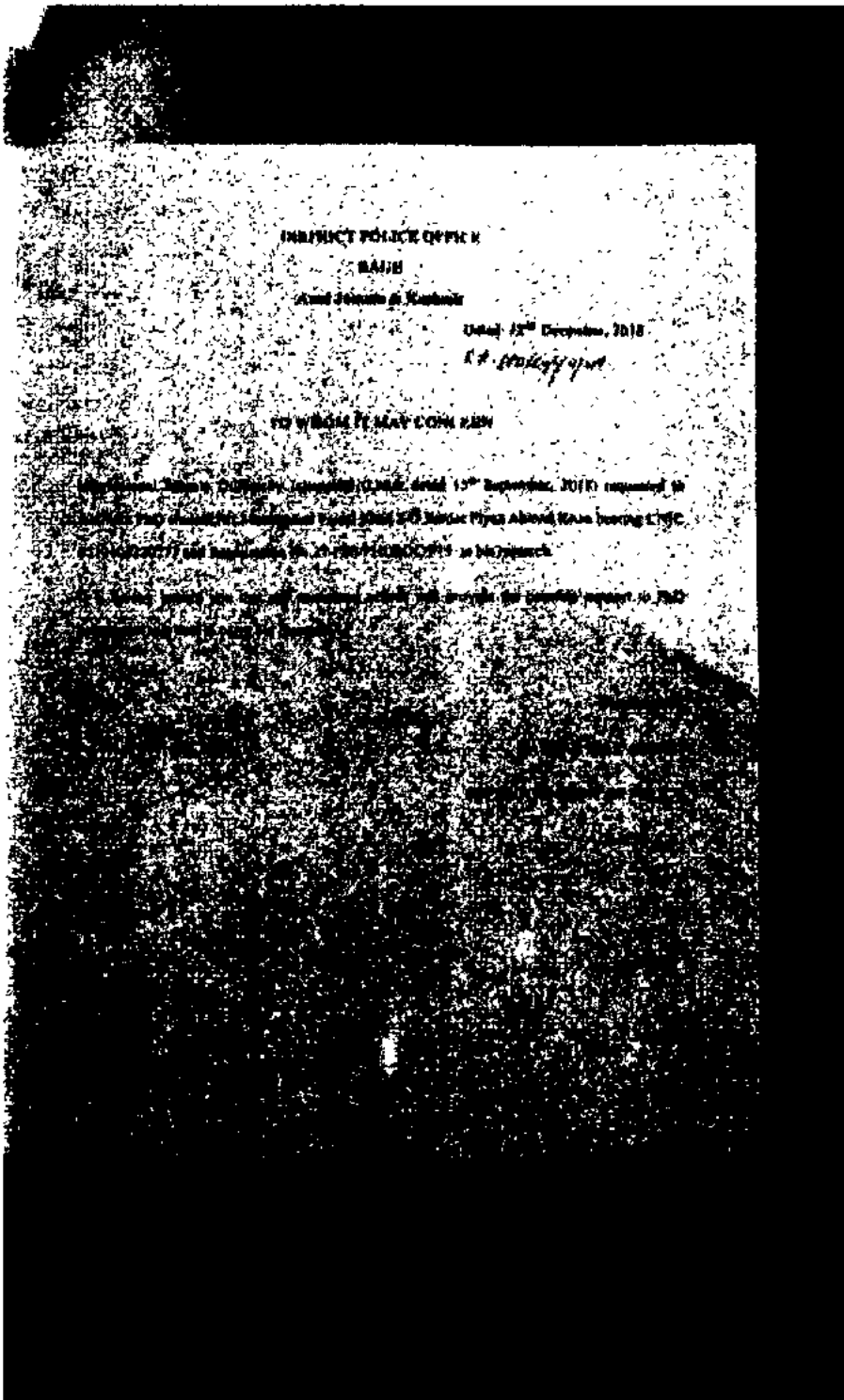
You are requested to please facilitate the researcher in this regard.

With best regards,

Yours Sincerely,  
Dr.M.Babar Akram



APPENDIX-C



IMPACT POLICE OFFICER

RAJIB

And Station at Kathak

Uttar 12<sup>th</sup> December, 2018

*Handwritten signature*

TO WHOM IT MAY CONCERN

Reference is made to the letter (dated 15<sup>th</sup> September, 2018) requested to  
the effect that they should be assigned to the post of Junior Police Above Khas being LDC  
in the rank of LDC and to be posted to the post of LDC in the rank of LDC.

It is requested that you may kindly consider the above request and issue the necessary orders in this regard.

