

Dispute Settlement Mechanisms in Balochistan: A Comparison of the Traditional Justice System and the Judiciary – Way Forward

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Abstract

This study explores the Traditional Justice System (TJS) in Balochistan, known as *Muchhi/Dewan* in Brahui and Balochi and *Jirga* in Pashto, analyzing its history, structure, and role in delivering justice within the Baloch and Pashtun communities and comparing it with Pakistan's modern judicial system. Despite introducing a formal judicial system, TJS remains deeply trusted in rural areas, where people value its quick and culturally aligned resolutions. Historically resilient, TJS has adapted to changes, from colonial reforms to shifts in Pakistan's legal landscape, yet challenges such as patriarchal bias and limited accountability persist. Using a mixed-methods approach, including historical analysis, case studies, fieldwork, and quantitative analysis, the study compares TJS with Pakistan's formal judiciary, emphasizing their advantages and drawbacks. Findings suggest that while TJS is accessible and widely accepted, the formal system's codified law offers procedural rigor. The study advocates for an integrated justice model that leverages both systems' strengths to improve accessibility, efficiency, and cultural relevance in Pakistan's judicial framework. Recommendations include digitalizing court processes, expanding e-judiciary services to remote areas, and establishing community-based dispute resolution mechanisms within the formal judiciary to enhance justice delivery across diverse communities in Pakistan.

Keywords: Traditional Justice System, *Muchhi*, *Dewan*, *Jirga*, Judiciary, Baloch, Pashtun, *Safaid Reesh*.

1 Introduction

Throughout the annals of human history, justice has stood as the bedrock of civilization, guiding societies through the maze of disputes and conflicts (Alsford & Menefee, [2025](#)). Mankind has employed different formal and informal mechanisms to settle disputes, sometimes following theological leaders (Umeanwe, [2024](#)) or scriptures, other times using methods they considered natural, and often forming councils of wise and elderly people to resolve or settle disputes that

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could otherwise cause larger conflicts. The existing Traditional Justice System (TJS) in Pakistan's Balochistan province, particularly among the Baloch and Pashtun communities, is one such example (Sultan et al., [2025](#)). It is known as *Muchhi/Dewan* in Brahui and Balochi, and *Jirga* in Pashto. However, the term *Jirga* is more commonly used even by the Baloch for such councils or gatherings in the province (Iqbal & Chaudhry, [2023](#)), as the Baloch and Pashtun have much in common regarding their customs, norms, and living styles, except for differences in their languages (Yousaf, [2021](#)).

TJS in Balochistan is hypothetically as old as six hundred years (Hasan, Azeem, & Faiz, [2023](#)). This system is trusted and well understood by the people of the province. In its purest form, *Safaid Reesh* (tribal elders, or white-bearded elders) traditionally resolved conflicts within Baloch and Pashtun tribes following certain *Riwaj* (norms and customs), with *Jirgas* acting as courts (Hassan, [1976](#); Ullah et al., [2021](#)). Their authority was respected as long as the tribal structure remained uncorrupted and intact. The *Dewan/Jirga* functioned as an advisory body within Baloch tribes, guiding leaders at different levels. At the tribal level, it addressed key administrative and judicial matters (Khan et al., [2021](#)). The Khan of Kalat, supported by the Baloch *Dewan*, upheld justice, with Noori Nasir Khan (Khan between 1749-94) introducing *Sharia* in *Jirga* decisions, blending Islamic law with tribal customs (Ahmed et al., [2022](#); Mahmud, [1982](#)).

However, Robert Sandeman in the late 19th century made certain changes in the functionality and procedures of the *Jirga* system to make it more convenient for British objectives in the region which was to control and govern Kalat State (Hasan, Azeem, & Faiz, [2023](#); Iqbal & Chaudhry, [2023](#); Riccardo, [1997](#)). His reforms delineated jurisdictional boundaries for civil and criminal cases, streamlined the legal framework, and consolidated power under the British colonial administration (Akhter et al., [2022](#)). Despite Sandeman's efforts to centralize authority, his reforms faced resistance from some Baloch leaders and communities (Zaib et al., [2021](#)), reflecting the complexities of colonial governance and indigenous responses to imperial rule. The people of the region, particularly Baloch, wanted to rule themselves and stick to traditional means of justice (Hasan, Baloch, & Ameer, [2023](#)), as many people in Balochistan even today deny or mistrust courts and prefer *Jirga* over them.

The field research conducted and people interviewed either online or offline in Quetta, Pishin, Ziarat, Sibi, and Dera Murad Jamali confirm that a significant majority of respondents prefer TJS or *Jirga* due to their efficiency and accessibility. Discussions and interviews with litigants reveal that over 75 percent of respondents stated they would rather approach a *Jirga* than a court, primarily because of the lower costs, quicker resolution times, and the absence of complex legal procedures. This strong preference for *Jirgas* highlights a structural gap in the formal judiciary, which struggles to provide justice in a timely and cost-effective manner.

Nonetheless, change is the only constant, and evolving global trends demand continuous adaptation. The tribal system was abolished in Balochistan in the mid-1960s, but this did not end the functioning of the TJS (Khattak et al., [2022](#)). While people in cities like Quetta largely depend on the courts to settle their disputes today, a great majority of Balochistan's population still lives in rural areas. These rural communities, not exposed to city life, continue to rely on traditional ways and modes of living quite satisfactorily (Luca, [2021](#)).

Despite its strengths, the TJS has certain weaknesses. It is a highly patriarchal setup, and due to a lack of accountability, many community leaders or *Safaid Reesh / Spin-Zhir* are known for issuing inhumane verdicts. Litigants or plaintiffs do not have any higher authority to appeal against the decisions of *Malak*, *Mir*, *Motabbar*, *Sardar*, or *Nawab* if they disagree with the verdicts. On the other hand, there is a clear lack of trust in the country's formal judicial system. The backlog of cases can take generations to be resolved, with instances of people going bankrupt due to the corrupt *thana* and *kechehri* culture. Additionally, some people receive verdicts after 25 to 30 years, which further erodes trust in the formal system.

The juxtaposition of the *Muchhi/Jirga* System and the formal judicial system highlights the divergent approaches to justice in Pakistan. While the traditional system offers a culturally resonant method of dispute resolution that is often quicker and more accessible, the formal judiciary provides a framework grounded in codified law and procedural rigor. Each system has its own set of strengths and weaknesses, and their interactions reflect broader themes of legal pluralism and justice delivery in Pakistan.

This study aims to explore and compare these two justice systems, delving into their historical origins, operational mechanics, and impact on the communities they serve. By analyzing both the TJS and the formal judiciary, the study seeks to uncover the strengths and shortcomings of each system and propose potential pathways for integrating their best practices. It employs a multi-method approach, combining literature review, historical analysis, case studies, field research, and quantitative analysis to provide a comprehensive assessment. Through this comparative analysis, the study will offer insights into how traditional and formal justice systems can be harmonized to enhance overall justice delivery in Pakistan, ensuring that justice is both timely and culturally relevant for all citizens.

The terms *Dewan*, *Muchhi*, and *Jirga* have been used interchangeably in this paper; however, TJS is commonly used to refer to the Traditional Justice System throughout the paper. The term *Safaid Reesh* is commonly used for all the types of tribal elders that are involved in TJS. Other common terms for *Safaid Reesh* are *Piyun Reesh*, *Spin Zhir*, and *Siway Reesh*, which are avoided for clarity in the study.

2 Research Methodology

The study employs a comprehensive mixed-method research approach to scrutinize and compare the centuries-old TJS with the formal judicial system of Pakistan (Peltó, 2017). The rationale for using this approach is that it best captures the essence of the available knowledge on the subject while facilitating an understanding of the necessary statistics (Dehalwar & Sharma, 2023). Relying on only one quantitative or qualitative method would make it difficult to thoroughly grasp the full scope of knowledge on the subject (Bazen et al., 2021). This approach also allows for a holistic understanding by combining statistical data with real-life experiences, which is crucial for assessing TJS and the formal judiciary (Liu & Panagiotakos, 2022). By integrating both approaches, this study ensures a well-rounded assessment that captures statistical trends alongside the subjective realities of justice seekers.

The study begins with an extensive literature review to contextualize the historical evolution of these justice systems (Ruijter et al., 2023). The initial phase involves examining colonial records, historical documents, and existing scholarly work to understand the development of the *Muchhi/Jirga* System and the formal judiciary. This historical context is crucial for grasping how these systems have evolved and their current operational frameworks.

Following the literature review, the study delves into historical analysis and case studies. This phase focuses on how colonial influences have shaped the present forms of these systems, providing a historical backdrop to their contemporary practices. By analyzing specific disputes and notable legal cases, the study gains practical insights into the functioning and effectiveness of both justice systems. These case studies reveal how the TJS and the formal judiciary settle disputes and handle conflicts, offering real-world examples of their operations.

While existing studies either praise or criticize the TJS or the formal judicial system in isolation, this study is unique in its approach. It critically analyzes both systems, does not solely rely on literature but incorporates on-the-ground realities, and proposes a future course of action—an aspect largely missing in the available scholarship.

Field research forms a significant part of the methodology, involving direct observations and

interviews with community members, tribal leaders, litigants who have recently settled their disputes either in courts or through the TJS and judicial officials. This hands-on approach provides firsthand insights into the *Muchhi/Jirga* System's practical workings and the experiences of those involved in or affected by it. Fieldwork captures the nuances of how traditional justice mechanisms operate in practice, complementing theoretical descriptions with lived experiences.

The research employed purposive sampling to select qualitative interview participants from diverse stakeholder groups, including tribal leaders, litigants, and judicial officials who had experienced dispute resolution. Additionally, snowball sampling was used to identify individuals with direct knowledge of one or both justice systems. The study aimed for balanced representation by considering regional diversity, ethnic backgrounds, and gender groups to enhance its reliability and validity. However, female litigants were not included in the sample, as they were either unwilling to participate or their family members were reluctant to allow them to share their experiences with researchers.

Furthermore, due to budget constraints, the research team was unable to conduct fieldwork in remote areas of the province. As a result, interactions were limited to litigants, tribal leaders, and judicial officials available in Quetta, Pishin, Ziarat, Dhadar, Sibi, Dera Murad Jamali, and Kachhi. The lack of proper internet access in Balochistan also proved to be a major hurdle in obtaining insights from the province's population at large.

Quantitative analysis is also a key component of this study, focusing on evaluating the efficiency of formal judiciary (Pereira et al., [2025](#)). This involves examining statistical data related to case backlogs, resolution times, and overall judicial performance. By analyzing these metrics, the study highlights systemic issues contributing to delays and inefficiencies within the formal judiciary, offering a data-driven perspective on its functioning.

Quantitative analysis employs descriptive statistics to evaluate case resolution rates, backlog trends, and judicial efficiency (Pernici et al., [2024](#)). Data is analyzed using SPSS, applying frequency distributions and cross-tabulations to identify systemic inefficiencies. Additionally, inferential statistical techniques, including regression analysis, are utilized to examine factors influencing delays in formal court proceedings.

A comparative analysis is conducted to assess the effectiveness of the TJS in relation to the formal judicial system. This comparison evaluates aspects such as accessibility, efficiency, fairness, and community acceptance. The study examines how each system addresses these factors and serves its respective communities, providing a balanced view of their strengths and weaknesses.

The research maintained constant attention to ethical practices. The researchers provided participants with consent forms outlining the study's objectives, along with the right to voluntary participation and the ability to withdraw at any time. Confidentiality was ensured through the anonymization of interview responses except where the interviewees were willing to share their names. Safety measures were implemented to protect participants' identities while creating a non-compulsory environment for research, given the delicate nature of the issues affecting people in conflict with other litigants, tribal elders, or judicial officials under study. This research upholds all ethical standards approved by the Institutional Review Board of Balochistan Think Tank Network and adheres to international research ethics guidelines.

Based on the findings, the study proposes policy recommendations aimed at integrating the strengths of both justice systems. These recommendations suggest ways to incorporate traditional mechanisms into the formal judicial framework, focusing on improving procedural efficiency and inclusivity. This multifaceted approach provides a detailed assessment of both justice systems and offers actionable insights for enhancing justice delivery in Pakistan.

Moreover, the persistence of TJS in Balochistan despite the presence of a formal judiciary is

explained through Legal Pluralism Theory (Griffiths, [2013](#)). The theory acknowledges that multiple legal systems can coexist within a single state. In the case of the study, Baloch and Pashtun communities of Balochistan view the Jirga not as an alternative, but as a parallel and legitimate mechanism for settling disputes, operating alongside the formal courts. Furthermore, Path Dependency Theory explains why historically entrenched institutions, Jirga is only one of them, persist despite legal reforms (Prado & Trebilcock, [2009](#)). Due to the historical success of TJS in resolving disputes quickly, communities continue to rely on it rather than transitioning to a judiciary perceived as slow and inefficient. Some analysis has been done through Institutional Theory (Prado & Trebilcock, [2009](#)) that highlights how cultural norms, and historical practices shape legal institutions. It supports the argument built in the study through fieldwork that people prefer Jirgas not merely due to inefficiencies in the judiciary but because TJS aligns with their social structures and trust networks. These theoretical perspectives help contextualize why the formal judicial system has struggled to gain widespread acceptance in Balochistan, particularly in the rural areas.

3 Origins of Muchhi / Jirga

Justice is one of the most significant pillars of peaceful coexistence, without which, no society can live a quiet life, no community can thrive, and no organization can survive. For this reason, Martin Luther King had said, *"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly"* (Ali-Dinar, [n.d.](#)).

There are different ways of sustaining justice and dispute settlement is an important aspect of it. History is full of such efforts where different parties and agencies were formed, and different systems were tried for dispute settlement. *Muchhi / Dewan* in Balochi and Brahui, and *Jirga* in Pashto, is one such system for settling disputes to ensure and sustain justice in society. It isn't easy to trace its roots as the system has been present in different forms in different corners of the world for centuries or even thousands of years. Hypothetically, it is the oldest mechanism to settle or manage disputes. It has remained a significant dispute settlement mechanism throughout history. It is a primitive mechanism to settle or resolve conflicts that involves a council of elders who make decisions for the community. It is present in different forms in different cultures. For instance, among Pashtuns of Pakistan and Afghanistan, the council is known as *Jirga* (Aslam et al., [2023](#)), among Baloch, it is known as *Muchhi* and also *Dewan* (Hasan, Azeem, & Faiz, [2023](#)) in Islamic tradition, a similar body is called *Shura* (Advocate & Sajid, [2013](#)). In some parts of India and Pakistan, it is called a *Panchayat*.

Moreover, in many ancient civilizations, a form of council known as the *Jirga* was prevalent. It was referred to as '*Majles*' in Persia (Majles, [n.d.](#)), '*Shura*' in Arabia. (International Islamic Fiqh Academy, [2015](#)), '*Comitia Curiata*' in Rome (Momigliano & Cornell, [2016](#)), and '*Agora*' in Greece (Agora, [2021](#)). These diverse councils shared a common purpose of facilitating mutual consultation to resolve communal issues. Even today, in certain regions of Iraq, communities construct large gathering spaces to address their collective concerns through consensus-building. Similarly, the Aryans had two councils: the *Simite*, consisting of elders and dignitaries, and the *Sabha*, serving as a village council. Indian rulers like Sultan Behlol Lodhi and Sher Shah Suri, descendants of Afghan heritage, established their consultative councils and actively participated in their deliberations as members (Khan et al., [2014](#)).

In Balochistan, the term *Jirga* and its current form were introduced by British officials who sought to exert influence over Balochistan's judicial system. During the British occupation of Balochistan, the *Jirga* transformed through the 'Sandeman Reforms' and other enactments to align with British ambitions. Similar institutions, such as those found in India, Arabia, Persia, and Greece, evolved and gained more authoritative structures over time. However, the *Jirga* retained its flexibility and usefulness in Baloch tribal society until relatively recently. The *Jirga / Muchhi* held and still holds

a significant influence in the tribal setup of Balochistan, with its origins dating back at least six hundred years, if not more (Baloch, [2018](#)).

4 *Jirga* in Its Purest Form

Jirga was the most prevalent and possibly the only dispute settlement mechanism in Balochistan since the fourteenth or fifteenth century (Baloch, [2018](#)). For most of history, it was in its purest form until Robert Sandeman's interference in the mechanism and the British inculcation of drastic changes in it in the late 19th and early 20th century caused the loss of its main essence (Hasan, Azeem, & Faiz, [2023](#)). In its purest form, when conflicts or rivalries arose among or within tribes, the elders of the concerned tribe traditionally resolved them, following the customs, values, norms, and traditions of the Baloch or Pashtun people, respectively. As long as the tribal structure remained unchanged and free from corruption, the authority of tribal chiefs and clan leaders remained unquestioned, and their informal rulings were consistently honored and followed. Every tribe had its tribal leader (*Sardar*) and a *Jirga*. *Jirga* functioned as a court of law in that society (Hassan, [1976](#)).

Additionally, this system of *Jirga* extended to all administrative levels within the tribe. At the tribal level, the *Jirga* operated under the leadership of the *Sardar* and other key figures such as the *Muqaddam*, *Wadera*, and *Motaber*, who served as its members. At higher administrative tiers within the tribe, the *Jirga* held authority over the tribal leader; it addressed significant matters concerning the tribe, including internal disputes, the selection of a new *Sardar*, and potential external threats. The leader of the Confederacy also presided over this *Jirga* (Hassan, [1976](#)).

In case individuals of different tribes were in dispute, then the heads of all tribes would sit and settle the dispute. In case of failure to resolve the conflict, the Khan of Kalat had the power to appoint neutral *Sardars* to settle such disputes. If the dispute were still not settled, then Khan himself, with consultation from *Dewan*, would issue a decree. Such complicated cases would come to Khan every six months (Baloch, [1977](#)). Some areas were not tribal but under the Khan of Kalat, and where the *Arbabs* formed a *Jirga*. *Arbab* was a title for chiefs in the regions that were not tribal but under the Khan's authority (Khan, [1999](#)).

The *Dewan* operated under strict guidelines, refraining from intervening in any case unless specifically referred to as arbitration. It abstained from involvement in tribal disputes unless formally invited to offer a resolution. Decisions were made unanimously, with the majority opinion prevailing in cases of disagreement. Even the *Sardar* had only one vote in the *Dewan* and was bound by the majority decision, although they possessed the authority to replace a member with the *Jirga*'s approval. The *Jirga* convened exclusively to resolve disputes, while minor issues fell under the jurisdiction of the *Sardar*, covering all aspects of Baloch society, including social, political, and economic matters (Baloch, [2018](#)).

At various levels, the *Dewan* functioned differently within the tribal hierarchy. At the clan or sub-clan level, it served as an advisory council, guiding the clan or sub-clan head on pertinent matters. Conversely, at the tribal level, the *Dewan* comprised all clan or sub-clan heads, acting as the supreme body of the tribe. This tier of *Dewan* addressed administrative, judicial, and other significant affairs impacting the welfare and overall condition of the tribe. The *Sardars*, understanding the intricacies of tribal policies, typically heeded the advice of the tribal *Dewan*. The Khan of Kalat, supported by the Baloch *Dewan*, held a position of justice, offering guidance across various aspects of Baloch life, including administrative, political, social, economic, and external affairs (Baloch, [2018](#)). Mir Nasir Khan (ruled 1749-94), a renowned Khan of Kalat for his extraordinary rule, introduced *Sharia* in *Jirga*; consequently, *Jirga* decided disputes according to the order of *Sharia* laws in conformity with customs and conventions of the Baloch tribes (Mahmad, [1982](#)).

5 Sandeman's Interferences in the *Muchhi* / *Jirga* System

Robert Sandeman, recognized as the "peaceful conqueror" of Balochistan (Riccardo, [1997](#)) was a key figure in British colonial governance in the region during his tenure as the Agent to the Governor-General and Chief Commissioner from 1876 until he died in 1892. His significance lies in his successful negotiation of treaties such as the Mastung Treaty and the Jacobabad Treaty, which established British supremacy and control over Balochistan. These treaties allowed the British to act as mediators between the Khan and his *Sardars*, effectively cementing their authority in the Khanate of Kalat (Zaib et al., [2021](#)). A similar system, albeit, running side by side along the British Deputy Commissioners, acting both as judiciary and revenue officers, operated in British Balochistan.

Sandeman's reforms aimed to solidify British interests in Balochistan by restructuring the administrative and judicial systems. He introduced changes to the tribal structure of the Khanate of Kalat, transitioning it from a hierarchical system where the Khan ruled over the *Sardars* to a federal state or confederacy. Under this new system, the Khan retained power over external affairs, extending only up to the AGG, while the *Sardars* held significant authority internally. One of Sandeman's notable contributions was the introduction of *Jirga* systems, comprising local and *Shahi Jirgas*, to adjudicate disputes and administer justice in British Balochistan. The local *Jirgas*, overseen by British-appointed officials and tribal leaders, handled petty crimes, matrimonial issues, and property disputes among the local population. More significant cases, including those involving loyalty to the colonial administration, were brought before the *Shahi Jirga*, a council of main *Sardars* (Riccardo, [1997](#)).

6 Procedure of Jirga

There is no fixed procedure for *Jirgas*. However, certain *Riwaj* (customs) are fundamental and non-volatile. They include the consent of the parties that are referring the dispute to a *Jirga* and they promise to accept the decision(s) of the *Jirga* (Hasan, Azeem, & Faiz, [2023](#)). The *Jirga* proceedings commence with the complainant presenting their case, including all evidence and witnesses, before the members of the *Jirga*. If the *Jirga* finds the arguments and evidence presented by both parties unsatisfactory, it may decide to undertake further investigation itself, particularly in complex cases. Decisions are typically rendered swiftly during the initial hearing unless the case is particularly intricate. The *Jirga* examines all individuals familiar with the case. The *Jirga* normally takes from a sitting to a few hearings to reach a final decision (Hasan, Baloch & Ameer, [2023](#)).

Investigations in complicated cases involve methods known as 'Rand Janag' or 'Paad Gerag,' in Balochi, which include tracking footprints or connecting dots to identify individuals. These investigations, a part of broader Baloch societal practices, inform *Jirga* proceedings and extend to other life aspects in the region (Hasan, Azeem, & Faiz, [2023](#)). The procedures of *Jirga* may remain the same in Baloch and Pashtun societies; however, their methods of conducting *Jirga* and reaching a decision, even within Baloch and Pashtun tribes, vary. For instance, in some cases, since the *Jirga* system is no longer the official and formal way to settle disputes and *Safaid Reesh / Sardar / Malak* is accountable to no one anymore, the accused, often in *Jirgas* of certain Baloch tribes, is asked to walk barefoot on burning coals to prove his innocence. If his feet burn, he is considered guilty and punished accordingly (Muzaffar et al., [2021](#)). Another historical method involves asking the accused to walk barefoot on fire or not being drowned in water, signifying innocence. Known as "water and fire," this practice is prevalent among the Bugti tribe even today. Ironically, members of any *Sardar's* family have never been subjected to such trials (Marri, [2014](#)).

7 Kinds of Jirga

There are different kinds of *Jirga*, particularly in Pashtun communities:

7.1 Tribal / *Shakhsi* / Local *Jirga*

Tribal, *Shakhsi*, or Local *Jirga* have no major differences, but great similarities and they are almost the same. These all are different names of the same regular *Jirga*, where a council of elders settles inter and intra-tribal disputes on an almost regular basis.

7.2 Majlis or Shura

Majlis, originating from Persian, and *Shura*, from Arabic, both carry meanings akin to that of the *Jirga*. In efforts to infuse anti-communist movements, the term *Shura* was specifically adopted for councils within the mujahideen (loosely translated as holy warriors) and muhajireen (refugees) to give an Islamic touch to *Jirgas* in the 1980s during the Soviet and American presence in Afghanistan; it is not a different type otherwise.

7.3 Sarkari Jirga

This form of *Jirga* operates within the framework of the Frontier Crimes Regulation (FCR) of 1901. A political agent, their assistant, or another official with magistrate authority in the political administration can appoint a council of elders to adjudicate criminal or civil cases. Under the FCR, this *Jirga* is empowered to resolve civil and criminal disputes arising from blood feuds, involving matters of women, wealth, land, and other issues impacting Pashtun honor and customs. It holds the authority to impose a maximum penalty of fourteen years' imprisonment. Such a *Jirga does not exist in Balochistan; it existed in the regions formerly known as the Federally Administered Tribal Areas (FATA) and are now part of the Khyber Pakhtunkhwa Province.*

7.4 Qaumi Jirga

This is more famously known as *Ulusi Jirga* among Pashtuns. In such *Jirgas* an elder from each family in a village or a community participates to reach a collective decision regarding a matter often related to property, distribution of water, or concerns like offering a site for a school or college in the region. Such gatherings are common among the Baloch and Pashtun, who are the majority in rural areas in Balochistan.

7.5 Loya / Shahi Jirga

In English, it can be translated as “grand assembly.” A *Loya Jirga* is a large assembly that used to be convened for significant events like the selection of a new monarch, the adoption of a constitution, or discussions on vital national or emergency issues in Pashtun society. It now serves as a mechanism for resolving disputes among Pashtuns in Afghanistan, Balochistan, Khyber Pakhtunkhwa, and former FATA. Initially attended primarily by Pashtuns, the *Loya Jirga* later welcomed participation from other ethnic groups in Afghanistan. This forum, distinctive among Pashtun tribes, traditionally brings together tribal elders for deliberation (Advocate & Sajid, [2013](#)). It is like *Shahi Jirga*, which is prevalent among the Baloch tribes in Balochistan and is also known as Grand *Jirga*.

8 Origins of the Judiciary in Pakistan

As far as the judicial system of Pakistan is concerned, it has borrowed much from the British colonial era. Initially, the East India Company, through charters granted in 1623 and subsequent years, was empowered to adjudicate cases involving its English employees. It established its own courts, with the President and Council deciding both civil and criminal matters, applying English laws. As the Company transitioned from a trading entity to a territorial power, it expanded its judicial authority. Two sets of courts emerged: one for the Presidency Towns and another for the rural areas (*Mufussil*). In the towns, Supreme Courts and Records Courts with English judges were established, applying English laws and jurisdiction mainly to English residents. In contrast, native inhabitants in the rural areas were subject to separate courts, the *Sadar Dewani Adalat* and *Sadar Nizamat Adalat*, which applied local laws and regulations (Hussain, [2015](#)).

The Regulating Act of 1773 led to the establishment of the Supreme Court of Calcutta and similar

courts in Madras and Bombay. These courts were eventually replaced by the High Courts established under the High Court of Judicature Act of 1861. The High Courts had original and appellate jurisdiction in civil and criminal matters and supervised the subordinate courts in their respective areas. Furthermore, High Courts were established in other regions like Allahabad, Patna, Lahore, and Rangoon, each with its jurisdiction. Additionally, specialized courts such as the Sindh Chief Court and the Court of Judicial Commissioner in areas like the Northwest Frontier Province (NWFP), today KP, and Balochistan were established under specific regulations with the operationalization of the Sindh Courts Act 1926 (Hussain, [2015](#)).

The Government of India Act 1935 maintained the existence of High Courts and introduced the establishment of a Federal Court in 1937. Judges for the Federal Court were appointed by the Crown and served until the age of 65. Qualifications required included either five years of experience as a High Court judge, ten years as a barrister, or ten years as a pleader in a High Court. The Act also ensured that judges of both the Federal Court and High Courts held office during good health and behavior, with removal possible only upon recommendation by the Judicial Committee of the Privy Council on grounds of mental or physical incapacity or misconduct. The Federal Court exercised original, appellate, and advisory jurisdiction.

In sum, the evolution of judicial administration in British India saw a transition from Company-controlled courts to a more organized system under Crown authority. The establishment of High Courts in major cities and specialized courts in different regions aimed to provide a more efficient and uniform legal system across the territories. Overall, the modern judicial system of Pakistan has passed through several epochs, covering the Hindu Era, the Muslim period, including the Mughal Empire, the British colonial period, and the post-independence chapter (Hussain, [2015](#)).

9 The Traditional Justice System and the Judiciary: A Comparison

9.1 The Judiciary

Unfortunately, there are more weaknesses to share about the country's judicial system than strengths. It is rightly said. "Justice delayed is justice denied" (Gladstone, n.d.), and in Pakistan, the judicial system moves at such a sluggish pace that a case initiated by a grandfather could reach a verdict for his grandson (Hussain, [2015](#)). Pakistani courts even take 25 years to get a decree and need five more years to implement it (Khan, [2004](#)). Some cases have been pending for some 50 years (Ali, [2017](#)).

According to statistics, from February 2, 2022, to February 25, 2023, 24,303 cases were resolved by the Supreme Court of Pakistan (SCP) during this period, while 22,018 new cases were filed, reducing the SCP's backlog from 54,735 to 52,450. This indeed marks the highest annual case disposal since 2018, attributed to the dedication of the judges, implementation of a case management system, and appropriate bench formations (Supreme Court of Pakistan, [2023](#)). However, the number 52,450 is still not a small number of pending cases. The good work and dedication need to be carried out with greater enthusiasm to make speedy justice possible in Pakistan.

As per the most recently released bi-annual report of the Judicial Statistics (July – December 2023) by the Law and Justice Commission of Pakistan, over 2.26 million total cases are pending in the courts of Pakistan. It underscores that 82% of pending cases, totaling 1.86 million, are at the district judiciary level, while the remaining 18% (0.39 million cases) are at the upper tier, including the Supreme Court, Federal Shariat Court, and High Courts. Despite the resolution of 2.30 million cases out of the 2.38 million filed during the period, the backlog persists due to continuous new case filings. Notably, civil cases constitute 81% of pending cases in High Courts, while criminal cases comprise 19%. Similarly, at the district judiciary level, civil cases make up 64% of pending cases, with criminal cases accounting for the remaining 36% (Law and Justice Commission of Pakistan, [2024](#)).

The total number of pending cases in the Balochistan High Court is 4 (High Court of Balochistan, [2023](#)), while the number is 17,818 in the District Courts of the province (High Court of Balochistan, [2023](#)). According to a legal expert, Sarmad Ali, the reason for delayed justice in the country is that civil suits in Pakistan typically require nearly two decades for resolution in civil courts. Proceedings in Sessions Courts, High Courts, and the Supreme Court of Pakistan also have similar timeframes. He emphasizes that individuals lacking influence and seeking justice solely on merit should receive prompt resolution without encountering malpractice or falling victim to so-called 'technicalities' (Ali, [2017](#)).

Corruption, judge transfers, frequent and lengthy adjournments, intricate procedural complexities, judicial delays, and outdated legal frameworks have collectively contributed to the significant delay in delivering justice. The mounting backlog of pending cases further exacerbates the situation, often resulting in a denial of justice (Bilal & Khokhar, [2021](#)). In Pakistan, the court system often necessitates frequent visits by litigants. For the resolution of any legal dispute, a defendant may have to make as many as 72 court appearances. Moreover, the trend of partial justice is another flaw in the justice system of the country. Cases like "Federation of Pakistan v Maulvi Tamizuddin Khan (PLD 1955 F.C. 240)," "Nusrat Bhutto v Chief of Army Staff (PLD 1977 S.C. 657)," "Zafar Ali Shah v General Pervez Musharraf (PLD 2000 S.C. 869)," among others, exemplify this trend (Bilal & Khokhar, [2021](#)).

Barrister Salauddin Ahmed writes in Dawn that in Pakistan, it takes an astonishing 20 to 30 years to resolve moderately complex civil suits through the litigation system. Despite the monthly remuneration of superior court judges increasing significantly over the past two decades, delays persist. One former Chief Justice attributed these delays to "external factors," that might be true to an extent, but the reality is that outdated court procedures, inefficient case management, and inadequate infrastructure contribute to the problem. The impact of these delays extends beyond litigants; it erodes the fabric of society by undermining the rule of law. Swift and certain punishment is essential for maintaining a civilized society, (Ahmed, [2016](#)) as inexpensive and expeditious justice is the right of each citizen of Pakistan (The Constitution of the Islamic Republic of Pakistan, Article 37 (d)) but when justice is uncertain and long-delayed, unrest and anarchy prevail. (Ahmed, [2016](#))

Non-professional lawyers undermine the integrity of the legal system through unethical behavior and intimidation, leading to delays and public distrust (Warraich & Butt, [2024](#)). Additionally, the legal system lacks an adequate number of professional lawyers, and court officers are often overworked or lack sufficient training. High caseloads, frequent adjournments, and inefficient court processes cause significant backlogs of cases. Outdated laws and lengthy procedures create confusion and obstruct justice (Khan & Bilal, [2025](#)). Furthermore, inadequate or biased investigations, often backed by political influences, compromise the smooth functioning of the judicial system. Insufficient resources limit the judiciary's effectiveness, necessitating better funding, infrastructure, and modernization. Police organizations struggle to employ cutting-edge technology, essential for gathering critical evidence. Corruption, political interference, and limited access to justice erode public trust and confidence in the judicial system (Soomro & Soomro, [2023](#)).

However, it is praiseworthy that during the tenure of Justice Asif Saeed Khosa as Chief Justice of Pakistan (Jan – Dec. 2019), the judiciary concluded approximately 73,000 trials and disposed of many criminal cases that had been pending since 1994. During his tenure of 337 days, which included approximately 235 working days, the former Chief Justice, Justice Asif Saeed Khosa, accomplished significant milestones. While addressing the inauguration ceremony of the mobile app SC Call Centre and the implementation of a complete video-link facility in five courts, as well as the establishment of a research center in Islamabad on November 20, 2019, Justice Khosa highlighted, "The judiciary worked tirelessly to provide justice to the people with fewer resources

– only 3,100 judges worked hard and decided 3.6 million cases in a year” (Haq, [2019](#)).

It is also not necessary that cases decided hastily can ensure justice; therefore, all emphasis should not be placed solely on speedy justice, as “*if justice delayed is justice denied, then justice hurried is justice buried.*” For this reason, a reasonable time should be taken to reach a verdict. For instance, there are a great number of cases that do not require more than six months to get a decree. Still, malpractices from the side of the lawyers, as well as judges, cause unnecessary delays in reaching a verdict, and litigants continue to suffer (Bilal & Khokhar, [2021](#)).

9.2 Traditional Justice System (TJS)

There are different reasons why the TJS is praised and trusted in Balochistan. People in Balochistan are more tribal than in many other parts of the country; therefore, many community leaders or elders, more commonly known as *Safaidd Reesh*, are always cautious about their and their tribe’s image. Whether Baloch or Pashtun, they make efforts to reach a good deal among the disputed parties to add a star on their shoulder in the tribal circles. Secondly, in the TJS, there are no long queues of litigants, no lawyers are going to earn from litigants as the parties themselves are their defendants, and no party is supposed to get involved in hustles that they do not understand. They trust the system as it has been providing quick and effective justice for generations in the region.

A recent example in this regard is the *Loya Jirga* held at Bonn in the spring of 2002, which aimed to establish an Afghan transitional government after thirty years of civil conflict. This serves as a compelling demonstration of the effectiveness and relevance of traditional institutions. In the Afghan context, when all other avenues seemed futile, the people of Afghanistan placed their trust in a *Jirga* to help them navigate out of a state of turmoil and decide on their future path (Hasan, Azeem, & Faiz, [2023](#)).

Similarly, on March 21, 2021, Nawabzada Haji Lashkari Raisani convened a Baloch-Pashtun Unity *Jirga* at his residence *Sarawan* House, Quetta. The gathering included prominent Baloch and Pashtun *Sardars*, with Prince Agha Musa Ahmedzai as the chief guest. The *Jirga* was called following a judgment by the Balochistan High Court, which ruled in favor of granting unsettled lands in Balochistan to their respective tribes (Alsford & Menefee, [2025](#)). Tribal chiefs assembled to exert pressure on the Government of Balochistan, urging it not to appeal the High Court’s decision to the Apex Court. Haji Lashkari Raisani, conveying the message of the Chief of *Sarawan*, declared that he and all *Sardars* and the chief of *Sarwan* would support whatever decision the *Jirga* reached. The *Jirga* was named ‘Baloch-Pashtun National Unity Jirga’ (Hasan, Azeem, & Faiz, [2023](#)).

The ceasefire between the two warring factions of the Mengal tribes in Wadh, a district in Khuzdar District of Balochistan, was also reached through *Muchhi* in July 2023, marking a significant attempt to end the intense armed conflict. Initial tensions had escalated between the factions led by former Member of National Assembly (MNA) Akhtar Mengal and tribal chief Shafiq Mengal, resulting in the use of heavy weaponry in Wadh and its surrounding villages (Hasan, Baloch, & Ameer, [2023](#)). Efforts to quell the violence saw a tribal delegation, led by Nawab Mohammad Aslam Khan Raisani, the Chief of *Sarawan* and former Chief Minister of Balochistan, successfully break a ceasefire on July 22, 2023 (Shahid, [2023](#)). However, the truce was short-lived as clashes resumed, including a significant incident on August 10, 2023, when eight people were killed in a gun battle. The conflict further intensified on August 24, 2023, with multiple casualties reported. Despite these ongoing skirmishes, a renewed push for peace was made on October 17, 2023, indicating that deep-rooted rivalries continue to hinder lasting peace efforts (Akhter et al., [2022](#)). In the same month, the rival Mengal groups finally vacated their trenches in Wadh, which were subsequently occupied by law enforcement personnel deployed by the administration, marking a temporary cessation of hostilities (Shahid, [2023](#)). The overall episode sheds light on the effectiveness of tribal means to end the conflict as the law of the land could not offer anything

sufficient to any parties, nor could the state maintain its writ until the parties themselves, under tribal as well as to an extent government pressure, decided to vacate the trenches.

The researchers observed a settling of the dispute for the study in particular and interviewed both the involved parties once the dispute was settled, and both were satisfied (Khattak et al., 2022). The one who settled the dispute also shared that he had decided many disputes through *Jirga*, and hardly any party had shown dissatisfaction over the settlements. The researchers also had an interaction for the study with an elderly man in his 60s who had just had a dispute settled through the *Jirga* System. When one of the researchers asked him why he chose to resolve the issue through the *Muchhi* or *Jirga* and not the judiciary, he said, “I do not have haram (illegitimate) money to waste in courts and kechehries, nor do I have Noah’s age to wait for the verdict to come” (Raisani, 2024). A joyful laughter followed the statement, and everyone sitting in the room laughed to their loudest. That laughter seemed to reflect the worsening condition of the country’s judiciary, where a great number of people rely on TJS to settle or resolve their disputes in Balochistan.

In another interaction, a *Malak* (a Pashtun elder of local *Jirgas*) told one of the researchers that he had settled three disputes in a day, and the longest duration he took to reach a verdict was two and a half months. In contrast, he added, “One of our friends went to settle a property dispute in court, and it has been over four years, but the verdict is still pending.”

During the fieldwork for the study, a man in his late twenties said that he wanted to correct his date of birth on his Computerized National Identity Card (CNIC), and it took him more than three years until he asked an influential person to intervene and fast-track the process. Similarly, a government employee said that his name was Muhammad Zahoor (name withheld) on his CNIC but Zahoor Ahmed on his certificates and other documents. “It took the court over a year and a half to order NADRA to change my name [in the CNIC],” he contended. An advocate, filled with anger, stated that the killing of a policeman by a relative of a famous politician some time ago was the final nail in the coffin of the country’s judiciary. “If people prefer *Jirgas* over courts, they are doing the right thing,” he argued, “and we have no reason to expect them to trust us, the judges, or even the entire judicial system of Pakistan.”

However, that does not mean that the TJS is immune to weaknesses or flaws. There is no participation of women in the system. It’s rare to find examples where women were included in the process. Baloch and Pashtun tribes have long marginalized their females, like many other communities worldwide. Most of the tribes remain patriarchal, and *Jirgas* are clear and vocal evidence of this fact. Moreover, no Baloch / Pashtun elder (*Safaid Reesh*), who were interviewed for the study, had a satisfactory answer to the question of what options are available to litigants if they or any of the parties disagree with the decision of the *jirga*. In the judiciary, litigants can appeal to a higher court. Still, it remains unclear what recourse is available in the *jirga* system for escalating a case to a higher authority, and which *Malak* or *Sardar* can claim to be lesser than any other *Malak* or *Sardar* in such a region where egoism and illiteracy rule, and that makes the region super complex. A few litigants from Dera Murad Jamali, Sibi, Dhadar, and other rural areas also claimed that *Mirs* and *Motabbars* demand money to settle disputes. Suppose litigants choose to seek justice through the judiciary rather than through TJS. In that case, these elders exert such control that the police/levies officials immediately inform them about this, and the litigants may face consequences. This is a reason that a great number of people in police and levies in the province are appointed on a political basis, as this keeps the control of the tribal elite intact in the province, particularly in rural areas. Some individuals rejected this claim, stating that if they are not willing to settle their dispute through the TJS, no tribal elder pressures them to do so. Even a Baloch *Safaid Reesh* became quite agitated when questioned about whether *Safaid Reesh* / *Mir* / *Motabbars* coerced individuals into settling their disputes through TJS and subsequently demanded money. He spent approximately half an hour defending and lecturing on TJS without allowing the researcher or anyone else to intervene.

A Baloch tribal elder and a Pashtun *Malak* who were interviewed for the study facilitated meetings with many people in their circles who had settled their disputes through the TJS. Almost all of them were convincingly confident that there was no better replacement for TJS. It is efficient, cheap, and quick. There were hardly any people who were unsatisfied with TJS and preferred the formal judicial system over it, as already discussed.

Even the people who had settled their disputes in courts, when interviewed, also favored TJS, with the majority expressing this preference. Those who had more trust in the formal judicial system did so because they believed they had options if they disagreed with the decree of a session or high court. Additionally, being non-Baloch or non-Pashtun gave them a permanent feeling of being outsiders, and a significant number of them were not comfortable taking their disputes to tribal elders. A few Baloch and Pashtuns who had cases in the Balochistan High Court were also interviewed, and they expressed little hope in any system. They boldly stated that *Sardars* and *Malaks* demand money to settle disputes, and the formal judicial system is so corrupt that it is impossible to know whether your case is moving in the right direction or if you have chosen good lawyers. However, when compared, they contended, “We prefer the formal judicial system because, at least, they [judges] are accountable to someone, whereas *Sardars* and *Malaks* are not.”

Table 1: Comparison of Balochistan’s Traditional Justice System with Pakistan’s formal judicial system.

Criteria	Traditional Justice system	Formal Judiciary
Efficiency	Quick resolutions, often within days	Cases take years, sometimes decades
Accessibility	Embedded in local culture, free of charge	Expensive, requires legal expertise
Fairness	Subject to tribal biases, women were excluded	Legal safeguards, but prone to delays
Accountability	Decisions are final, no appeal process	Multiple appeal options are available
Enforcement	Based on social pressure and traditions	Enforced by state authority and legal framework
Community Acceptance	Largely accepted	Partially accepted

10 Recommendations

Based on the findings of the study, the following recommendations are made to make justice possible, affordable, and accessible for every Pakistani:

11 Short-term

- Advanced case management systems should be implemented to reduce backlog and expedite case processing. Effective use of technology can help in managing backlog cases. For example, mobile courts and E-Courts can be made in remote areas in Balochistan, and judges can virtually hear those cases and give verdicts.
- The digitalization of court records and proceedings and the development of a comprehensive E-Judiciary System (EJS) can facilitate citizens in online filing, case tracking, and virtual hearings. Judges, lawyers, and court staff can be trained to use new technologies to improve court operations and enhance transparency. However, the lack of proper electricity and internet in much of Balochistan remains a major obstacle in this regard.
- To make justice affordable for those who are marginalized or vulnerable groups on account of harsh geographical and historical realities, free justice should be ensured to them. This can be done through government funding and partnerships with non-governmental organizations (NGOs). The availability of mobile courts and E-Courts can bring further ease in this regard for such groups.

- d) The country's judiciary in general, and in Balochistan in particular the judiciary lacks adequate funding and resources. Ensuring adequate funding and resources can lead to the effective functioning of the courts as courts in the country need proper infrastructure, staffing, and technological tools. Moreover, areas that need improvement should be prioritized in this regard.
- e) There is a need to strengthen collaboration between the Judiciary, law enforcement agencies, and other stakeholders to ensure a coordinated approach to justice delivery. The establishment of regular forums for dialogue and consultation among judges, lawyers, civil society, and government representatives can be crucial in this regard.
- f) *Safaid Reesh* who gives verdicts that are against human rights should be penalized according to the constitution of the country and other *Safaid Reesh* should be notified not to repeat anything against human rights.
- g) However, in this phase, not all tribal elders should be forced to be part of this juxtaposition; only those who deliver inhumane verdicts should be penalized. Tribal elders who resolve disputes without involving the courts should not be targeted unless their verdicts violate basic human rights. Proper protection should be provided for those who complain about such *Safaid Reesh*.
- h) Litigants should not be forced to go to either court or settle their disputes through TJS. They should have the right to decide which course they want to take to settle their disputes.
- i) Once the parties involved decide one or more *Safaid Reesh* let them be from Baloch, Pashtun, or any other community, they should get that decision in writing on a special pad that the Balochistan High Court should give on its website, or the pad of a specific *Safaid Reesh* with the signatures and thumbprints of the *Safaid Safaid Reesh*, the parties involved, and at least two to four witnesses who have witnessed the proceedings, and that should be uploaded on the site of the E-Court for record.
- j) At this stage, the tribal elders should be informed and requested to become a part of the E-Court System, and not forced. They should also be given perks and privileges, if necessary, which will ultimately attract other *Safaid Reesh* to become party to the EJS.
- k) Retired judges and lawyers should also be given arbitration training and certification to settle disputes for free for people who are unable to pay lawyers or who cannot afford to travel to Quetta for every court hearing. This will also help make swift and affordable justice possible. Such plaintiffs/litigants should also have the chance to appeal any decision made in court or choose to go to the TJS rather than being forced to take a specific course.
- l) Neither the judicial system of the country nor TJS should seek to overshadow the other, as the TJS appears to be more effective and results-oriented in Balochistan, it should be brought in line for the time being.
- m) The integration of the TJS with the modern judicial system should be based on collaboration and cooperation, rather than competition and jealousy.
- n) The police department also needs significant improvement, as a large majority of police officers lack basic training in investigation logistics.

- a) The government should launch public awareness programs/campaigns to educate citizens about their legal rights and the functioning of the judicial system. Educational institutes, cinema, television, electronic, press, and social media, and community programs should be brought into use for the said purpose.
- b) TJS cannot be ruled out completely from Balochistan that soon. It is a reality that should not be taken for granted, as justice is every human's birthright. Therefore, until the courts are well-equipped to provide quick and affordable justice, Alternative Dispute Resolution (ADR) should become part and parcel of the judicial system of the country, or at least in Balochistan.
- c) Courts should provide the *Safaid Reesh* certificates, as well as arbitration training if necessary, so that they can settle disputes more effectively through the TJS. In case litigants do not comply with the decision(s) reached, they can be penalized legally. Also, they can go to higher courts to review the decision(s) reached by *Safaid Reesh*, let that *Safaid Reesh* be a *Mir, Motabbar, Sardar, Nawab, Malak, or Khan*. In most cases during fieldwork, litigants were found more satisfied with TJS than the judiciary. This blending can reduce the backlog of court cases, and it will also create a sense of accountability for the tribal elite. However, the approach should be incremental.
- d) Women's participation in the TJS cannot be achieved overnight. Therefore, if the litigant(s) is/are female, there must be at least one female elder among the *Safaid Reesh* who will reach a verdict. If this condition is not met, the court should declare the decision null and void.
- e) All members of the *Safaid Reesh* who decide without a female elder in such cases should be penalized and a copy of that verdict in which such *Safaid Reesh* are penalized should not only be uploaded on the site of the E-Court but also sent to the *Safaid Reesh* of surrounding areas so that they should not repeat such a mistake.
- f) Although it may seem nearly impossible in the early stages, efforts to encourage female participation should become routine, as they will ultimately yield a better judicial system in the province.
- g) *Safaid Reesh*, at this stage, should be forced to become a party to the EJS. The ones who still do not comply should be notified of the legal consequences.
- h) *Safaid Reesh*, who has gained over ten years of experience in settling disputes, should be awarded a special certificate to enhance their accountability.
- i) *Safaid Reesh*, who charge excessive fees for settling disputes, often against the wishes of the litigants, should be penalized by the Balochistan High Court.

13 Long-term

- a) There should also be independent judicial oversight bodies that should investigate complaints against judges and judicial officers and should be empowered to take corrective action when and where necessary. These bodies can comprise retired judges, experienced but non-practicing advocates and barristers, and retired bureaucrats, to mention a few, all holding a good record of conduct throughout their careers.
- b) Arbitrators, other than *Safaid Reesh*, should also receive arbitration training for cases involving litigants living in remote areas who wish to have their disputes settled through the judiciary. These individuals should be provided with travel allowances (TA/DA) by the court. The arbitrators should resolve the disputes either through virtual hearings or in person, and ensure the decision is documented on stamp paper. This decision should be

uploaded to the site, with a copy given to each party involved and a hard copy retained by the arbitrator.

- c) People in remote areas of the province, particularly females, should be given basic training on how to file cases through E-Courts. Two to three literate women from such areas, such as schoolteachers, wives of community leaders (*Safaid Reesh*), or activists, can be trained by the courts. This will enable women of any age to seek legal help and discuss their cases easily.
- d) Lack of female participation or tribal elders' unwillingness to be a party to EJS should not be tolerated at this phase, and they should be brought to justice.
- e) Judicial officials who fail to ensure justice and unnecessarily lock horns with the TJS should also be sanctioned as per law and should not be given the liberty to disrupt the proposed EJS.
- f) Improve the police department by training officers to investigate logistics and modern technology and discourage politically based appointments.

14 Conclusion

In sum, the *Muchhi/Jirga* System, deeply entrenched in the cultural fabric of Baloch and Pashtun communities, has served as an effective mechanism for dispute resolution in Balochistan for centuries. This indigenous system offers quick, culturally relevant, and community-endorsed solutions, which starkly contrast with the formal judiciary's often slow and so-called 'technical' processes. The *Muchhi/Jirga's* communal approach fosters harmony and ensures that decisions are respected and upheld by all parties involved.

The TJS' strength lies in its accessibility and efficiency. In regions where formal judicial systems are often inaccessible due to geographic, economic, or social barriers, the *Muchhi/Jirga* provides an immediate and culturally appropriate forum for resolving conflicts in Balochistan. Its emphasis on reconciliation and restoring social harmony aligns with the community's values and customs, making its decisions more acceptable to the parties involved. Historically, the *Muchhi/Jirga* System has adapted to various external influences, including British colonial modifications and subsequent legal reforms in Pakistan. Despite these changes, the essence of the *Muchhi/Jirga* as a community-based, participatory justice mechanism has remained intact. This resilience underscores its deep roots in the local culture and its adaptability to changing circumstances.

In modern times, TJS continues to play a crucial role, especially in rural and tribal areas where the formal judiciary often struggles to maintain a presence. The state judiciary in the country faces numerous challenges, including extensive case backlogs, procedural delays, and limited resources. These issues contribute to a general perception of inefficiency and inaccessibility, particularly among marginalized communities. In contrast, TJS offers a streamlined and familiar process for conflict resolution. The involvement of community elders and respected figures ensures that decisions are not only legally sound but also socially acceptable. This dual legitimacy, derived from both traditional authority and community endorsement, enhances the effectiveness of the *Muchhi/Jirga* System in maintaining social order and justice.

However, it is important to recognize the limitations and potential drawbacks of the TJS. Critics argue that it can perpetuate patriarchal norms and may not always provide equitable justice for women and other marginalized groups. Additionally, the informal nature of the system means that it lacks the procedural safeguards and accountability mechanisms inherent in formal judicial processes. Despite these concerns, the traditional system offers valuable lessons for judicial reform in Pakistan. Integrating the strengths of both conventional and formal justice systems could enhance overall justice delivery. For instance, incorporating community-based dispute resolution mechanisms within the formal judiciary could improve accessibility and reduce case backlogs.

Similarly, ensuring that the *Muchhi/Jirga* System adheres to basic principles of fairness and equality could address some of its limitations.

The enduring relevance of TJS highlights the importance of culturally sensitive and community-based approaches to justice. In a diverse and complex society like Pakistan, a one-size-fits-all approach to justice is unlikely to succeed. Recognizing and valuing traditional justice mechanisms alongside formal legal institutions can create a more inclusive and effective justice system.

Conclusively, the *Muchhi/Jirga* System's resilience and continued relevance underscore its importance as a complementary component of Pakistan's justice landscape. By leveraging the strengths of both traditional and formal systems, Pakistan can work towards a more just and harmonious society, where justice is accessible, timely, and culturally resonant for all its citizens.

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