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# From Traditional Jirga to Institutional ADR: Women's Access to Dispute Resolution Councils in Khyber Pakhtunkhwa

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**Abstract**

The traditional way of dispute resolution in Pakhtun-dominated areas has been carried out through the traditional Jirga system: a community-based mechanism rooted in consultation, mediation, reconciliation and consensus. However, there have been concerns regarding women's participation and access to the Jirga system. To address these concerns, Dispute Resolution Councils (DRCs) were introduced by the government of Khyber Pakhtunkhwa to ensure the proper representation of women in the dispute resolution process. This represents a key institutional development in Alternative Dispute Resolution (ADR), incorporating community-based approaches to dispute settlement within a state-supported framework. This study examines the transition from traditional Jirga practices to institutionalized ADR through DRCs in Khyber Pakhtunkhwa with particular emphasis on women's access and participation. It examines how DRCs retain important features associated with traditional dispute resolution particularly mediation, reconciliation and amicable settlement, while operating within a formal institutional and legal framework. Existing scholarship indicates that traditional Jirga structures have generally provided limited opportunities for women to participate directly in decision-making, reflecting wider social and patriarchal constraints in dispute resolution. The study argues that the institutionalization of ADR through DRCs creates greater scope for women's access to dispute-resolution mechanisms, but institutional recognition alone does not necessarily ensure meaningful participation. Women's access continues to be shaped by social and cultural norms, family influence, mobility restrictions, limited awareness and institutional practices. The study concludes that DRCs constitute an important development in the evolution of community-based dispute resolution in Khyber Pakhtunkhwa, while their potential to improve women's access to justice depends on meaningful participation, gender-sensitive practices, institutional responsiveness and greater awareness among women.

**Keywords:** Alternative Dispute Resolution, Dispute Resolution Councils, Jirga, Women's Access to Justice, Gender and Dispute Resolution

## Introduction

Dispute resolution in Pakhtun-dominated areas has historically been influenced by both customary and formal mechanisms. Among the

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customary institutions, the traditional Jirga has played an important role in resolving disputes through consultation, mediation, reconciliation and consensus. Rooted in local social structures and customary practices, the Jirga has traditionally provided communities with an accessible mechanism for settling disputes without prolonged reliance on formal courts. However, its predominantly male-oriented structure has raised important questions concerning women's participation and access to decision-making processes. Existing research indicates that women have generally had limited direct participation in traditional Jirga proceedings, which reflect a wider patriarchal norm within dispute-resolution practices (Gul & Fayaz, 2022).

The establishment of Dispute Resolution Councils (DRCs) by the KP government and police represents an important institutional development in the evolution of community-based dispute resolution. Operating in a state-supported institutional framework, the DRCs incorporate elements associated with traditional dispute-resolution practices, particularly mediation, reconciliation and amicable settlement. DRCs were formaly recognised under the Khyber Pakhtunkhwa Police Act, 2017. Section 73 of the 2017 Act provided for the constitution of DRCs at district, sub-division or police-station level for the out-of-court amicable settlement of cases of a petty nature.

The legal framework of DRCs was subsequently expanded through the Khyber Pakhtunkhwa Alternate Dispute Resolution Act, 2020. The Act extends to the whole of Khyber Pakhtunkhwa and seeks to facilitate inexpensive and expeditious resolution of disputes without resort to formal litigation. The 2020 legislation amended the working process of DRCs and introduced the mechanism for referring certain criminal disputes to notified *Saliseen* (mediators).

The institutionalization of dispute resolution through DRCs is significant not only because it provides an alternative mechanism for settling disputes but also because it creates an opportunity for the historically neglected sections of society to have access to the process of dispute resolution. However, in the case of women, there is a need for a proper mechanism to ensure their participation in these councils. This is important because women's access to dispute resolution is influenced by a range of social, cultural, familial and institutional factors. Patriarchal norms, family control, restrictions on mobility, limited awareness of available legal and institutional mechanisms and the continuing predominance of men in community decision-making can affect women's ability to seek remedies for disputes. Research on women's role in dispute resolution in Khyber Pakhtunkhwa has highlighted the limitations faced by women within traditional Jirga structures and has also drawn attention to women-led alternatives that seek to increase women's participation in conflict resolution (Gul & Fayaz, 2022). These concerns make women's

access an important dimension in assessing the broader transition from customary Jirga practices to institutionalized ADR.

Against this background, the present study examines the transition from traditional Jirga practices to institutionalized Alternative Dispute Resolution through Dispute Resolution Councils in Khyber Pakhtunkhwa. It focuses particularly on women's access to and participation in dispute resolution. The study also examines the organizational and functional dimensions of DRCs and considers the social, cultural and institutional factors that may facilitate or constrain women's access. By connecting the traditional Jirga system with the contemporary institutional framework of ADR, the study seeks to understand whether the institutionalization of community-based dispute resolution has created meaningful opportunities for greater participation of women in dispute-resolution processes or not.

**Statement of the Problem**

The traditional Jirga has historically served as a community-based dispute resolution mechanism in Pakhtun society, but its male-dominated structure often limits women's participation (Gul & Fayaz, 2022). Dispute Resolution Councils (DRCs) have institutionalized Alternative Dispute Resolution (ADR) within a state-supported framework. However, women's access may still remain constrained by social and cultural norms, family influence, limited mobility and lack of awareness. Therefore, this study examines the extent of women's access to and participation in DRCs in Khyber Pakhtunkhwa and the social, cultural and institutional factors shaping their involvement.

**Research Question**

This study will seek to address the question: How has the transition from the traditional Jirga system to institutionalized Alternative Dispute Resolution through DRCs influenced women's access to and participation in dispute resolution in Khyber Pakhtunkhwa, and what social, cultural and institutional factors shape their involvement?

**Aims and Objectives**

The study aims to examine women's access to and participation in Dispute Resolution Councils (DRCs) in Khyber Pakhtunkhwa, focusing on the transition from the traditional Jirga system to institutionalized Alternative Dispute Resolution (ADR) and identifying the social, cultural and institutional factors that facilitate or constrain their involvement.

**Significance of the Study**

This study examines the transition from the traditional Jirga to institutionalized Alternative Dispute Resolution through Dispute Resolution Councils (DRCs) in Khyber Pakhtunkhwa, focusing on women's access and participation. It contributes to existing literature and provides

insights to policymakers and law-enforcement institutions to ensure that women have greater access to and play an active role in dispute resolution.

**Literature Review**

The traditional Jirga has long been recognized as an important community-based mechanism of dispute resolution in Khyber Pakhtunkhwa. It provides a customary forum through which disputes are addressed through consultation, mediation, reconciliation and consensus. Ahmad, Khan, Eishan Jan and Dahlan (2019) examine the legal position of community mediation in Khyber Pakhtunkhwa and note the continuing importance of customary dispute-resolution practices in local communities. At the same time, they identify concerns associated with the informal nature of traditional mechanisms particularly where customary practices may result in injustice or conflict with recognized legal and human-rights principles.

Ahmad, Khan, Masum and Nafees (2019) have examined the legal status of Jirga-based community mediation in Khyber Pakhtunkhwa. They argue that traditional community mediation has important social and cultural value, but its informal character requires appropriate legal and institutional safeguards. Their work is particularly relevant to the present study because it highlights the broader question of how community-based dispute resolution can be incorporated into a regulated institutional framework while retaining its conciliatory features.

Gul and Islam (2020) compare the traditional Jirga with DRCs and describe DRCs as a modified form of traditional Jirga developed to provide an alternative mechanism for resolving local disputes. Their study suggests that the continuing importance of cultural values and community-based dispute resolution contributed to the emergence of DRCs in Khyber Pakhtunkhwa. Thus, they believe that the establishment of DRCs is an attempt to retain elements of customary dispute resolution within a more organized institutional mechanism.

Shah and Aman (2022) argue that DRCs are nothing but the "personification" of Jirgas and compare their structural and functional mechanisms. Their study finds significant similarities between the two systems and describes DRCs as an improved and institutionalized version of Jirga-based dispute resolution. This literature is important for understanding the transition from customary to institutional ADR. The authors have demonstrated that DRCs did not emerge in complete isolation, instead several community-oriented features of the Jirga have paved the way for the establishment of DRCs.

Gul and Fayaz (2022) have studied women's participation in dispute resolution and peacebuilding in Khyber Pakhtunkhwa. Their study highlights the predominantly male composition of traditional Jirgas and the limited role of women in the decision-making processes. The authors further identify patriarchal social and cultural structures as important

barriers to women's participation and discuss the emergence of the *Khwendo Jirga* (Sisters' Council) as a women-led initiative seeking greater female involvement in dispute resolution.

The existing literature therefore provides useful discussions of the traditional Jirga, the institutional development and functioning of DRCs and women's limited participation in customary dispute resolution. However, these strands of research have not been sufficiently connected. Much of the literature on DRCs focuses on their structure, functioning, relationship with Jirga and role in resolving local disputes, while studies concerning women primarily examine their exclusion from traditional Jirga or women-led alternatives. Comparatively less attention has been given to women's practical access to DRCs as an institutional form of ADR.

**Research Gap**

Existing literature examines traditional Jirgas, the structure and functioning of DRCs and women's limited participation in customary dispute resolution. However, little attention has been given to women's practical access to DRCs. This study addresses this gap by examining women's access to and participation in DRCs in Khyber Pakhtunkhwa, focusing on the social, cultural and institutional factors that facilitate or constrain their involvement.

**Theoretical Framework: Feminist Institutionalism**

The present study is grounded in Feminist Institutionalism, which examines how formal institutions, informal norms and gendered power relations shape women's participation and access to a particular phenomenon. Emerging from feminist political analysis and new institutionalism, this approach recognizes that institutions are not necessarily gender-neutral, as formal rules and informal practices may create different opportunities and constraints for women and men (Krook & Mackay, 2011; Mackay et al., 2010).

A central concept of Feminist Institutionalism is the interaction between formal and informal institutions. Formal institutions include laws, regulations, organizational structures and official procedures, whereas informal institutions comprise unwritten norms, social expectations, customary practices and culturally accepted behaviours. Formal institutional reforms may not produce gender equality unless existing informal norms and power relations are also addressed (Mackay et al., 2010; Waylen, 2014). The traditional Jirga is shaped by customary practices and predominantly male leadership, whereas DRCs operate within a state-supported framework of Alternative Dispute Resolution with provision for women's representation. However, institutionalization does not necessarily eliminate patriarchal norms or established gender expectations that may continue to influence women's participation (Kenny, 2014; Waylen, 2014).

Feminist Institutionalism provides an analytical lens for examining women's practical access to DRCs. Access includes women's ability to approach DRCs, present grievances, participate in proceedings, express their interests and have their concerns considered. Thus, the framework distinguishes between formal inclusion and meaningful participation.

The study applies this framework through three dimensions: formal institutional arrangements, including DRCs' rules, procedures and organizational structures; informal institutional arrangements, including patriarchal norms, family influence, gender roles, limited mobility and customary expectations; and institutional outcomes, concerning women's actual access and participation in dispute resolution. These dimensions help assess how formal reforms interact with the social and cultural conditions in which DRCs operate.

Accordingly, this study examines whether the transition from the traditional Jirga to DRCs has expanded women's opportunities to access and participate in dispute resolution or whether persistent social, cultural and institutional barriers continue to constrain them.

## Methodology

This study adopts a qualitative research approach using descriptive and historical methods to examine the transition from the traditional Jirga to institutionalized Alternative Dispute Resolution (ADR) through Dispute Resolution Councils (DRCs) in Khyber Pakhtunkhwa, focusing on women's access and participation. The study is based on secondary data obtained from books, scholarly articles, journals, newspapers and official legal and policy documents. Relevant government records and legal documents are also examined to understand the organizational structure, functioning and institutional framework of DRCs. The collected data are analyzed thematically to identify patterns concerning DRCs' functioning, women's participation and the social, cultural and institutional factors influencing their access. Feminist Institutionalism guides the interpretation of findings, particularly the interaction between formal institutional arrangements and informal gendered norms in shaping women's access to dispute resolution.

## Traditional Jirga and Dispute Resolution in Pakhtun Society

The Jirga is a traditional community-based institution that has historically played an important role in the dispute-resolution system of Pakhtun society. The term generally refers to an assembly of elders or community representatives who come together to discuss matters of collective concern

and resolve disputes through consultation, mediation, reconciliation and consensus. Its functioning has traditionally been associated with local customs, social norms, *Pakhtunwali* and principles of mutual understanding. The Jirga has therefore served not only as a mechanism for resolving disputes but also as a means of maintaining social harmony and

community cohesion (Ahmad et al., 2019; Saqib & Faizy, 2021). Traditionally, Jirgas may take different forms depending on the nature and scope of the issue. At the local level, village or community elders may assemble to resolve disputes between individuals or families, while broader Jirgas may involve representatives from several communities. In a typical dispute, the parties present their arguments before the elders, relevant information and testimony are presented and the elders deliberate collectively over these arguments and the information provided before attempting to reach a mutually acceptable settlement. Reconciliation, forgiveness, compensation and restoration of social relationships are commonly sought. Unlike formal litigation, the emphasis is generally placed on settlement and restoration of social relations rather than an adversarial determination of rights.

The continued importance of the Jirga has been associated with its accessibility, comparatively informal procedure, community legitimacy and emphasis on reconciliation. For many communities, it has provided a locally understood means of addressing disputes without the cost, complexity and lengthy procedures sometimes associated with formal litigation. Despite these advantages, the traditional Jirga has also faced important limitations. Its reliance on customary authority may reinforce existing social hierarchies and restrict women's participation. Its informal and customary character can create concerns regarding consistency, legal safeguards and the protection of individual rights. Furthermore, traditional Jirgas have generally been male-dominated, resulting in limited direct participation of women in decision-making. Patriarchal social and cultural structures are important factors that restrict women's role in traditional dispute-resolution processes (Gul and Fayaz, 2022). Although the Jirga remains a significant community-based institution, questions concerning inclusiveness and women's equal access to it remain unanswered.

The establishment of Dispute Resolution Councils (DRCs) can be viewed as an alternative form of community-based dispute resolution. DRCs retain important elements of mediation, reconciliation and amicable settlement associated with traditional practices, while placing dispute resolution within a state-supported institutional and legal framework. This transition provides an important basis for examining whether institutionalized ADR can address some limitations of customary dispute resolution and create more meaningful opportunities for women's access and participation. However, institutionalization alone may not overcome the gendered norms that constrain women's meaningful access to dispute resolution.

**Dispute Resolution Councils (DRCs)**

Dispute Resolution Councils (DRCs) are community-oriented mechanisms established to facilitate the amicable settlement of disputes through mediation, reconciliation and consensus. They represent an

important development in the Alternative Dispute Resolution (ADR) system of Khyber Pakhtunkhwa by bringing community-based dispute settlement within a state-supported institutional framework. DRCs were initially introduced in the province as an alternative mechanism for resolving certain local disputes and were subsequently provided with a statutory basis under the Khyber Pakhtunkhwa Police Act, 2017.

The functioning of DRCs reflects several features traditionally associated with the Jirga, particularly the involvement of respected community members, informal dialogue, reconciliation and settlement through mutual agreement. However, DRCs differ from traditional Jirgas because they operate within an institutional and legal framework and are connected with state institutions. Gul and Islam (2020) and Shah and Aman (2022) describe DRCs as an institutionalized or modified form of community-based dispute resolution influenced by the traditional Jirga system.

The development of DRCs is significant because it represents an attempt to combine the accessibility and conciliatory character of traditional dispute resolution with greater institutional regulation. The Khyber Pakhtunkhwa Alternate Dispute Resolution Act, 2020, further strengthened the province's ADR framework by providing a broader legal basis for alternative methods of dispute settlement. The importance of DRCs extends beyond dispute settlement itself. Their institutional character raises an important question concerning access and participation, particularly for women who have historically faced limited participation in traditional Jirga processes. The existence of an institutional mechanism does not by itself guarantee equal access therefore, examining women's ability to approach and participate in DRC proceedings is essential to understanding the broader transformation from traditional Jirga to institutional ADR. In this context, the effectiveness of institutional reform depends not only on the formal availability of DRCs but also on whether women can meaningfully access and participate in their proceedings.

**Legal and Institutional Framework of DRCs**

Initially, Dispute Resolution Councils (DRCs) were established at the community level in Khyber Pakhtunkhwa. The first DRC was established at Gulbahar Police Station, Peshawar, in January 2014, with the purpose of facilitating the amicable settlement of local disputes (Bureau Report, 2015). The mechanism was subsequently given legal recognition through the Khyber Pakhtunkhwa Police Order (Amendment) Act, 2015. The 2015 amendment inserted Article 168-A into the Police Order, 2002. Importantly, the provision required that a DRC "shall include minimum one female member" (Khyber Pakhtunkhwa Police Order, Amendment Act, 2015). Thus, female representation was expressly recognized as a requirement within the original statutory framework. However, the available research indicates that several DRCs operated without female

members. Nevertheless, women approached these councils to seek the resolution of their disputes, even in the absence of female representation. The existence of a formal requirement for female membership, alongside documented cases of DRCs operating without women members, highlights the distinction between formal institutional inclusion and women's actual participation.

The Khyber Pakhtunkhwa Police Act, 2017, subsequently provided statutory recognition to DRCs under Section 73. Section 141(1) of the Act repealed the provisions of the Police Order, 2002, relating to the provincial legislative field where corresponding provisions were provided in the 2017 Act. Since Section 73 provided a corresponding provision for DRCs, the earlier Article 168-A was consequently repealed in its application to Khyber Pakhtunkhwa (Khyber Pakhtunkhwa Police Act, 2017). Section 73 empowered the Provincial Police Officer to constitute DRCs at the district, sub-division or police-station level for the out-of-court amicable settlement of cases of a petty nature. However, Section 73 did not retain the earlier express requirement of at least one female member in each DRC.

The legal position was further changed through the Khyber Pakhtunkhwa Alternate Dispute Resolution Act, 2020 (Act No. XLVIII of 2020). Section 29 of this Act substituted Section 73 of the Khyber Pakhtunkhwa Police Act, 2017. Under the substituted provision, a DRC constituted by the Provincial Police Officer may refer criminal disputes under Section 345 of the Code of Criminal Procedure to Saliseen notified under the 2020 Act. The substituted provision also does not expressly prescribe mandatory female representation (Khyber Pakhtunkhwa Alternate Dispute Resolution Act, 2020).

The Khyber Pakhtunkhwa Alternate Dispute Resolution Act, 2020, further strengthened the province's ADR framework by providing a broader legal basis for alternative methods of dispute settlement, including mediation and conciliation, outside conventional court adjudication. However, the absence of an express female-membership requirement in the later statutory provisions raises an important question concerning the continuity of women's representation in the institutional framework of DRCs. Although the legal framework provides mechanisms for dispute resolution, the extent to which women can access these mechanisms and participate meaningfully remains an important issue for investigation.

**Women's Access to Traditional Jirga**

Women have historically had limited direct participation in traditional Jirga proceedings in Pakhtun society. Although the Jirga remains an important community-based mechanism for dispute resolution, its decision-making structure has generally been dominated by male elders. As such, the informal structure of traditional Jirgas can create concerns regarding justice and the protection of women's rights (Ahmad et al., 2019). Women are generally excluded from Jirga decision-making despite being

directly affected by many disputes (Gul & Fayaz, 2022). Community disputes often directly affect women's family relationships, marriage, property and other aspects of their lives. That is why Jirga practices in Pakistan have been considered by several researchers to result in gender bias, which has become a significant concern. Women's exclusion from traditional Jirga should therefore be understood not merely as a question of membership but as a broader issue of voice, participation and access to decision-making. This exclusion also raises questions about whether the transition from traditional Jirga to institutionalized ADR has created meaningful opportunities for women to express their concerns and influence dispute-resolution outcomes.

**Women's Participation and Access to DRCs**

The institutionalization of dispute resolution through DRCs creates a potentially important opportunity for improving women's access to community-based justice in Khyber Pakhtunkhwa. Unlike the traditional Jirga, which has generally operated through male elders and provided limited space for women's direct participation, DRCs function within a state-supported institutional framework intended to provide greater opportunities for women's representation and participation. The Khyber Pakhtunkhwa Police Order (Amendment) Act, 2015 expressly required DRCs to include at least one female member. This provision indicated recognition of the need for women's representation within community-based dispute resolution. However, the existence of this formal provision did not necessarily guarantee its implementation in practice and women's representation in DRCs remained limited in several areas. Research conducted in District Peshawar identified socio-cultural restrictions, gender-based perceptions, institutional weaknesses and other barriers to women's active participation (Naz, 2024). Similarly, a project implemented by the Sarhad Rural Support Programme (SRSP) in eight districts of Khyber Pakhtunkhwa reported that only 15 of the 217 trained DRC members were women, indicating that women's representation remained limited (SRSP, n.d.). These findings suggest that formal recognition of women's participation has not automatically translated into their equal representation within DRCs. In July 2026, for example, two women, Razia Mehsud and Gulshan Bibi, were reported as appointed to DRCs in Upper South Waziristan and Dera Ismail Khan, respectively, in what was described as a historic development for women's representation in the province (HUM News, 2026). These developments demonstrate growing recognition of the importance of women's representation; however, meaningful access also requires opportunities for women to raise their concerns and influence dispute-resolution processes. Evidence from civil-society and institutional research therefore demonstrates that women's access to and participation in DRCs are important dimensions of their effectiveness.

**Social, Cultural and Institutional Barriers to Women's Access**

Although the institutionalization of Alternative Dispute Resolution (ADR) through Dispute Resolution Councils (DRCs) has created a formal avenue for community-based dispute settlement, women's effective access to these mechanisms remains influenced by a combination of social, cultural and institutional factors. The existence of a formally recognized dispute-resolution institution does not necessarily remove the social conditions that shape who can approach it, who can speak before it and whose concerns are taken seriously. In the context of Khyber Pakhtunkhwa, these factors are particularly important because dispute resolution has historically operated within social structures in which men have exercised greater authority in community decision-making. Research on women's participation in traditional dispute resolution has identified patriarchal social structures and cultural norms as major obstacles to women's active role in conflict resolution and peacebuilding (Gul & Fayaz, 2022).

One major barrier is patriarchal family and community structures. In many communities, disputes involving women may be discussed or negotiated primarily through male family members, elders or other representatives. Consequently, a woman may be directly affected by a dispute without being the principal person communicating with the dispute-resolution institution. This creates an important distinction between being a party affected by a dispute and having effective access to its resolution process. The problem therefore, is not simply whether DRCs are formally available to women, but whether women can exercise agency within the process. The literature on women-led dispute resolution in KP demonstrates that women who challenge conventional gender roles may themselves face social criticism, insecurity, and community pressure, illustrating the broader social environment within which female participation takes place.

A second barrier concerns mobility and social restrictions. Women's ability to approach an institutional dispute-resolution mechanism may depend on permission from family members, availability of a male relative to accompany them, distance from the DRC and the social acceptability of appearing before an institution outside the immediate household or community. An SDPI review of DRCs in nine districts of Khyber Pakhtunkhwa specifically recognized women as an important group of users and proposed examining women both as users and providers of DRC services. The same evaluation also drew attention to geographical accessibility and the difficulties faced by people living in remote areas. Thus, physical availability of a DRC should not automatically be interpreted as substantive accessibility for women.

Limited awareness of institutional procedures constitutes another significant constraint. Institutional ADR differs from a traditional Jirga in its formal organizational setting, referral procedures and relationship with the state justice system. If women are unaware of the existence, jurisdiction or

procedures of DRCs, the formal creation of these institutions may have limited practical value for them. Awareness is particularly important where women have historically relied on family members or community elders to represent their interests. Consequently, improving women's access requires not only establishing institutions but also ensuring that potential female users understand how those institutions operate and what opportunities they provide.

There are also institutional barriers within the DRC structure itself. The inclusion of women in a dispute-resolution institution is an important step, but representation alone cannot guarantee meaningful participation. A recent qualitative study of female participation in DRCs in District Peshawar identified limited female involvement in relation to institutional weaknesses, gender preconceptions, socio-cultural restrictions, educational limitations, and capability gaps.

Another important issue is the continuity of traditional attitudes within an institutional mechanism. DRCs represent a transition from informal community-based dispute resolution toward a state-supported ADR framework, but institutionalization does not necessarily eliminate the social values and gender assumptions associated with traditional dispute resolution. Research has described DRCs as mechanisms influenced by the traditional Jirga model, suggesting that elements of the older system continue to shape their functioning. Therefore, simply placing a traditional form of mediation within a formal institutional structure may not automatically transform the gender relations underlying participation. The persistence of such barriers indicates that legal recognition is necessary but may not, by itself, be sufficient to produce gender-inclusive dispute resolution.

Overall, social norms, restricted mobility, limited awareness, family influence, institutional weaknesses and gendered perceptions can interact with one another and collectively shape women's access to DRCs. These barriers should not be viewed as isolated problems. Rather, they form a broader socio-institutional environment in which women's ability to use and participate in ADR mechanisms is determined. The transition from traditional Jirga to institutional DRCs therefore represents an important institutional change, but its implications for women depend on whether institutional reforms are accompanied by greater awareness, meaningful female participation, accessible procedures and gender-responsive institutional practices.

**Institutional Opportunities and Constraints for Women**

The institutionalization of Alternative Dispute Resolution through Dispute Resolution Councils creates new possibilities for improving women’s access to community-based dispute resolution in Khyber Pakhtunkhwa. Unlike the traditional Jirga, which generally operates through customary authority and is predominantly composed of male

elders, DRCs function within a state-supported institutional framework. The Khyber Pakhtunkhwa Alternate Dispute Resolution Act, 2020 provides a province-wide legal framework for ADR and recognizes mechanisms such as negotiation, mediation and conciliation as alternatives to formal adjudication. This institutional framework provides an opportunity to make dispute resolution more accessible and responsive to groups that have historically had limited participation in customary mechanisms including women.

One important opportunity is formal institutional recognition of women's participation. The earlier legal framework governing DRCs provided for female representation, demonstrating that women's inclusion was recognized as an institutional concern rather than being left entirely to customary practice. More recent initiatives also indicate movement toward greater female participation. For example, a 2026 report documented the appointment of a woman to a DRC in Upper South Waziristan, describing it as the first such appointment in that district. Similarly, a recent capacity-building initiative reported the participation of 15 women as DRC members across eight districts of KP. These developments suggest that female representation is possible within the institutional DRC framework, although they should not be interpreted as evidence that gender equality has already been achieved across the province.

A second opportunity relates to accessibility and cost. One of the principal purposes of ADR is to provide less formal and more accessible avenues for resolving disputes without resorting to lengthy litigation. The 2020 KP ADR Act was enacted to facilitate dispute settlement outside formal litigation and to promote inexpensive and expeditious justice. Earlier evaluations of DRCs in KP similarly emphasized their potential to provide relatively speedy and low-cost dispute resolution. For women who face financial, geographical or social difficulties in pursuing conventional litigation, such characteristics can potentially reduce some of the practical barriers to seeking justice.

DRCs also provide an opportunity to combine community familiarity with institutional oversight. Traditional dispute resolution derives much of its strength from community recognition, local knowledge, mediation and reconciliation. DRCs retain several of these features while placing dispute resolution within a state-supported structure. Gul and Islam (2020) describe DRCs as a modified form of the traditional Jirga, while the broader development of DRCs represents an attempt to retain community-based dispute settlement while addressing some weaknesses of informal mechanisms. For women, this hybrid character may be significant because a dispute-resolution institution that is both locally familiar and institutionally recognized may offer a more approachable alternative to formal litigation.

Another potential opportunity is the development of women as providers as well as users of dispute-resolution services. The issue of

women's access should therefore not be restricted to the number of female cases brought before DRCs. Women's participation as members, mediators, community representatives and service providers can contribute to greater institutional responsiveness to disputes involving women. An SDPI evaluation of DRCs in nine districts of KP specifically proposed examining women both as users and providers of DRC services. This distinction is analytically important because women's presence within the institution may affect communication, trust and the willingness of female disputants to present sensitive matters.

However, these opportunities are accompanied by institutional constraints. The presence of a female member does not automatically guarantee meaningful participation or influence in decision-making. Representation can remain largely symbolic if women are not provided with adequate opportunities to participate in proceedings, receive relevant training or exercise an effective role in mediation and reconciliation. A recent study of DRCs in KP has also identified restricted female representation among continuing institutional challenges, indicating that the question of inclusion concerns not merely the establishment of DRCs but their internal composition and functioning.

A further constraint is the possibility that traditional gender norms may continue within the institutional setting. Because DRCs developed partly through the adaptation of community-based Jirga practices, institutional reform does not necessarily remove the cultural assumptions associated with traditional dispute resolution. Gul and Fayaz (2022), for example, found that traditional Jirga structures have generally excluded women from decision-making despite women being directly affected by many disputes. Thus, the transformation from Jirga to DRC should not be understood simply as a change in organizational structure. Its significance for women depends on whether the institutional setting also changes patterns of participation, authority and representation.

In this sense, DRCs should be understood as a potential mechanism of institutional change rather than automatic evidence of gender-inclusive justice. Their significance lies in the possibility of combining the accessibility and conciliatory character associated with community-based dispute resolution with a more formal institutional framework. For women, the effectiveness of this transition ultimately depends on whether formal institutional arrangements are translated into meaningful access, participation, representation and responsiveness.

**Recommendations for Enhancing Women's Access to DRCs**

I. **Increase Women's Representation in DRCs:** Women should be adequately represented among DRC members, particularly in cases involving women. The inclusion of female members can create a more comfortable and accessible environment for women complainants.

II. **Establish Women-Friendly Procedures:** DRCs should adopt gender-sensitive procedures that protect women's privacy, dignity and safety during the dispute-resolution process. Where appropriate, separate spaces or arrangements should be provided for women.

III. **Conduct Awareness Campaigns:** Public awareness programs should be organized at the district and community levels to inform women about the existence, functions, procedures and benefits of DRCs. Information should be disseminated through local media, community organizations, educational institutions and women's groups.

IV. **Facilitate Access for Women with Mobility Constraints:** Transportation difficulties and restrictions on women's mobility can limit their ability to approach DRCs. Accessible locations, flexible timings and appropriate referral or outreach mechanisms could help address these barriers.

V. **Provide Legal and Procedural Guidance:** Women approaching DRCs should be provided with clear information about their rights, available procedures and the steps involved in submitting a complaint. Where necessary, legal-aid or referral services should also be available.

VI. **Strengthen Confidentiality and Protection:** DRCs should ensure confidentiality in cases involving sensitive family, domestic or personal disputes. Appropriate safeguards can encourage women who may otherwise hesitate to seek institutional assistance.

VII. **Training of DRC Members:** DRC members, police personnel and other relevant officials should receive training on gender sensitivity, women's rights, communication with vulnerable parties and culturally appropriate dispute resolution.

VIII. **Community Engagement:** Local community leaders, civil society organizations, women's organizations and other stakeholders should be involved in promoting women's awareness and confidence in DRCs. Community engagement can also help address social and cultural barriers that discourage women from seeking formal dispute resolution.

IX. **Monitoring Women's Access:** Relevant authorities should maintain gender-disaggregated data on complaints received, cases processed, settlements, referrals and women's participation in DRCs. Such data can help identify gaps and assess whether institutional mechanisms are becoming genuinely accessible to women.

X. **Strengthen Coordination with Other Institutions:** DRCs should develop effective referral mechanisms with legal-aid providers, social welfare departments, women protection institutions and

relevant law-enforcement agencies for cases that cannot appropriately be resolved through DRCs.

Ultimately, improving women's access to DRCs requires more than the formal establishment of institutional mechanisms. It requires an enabling environment in which women are aware of their rights, able to approach DRCs without unnecessary social or familial barriers and assured of fair, confidential and gender-sensitive treatment. Strengthening women's representation, awareness, institutional support and procedural safeguards can contribute to making DRCs more accessible and responsive to women in Khyber Pakhtunkhwa.

**Conclusion**

The transition from the traditional Jirga to institutionalized Alternative Dispute Resolution (ADR) through Dispute Resolution Councils (DRCs) represents an important development in the dispute-resolution landscape of Khyber Pakhtunkhwa. The traditional Jirga has historically played a significant role in resolving community disputes through consultation, mediation, reconciliation and consensus. Its accessibility and community-based character have contributed to its continued social relevance. However, its predominantly male-oriented structure has also limited women's direct participation in dispute-resolution processes. The institutional development of DRCs has sought to retain some of the conciliatory and community-oriented features associated with the Jirga while placing dispute resolution within a state-supported legal and institutional framework.

The analysis demonstrates that DRCs should not be viewed simply as a replacement for the traditional Jirga. Rather, they represent an institutional transformation in which elements of customary dispute resolution have been incorporated into a more formally recognized ADR mechanism. The statutory development of DRCs, particularly through the Khyber Pakhtunkhwa Police Act, 2017 and the Khyber Pakhtunkhwa Alternate Dispute Resolution Act, 2020, has provided a legal foundation for community-oriented dispute settlement outside conventional litigation. This transformation has the potential to combine local accessibility and reconciliation with greater institutional recognition and procedural oversight.

From the perspective of women's access, however, institutionalization alone does not guarantee substantive inclusion. The study shows that women's access to dispute resolution has at least two interconnected dimensions: access as users of DRC services and participation as members or providers within the institution. A woman may be able to approach a DRC formally while still facing social restrictions that affect her ability to communicate independently, participate in proceedings, or influence the resolution of a dispute. Similarly, the

appointment or inclusion of female members does not necessarily mean that women exercise meaningful institutional authority.

The study further identifies patriarchal social structures, family influence, restrictions on mobility, limited awareness, gendered perceptions and institutional limitations as factors that can constrain women's effective access. These barriers are interconnected rather than isolated. For example, limited awareness may become more significant when women depend on male relatives for access to public institutions, while restricted mobility may reduce their ability to approach DRCs independently. Likewise, the continued influence of traditional gender norms may affect women's participation even after dispute resolution has been transferred from an informal Jirga setting to a formally recognized institution.

At the same time, DRCs provide institutional opportunities that were less clearly available within traditional Jirga structures. Their state-supported character can create space for female representation, improve institutional recognition of women's participation and provide an alternative avenue for resolving disputes through mediation and reconciliation. The inclusion of women as members can also potentially improve communication and institutional responsiveness in disputes involving female parties. Without adequate representation, awareness, accessibility, training and meaningful participation, institutional reform may remain primarily structural rather than producing substantive change in women's access to justice.

Overall, the transition from traditional Jirga to institutional ADR through DRCs should therefore be understood as an ongoing process rather than a completed transformation. DRCs have created a formal institutional space in which community-based dispute resolution and women's participation can potentially be brought together. Yet the realization of this potential depends on whether institutional arrangements are accompanied by changes in participation, awareness, representation and gender-sensitive practices. For women in Khyber Pakhtunkhwa, meaningful access to DRCs ultimately requires more than the formal existence of an institution; it requires the practical ability to approach the institution, present grievances, participate in proceedings and benefit from its dispute-resolution process. Thus, the movement from Jirga to institutional ADR has opened an important avenue for examining and potentially improving women's access to community-based justice, while the persistence of social and institutional barriers demonstrates that legal and organizational reform must be accompanied by broader efforts toward substantive inclusion.

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