

## ***Jirga* and *Panchayat* for the Resolution of Family Disputes in Pakistan: An Analytical Prospects**

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### **Abstract**

*Jirga* and *Panchayat* exist in the rural social system of Pakistan for the resolution of family disputes. Conflicting parties use these to resolve conflict amicably and quickly in an informal justice system. However, the *Jirga* and *Panchayat* methods have no backing of the legal framework. The composition of said methods to resolve disputes among the two families by the village elders who have power of land, and authority to rule over the people of the community. The proceedings of said *Jirga* and *Panchayat* have no proper mechanism and procedure of proceedings and the verdicts are given without consideration of Islamic injunctions and human rights laws. This article has found the answer, to whether the *Jirga* and *Panchayat* are in line with the injunctions of Islam and human rights or not. This socio-legal research has been carried out using qualitative methodologies, and data analysis has been carried out through an analytical and critical analysis. The article significantly concludes that these practices have no backing of law except if it is permitted by the family court to resolve their disputes out of court. Therefore, it is recommended that there should be an amendment in the family laws of Pakistan to adopt the procedure provided under section 3, schedule 1 clause IV of provincial ADR laws for amicable settlement of family disputes in Pakistan.

**Keywords:** Alternative Dispute Resolution; Customary Practices; Family Dispute Resolution; *Jirga*; *Panchayat*.

### **1. Introduction**

The informal justice system is known as *Jirga* and *Panchayat* in Pakistan. These customary practices are the ones which have been inherited from forefathers and are accepted and respected by the members of the community (Hassan & Malik, 2020). To be precise, one can conclude that *Jirga* and *Panchayat* are customs-based practices, but these lack the backing of a legal framework (Röder & Shinwari, 2015; Rizvi, 2021).

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In the absence of any legal instrument regulating the functioning of *Jirga* and *Panchayat*, the execution of the sentences made by these informal systems is also illegal (Rasheed, 2021). Such decisions potentially appear to be invading the jurisdiction of the judiciary and law enforcement agencies (Rizvi, 2021). In a famous case, *National Commission on the Status of Women v FOP* (2019) concludes that the way *Jirga* and *Panchayat* function violates the fundamental rights guaranteed by the Constitution of Pakistan.

Significantly, this article is aimed to highlight the malpractices of the *Jirga* and *Panchayat* justice system subsisting within Pakistan. This informal justice system requires proper backing and procedural measures to be incorporated into the legal framework of Pakistan in terms of application of Alternative Dispute Resolution (ADR) (Rizvi, 2021). The customary practices of family dispute resolution, based on decisions of *Jirga* and *Panchayat*, appear to be against the principles of Islamic Law, violative of constitutional laws of Pakistan and derogatory of fundamental human rights (Hussain, 2019). Therefore, this article holds significance in contributing to the findings as to whether *Jirga* and *Panchayat* are actually against the injunctions of Islam and violative of human rights or not.

Several reported cases of Pakistan which reveal prevalent violations of human rights found in the unjust decisions of *Jirga* and *Panchayat* justice systems, have been evaluated by the researchers. Further, various patriarchal practices prevailing in illegal practices of the informal justice system of Pakistan have been identified (Röder & Shinwari, 2015).

The article concluded that decisions made by *Jirga* and *Panchayat* for resolving family disputes in Pakistan, are discriminatory in nature, violative of fundamental rights and even deviate from the constitutional and international laws, which guarantee the protection of basic human rights (Tanvir, 2021).

## **2. Literature Review**

Customary practices for resolution of family disputes in Pakistan are known as *Jirga* and *Panchayat* (Siddiqi, 2015). Also recognized as an informal justice system which is very deep-rooted in the social norms of the rural areas as explained in the introduction of this article. People belonging to the backward areas of Pakistan tend to surrender before the authority and command of the feudal lord, who enjoys this status owing to his land and wealth (Ali, 2018). Feudal lords believe that the people of the village are bound to follow their command instead of state laws and enforcement agencies. Therefore, these feudal lords along with other members of *Jirga* and *Panchayat* rule this informal justice system. But haplessly, this system follows no proper method or procedure for the resolution of disputes (Acemoglu *et al.*, 2019).

The literature review also shows that the decisions of *Jirga* and *Panchayat* are against the injunctions of Islam and violative of human rights (Younis, 2017). Therefore, it is the need of the hour to conduct a study on this topic and to propose a legislative framework for the governance of the *Jirga* and *Panchayat* justice system (Shinwari, 2011). For reference, it is pertinent to mention that many countries have adopted alternative methods for resolution of family disputes including family mediation, reconciliation, and negotiation. These customary practices and direct access to family courts for the resolution of family disputes are avoided within these states (Huan, 2013).

Family Disputes Resolution (FDR) deals with all sorts of disputes subsisting between spouses including matrimonial conflicts, maintenance and various other family disputes which occur during marriage ties or after the dissolution of marriage (Shabbir *et al.*, 2019). Significantly, FDR is a cheap and expeditious forum for amicable settlement of family disputes and the modern world is taking benefit from it (Devi & Latha, 2021). However, this system is informal and does not fall within the ambit of the judicial system (Sardar, 2018). This purposeful system is always aimed to create a win-win situation for disputant parties and save their relationship. Pakistan needs to learn a lesson from the modern world and take steps for the prevention of violative *Jirga* and *Panchayat* practices which are involved in making unjust decisions for all sorts of disputes (Brohi, 2017).

### **3. Alternative Dispute Resolution System in Pakistan**

In Pakistan, alternative dispute resolution is still a hotly debated subject. Currently, Pakistan has 1.7 million cases pending in the courts, so the government exhorts judges, specialists and attorneys to encourage mediation as an alternative to litigation (Ali, 2020). The role of lawyers is becoming more and more important in this regard, and they need to act as qualified mediators (Ajmal & Ahmed, 2021). Multiple provisions of the following laws deal with ADR in Pakistan: The Constitution of Pakistan, 1973 (Articles 153-55); Islamabad Alternative Dispute Resolution Act (Islamabad ADR Act, 2017); The Punjab Alternative Dispute Resolution Act (Punjab ADR Act, 2019); The KPK Alternative Dispute Resolution Act (KPK Alternative Dispute Resolution Act, 2020) and The Baluchistan Alternative Dispute Resolution Act (The Baluchistan ADR Act, 2022); the Code of Criminal Procedure, 1898; Section 89-A of the Civil Procedure Code, 1908, and section 89-B of CPC as Amended in 2019 by Sindh (Tanoli, 2022).

Notedly, two forums of Pakistan's legal system provide a so-called ADR mechanism for family dispute resolution. One of them is arbitration council, and its proceedings take place under the Muslim Family Law Ordinance, of 1961. On the other hand, the family court judge must make two-tiered efforts for reconciliation

between spouses at pre-trial stage and before announcements of the final judgment/decreed, under sections 10 and 12 of the West Pakistan Family Court Act, 1964 (Qureshi *et al.*, 2021). Therefore, we can easily state that our laws hold space for settlement through ADR, but it must include the court's jurisdiction. Unfortunately, for amicable settlement of the disputes in an informal manner, these provisions are not sufficient as the Judge of the Supreme Court of Pakistan, Justice Mansoor Ali Shah says, "*Litigation is a scenario in which you go in like a bull but leave as a sausage*" (Bhatti, 2022).

The Punjab, Baluchistan and KPK ADR Act, gives protection to family dispute resolution under section 3, schedule 1, clause 4, which says that the matter referred to the mediation and arbitration may include, "*family disputes, including guardianship and child custody*" (Mumtaz, 2022). This is also insufficient because parties require a reference from the court and must approach the court first before they may start out of court settlement (Badshah, 2020).

The *Jirga* system in KPK, *Sulh* in Baluchistan, the *Panchayat* system in Punjab and the *Faislo* system in Sindh are well-known non-institutional dispute resolution methods in Pakistan (Brohi, 2020). Therefore, when the researcher discusses the informal and formal justice system, a few terminologies need to be understood and discussed (Yilmaz, 2014). As in conventional ADR mechanism, all of us should know about parties, arbitrator/mediator/neutral, award, arbitration, conciliation, mediation, negotiation and so on, likewise there is a dire need to know about the terminologies used in the informal ADR mechanisms known as Customary practices of dispute resolution in Pakistan (Mir, 2021).

The access to justice in Pakistan is well explained in the principle of policy chapter of the constitution of Pakistan, 1973, under article 37 (D), which says "*State shall ensure to provide cheap and expeditious justice system to every citizen of Pakistan*" (Constitution of Pakistan, 1973). A family is typically thought of as a group of relationships in which all members are connected through marriage or blood. Regardless of whether one is a parent, child or spouse to another, they all are family members and essential components of every society (Little, 2012). Family institutions as discussed in the preceding sentence, are protected under Article 35 of the constitution, which says that the "*State has to ensure the protection of marriage, family, the mother, and the child*" (Constitution of Pakistan, 1973).

#### **4. *Jirga* and *Panchayat* in the Resolution of Family Dispute**

*Jirga* and *Panchayat* have a great impact on our society, and people claim that it is based on the norms, values, customs and traditions of their forefathers (Khan, 2021). The inhabitants of rural and backward areas acknowledge these practices as a better way of the dispensation of justice because they lack the

understanding of their fundamental rights and the legal framework of the state (Usman, 2011).

It is presumed that Pakistan's informal justice system offers a quick and affordable justice system, but it is a fact that this system lacks the legal backing. Evidence evinces that the existing practices have occasionally disregarded the legal principles governing human rights and show some gender bias (Younes, 2017). This elaborates that accessibility does not always translate into effective justice delivery. All these parallel, non-institutional dispute resolution systems, *Panchayats* in Punjab, *Jirgas* in Khyber-Pakhtunkhwa, *Sulh* in Baluchistan and *Faislo* in Sindh target women most often while enforcing their decisions (Baig, 2023). Resultantly, hybrid justice systems must emerge which shall attempt to combine the advantages of both the informal and formal systems.

Notably, the Supreme Court upon finding out that *Jirga* and *Panchayat* are not operating within the boundaries of the law and the Constitution, ruled that their methods of operation are unconstitutional (Shaikh & Mohyuddin, 2021). Further, another bench of the Supreme Court, in a case *Nijat Ali v Asmat Ara*, (2022), declared the practice of *Jirgas* to be unlawful.

Interestingly throughout the world, social justice and domestic disputes have always been controlled and managed by various forums operating at the local level. In Pakistan, these practices have also been operational for centuries in the form of *Panchayats* and *Jirgas* (Tomaszewski, 2018). However, many developing countries consider these forums to be the part of their local systems which is far different from the current situation of Pakistan. In the light of this, it would be beneficial to understand the functions of *Panchayats* and *Jirgas* so that we can better comprehend the ADR system in the context of our own customs and culture (Nawaz *et al.*, 2014).

It is a fact that the justice system is built on customs and traditions and custom and usage are the main sources of law, so the justice system must be backed by a legal framework with reference to customary laws (Rummel, 2020). The primary goal is to discuss the mechanism of the informal dispute resolution process by understanding the legal standing of *Jirga* and *Panchayat*. Despite the existence of some positive aspects of this customarily developed institution, *Jirga* verdicts are typically not accepted by courts with regular jurisdiction (Rizvi, 2021).

*Baradari* is one of the components of *Jirga* and *Panchayat* system, which also serves as a social status indicator and a basis for ethical attachment and is deeply ingrained in Pakistan's rural areas in dispute resolution mechanisms (Rubab & Usman, 2018). The *Baradari* system is actively operating and participating in almost all the local and community-based matters and issues ranging from social disputes to family matters. The *Jirga* and *Panchayat* make the component actively

play an important role during dispute resolution for upholding social justice. This mechanism of dispute resolution examines the opposite views of disputant parties, reaches a decision and focuses on dispute resolution by using traditional methods (Nasir *et al.*, 2015).

As discussed above the proceedings and verdicts of the *Jirga* and *Panchayat* are questionable under Pakistan's and International Laws. Therefore, the researchers have examined a reported case from each province.

The following case was reported in Punjab, and it relates to the dispute between family and society. A person had requested the *Panchayat* for the dissolution of his marriage on the grounds of *Khula*. On the other hand, his wife had already filed a case in the family court for dissolution of marriage and recovery of maintenance. The wife's father was illiterate and had given her daughter into the marriage on *Watta Satta* as her uncle married the sister of her husband (Nasir *et al.*, 2015). This *Watta Satta* system put her genial married life into a great risk. Both the couples were issueless and problems subsisting within her uncle's matrimonial life were affecting her life as well. She was forced to face domestic violence and was traumatized both physically and psychologically. She had to invoke the powers of family court for the resolution of this family dispute, but her husband was not pleased with her decision of taking the matter to court. *Watta Satta* marriages are also customs in Pakistan which itself violative of human rights and against the will of the person (Nasir *et al.*, 2015).

She was forced by her family to withdraw the matter from the family court, and she surrendered. The matter was brought before the *Panchayat*. Her husband also wanted to end this marriage on the grounds of severe and irreconcilable disagreements between them. But the verdict of the *Panchayat* forced them to continue living together for the sake of their family's respect and relationship. The family pressure and property issues made the disputant parties obey this painful decision (Nasir *et al.*, 2015). Even Islam does not allow such decisions and prefers separation over tying two people into a hated relationship. This decision was not only violative of Islamic teachings, but also derogatory of the provisions of the Convention on Elimination of all kinds of Discrimination against Women (CEDAW).

The second case was reported from Mansehra, Khyber Pakhtunkhwa, brief facts of the case include that *Jirga* had decided to marry an 8-year-old innocent daughter of the accused to a 26-year-old man, this verdict again was against the teachings of Islam and violative of human rights (Mushtaq *et al.*, 2016). Forcing a minor into marriage is a violation of human rights, the Child Marriage Restraint Act, CEDAW, and the Universal Declaration of Human Rights (UDHR) as well.

The third reported case is from Shikarpur, Sindh, facts include those two sisters, aged around 17-18 years, went missing. Their brother, upon searching, came to know that both the sisters were in possession of the landlord and some other persons who raped and murdered them (Liefwaard, 2019). Both parties agreed on *Faislo*, a practice like *Jirga* and *Panchayat* found in Sindh for an amicable settlement of the dispute. *Naikmard* from the community was nominated as the representative of the parties. The dispute was settled peacefully between the parties and the victim's family received some money in the name of compensation. Therefore, this sort of customary practice for the resolution of family disputes is clearly against the injunctions of Islam, principles of constitution of Pakistan and the principles of natural justice (Qureshi, 2021).

The fourth case is reported from Baluchistan, where the murderers were set free by the police based on *Razi Namas* ('reconciliation' agreements) that are usually presented to and accepted by the police. A woman was declared *Kari* and mercilessly murdered in this case. *Razi Nama*, which takes the form of giving money or girls in marriage to the party who had committed a crime saves the culprits from punishment (Shaikh & Mohyuddin, 2021). Therefore, these sorts of *Jirga* and *Panchayat* systems could not be called a justice system in any manner whatsoever.

Previously, in a case involving *Jirga*, it was highlighted in a case titled *Sajed Ullah v Mst Shakeela Naz*, (2016), Justice Qazi Faez Isa while setting aside the judgment passed by the Peshawar High Court on 18 January 2016 stated that "*The law of inheritance in Islam is final, and neither the courts nor any jirga can change this*", adding that, the compromise reached in the current case concerning the distribution of the attributes in question by the decision of *Jirga* is not valid and it is a fact that *Panchayat* or *Jirga* is not higher than the Islamic Shariah laws.

The landmark decision was issued by a three-judge bench of Pakistan's Federal *Shariat* Court (FSC) led by the FSC Chief Justice in a case titled, *Sakeena Bibi v Secretary Law GOP* (2021) that, the *Jirga* and *Panchayat* during dispute resolution award punishments for *Swara* which is unconstitutional and un-Islamic because it violates the principles mentioned in Holy Quran and Sunnah. *Swara* referred to as *Badal-i-Sulh*, is a personalize/tradition in which women and girls from the offender's family are given to the aggrieved parties in marriage or servitude in exchange for reconciliation in cases of rivalry, murder or abduction to settle the dispute. Further, it is declared in a case titled, *Zahid Hussian v Mst. Farhana*, (2019), that it is a type of forced or arranged child marriage and these sorts of matters also fall within family matters. The verdicts and punishments awarded in customary practices of dispute resolution are against the fundamental rights of individuals protected under the Constitution of Pakistan. Therefore, these sorts of customs are declared derogative of fundamental rights in the case of the *National*

*Commission on the Status of Woman v GOP*, (2019) and could not prevail under international law's provisions.

## 5. Research Methodology

The researchers have used socio-legal research and qualitative methodology in this article with an inductive approach in action-based research (Yaqin, 2008). For data collection, the researchers have used primary data as statutes and case laws for an in-depth understanding of the legal framework, and secondary data such as articles, books, reports and magazines have also been accessed. Internet sources and libraries were used as a tool for data collection. The pragmatism paradigm has been used as an approach for analytical and critical evaluation of available literature on the subject matter and to conduct data analysis in prospects (Chua, 2018).

The scope of this study comprises two sections. Firstly, an overview of *Jirga* and *Panchayat* in resolving family disputes in Pakistan, relying on different reported case studies, has been provided. Secondly, findings have been drawn to develop the legal framework of Pakistan. The article starts with an introduction and background of the study and moves on to the literature review through which the researchers have tried to answer the research question and achieve the objective of the study. And it is concluded with the findings of the study and potential legal recommendations for amendments in family and ADR laws to control and limit the function of *Jirga* and *Panchayat* in Pakistan.

## 6. Findings of the Study

The findings of this article confirm that the existing *Jirga* and *Panchayat* systems resolving family disputes in Pakistan are not providing adequate justice to all parties. Further, this study brings forth a well-established fact that the composition of *Jirga* and *Panchayat* varies with regards to procedural differences in customs and verdicts. Therefore, the *Jirga* and *Panchayat* seem to be violative of the Constitution of Pakistan. On the other hand, mistrust of the people in the formal mechanism has been attributed to the inefficiency of the protracted dispute resolution procedures as well as the associated costs (Hussain, 2022).

As opposed to state law/statute, *shariah* and custom continue to be the preferred types of laws to be adopted for dispute resolution in Pakistan. The findings of this article conclude that efficient dispute resolution mechanisms and justice delivery systems may be developed or legislated at the local level for informal family dispute resolution (Irfanullah, 2021).

For the findings of this article, the researchers put reliance on the precedents as well, in the case law *Muhammad Younis v Nazar Ahmed* (2013) it was declared



that the “so-called Panchayat has no legal sanctity to declare anyone guilty or innocent”. The informal justice system is to be declared as ultra vires on the touchstone of Articles 4, 8, 10-A and 25 of the Constitution (Constitution of Pakistan, 1973). Unless a proper mechanism for conducting arbitration, mediation, negotiation or reconciliation between the disputant parties is established, this informal system based on customary practices will continue dispensing injustice. (Qureshi, 2021).

Moreover, there are certain significant contributions on the point that the Supreme Court’s verdict has declared the functions of the *Jirga* system to be against fundamental human rights, and *Jirga* and *Panchayat* can not force female children for marriage (*Vani*), and award capital punishments. Further, in one case, *Mohammad Saleem v Mst. Safia Begum*, (2022) stated, “*Jirga and Panchayat can only settle minor civil disputes*”. In another case the court declared that “*Jirga rulings on criminal and family cases violate the jurisdiction of courts of Pakistan*” (Bhatti, 2018). The observation in another case is that *Jirgas* and *Panchayats* are not operating within the parameters of the law and the Constitution of Pakistan (Baig, 2019).

*Jirgas* are usually convened when matters between two disputant families or tribes become aggressive and no one agrees on a compromise. Surprisingly, all sorts of disputes including civil, family, or criminal matters are settled by the so-called procedure of the *Jirga* which declares itself to be the ultimate court of justice. Some people believe that the *Jirga* system creates an imbalance (Malik, 2020). There is no standard of testimony to record, no right to appeal is provided to the aggrieved party, and sometimes no opportunity for a hearing is given to the person who committed the offense (Hassan, 2021). To summarize, the constitutional status of *Jirga* and *Panchayat* in Pakistan was questioned in case law, *National Commission on the Status of Woman v GOP*, (2019), and it was stated that it seems to be violative of provisions of the Pakistan Constitution, UDHR, and CEDAW provisions.

## 7. Conclusion

It is concluded in this article that *Jirga* and *Panchayat* have been declared as violative of the fundamental rights protected under the constitution of Pakistan. Further, this article acknowledges the efforts of federal and provincial legislative bodies to provide an alternative mechanism for *Jirga* and *Panchayat* by passing “*The Alternate Dispute Resolution Act, 2017*” but the law has no provisions to deal with family disputes. This law only deals with court-annexed mediation and arbitration in commercial and civil matters. On the other hand, there are provincial legislations, “*The Punjab Alternate Dispute Resolution Act, 2019*”, “*The*

*Baluchistan ADR Act 2022*” and “*The KPK ADR Act 2020*” as discussed in the article. These laws also do not provide sufficient mechanism for out-of-court settlement of disputes, but section 3 of these acts empowers the court to refer the case for mediation and arbitration upon the application of parties. Pertinently, schedule-1, clause-4 of this section states that “*Family disputes including child custody and guardianship*” can also be dealt with under this law. Therefore, the researcher recommends some amendments to these laws to allow out-of-court mediation without prior permission of the court. Family laws of Pakistan may also be amended in line with the prior proposed amendments in ADR laws to incorporate the provisions of compulsory family mediation certification before the initiation of litigation. It would not only prevent *Jirga* and *Panchayat* practices but would also lessen the burden of family courts. The parties will be provided with a genial environment of family dispute settlement and will ensure the protection of rights of parties involved, especially women.

## **8. Future Research**

Future research can be conducted to investigate how Customary FDR can be institutionalized within the legal framework of Pakistan which will reduce the rapid increase of family dispute cases in family courts.

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## References

- Abdul Hak, N. (2012). Family Mediation in Asia: A Special Reference To The Law And Practice In Malaysia. *IJUM Law Journal*, 15(1). <https://doi.org/10.31436/iiumlj.v15i1.63>
- Acemoglu, D., Cheema, A., Khwaja, A. I., & Robinson, J. A. (2019). Trust in State and Non-State Actors: Evidence from Dispute Resolution in Pakistan. *Journal of Political Economy*. <https://doi.org/10.1086/707765>
- Ajmal, S., & Ahmed, M. (2021). Alternative Dispute Resolution (ADR) An Alternative Access to Justice by Means of Jirga and Panchayat System in Pakistan. *SSRN Electronic Journal*, 6(9). <https://doi.org/10.2139/ssrn.3977185>
- Ali, Abid. (2018, September 21). *The Heinous Practice of Vani or Swara in Pakistan*. <https://Eacpe.org/The-Heinous-Practice-of-Vani-In-Pakistan/>; Eqbal Ahmad Centre for Public Education. <https://eacpe.org/the-heinous-practice-of-vani-in-pakistan/>
- Baig, Hissam Ullah. (2023, March 17). *Importance of Customary Laws and Practice*. PAMIR TIMES; <https://pamirtimes.net/2023/03/17/importance-of-customary-laws/>. <https://pamirtimes.net/2023/03/17/importance-of-customary-laws/>
- Brohi, Nazish. (2017). Women, Violence and Jirgas Consensus and Impunity in Pakistan. In *www.ncsw.gov.pk* (p. 54). National Commission on the Status of Women. <https://ncsw.gov.pk/SiteImage/Downloads/Women,%20Violence%20and%20Jirgas%20Consensus%20and%20Impunity%20in%20Pakistan.pdf>
- Devi, J., Satya & K.Latha. (2021). *MEDIATION & CONCILIATION: Understanding Conflict - Concept of Mediation*. Districts.ecourts.gov.in; Home/District Court in India | Official Website of District Court of India. <https://districts.ecourts.gov.in/sites/default/files/workshop-IV%20material1.pdf>
- Gazette of Pakistan. (1973). *The Constitution of the Islamic Republic of Pakistan, 1973*. Ministry of Law & Justice.
- Hassan, A., & Malik, D. M. (2020). Evolution of Dispute Resolution Processes: From Informal to Formal and Back to Informal. *Global Social Sciences Review*, V(II), 327–333. [https://doi.org/10.31703/gssr.2020\(v-ii\).31](https://doi.org/10.31703/gssr.2020(v-ii).31)
- Huan, Lee Kher. (2013, January 7). *Mediation Act 2012: Not So Bad After All - The Malaysian Bar*. [www.malaysianbar.org.my](http://www.malaysianbar.org.my). <https://www.malaysianbar.org.my/article/news/legal-and-general-news/members-opinions/mediation-act-2012-not-so-bad-after-all>
- Hussain, R. (2022). Autonomous Nature of Alternative Dispute Resolution (ADR)

- and its Role as Court Assistant in Pakistan. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.4219096>
- Hussain, Syed Abbas. (2019, December 18). *The Laws of Alternative Dispute Resolution (ADR) in Pakistan*. <https://asiafoundation.org/2019/12/18/Alternative-Dispute-Resolution-Gains-Traction-In-Pakistan/>; The Asia Foundation. <https://asiafoundation.org/2019/12/18/alternative-dispute-resolution-gains-traction-in-pakistan/>
- Liefaard, T. (2019). Access to Justice for Children: Towards a Specific Research and Implementation Agenda. *The International Journal of Children's Rights*, 27(2), 195–227. <https://doi.org/10.1163/15718182-02702002>
- Mir, Waqas. (2021). *Saying not what the Constitution is ... but what it should be: Comment on the Judgment on the 18th and 21st Amendments to the Constitution* / SAHSOL. [Sahsol.lums.edu.pk. https://sahsol.lums.edu.pk/node/12813](https://sahsol.lums.edu.pk/node/12813)
- Mushtaq, A. Yaqoob, U., & Usman Javaid, M. (2016). *Role of Jirga in Pakhtoon Society an Analysis with Special Reference to Justice Dispensation*. [http://pu.edu.pk/images/journal/HistoryPStudies/PDF-FILES/2-v29\\_2\\_16.pdf](http://pu.edu.pk/images/journal/HistoryPStudies/PDF-FILES/2-v29_2_16.pdf)
- Muhammad Saleem Vs. Mst. Safia Begum*, (2022) YLR Gilgit Baltistan 1033
- Muhammad Younis Vs. Nazar Ahmed*, (2022) MLD LHC 170
- National Commission on Status of Women Vs. GOP*, (2019) PLD SC 218
- Nasir, A., Chaudhry, A., Syeda, A., Hadi, H., Saleem, A., & Saqib. (2015). Quasi-Judicial Role of Panchayat System: A Case Study Southern Rural Punjab. *Pakistan Association of Anthropology, Islamabad, Pakistan Special Issue Sci.int.(Lahore)*, 27(2), 1591–1593. <http://www.sci-int.com/pdf/7359740103%20Special%20issue%202%20Adnan%20Nasir%20Panchayat%20as%20a%20Justice%20agency.pdf>
- Nawaz, M., Kaleem, U., Bariach, Faizullah, K., & Panezai. (2014). *The Role of Jerga in Conflict Resolution*. <http://web.uob.edu.pk/uob/journals/takato0/data/2014/Jul-Dec/English/9-20.pdf>
- Nijat Ali Vs. Asmat Ara*, (2022) CLC Peshawar 479
- Qureshi, Z. A., Nawaz, H. M. U., & Baig, M. S. R. (2021). Towards the Establishment of Family Dispute Resolution Center in Pakistan. *Global Legal Studies Review*, VI(I), 1–8. [https://doi.org/10.31703/glsr.2021\(vi-i\).01](https://doi.org/10.31703/glsr.2021(vi-i).01)
- Raja, D., & Roy. (2005). *report Traditional Customary Laws and Indigenous Peoples in Asia*. <https://www.refworld.org/pdfid/469cbfb70.pdf>

- Rasheed, Sheikh Abdul. (2021). *Jirga system and women rights*. Pakistan Today; <https://www.pakistantoday.com.pk/2021/02/22/jirga-system-and-women-rights/>. <https://www.pakistantoday.com.pk/2021/02/22/jirga-system-and-women-rights/>
- Rizvi, I. (2021, September 14). *ADR: Midway Between Court and Jirga System*. [www.courtingthelaw.com](http://www.courtingthelaw.com); Courting The Law. <https://courtingthelaw.com/2021/09/14/laws-judgments-2/adr-midway-between-court-and-jirga-system/>
- Röder, T. J., & Shinwari, N. A. (2015). Pakistan: Jirgas Dispensing Justice without State Control. *Non-State Justice Institutions and the Law*, 23(46), 25–54. [https://doi.org/10.1057/9781137403285\\_2](https://doi.org/10.1057/9781137403285_2)
- Rummel, R.J. (2020). *Social Class, Conflict, And Distance*. [www.hawaii.edu.in](http://www.hawaii.edu.in). <https://www.hawaii.edu/powerkills/TCH.CHAP24.HTM>
- Rubab, I., & Usman, A. (2018). Women’s Right of Inheritance: Choices and Challenges in Punjab. *Journal of Islamic Thought and Civilization*, 08(02), 95–109. <https://doi.org/10.32350/jitc.82.06>
- Sakeena Bibi v. Secretary Law, GOP*, (2021) SCMR 679
- Shabbir, S. W., Malik, N., Rizwan, M., & Hashim, M. (2019). Customary Practices and the Issues of Women Property Rights: Case Study of South Punjab (2007-2014). *Statistics, Computing and Interdisciplinary Research*, 1(1), 1–12. <https://doi.org/10.52700/scir.v1i1.17>
- Shah, S. S. (2009). Mediation in Marital Discord in Islamic Law: Legislative Foundation and Contemporary Application. *Arab Law Quarterly*, 23(3), 329–346. <https://doi.org/10.1163/157302509x454726>
- Shaikh, J. A., & Mohyuddin, Dr. A. (2021). *Exploring Access to Justice Through Traditional Justice System*. [https://www.researchgate.net/Profile/Dr-Anwaar-Mohyuddin/Publication/337893654\\_EXPLORINGACCESSTOJUSTICE\\_THROUGHTRADITIONALJUSTICESYSTEMpdf/Links/5df0ebe9a6fdc2837185395/EXPLORINGACCESSTOJUSTICETHROUGHTRADITIONALJUSTICESYSTEMpdf.pdf](https://www.researchgate.net/Profile/Dr-Anwaar-Mohyuddin/Publication/337893654_EXPLORINGACCESSTOJUSTICE_THROUGHTRADITIONALJUSTICESYSTEMpdf/Links/5df0ebe9a6fdc2837185395/EXPLORINGACCESSTOJUSTICETHROUGHTRADITIONALJUSTICESYSTEMpdf.pdf); Research Journal of Political Science.
- Siddiqi, F. A. (2015, November 9). *Child Custody Law in Pakistan*. Courting the Law. <https://courtingthelaw.com/2015/11/09/commentary/child-custody-law-in-pakistan/>
- Shinwari, N. A. (2011). Understanding Jirga: Legality and Legitimacy in Pakistan’s Federally Administered Tribal Areas. In [www.camp.org.pk](http://www.camp.org.pk) (p. 195). CAMP. <https://fid4sa-repository.ub.uni-heidelberg.de/3124/1/Understanding-Jirga-07-2011.pdf>
- Siddique, H. M., & Badshah, S. N. (2020). Family Courts in Pakistan: *Al-Idah*, 38(-

- 2). <https://doi.org/10.37556/al-idah.038.02.703>
- Tanvir, M. H. (2021, November 20). *The Flawed Justice System of Pakistan. Paradigm Shift*. <https://www.paradigmshift.com.pk/justice-system-of-pakistan/>
- The Baluchistan Alternative Dispute Resolution Act 2022, ACT NO. XXXI OF 2022. (2022). [https://pabalochistan.gov.pk/pab/pab/tables/alldocuments/actdocx/2022-11-28\\_10:03:16\\_02fe6.pdf](https://pabalochistan.gov.pk/pab/pab/tables/alldocuments/actdocx/2022-11-28_10:03:16_02fe6.pdf)
- The KPK Alternative Dispute Resolution Act 2020, (2020). [https://kpcode.kp.gov.pk/uploads/THE\\_KHYBER\\_PAKHTUNKHWA\\_ALTERNATE\\_DISPUTE\\_RESOLUTION\\_ACT\\_2020.pdf](https://kpcode.kp.gov.pk/uploads/THE_KHYBER_PAKHTUNKHWA_ALTERNATE_DISPUTE_RESOLUTION_ACT_2020.pdf)
- The Punjab Alternative Dispute Resolution Act 2019, Act XVII of 2019 (2019). <http://punjablaws.gov.pk/laws/2739.html>
- The Sindh Alternative Dispute Resolution Act 2019, (2019). <http://www.pas.gov.pk/uploads/acts/Sindh%20Act%20No.IV%20of%202019.pdf>
- Tomaszewski, Evelyn. Proceedings of a Workshop National Academies of Sciences, Engineering, and Medicine. 2018. Addressing the Social and Cultural Norms That Underlie the Acceptance of Violence: Proceedings of a Workshop. (2018). Read “Addressing the Social and Cultural Norms That Underlie the Acceptance of Violence: Proceedings of a Workshop—in Brief” at NAP.edu. In *nap.nationalacademies.org*. National Academies Press, Washington DC. <https://nap.nationalacademies.org/read/25075/chapter/1>
- Ullah, I., & Khan, M. A. (2021). Access to Justice: Comparative study of formal and informal dispute resolution mechanisms in district Swat, Pakistan. *Journal of Humanities, Social and Management Sciences (JHSMS)*, 2(2), 99–118. <https://doi.org/10.47264/idea.jhsms/2.2.8>
- United Nations. (1966, December 16). *International Covenant on Civil and Political Rights*. OHCHR; United Nations. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
- United Nations. (1948, December 10). *Universal Declaration of Human Rights*. United Nations; United Nations. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- Usman, A. (2011). *Social Stratification in a Punjabi Village of Pakistan: The Dynamics between Caste, Gender, and Violence*. <https://etheses.whiterose.ac.uk/21130/1/582096.pdf>
- Yaqin, Anwarul. (2008). *Legal research and writing methods*. LexisNexis

Butterworths Wadhwa Nagpur.

- Yilmaz, I. (2014). Pakistan Federal Shariat Court's Collective Ijtihād on Gender Equality, Women's Rights and the Right to Family Life. *Islam and Christian-Muslim Relations*, 25(2), 181–192. <https://doi.org/10.1080/09596410.2014.883200>
- Younes, J. (2017, July 6). *How the Parallel Judicial System of Jirga Perpetuates Injustice For Pakistani Women*. [https://Courtingthelaw.com/2017/07/07/Commentary/How-The-Parallel-Judicial-System-of-Jirga-Perpetuates-Injustice-For-Pakistani-Women/](https://courtingthelaw.com/2017/07/07/Commentary/How-The-Parallel-Judicial-System-of-Jirga-Perpetuates-Injustice-For-Pakistani-Women/); <https://courtingthelaw.com/2017/07/07/commentary/how-the-parallel-judicial-system-of-jirga-perpetuates-injustice-for-pakistani-women/>
- Zafar, M., & Kalanauri, I. (2019). *Guardianship, Custody, Visitation, Child Support under Islam and Pakistan Law*. <https://zafarkalanauri.com/wp-content/uploads/2020/05/Guardianship-Custody-Visitation-Child-Support.pdf>
- Zahid Hussian Vs. Mst. Farhana*, (2019) MLD Sindh 720