

Selected Issues in Family Law

Editor
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IIUM PRESS
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA

SELECTED ISSUES IN FAMILY LAW

EDITED BY

NORA A. HAK



HUM Press

Published by:

IUM Press
International Islamic University Malaysia

First Edition 2011
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Perpustakaan Negara Malaysia Cataloguing-in-Publication Data

Selected Issues in Family Law/Nora Abdul Hak
ISBN: 978967-418-226-7

Member of Majlis Penerbitan Ilmiah Malaysian – MAPIM (Malaysian Scholarly Publishing Council)

Printed by

IUM PRINTING SDN. BHD.
No. 1, Jalan Industri Batu Caves 1/3
Taman Perindustrian Batu Caves
Batu Caves Centre Point
68100 Batu Caves
Selangor Darul Ehsan

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ALTERNATIVE DISPUTE RESOLUTION IN PAKISTAN IN SETTLING FAMILY DISPUTES

By

Mian Kauthar Hussain and Nora Abdul Hak

Introduction

Dispute resolution has been most often associated with marital and other family matters. Alternative Dispute Resolution (ADR) is a vast field. In Pakistan, ADR is not a new concept. In fact, dispute resolution in Pakistan is, in one form or another, as old as the country itself. Parties have presented disputes to *Punchaiats* or *Jirgas* - committee of honorable elders of the community. Pakistan already has certain legislation in the field of Family Laws relating to marital dispute where dispute must first be attempted to be resolved through mediation and conciliation and only upon failure of conciliation parties can go to courts.

In the Indo-Pak Subcontinents, ADR is centuries old called the "*Punchaiat*" or "*Jirga*" system in rural areas wherein all disputes were brought before a committee of (respectable and honorable) elders, whose decision was accepted by the parties, and no party could afford to disagree with the decision because of social rejection by the Society.