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Judicial Reconciliation in Family Disputes: Assessing the Effectiveness of Court-Annexed Conciliation under Pakistani Family Laws

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Abstract

Family conflicts provide unique problems for the judicial systems, in that they concerned with legal rights, in addition to enduring individual contacts, with children, economic obligations as well as societal implications. In the statute book of Pakistan, reconciliation has got a lawful status to resolve family issues especially under Family Courts Act 1964, and the Muslim Family Laws Ordinance 1961. But with there being more and more emphasis on alternative dispute resolution, the key question relates to the suitability of the current court-annexed conciliation devices to provide accessible, efficient and rights sensitive family justice. This article explores afresh the impact of judicial reconciliation and conciliation with the help of courts in Pakistani family laws. It examines the framework and mechanisms established by statute and looks at conciliation in terms of accessibility, procedural fairness, the cost, delay, the durability of the settlements reached and the protection of vulnerable parties. The research posits that court-annexed conciliation has a lot to offer in terms of the promise of decreasing the adversarial mode of representation and offering negotiated solutions to the disputes that will promote privacy and practical solutions that other traditional modes of adjudication might not as easily provide. However, it continues to be bounded by the institutional fragmentation, inconsistent implementation, limited professional training, and inadequate empirical monitoring, among other factors, as well as the potential for inequalities in bargaining power. There are special focus points on gender inequalities, domestic violence and protecting children's interests, and how settlement cannot be equated with substantive justice. It recommends a changeover to establishing specialised centres for family mediation with the courts, training and accreditation of mediators, proper screening and a judicial observation of the settlements and the systematic collection of mediation data in Pakistan. Court-annexed conciliation should ultimately be seen and utilized as an adjunct to the adjudicative process and not a substitute, and where conciliation processes should work to resolve disputes in a consensual manner, while maintaining the court as the primary enforcer of the legality, equality and access to justice..

Keywords: Judicial reconciliation; court-annexed conciliation; family law; alternative dispute resolution; mediation; Family Courts; Pakistan; matrimonial disputes; access to justice; women's rights.

1. Introduction

Family disputes occupy a distinctive place in the law as having implications which go beyond the litigants to children, the family structure, economic security and other social dynamics. Matrimonial disputes are

interrelated with each other just like other civil disputes but the extra elements which have to be considered are continuity of relationship, emotional risks, maintenance and child custody, inheritance and matters related to personal status. In a completely adversarial adjudication model therefore, legal rights could be decided – and sometimes are – without necessarily resolving the underlying conflict. The conflict is especially harrowing in the context of Pakistan where it is a nexus of statutory law, Islamic principles, constitutional guarantees and entrenched social practices. The upsurge of the alternative dispute resolution (ADR) such as mediation and conciliation, has consequently kindled interest whether the issue of family conflict may be resolved through settlement oriented and less confrontational procedure (Abdullah & Rasool, 2024a).

Conciliation in the Pakistan's Framework relates to the resolution of family conflicts and has always been considered a significant part of it. Reconciliation is not completely removed from the adjudication process under the Family Courts Act as was the case in 1964. At appropriate stages of family proceedings the court is expected to strive for an agreement/reconciliation. Likewise, with regard to talaq and some of consequences of marriage, the Muslim Family Laws Ordinance, 1961, has provided for institutional mechanism of "reconciliation" in the form of Arbitration Councils. These give an impression that in Pak family law adjudication and reconciliation are not mutually exclusive alternatives but rather go hand in hand. Instead, reconciliation has been traditionally part of the formal legal system. The question which arises in the modern times is thus no more whether there is a role for reconciling the parties in Pakistani family law or whether some kind of court-annexed mechanism for the purpose of reconciliation currently exists; it is whether the current court-annexed mechanism is properly structured, impartial, accessible and effective to serve its intended purpose.

The overall framework of ADR in Pakistan has had significant growth over the past years indicated by numerous scholarships; however, implementation of ADR is not uniform. Knowing the potential of mediation, its court-annexed cousin has yet to realize the same, owing to the regulatory uncertainty, institutional constraints, professional incentives and socio-cultural attitudes to mediation (Abdullah & Rasool, 2024b). Their findings have also important implications in the context of familial conflicts, in which the possibility of differential power between spouse's in negotiation could play a significant role in the informal settlement process. Javed also mentions weak implementation, institutional deficiencies and lack of public confidence as the institutional problems that remain to be tackled to make effective ADR in Pakistan (Javed, 2025a). As indicated by these concerns, there is no guarantee that a statutory or judicial entity will provide an effective reconciliation system.

In a matrimonial conflict, it's more complex by the fact that settlement is not necessarily equitable. An expedient settlement might prevent litigation and help preserve relationships within the family but it could also be a reflection of coercion and/or economic or social pressure. This is particularly so if there's been a disparity in economic resources between marriage partners, or if through tradition the woman wouldn't consider taking legally recognized claims against the man. However, recent research on mediation in Pakistani divorce cases suggests that mediation can offer benefits like privacy, empowerment and less adversarial environment, yet this would likely require safeguards to safeguard women's substantive rights (Bashir et al., 2025a). Therefore, the efficacy of judicial reconciliation must be assessed not just by the number of cases disposed of with compromise but by other aspects as well. When evaluating a meaningful assessment, it is important to take into account if they are voluntary, if they are legally viable and if they are fair to both parties, if they start the child's interests and if they can stop further litigation.

Another key difference is between the formal court-annexed conciliation or dispute resolution process and the informal community-based dispute resolution process. Pakistan has a long tradition of family and community-based dispute settlement mechanisms including jirgas and panchayats along with other informal fora to resolve disputes. These mechanisms sometimes determine conflict quickly, but the lack of formality raises significant questions on accountability, fairness of the processes and on women's rights. Ashraf's recent study on amicable settlement in familial disputes in Pakistan emphasizes the need for further strengthening of amicable settlement processes which needs to be strengthened not only through the informal system but also through the formal system (Ashraf, 2024a). Likewise, the recent studies on Family dispute-resolution practices contend the need for family dispute-resolution centers to be created in a regulated manner such that their inherent nature is an efficient and simultaneously an institutionally accountable mechanism (Ashraf & Hussain, 2023a). The goal of judicial reconciliation should thus not be to simply help remove family conflict from the courts and into largely unregulated family forums, but to establish a supervised settlement regime in a manner that is consistent with the constitutional rights and principles of family law.

This study aims to explore the phenomenon of court-annexed conciliation in Pakistan in this broad socio-legal context. Whilst asserting that the potential of reconciliation is considerable in terms of potential savings in delay, costs and an adversarial approach in family litigation, it identifies a number of factors which currently limit the scope and effectiveness of reconciliation including institutional fragmentation, procedural standardisation, capacity of professionals and safeguards against unequal bargaining position. Settlement rates are not necessarily indicative of success and are not discussed alone in the paper. Rather, the effectiveness is measured on five interrelated parameters: accessibility, procedural fairness, timeliness, durative protection of vulnerable parties and settlements. This approach is important as a seemingly successful "settlement" could be a procedural "disposal" if the parties continue to have substantive agendas that the parties did not address in the settlement.

The research also takes on board the notion that family disagreements are now often raised to complex evidentiary and legal issues. In modern family litigation there could potentially be an attempt to reconcile parentage, maintenance, custody, inheritance and scientific evidence, to name a few. Furthermore, recent studies of the use of DNA evidence and parentage cases in Pakistan illustrate how scientific evidence could affect Islamic laws of the family and how family-relationship cases can be complicated by the use of this evidence (Korbatieh, 2020). This is a reminder of the critical value of reconciliation processes, which should be manned by trained judicial officials as well as mediators and other experts who can recognize the mediation, lawful and human facets of the family conflicts.

The paper has doctrinal and socio-legal approach. It explores in detail the context in which family disputes fall under the umbrella of ODR and the provisions of the law applicable in Pakistan in this field and also raises issues related to mediation with reference to the recent development in scholarship literature in context of family and reconciliation in Pakistan. In the study, instead of focusing on case studies, the focus is on law, institutions, and academic publications. This way would allow an evaluation if that's the existing legal framework one ends up with is enough for effective court-annexed conciliation and if the institutional practices which surround the legal framework match the current demands of access to justice.

The central argument of this research is to consider the judicial reconciliation not only as a 'case-disposal' tool, but as part of substantive access-to-justice. A successful reconciliation process should offer both parties the opportunity to take part voluntarily, to provide them with details regarding their legal rights, to reach a

peaceful negotiation where no pressure is applied, and of course, a settlement that would ensure their rights as well as interests currently and in the future. If the above requirements are met then reconciliation could act as a helpful adjunct to adjudication and lessen the adverse consequences of a continuing litigation process in matrimonial matters. However, without these conditions' reconciliation can be a mechanism of reinforcing the old inequalities by a guise of consensual settlement. So, the effectiveness of court-annexed conciliation for Pakistan can only be judged by the quality and legitimacy of settlement process and not just by merely looking at how fast the case gets out of court.

2. Legal and Institutional Framework of Family Dispute Resolution in Pakistan

The legal framework grouping family dispute resolution in Pakistan is unique in that the reconciliation is not only an alternative of litigation but it is also included in various statutory provisions in the areas of marriage, divorce and family adjudication. The main structure of this is provided by the family courts Act 1964, the Muslim family laws ordinance 1961 (MFLO), the Dissolution of Muslim Marriages Act 1939, the rules of the family courts under the provinces and the general ADR legislation. There is a hybrid model whereby formal adjudication is used in addition to reconciliation. Recent scholarship corroborates that to the extent that possible, Pakistani family law aims at the preservation of marriage, while also legalizing the elements that inhabit the disintegration of marriage such as when it has proven impracticable (Ashraf, 2023).

2.1 Family Courts and the Statutory Duty to Attempt Reconciliation

The Family Courts Act 1964 is the main procedural legislation of specialist adjudication of family dispute proceedings. It is not only important with respect to the creation of specialized courts, but also because it tries to create comparatively accessible family litigation in comparison with ordinary civil litigation, which is less formal. Part of Section 10 is important as it states that the Family Court should make attempts for compromise or reconciliation between the parties. This takes reconciliation within the judicial process itself, statutory scheme.

The idea behind this is that a legislative judgment is that family disputes are not run-of-the-mill civil actions. While a monetary conflict can be somehow resolved by a monetary award in a judgment, in matrimonial litigation, the parties might have ongoing responsibilities for maintenance, children's custody and residence and future interactions. As a result, reconciliation can deliver an out which is not possible via a typical judgment. The aim is not necessarily to force husbands and wives to stay together, but to give them an opportunity to agree to be bound together before the relationship is finally ended.

The importance of reconciliation in the Family Courts Act is proven by recent scholarship which has shown that it is a requirement found in the Islamic and statutory context. The codification of family law in Pakistan has always been driven by the aim of aligning the family law with the Islamic law keeping in view the social needs of the day (Usman et al., 2023). The statutory stress on sulh or reconciliation, in this sense, is not a usual by-product of the process. It's a broader interpretation of family justice that's now paid attention to that prioritizes preserving family relationships - as long as it doesn't violate legally binding rights.

The challenge, however, is how to operationalize a legislative requirement to make a best endeavors effort to reconcile - into a professional and well organized process. Although a judge asking the parties if they want to compromise may seem a type of mediation, this is not really how mediation is done today. Mediation is typically facilitated by a neutral, has structured elements, is confidential, and involves informed participation and methods for uncovering interests in the legal claim. Importance of the distinction is that the effectiveness of court-annexed conciliation processes relies on the quality of the process and not just the fact that there is a statutory requirement to reconcile.

2.2 Arbitration Councils under the Muslim Family Laws Ordinance 1961

The second example of institutional mechanism is foreseen in MFLO. The Section 7 sets in place the process post declaration of talaq and also introduces the formation of an Arbitration Council with the aim of reconciliation between the couple. Thus the Council is considered one of the early instances of family dispute resolution organized under a law in Pakistan. It is not a service similar to normal commercial arbitration. It is instead a statutory conciliatory body with the aim of enabling the parties to have a chance of restoring the marital relationship prior to the divorce taking effect.

The remark and empirical research of Arbitration councils by Rizwan & Khatana have been of special relevance for the current research. They conclude that while Pakistani law acknowledges the concept of reconciliation through Arbitration Councils there remains a lot of uncertainty regarding the building blocks of representatives and the framework of the process of reconciliation and implementation of its results (Rizwan & Khatana, 2021). They are important in their research because they have shown the difference between the formal recognition and effective institutionalization. Often, a mechanism, even one which is well acknowledged at the legal level, can be rather weak because the staffing, processes and level of accountability are not formally defined

The Arbitration Council model is a good example of another common factor in the resulting family law in Pakistan – that resolution needs to be negotiated, but to entirely take an issue out of the institution's purview. The method has a great conceptual value. Many family fights involve interests which can't be resolved simply into the strictest legal entitlements. Issues of future contact, the children's living arrangements, with the financial aspects and responsibilities etc., can be better negotiated than ordered by a judge. However, negotiations issues arise if one person has significantly higher economic and/or social and/or information power.

2.3 The Relationship between Family Courts and General ADR Legislation

This framework has developed even wider because of the overall ADR development. Section 89-A of Code of Civil Procedure 1908 gives a statutory power to courts to use ADR techniques in a suitable conflict or dispute and the introduction of The Federal Framework of Alternative Dispute Resolution for Islamabad Capital Territory (ADR Act 2017). Developments at the provincial level, such as the Punjab Alternate Dispute Resolution Act 2019 and its amendments have further extended the legal landscape for mediated settlement(Wala, 2025).

However, this general legislation on ADR cannot be adopted in the realm of family litigation without changing. Personal relationships are at issue in family relationships as opposed to commercial relationships where generally there are presumed to be similar bargaining abilities between the parties. It thus needs specific mediations with the family, in the event of domestic violence, economic dependency, custody of children or major psychological fragilities.

This difference of institutions is having a growing recognition in Pakistan. During this time, the Supreme Court's associated ADR Committee found that it is necessary to establish ADR Centers in Family courts to facilitate mediation and to develop the standard operating procedures (SOP) and the ADR framework, which shall be more uniform in nature in each province of Pakistan and Islamabad (Khan et al., 2022). The proposal is important in that it recognizes the need for institutionalization of family mediation and rarely encourages the involvement of the courts. It also shows that there is a transition from court-annexed conciliation from a rather informal to a more systematic model.

There is a developing institutional practice in support of the development of court-annexed centers. According to Court-Annexed Mediation Centre (CACM) of the Sindh High Court, mediation is a confidential procedure guided by an acceptable neutral mediator where the parties have significant discretion as to the terms of a settlement (Shoukat, 2025a). This conception would be a material variation from judicial reconciliation because it would value neutrality, a lack of publicity, party autonomy and structured negotiations. These attributes can be sources for improved support for family dispute resolution.

2.4 Institutional Fragmentation as a Structural Problem

Notwithstanding these developments, the row and column are institutionally disjointed in Pakistan. Nevertheless, the actual framework is disjointed both institutionally in Pakistan. The statutory and administrative regimes of the various institutions of Family Courts, Arbitration Councils, ADR centers and informal dispute-resolution institutions are different. The empirical studies point to significant issues with regulatory uncertainty, an insufficient institutional capacity, and lack of uniformity in the referral practice as the impediments to the success of court-annexed mediation (Abdullah & Rasool, 2024c). Their findings indicate that the current legal question about ADR, namely about legal permissibility, is no longer the main problem. The underlying issue is the possibility for an orderly process of litigation to professionally managed mediation.

It would thus be important to have a coherent family mediation framework, with clearly defined referral criteria, educated family mediators, confidentiality requirements, codes of conduct, accreditation requirements, a procedure for documenting a settlement and for protecting the vulnerable family member. If these are missing, court-annexed conciliation can be a “waiting game” in lieu of alternative types of dispute resolution.

This new framework should then be viewed within its transitory framework. Although Pakistan has a significant statutory framework and recognition of mediation in the country and the state is on the way towards a modern system of court-annexed mediation, the journey is still incomplete. The 2025 institutional initiative is relevant, then, not so much for introducing the concept of reconciliation for the first time, but for desiring to see the actualization of the concept as geared towards a system of organized and professionally regulated practices.

3. Court-Annexed Conciliation under Pakistani Family Laws: Procedure and Practice

Court-annexed conciliation is a hybrid process – part adjudication and part mediation. The fight stays in the court system but the goal changes from determination of rights by an adjudicator, to one that is negotiated between the people. This type of model is likely to be the most relevant in family litigation, where the issues with the other party may not even end with the resolution of one issue. As the process goes on, this can then raise issues which a formal decree will not be able to deal with efficiently.

There are already a number of opportunities for reconciliation at the statutory architecture in Pakistan. The Family Courts Act says that the court has an obligation to try to bring about compromise or reconciliation at certain points. The Arbitration Council under the MFLO acts in a conciliatory manner post the notification of talaq. The modern court society mediation process adds these elements to the processes and introduces the trained mediator and structured process to a court environment.

3.1 Referral and Identification of Appropriate Cases

The cornerstone to an effective court-annexed system is to accurately identify cases. Not all family conflicts are alike and are appropriate for mediation. Facilitated negotiation can be a valuable tool in cases where there is a genuine disagreement with respect to the financial arrangements, or with regards to maintenance,

custody arrangements, and/or matrimonial reconciliation. However, if severe violence or intimidation or coercive control is involved in the dispute, mediation should be considered first with careful screening done before mediation.

This screening function has a special relevance, during the following reason. Grounds for family mediation versus common mediation in the civil field. Where there is a significant degree of economic or social pressure, it may not be demonstrated by the apparent consent. Recent studies in Pakistan reveal the potential for mediation to provide positive benefits to women in divorce proceedings, while the existing power dynamics in traditional society may also impact the mediation's outcomes (Bashir et al., 2025b). The real question is thus not only if parties agree to mediate, but do they have enough freedom and information to be able to negotiate meaningfully?

Because of this, the first step of a good designed referral system must include an initial appraisal of the dispute; identification of the "hot" issues and determination of whether mediation will be appropriate. Texas does not want repeated and fruitless attempts to reconcile to be the cause of a failure to reach adjudication, where mediation is not appropriate.

3.2 The Mediator's Role

Unlike the judge, the mediator does not have any inherent or judging authority. A judge settles the dispute in accordance with the law, mediator helps the parties communicate and to create their own settlement. Mediators are not supposed to dictate the result, or require parties to reach agreement by exercising judicial powers.

This separation is highly important in Pakistan as traditionally judges in this country have been the key players in reconciliation activities. The newer model that was court-annexed aims to professionalize that role. In the mediation center set up by the Sindh High Court, for instance, trained and certified judicial officers have been identified as mediators and mediation is described as a series of meetings to understand both parties concerns and move towards mutually acceptable solution (Alexander, 2008a). This is for good reason for the institutionalization as mediation involves skilled communication, which may not necessarily be the same as an adjudicative skill.

Discussions for the national ADR initiative for 2025 also included setting up specific family mediation centers and having mediators. The suggested family court-annexed model is reflective of institutionalization of mediation as opposed to ad hoc type mediation (Awais & Munir, 2018a). It could narrow gap between regions and create for parties a known process or path to be followed if consistently applied.

3.3 Confidentiality and Party Autonomy

Confidentiality is equally a key element to a good conciliation. Lawsuits between family members may reveal the private aspects of marriage, sexuality, money, kids and family dynamics. Hostile proceedings, which are public, can make it difficult to succeed at settlement. Using confidential mediation can make the situation safer so parties can use it to communicate in an honest way.

Party autonomy is important, too. There can be no real control over the output other than in mediated settlement. The mediator might help the parties to think about key issues; to communicate with each other and to test possible solutions but the agreement should be a result of the parties informed consent. This is different from having judges forcing settlement, because of this principle.

Where the issue is about reconciliation, it is more obvious as regards the autonomy. The reconciliation process is not to be the will to keep all marriages for no good reason. Instead, reconciliation should give a chance for parties to re-think the conflict and come up with mutually acceptable deals, as far as possible.

The system of law needs to have an efficient path to disintegration and safeguard of individual rights if there is no reconciliation.

3.4 Settlement and Judicial Oversight

The objective last one is a legal aspect and execution of a settlement. When the settlement may be made a part of the judicial process, it also has a distinct advantage over pure private negotiation, which is called court-annexed conciliation. This gives institutional oversight and possibly enhances the enforceability.

Yet, mediation should not be lost for its consensual nature because of the judging. Where it impinges upon children's welfare or rights to such welfare the court should consider whether or not the settlement is lawful and understood and, above all, freely entered into. The settlement is not a "no brainer" just because it will allow the case to be settled quickly.

In family law, this is particularly relevant as certain rights are not suitable for disposition by means of the informal bargaining processes. Child-related issues, such as maintenance, custody, and other kinds of issues, have to take interests other than those of those involved in the actual negotiation as adults into consideration. Thus, even if it is a settlement-oriented process there is still a legitimate protective role for the courts.

3.5 Practical Effectiveness

Court annexed mediation in Pakistan can provide some improvements and positive outcomes, and capacity is not consistent. For instance, the published information of Sindh High Court revealed that between August 2023 and August 2026, 387 cases were received in its Court-Annexed Mediation Center, out of which 147 were settled (Alexander, 2008b). While these data numbers cannot be regarded as a national Achievements Number, it can still be seen that there can also be settlements within the court system, through structured mediation. The large number of cases withdrawn due to absence of parties or a party's rejection of mediation further highlights the critical need to involve parties (hence party participation), and to provide for the effective referral of cases.

Whilst the overall empirical evidence is more equivocal. The recently revealed results, based on both statistical analysis and focus group discussions, show that some factors constrain the functioning of court-annexed mediation in Pakistan, including regulatory uncertainty, low institutional capacity, and weak incentives among professionals (Abdullah & Rasool, 2024d). They conclude from their research that establishing mediation centers alone does not mean that one can achieve good results. Trainings, accreditations, systematic referrals, monitoring and reliable data collection is also important.

Thus, the national 2025 initiative is of significant institutional nature. Mediations might be suggested to be housed in family courts in the form of mediation centres in each province of the country, to help create the infrastructure required for a more coherent system (Awais & Munir, 2018b). However, how effective this type of model will be will ultimately rely with implementation. If a mediation centre was only to provide another half for every family case that would simply be adding more time to an already drawn out process and fail to reach the goal of ADR.

Therefore, it would be appropriate to view court annexed-conciliation not as an event, but as a process. These are the important elements of effective practice – screening, referral, professional facilitation, confidentiality, informed consent and settlement review and enforcement. If any one of these is lacking the legitimacy of the process can be weakened. There is a good basis for a statutory framework in Pakistan but what is now needed is to establish a consistent and rights sensitive practice within the new institutional model.

4. Assessing the Effectiveness of Court-Annexed Conciliation

The success of the court annexed conciliation in Pakistan cannot be simply determined from the number of compromise cases where parties log the compromise with the court. An evaluation of conciliation's effectiveness should include an examination of how it cuts down on delay and costs, enhances access to justice, creates enduring settlements, promotes healthy family dynamics as necessary, and safeguards and protects the substantive interests of vulnerable persons. When considered in the light of such standards, court-annexed conciliation offers significant benefits, with limitations due to weaknesses of the institution and the process.

One of its most obvious benefits is the possibility to alleviate the conflictual nature of family litigation. Typical litigation often escalates a dispute in a marriage into a battle in which neither party bends and empowers the other to win. Mediation can offer a means instead of focusing on legal positions, of focusing on practical interests. Cost reduction, amicability and retaining relationships are among the key benefits of mediation found by the latest research conducted on mediation in Pakistan (Javed, 2025b). This has relevance in a family conflict situation, since there can still be contact between the parties after a divorce is concluded, via children or by way of financial demands.

Conciliation can also help realize access to justice by delivering results courts may not be able, easily, to devise in a traditional decree. A mediated settlement allows the practical concerns such as maintenance, children's education, visitation, communication and other matters regarding ongoing situations to be decided, a judicial decision usually determines rights based on pleadings and evidence. This flexibility is one of the key reasons the family mediation has evolved worldwide as an additional process, rather than an alternative to adjudication, per se (Hensler, 2002).

One more advantage is related to privacy. Marriage problems are often filled with private information, and long court cases can lead additional family dynamics to customers' awareness. A confidential, conciliatory process might help the parties to communicate more. This is especially beneficial in cultures where social status plays a key role in decisions around divorce and separation.

Despite this fact the available evidence from Pakistan does not suggest that an unqualified conclusion could be drawn that court-annexed conciliation is already highly effective in Pakistan. Some of the key challenges to court-annexed mediation are institutional fragmentation, lack of awareness of court-annexed mediation, lack of professional capacity, and implementation weaknesses. Their analysis shows that legislation is not in itself an effective mechanism for producing a culture of ADR (Abdullah & Rasool, 2024e). In some cases, when judges are not that intimate with mediation, mediators have not been well trained, and/or parties are inexperienced with mediation or lack the understanding of what mediation entails, reconciliation may be a formality rather than a true process or opportunity to reach a negotiated resolution.

Durability is another aspect to consider. The fact that settlement brings proceedings to a close should never be taken as a sign of success in that settlement. More importantly the test is whether the Agreement is flexible enough to avoid future litigation and to provide for convenient future dealing. This is particularly relevant for custody and maintenance cases where the parties can revert to court in the event of a situation that is not clearly spelled out in an agreement, unfeasible or cannot be enforced by the courts. It is, therefore, important to look out for effective mediation that will be able to pinpoint the root of the problem and not just some quick fix.

There are a few signs of potential from the emerging institutional experience. Significant figures of cases have been settled so far through the Court-Annexed Mediation Centre of the High Court of Sindh significantly

underlining the efficacy of organized mediation for reaching tangible results within the judicial framework (Shoukat, 2025b). These institutional-level statistics, however, should be viewed with care. Settlements do not tell how long they lasted, if both sides had equal representation in them, or if vulnerable parties found the results to be a good one. There is still a lack of adequate information in Pakistan on the effectiveness of family mediation nationwide.

An other factor that matters is cost. Settlements typically are able to lessen the financial demand since repeated hearings, appeal, facts and details disappear. However, when mediation is added without dovetailing into existing administrative infrastructure, it can cause parties to go through the mediation process as a further step in the litigation process and not as a way to get parties to settle. The economic advantage will rely thus on early referral, adequate mediators and the timely process of mediation.

It seems that the evidence points to a concerted effort to look at the institution of conciliation under development and potentially effective when court-annexed. The most positive aspects of it are flexibility, privacy, decreased adversarial, and the potential for lasting and interest based resolution. Main weaknesses are lack of measurement of its effects and low level of standardization across institutions. The challenge of policy is therefore not to abandon judicial reconciliation, but to find a way to make it possible to change the aspiration of the statute to a professionally administered element of family justice in Pakistan.

5. Gender, Power Imbalances and Human Rights Concerns

The notions of effectiveness of family conciliation cannot be dissociated from questions of equality and human rights. This expectation that settlement will never be inconsistent with justice is problematic in a situation where there is unequal bargaining power. In Pakistan, differences in economic means, education, lack of information regarding law and family support can all be a part of matrimonial disputes. These distinctions may impact on a spouse's capacity to negotiate fairly.

Where economic dependency is an issue, women may be especially vulnerable to the ability to continue litigation. When a spouse is dependent on the income from a settlement, he or she may endorse a less-than-proper settlement, even if it is not as sound legally, because the funds may be needed now. Thus, mediation can result in a seemingly voluntary agreement which may not embody substantive equality. This is observed from recent studies on divorce mediation that was conducted in Pakistan: mediation can be used to increase women's participation and their privacy, but it can also potentially reinforce and re-reproduce underlying gender inequalities (Ashraf & Hussain, 2023b).

The issue relates not so much to mediation as such. Instead, it is the context of the mediation where the issues come from. In fact, a well-designed process can enhance women's participation, and create a less intimidating and threatening environment than is offered by traditional litigation. The mediator can also make sure that both parties are aware of the issues, have a chance at the table to have their say and aren't pressured into a bad decision. Direct communication between parties also may be inappropriate and sessions may be engaged to handle the issues separately.

This is especially as regards disputes of domestic violence. International literature is increasingly warning that not all family matters should be assumed to be appropriate for traditional mediation processes as violence and coercive control has the potential to significantly impact consent (Landrum, 2010). The agreement may be in name only when one party is afraid of the other causing the agreement to be coercive. Therefore, the basic structure of the system of courts in Pakistan needs to be modified with a necessary regard for the pre-litigation/mediation screening of violence and intimidation and particularly a sizeable power imbalance.

Children develop an additional layer of the human-rights analysis. Agreements concerning kids can't just be judged by convenience for the parents, as they may be waiving their monetary and marital rights. The child's wellbeing must be kept a separate consideration. The rights to custody, visitation or maintenance should therefore be subject of proper judicial consideration even if both parents are in agreement.

The link between reconciliation and women's rights needs also to be wholed out conceptually. Reconciliation cannot be believed to be the preservation of marriage at any cost. An ongoing marriage does not always mean a just one, especially when the marriage is constantly in violation of legal rights, abusive, and abandonment. Reconciliation instead should imply giving real chance for settlement for those who are willing and for such settlement that is compatible with dignity, equality and lawful rights.

It is a rights responsive mechanism and follows current conceptions of access to justice. Access to justice is not just about access to court but is about a remedy that is meaningful, fair and enforceable. A reconciliation mechanism that makes for a systematic giving of statutory entitlements to weaker parties may lighten the load of the courts, but at the same time negatively affect substantive justice. On the other hand, a process that enables the parties to develop informed and acceptable solutions can boost access to justice.

In order to make Pakistan's future framework for mediation more robust, there should be specific measures as follows: independent consent, providing legal information to both parties, screening for domestic violence, mediators should be neutral, confidentiality, review of mediation settlements by judiciary and in-depth checking of mediation settlements that include children and statutory financial rights. These measures would enable the reconciliation process to become a true justice process and not just to clear case pendency.

6. Challenges and Prospects for Reform

As illustrated above, the court annexed conciliation mode has a rightful and possibly a useful role to play in the family justice system of Pakistan, provided that it is reformed. Not having a legal basis for reconciliation is not the main challenge. Instead, there is significant legislation in Pakistan in favour of the settlement policy and the execution of policy is still at a very disjointed level. Another recent study also finds the family-dispute mechanism itself to be in need of enhancement; it needs more effective implementation of ADR mechanisms (Ashraf, 2024b).

It needs to be stated that the priority for reform should be the creation of specialized, uniform national/provincial Family Court, Annexed Mediation Centers. Such centers should have a clear procedure and rules regarding referral, screening of mediators, confidentiality and recording of settlement and supervisory measures of the Judges. The recent institutional shift towards specifically family mediation centers would serve as a good building block for this development (Anderson, 2015). A specific tribunal would also enable the distinction to be drawn between family mediation and commercial, or civil, mediation, and ensure that procedures would be responsive to the particular emotional, social and child related aspects of family mediation.

Secondly, there is a need for professional accreditation of family mediators in Pakistan. Both the skill and impartiality of the mediator play a crucial part in successful mediation. Mediators should be trained in family law, the principles of Islamic family-law, negotiation, child welfare and gender sensitivity and domestic-violence screening. Amid these countless positive attributes of ADR, its ability to harness its full potential remains elusive as a consequence of weak implementation and capacity-building through institutions (Javed, 2025c). Ethical standards and procedures for resolving mediator misconduct need to be enforceable therefore, and go hand in hand with training.

Thirdly, screening mechanism before the family mediation procedures should be obligatory, but suitably regulated. There should not be an automatic referral to mediation where allegations of serious domestic violence, intimidation or extreme economic dependency or coercive control are raised. Screening should be intended to secure genuine consent, and assure appropriateness of mediation, NOT to limit or exclude women from mediation. This is especially true given the potential to inadvertently turn mediation into a reform of the way social inequality is translated into legally recognized settlements.

Fourthly, settlement agreements must continue to undergo substantive review by a judge. The court should agree to ensure the agreement is voluntary, legal, clear and in the best interests of the children. Thereby, one would keep party autonomy and ensure that mediation is not used as a tool of 'contracting-out' mandatory legal protections. Study highlight the need for an efficient and accountable family-dispute-resolution mechanism(s) in the count(Qureshi et al., 2021).

Lastly, empirical monitoring is needed in Pakistan. A lot of information about family mediation is currently spread across the courts and other institutions. Information regarding referrals, settlements, withdrawals, unsuccessful mediations and the length of the mediations process and recurrence of dispute should be captured in a central database. If such data were available, policymakers could determine if the settlement is actual or if it's real and lasting. In the absence of systematic evaluation, assertions about success or failure of court-annexed conciliation would be of a rather anecdotal nature.

Thus, it should not be an aim of the reform to replace Family Courts with mediation. The adjudication process is essential for situations in which parties are unable to resolve their differences or rights must be determined by an experienced, impartial or authorized person. The solution should be a hybrid model of justice infusing conciliation features in a process of adjudication and vice versa. Consensual resolution should be the opportunity offered by mediation and the court should be the last resort to ensure legality, equality and enforceability. Such a move will enable Pakistan to maintain the accommodating nature of its family laws and move the process towards a more modern process of access to justice.

7. Conclusion

Judicial reconciliation has a pivotal, albeit underdeveloped, role in the family justice framework in Pakistan. Reconciliation is not something new that is being brought in by the contemporary policy of ADR, but it is already part and parcel of the statutory approach to family issues in Pakistan as is reflected in the Family Courts Act 1964, Muslim Family Laws Ordinance 1961. The establishment of court-mediated mediation centers, however, offers a chance to make such traditional promise of reconciliation more organized, and professionally managed.

The analysis illustrates how adversarial can be minimized, and how a more rapid and less expensive resolution can be achieved, while at the same time maintaining confidentiality and encouraging the parties to develop practical solutions which normally can only be provided by a process of adjudication. That it is effective cannot only be measured with settlement figures though. No process can be considered to be successful unless it results in voluntary, informed, lawful and lasting settlements, and secures the protection of children and weaker social and economic positions.

The focus is therefore one of implementation and not legislative recognition. Special family mediation centres, skilled and accredited mediators, fixed referral mechanism, screening for domestic violence, judicial monitoring and proper empirical monitoring are needed in Pakistan. This shouldn't make the goal to force reconciliation or keep marriages alive for no particular reason. On the contrary, the purpose of the

reconciliation should be to offer a real chance of consensual resolution with adjudication as the option of last resort when resolution is unavailable or when it is not a suitable method of resolution.

Court-annexed conciliation should thus be considered as a supplement to the adjudication of families rather than an alternative. With the help of adequate institutional and rights protection measures, it can prove to be a significant tool of substantive access to justice in Pakistan. It will only be proven finally if it can improve family conflicts in a fair, voluntary and sustainable manner.

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