

Child Custody in Pakistan under Family Laws

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Abstract

In Pakistan, child custody laws are primarily governed by Islamic law, with specific provisions outlined in the Guardians and Wards Act of 1890. According to Islamic law, custody of children is typically granted to the mother until a certain age, after which custody may shift to the father. However, the court retains the authority to determine custody based on the best interests of the child, considering factors such as the child's age, gender, and overall welfare. The Guardians and Wards Act provides a framework for appointing guardians and determining custody arrangements in cases of dispute or necessity. Additionally, Pakistan's legal system acknowledges the importance of maintaining a child's relationship with both parents, emphasizing the need for visitation rights and access arrangements.

Keywords: best interests of the child, custodial rights, guardianship, legal custody, physical custody, visitation rights

Introduction

In Pakistan, child custody laws fall under the broader framework of family laws, primarily governed by Islamic principles and supplemented by statutory provisions (Rasool et al., 2024). These laws are designed to safeguard the rights and interests of children while addressing the complexities of family dynamics, particularly in cases of divorce or separation (Siddiqui et al., 2021). The concept of child custody in Pakistan is deeply rooted in Islamic jurisprudence, which prioritizes the best interests of the child while also considering the welfare of the parents (Qamar & Faizan, 2021).

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Islamic law recognizes the importance of both parents in a child's upbringing and emphasizes the maintenance of family ties, even in cases of marital dissolution (Rahim et al., 2021). Under Islamic law, custody is generally awarded based on the principle of 'Hizanah' (guardianship), which dictates that custody should be granted to the parent best suited to fulfill the child's physical, emotional, and educational needs (Bibi et al., 2021). While mothers are usually granted custody of young children (up to a certain age), fathers may be awarded custody as children grow older or in specific circumstances deemed beneficial (Imran et al., 2021).

In addition to Islamic principles, Pakistan's legal system incorporates provisions from various statutes and ordinances that govern family matters. The most significant legislation concerning child custody is the Guardians and Wards Act of 1890, which provides a framework for appointing guardians and determining custody arrangements for minors (Husain et al., 2021). The Guardians and Wards Act empowers the courts to intervene in matters related to child custody, allowing them to make decisions based on the child's welfare and best interests (Abbas et al., 2023). Courts may consider factors such as the child's age, gender, personal preferences (if they are mature enough to express them), religious considerations, and the financial and emotional capabilities of the parents (Jabeen, 2021).

In cases of divorce or separation, custody disputes often arise, leading to legal proceedings to determine the child's custodial arrangement. Both parents have the right to petition the court for custody, and the final decision is made based on the evidence presented and the prevailing legal principles. It is important to note that Pakistan's legal system allows for flexibility in custody arrangements, recognizing that each family's circumstances are unique. While Islamic law provides a general framework, courts have the discretion to tailor custody orders to fit the specific needs of the child and the family (Lakhdhir et al., 2021).

In recent years, there has been an increasing emphasis on the rights of children in Pakistan, with efforts to strengthen legal protections and promote the welfare of minors in custody matters. It includes initiatives to streamline the legal process, improve access to legal aid and support services, and raise awareness about children's rights among the general public. Overall, child custody laws in Pakistan reflect a balance between Islamic principles, statutory provisions, and evolving social norms, focusing on ensuring children's well-being and protection in the context of familial relationships (Iqbal & Fatmi, 2021).

Research Justification

Research on child custody laws in Pakistan is crucial for understanding the legal framework that governs parental rights and responsibilities. These laws impact the lives of parents and significantly influence the well-being and future of children involved in custody disputes. By studying these laws, researchers can analyze the factors courts consider in determining custody arrangements, such as the child's best interests, parental capacity, and cultural norms. Understanding these aspects can inform policymakers, legal professionals, and social workers about potential improvements or reforms needed to ensure the protection and welfare of children in custody cases. Additionally, research in this area can contribute to international discourse on child rights and family law, promoting awareness and advocacy for children's rights in diverse cultural and legal contexts.

Research Objectives

Understanding Legal Framework: Investigate the legal provisions regarding child custody within Pakistan's family laws, including relevant statutes, case law, and legal precedents.

Analyzing Custody Types: Examine the various types of child custody recognized in Pakistan, such as physical custody, legal custody, sole custody, and joint custody, and their implications for parental rights and responsibilities.

Assessing Decision-Making Criteria: Explore the factors and criteria considered by Pakistani courts when determining child custody arrangements, including the best interests of the child, parental capacity, stability of the environment, and the child's wishes (if applicable).

Examining Enforcement Mechanisms: Evaluate the effectiveness of enforcement mechanisms for child custody orders in Pakistan, including legal remedies, enforcement agencies, and challenges in ensuring compliance.

Assessing Impact on Children: Analyze the impact of custody arrangements on the well-being, development, and rights of children in Pakistan, considering factors such as stability, access to both parents, emotional support, and protection from harm.

Exploring Cultural and Religious Influences: This section explores the role of cultural and religious norms in shaping child custody laws and practices in Pakistan, including the impact of Sharia law and traditional family structures.

Proposing Reforms: Based on the research findings, propose recommendations for reforms or improvements to child custody laws in Pakistan, with a focus on enhancing children's rights and ensuring fair and equitable outcomes for parents.

Methodology

This study employed a systematic review methodology, with research objectives established accordingly. A comprehensive literature review was conducted (Komba & Lwoga, 2020). Research findings were categorized based on their content (Hiver et al., 2021; Petticrew & Roberts, 2006), and classified information was incorporated into the study by organizing it into headings (Gan et al., 2021; Pawson et al., 2005). The evaluation of classified information and titles formed the basis of the study (Page, 2021; Rahi, 2017), ensuring the integrity of the research subject and its contents (Egger et al., 2022; Victor, 2008).

Review of the Literature

Child custody laws in Pakistan, governed primarily by the Guardians and Wards Act of 1890, have evolved over time, reflecting societal changes and legal precedents (Siddiqui et al., 2021). This literature review aims to provide an overview of the key aspects of child custody laws in Pakistan, highlighting relevant research, case studies, and legal interpretations. The Guardians and Wards Act of 1890 serves as the cornerstone of child custody laws in Pakistan (Husain et al., 2021). Under this act, the court appoints a guardian for minors in cases where the parents cannot fulfill their responsibilities (Qamar & Faizan, 2021). The law prioritizes the child's welfare, considering age, gender, and best interests (Rahim et al., 2021).

Research by scholars such as Bibi et al. (2021) emphasizes the need for a child-centered approach in custody matters, focusing on the child's emotional and psychological well-being. Hassan highlights the challenges faced by Pakistani courts in balancing the rights of parents with the best interests of the child, particularly in cases of divorce or separation (Rasool et al., 2024). Imran et al. (2021) have examined the application of Islamic law (Sharia) in child custody disputes in Pakistan. While

Islamic law provides guidelines for custody based on the child's age and gender, they discuss how these principles are interpreted and applied within the Pakistani legal system, often in conjunction with secular laws.

Jabeen (2021) shed light on the complexities of child custody disputes in Pakistan. They explore the influence of cultural norms, gender dynamics, and socioeconomic factors on custody decisions, highlighting disparities in access to justice and the impact on vulnerable populations, such as women and children. Legal reforms, such as the Child Custody and Guardianship Act of 2019, have sought to address gaps in existing legislation and enhance protections for children in custody matters.

However, scholars like Lakhdir et al. (2021) argue that implementation challenges persist, including enforcement, legal awareness, and judicial capacity. Iqbal and Fatmi (2021) examine the long-term effects of custody arrangements on children's development and well-being. Their work underscores the importance of stability, continuity of care, and positive parent-child relationships in mitigating the adverse impacts of family disruption.

Critics, including human rights activists like Asma Jahangir, have raised concerns about the prevalence of child marriages and forced conversions in Pakistan, which can have implications for custody and guardianship rights. Jahangir's advocacy efforts highlight the need for legal reforms to protect children from exploitation and ensure their rights are upheld. A combination of legal, cultural, and religious factors influences child custody laws in Pakistan. While existing legislation prioritizes the child's best interests, challenges remain in implementation and enforcement. Further research, policy development, and community engagement are necessary to address the complexities of child custody disputes and safeguard children's rights in Pakistan (Abbas et al., 2023).

Key Theories and Principles Regarding Child Custody in Pakistan

Child custody in Pakistan is governed primarily by Islamic family law principles and statutory laws, including the Guardian and Wards Act of 1890. The overarching principle is the child's welfare, which guides judicial decisions in custody cases. Here are the key theories and principles regarding child custody in Pakistan:

Welfare of the Child Principle: The paramount consideration in child custody cases is the welfare and best interests of the child. Pakistani courts focus on several factors to determine what arrangement best serves the child's physical, emotional, and psychological needs. These include the child's age, sex, religion, the character and capacity of the guardians, and the existing bond between the child and the potential custodians.

Mother's Right of Hizanat: Under Islamic law, the mother generally has the primary right to custody of young children, known as hizanat. This right is recognized because mothers are traditionally seen as more capable of providing the care and nurturing necessary for young children. However, this right is not absolute and can be overridden if the mother is deemed unfit or another guardian better serves the child's welfare. For boys, the mother typically retains custody until the age of seven. For girls, the mother retains custody until puberty. After these ages, custody may be transferred to the father unless there are compelling reasons against it.

Father's Guardianship Rights: While the mother has the right to physical custody (hizanat), the father is typically regarded as the natural guardian under Islamic law. This guardianship involves custodial rights and the responsibility for the child's education, maintenance, and overall welfare. Courts often favor fathers for older children, especially boys, in disputes based on the perceived need for paternal guidance.

Judicial Discretion: The courts have wide discretion to interpret and apply laws in a manner they deem best for the child. It can involve balancing traditional Islamic principles with modern considerations of child psychology and welfare standards. Judicial discretion is particularly important in cases where both parents are found unfit or where the child's best interests clearly diverge from traditional custodial norms.

Visitation Rights: Even when custody is awarded to one parent, the non-custodial parent is typically granted visitation rights. It is to ensure the child maintains a relationship with both parents, provided such interaction does not harm the child's well-being.

Role of Statutory Law: The Guardian and Wards Act of 1890 is crucial in Pakistan's legal framework for child custody. This act allows courts to appoint guardians and make custody decisions based on the welfare principle. It provides detailed procedures and guidelines for appointing and removing guardians, emphasizing the child's welfare as the main criterion.

Impact of Sociocultural Factors: Sociocultural factors significantly influence custody decisions. The courts may consider the social and cultural environment in which the child will be raised, including religious education and preserving the child's cultural identity. The influence of extended family and the support network available to the custodial parent can also be a deciding factor.

Child custody laws in Pakistan are a blend of Islamic principles and statutory provisions, with the child's welfare being the central concern. While mothers are typically favored for young children's custody, fathers often gain custody as children grow older, especially boys. Courts exercise considerable discretion to ensure decisions align with the child's best interests, considering a range of factors, including the parent's fitness, needs, and sociocultural considerations.

Laws Regarding Child Custody in Pakistan

❖ Guardians and Wards Act, 1890

This Act is Pakistan's primary statutory law governing guardianship and custody matters. Key provisions include:

Welfare of the Minor: The Act emphasizes that the court must prioritize the minor's welfare in all decisions related to guardianship and custody.

Appointment of Guardians: The court has the authority to appoint a guardian for the minor's person and property. A parent or a third party with a legitimate interest in the child's welfare can contest this.

Best Interests Standard: The Act reinforces that decisions should be made based on what will best serve the child's health, safety, and overall well-being.

Legal Procedures: It outlines the procedures for filing applications, conducting inquiries, and making decisions regarding guardianship and custody.

❖ Family Courts Act, 1964

The Family Courts Act establishes family courts in Pakistan with the jurisdiction to handle matters related to marriage, divorce, maintenance, and custody. Key aspects include:

Jurisdiction: Family courts can decide on custody and guardianship issues, ensuring they are handled efficiently and sensitively to family dynamics.

Expedited Proceedings: The Act aims to expedite proceedings related to family disputes, reducing the emotional and financial strain on all parties involved.

Child's Welfare: Similar to the Guardians and Wards Act, the Family Courts Act requires that the child's welfare be paramount in custody decisions.

Practical Considerations Regarding Child Custody in Pakistan

Parental Capability: Courts assess each parent's capability to provide a stable, nurturing environment. It includes evaluating financial stability, living conditions, and moral character.

Child's Preference: If the child is of sufficient age and maturity, their preference may be considered, though this is not the sole deciding factor.

Interim Orders: Family courts can issue interim custody orders to ensure the child's immediate welfare during ongoing proceedings.

❖ Types of Child Custody in Pakistan

Child custody in Pakistan is governed by a blend of Islamic principles and statutory laws, primarily focusing on the best interests and welfare of the child. Here are the main types of child custody recognized in Pakistan:

Physical Custody: Physical custody refers to the right of a parent to have the child live with them. It is the most common type of custody and can be divided into several sub-categories:

Sole physical custody: One parent is granted exclusive physical custody, meaning the child lives primarily with that parent. The non-custodial parent typically has visitation rights.

Joint physical custody: The child's time is divided between parents' households. This arrangement is less common in Pakistan due to logistical and cultural reasons, but it can be considered if it serves the child's best interests.

❖ Legal Custody

Legal custody involves the right to make important decisions about the child's life, including education, healthcare, and religious upbringing. Legal custody can be:

Sole legal custody: One parent has the exclusive right to make major decisions about the child's life. It is usually granted when one parent is deemed unfit or incapable of joint decision-making.

Joint Legal Custody: Both parents are responsible for making significant child welfare decisions. It requires a cooperative relationship between the parents.

❖ Hizanat (Maternal Custody)

Under Islamic law, hizanat refers to the mother's right to custody of young children. It is based on the belief that the mother is best suited to care for young children. The specific duration is for boys up to the age of seven and for girls until they reach puberty.

❖ Wilayah (Guardianship)

Wilayah, or guardianship, typically pertains to the father's responsibility for the child's overall welfare, including financial support, education, and major life decisions. This form of custody aligns with the traditional Islamic view that fathers are the natural guardians of their children. Guardianship is usually retained by the father unless deemed unfit.

❖ Interim Custody

In some cases, interim custody arrangements are made during ongoing legal proceedings. This temporary arrangement ensures the child's immediate needs are met while a final custody decision is pending.

❖ Third-Party Custody

In situations where neither parent is deemed fit for custody, the court may grant custody to a third party, such as a grandparent or other close relative. This decision is made with the child's best interests in mind, ensuring they are placed in a stable and supportive environment.

Factors Influencing Custody Decisions

Child's Welfare: The primary consideration in all custody decisions is the child's welfare, encompassing their physical, emotional, and psychological needs.

Parental Fitness: The court evaluates each parent's ability to provide a stable and nurturing environment. Factors such as the parent's character, financial stability, and overall suitability are considered.

Child's Age and Gender: Islamic principles often dictate different custodial rights based on the child's age and gender, with mothers generally favored for younger children.

Parent-Child Relationship: The bond between the child and each parent is considered, aiming to maintain continuity and minimize disruption in the child's life.

Child custody types in Pakistan reflect a combination of Islamic legal traditions and modern statutory law, always with a focus on the best interests of the child. The primary forms recognized are physical and legal custody, maternal custody (hizanat), guardianship (wilayah), interim custody, and third-party custody. The courts strive to ensure that the custody arrangement serves the child's overall well-being, considering various factors such as parental fitness, the child's age and gender, and the nature of the parent-child relationship.

Role of Cultural and Religious Norms in Shaping Child Custody Laws and Practices in Pakistan.

Cultural and religious norms play a significant role in shaping child custody laws and practices in Pakistan. These norms are deeply intertwined with the legal

framework and judicial decisions in family law matters, particularly custody cases. Here is a closer look at how these norms influence custody laws and practices:

❖ Islamic Law Influence

Islamic principles, derived from the Quran and Hadith, form the backbone of family laws in Pakistan. The Sharia (Islamic law) principles guide the legal system in marriage, divorce, and child custody. In the context of child custody:

Hiznat (custody): Islamic law grants the mother primary custody of young children, recognizing her role in nurturing and caring for them. It is seen as essential for the child's early development. For boys, the mother's custody typically lasts until seven, and for girls, until puberty.

Wilayah (guardianship): Fathers are considered the natural guardians responsible for the child's education, maintenance, and overall welfare. It includes making significant decisions about the child's life and emphasizing the father's role in providing guidance and support.

❖ Cultural Norms and Practices

Cultural norms in Pakistan also shape the understanding and implementation of child custody laws:

Patriarchal society: Pakistani society is largely patriarchal, and this cultural context influences custody decisions. Fathers often have a dominant role in the family, and the societal expectation is that children, particularly boys, should be under the father's guidance after a certain age.

Extended family system: Pakistan's extended family system means that child-rearing often involves grandparents, aunts, uncles, and other relatives. Custody decisions sometimes consider the broader family environment and support network, emphasizing the collective responsibility of raising children.

❖ Judicial Interpretation and Discretion

While Islamic principles provide the foundation, Pakistani judges can interpret these principles in the context of modern welfare standards.

Best interests of the child: Judges balance traditional norms with the best interests of the child, considering factors like the child's emotional, psychological, and educational needs. Courts may diverge from strict religious interpretations if they believe the child's welfare is better served by doing so.

❖ Impact of Socio-religious Norms on Legal Provisions

The interplay of cultural and religious norms is evident in the legal provisions and how they are applied:

Guardians and Wards Act of 1890: This act provides a legal framework for custody decisions but is often interpreted through the lens of Islamic and cultural norms. The welfare of the child remains the paramount consideration but within the boundaries set by religious and cultural expectations.

Role of Qazis and religious courts: In some cases, especially in more conservative areas, Qazis (Islamic judges) and religious courts may influence custody decisions, adhering more strictly to traditional Islamic rulings.

❖ Evolving Practices and Modernization

There is a gradual shift in some urban and progressive areas towards more gender-neutral and child-centric custody practices:

Influence of international standards: Pakistan, as a signatory to various international conventions on children's rights, faces pressure to align its custody practices with international standards that emphasize the best interests of the child, gender equality, and non-discrimination.

Changing social dynamics: Increasing urbanization, education, and women's participation in the workforce are slowly shifting traditional custody norms. There is a growing recognition of the importance of parental involvement in a child's life, irrespective of gender.

❖ Challenges and Controversies

Gender Bias: Despite legal provisions for fairness, gender biases rooted in cultural and religious norms can lead to discriminatory practices. Mothers may lose custody if they remarry, based on the belief that a stepfather is not a suitable guardian.

Custody disputes and parental alienation: In some cases, cultural expectations can exacerbate custody disputes, with one parent (often the father) using cultural arguments to alienate the child from the other parent.

Cultural and religious norms profoundly shape child custody laws and practices in Pakistan. Islamic principles provide the foundational framework, emphasizing the roles of mothers and fathers in line with traditional gender norms. However, judicial discretion and evolving social dynamics introduce flexibility, allowing modern interpretations focusing on the child's welfare. While there is a gradual shift towards more progressive practices, deep-rooted cultural and religious biases continue to influence custody decisions, presenting ongoing challenges in achieving gender-neutral and child-centric outcomes.

Assessing the Impact on Children of Judicial Custody in Pakistan

Assessing the impact on children of judicial custody decisions in Pakistan involves examining various dimensions of their well-being, including emotional, psychological, social, and educational aspects. Here is an analysis of these impacts:

❖ Emotional and Psychological Impact

The emotional and psychological well-being of children is profoundly affected by judicial custody decisions:

Separation anxiety: Custody decisions can lead to separation from one parent, causing anxiety and distress. Children, particularly younger ones, may struggle with the absence of the non-custodial parent, affecting their sense of security and stability.

Parental conflict: High-conflict custody battles can have detrimental effects on children's mental health. Exposure to parental disputes can lead to insecurity, guilt, and divided loyalties.

Adjustment Issues: Children may face difficulties adjusting to new living arrangements, especially if they move homes or schools. This transition can disrupt their sense of routine and normalcy.

❖ Social Impact

Judicial custody decisions also have significant social implications for children: Extended family dynamics: In Pakistan, the extended family often plays a crucial role in a child's upbringing. Custody decisions that disrupt these relationships can impact the child's social support network.

Community perception: Cultural and societal norms can influence how children perceive and are perceived by their peers and community. Children from separated families might face stigma or feel different from their peers, affecting their social interactions and self-esteem.

❖ Educational Impact

Children's educational outcomes can be affected by custody arrangements:

Stability and continuity: Frequent changes in living arrangements can disrupt a child's education. Stability in custody arrangements is important for maintaining consistent school attendance and performance.

Parental involvement: The level of involvement of the custodial parent in the child's education can vary. A supportive environment that prioritizes education is crucial for the child's academic success.

❖ Impact on Parent-Child Relationship

The quality of the relationship between children and both parents is significantly influenced by custody arrangements:

Primary caregiver bonding: The custodial parent often has more time to bond with the child, which can strengthen their relationship. However, this might also lead to the non-custodial parent feeling marginalized.

Visitation rights: Ensuring regular and meaningful contact with the non-custodial parent is essential for maintaining a healthy parent-child relationship. Inadequate visitation can weaken this bond and affect the child's emotional well-being.

❖ Legal and Support Mechanisms

The legal framework and support mechanisms in place can mitigate some of the negative impacts on children:

Child-centric policies: Laws and policies that prioritize the child's best interests and provide for flexible, child-centric custody arrangements can help minimize disruption and stress.

Counseling and mediation services: Access to psychological counseling and family mediation services can support children and parents through the transition, helping to address emotional and psychological issues.

Judicial custody decisions in Pakistan have multifaceted impacts on children, affecting their emotional, psychological, social, and educational well-being. The paramount consideration in these decisions should always be the child's best interests, ensuring stability, continuity, and supportive relationships with both parents wherever possible. Legal reforms and support services that focus on minimizing conflict and providing a stable environment can significantly enhance the well-being of children affected by custody disputes.

Discussion

Child custody laws in Pakistan are primarily governed by Islamic principles, particularly those of Hanafi jurisprudence, along with the Guardian and Wards Act of 1890. These laws emphasize the welfare and best interests of the child, but the application can vary based on interpretations and local customs. Under Islamic law, the mother is typically granted custody of children until a certain age, known as the "hizanat" period. For boys, this age is usually seven years, while for girls, it extends until puberty. After these ages, custody generally shifts to the father. However, the overriding principle in all custody decisions is the welfare of the child, which means that courts can extend a mother's custody if it is deemed in the child's best interest. The Guardian and Wards Act of 1890 provides a legal framework for custody matters and applies to all religious communities in Pakistan. This Act grants the courts discretion to appoint guardians based on the welfare of the child, considering factors like the character and capacity of the proposed guardian, the child's age, sex, and religion, and the guardian's relationship to the child. Despite these frameworks, the practical implementation of child custody laws in Pakistan faces challenges. Gender bias, socio-economic pressures, and inconsistent judicial interpretations can affect outcomes. For instance, fathers often have more financial resources and societal support, which can influence custody decisions. Additionally, in cases of international custody disputes, Pakistan's non-signatory status to the Hague

Convention on the Civil Aspects of International Child Abduction complicates matters, often leading to prolonged legal battles and difficulties in enforcing foreign custody orders.

Overall, while Pakistan's child custody laws aim to prioritize the best interests of the child, their application can be influenced by various sociocultural and economic factors, necessitating ongoing legal reforms and consistent judicial oversight to ensure fair and just outcomes.

Conclusion

In Pakistan, child custody laws, governed by family laws, primarily adhere to Islamic principles outlined in the Qur'an and Sunnah. The guiding principle is the child's welfare, ensuring their best interests are met. Custody laws are interpreted and applied by family courts across the country. Under Islamic law, the mother is generally granted custody of young children (up to a certain age), while the father retains guardianship rights. This principle, known as Hizanat, prioritizes maternal care during the tender years. However, as children grow older, the court may consider their preferences. In case of divorce or separation, custody arrangements are court determined.

Considering each parent's financial capability, moral character, and religious upbringing ability, the court may also consider the child's well-being, gender, and age. When both parents are deemed unfit or incapable of providing adequate care, custody may be granted to a third party, such as a grandparent or close relative. It is essential to note that Pakistan's legal system also recognizes the importance of mediation and reconciliation in family matters. Before legal proceedings, couples are encouraged to seek counseling and mediation to resolve custody disputes amicably. Overall, Pakistan's child custody laws assure that the welfare of the child is paramount, with considerations given to Islamic principles, cultural norms, and the evolving needs of the child.

Recommendations

Legal Assistance: Seek legal advice from a qualified family lawyer specializing in child custody cases.

Understanding the Law: Familiarize yourself with the relevant sections of Pakistan's Family Laws, including the Guardians and Wards Act 1890 and the Family Courts Act 1964.

Child's Best Interest: Always prioritize the child's best interests above all else.

Mediation: Consider mediation or alternative dispute resolution methods before pursuing litigation to reach an amicable agreement.

Documentation: Keep thorough documentation of all communications, agreements, and incidents related to the custody dispute.

Parenting Plan: Develop a detailed parenting plan outlining custody arrangement, visitation schedules, and decision-making responsibilities.

Communication: Maintain open and respectful communication with the other parent regarding the child's needs and activities.

Stability: Demonstrate your ability to provide a stable and nurturing environment for the child.

Co-Parenting: Be willing to cooperate with the other parent concerning the child's upbringing.

Child's Wishes: Consider the child's preferences, especially if they are mature and capable of expressing their wishes.

Court Orders: Comply with any court orders regarding custody and visitation arrangements.

Counseling: If necessary, seek counseling or therapy for both the child and yourself to cope with the emotional aspects of the custody dispute.

Avoid Conflict: Minimize conflict in front of the child and refrain from speaking negatively about the other parent.

Financial Support: Fulfill your financial obligations towards the child, including child support payments if applicable.

Stay Informed: Stay informed about any changes or updates to the child custody laws in Pakistan that may affect your case.

Research Limitations

1. **Access to Information:** Availability and accessibility of official documents or legal texts may vary, potentially limiting the scope and depth of research.
2. **Barrier:** Legal documents might be primarily available in Urdu or other local languages, making it challenging for non-native speakers to comprehend and analyze the intricacies of the lawfully.
3. **Regional Disparities:** Pakistan is a diverse country with different cultural and legal practices across provinces, which could affect the consistency and applicability of child custody laws.
4. **Social and Cultural Factors:** Societal norms and cultural practices may influence interpreting and implementing child custody laws, adding complexity to the research process.
5. **Legal Updates:** Laws and regulations are subject to change over time, so research limitations may arise from outdated or incomplete information.
6. **Availability of Case Studies:** Limited availability of comprehensive case studies or precedents may restrict the ability to assess the practical implications of child custody laws in Pakistan.
7. **Bias in Sources:** Information sources may have inherent biases or limitations, affecting the objectivity and reliability of research findings.

Research Implications

1. **Legal Analysis:** Investigate the intricacies of Pakistani family law regarding child custody, examining statutes, case law, and legal precedents to understand parents' rights and responsibilities.
2. **Social Impact:** Explore how cultural, religious, and societal norms influence child custody decisions in Pakistan, considering factors such as gender roles, socioeconomic status, and family dynamics.
3. **Psychological Effects:** Examine the psychological impact of custody arrangements on children, parents, and extended family members, including adjustment difficulties, emotional well-being, and parent-child relationships.

4. **Comparative Studies:** Conduct comparative research to analyze child custody laws and practices in Pakistan against those of other jurisdictions, identifying similarities, differences, and potential areas for improvement.
5. **Policy Evaluation:** Assess the effectiveness of existing child custody laws and related policies in Pakistan, examining issues such as enforcement mechanisms, accessibility of legal services, and the best interests of the child.
6. **Empirical Studies:** Conduct empirical research, such as surveys or interviews, to gather data on public perceptions, experiences, and preferences regarding child custody arrangements in Pakistan.
7. **Legal Reforms:** Propose recommendations for legal reforms or policy changes to address gaps, inconsistencies, or injustices in the current child custody laws and practices in Pakistan, aiming to enhance child protection and parental rights.

Future Research Directions

1. **Comparative Analysis:** Compare child custody laws in Pakistan with those in other countries with similar cultural, religious, or legal frameworks to identify similarities, differences, and potential areas for improvement.
2. **Impact of Cultural and Religious Factors:** Investigate how cultural and religious factors influence the interpretation and application of child custody laws in Pakistan and explore the Implications for children and families.
3. **Children's Rights Perspective:** Examine child custody laws in Pakistan from a children's rights perspective, considering the United Nations Convention on the Rights of the Child (UNCRC) and its principles.
4. **Gender Dynamics:** Analyze the role of gender dynamics in child custody disputes, including societal norms, stereotypes, and legal frameworks that may favor one parent over the other based on gender.
5. **Legal Reforms:** Assess recent or proposed legal reforms related to child custody in Pakistan, including their effectiveness, implementation challenges, and potential impact on children and families.
6. **Psychosocial Impact:** Investigate the psychosocial impact of child custody arrangements on children, parents, and extended family members, including factors such as attachment, mental health, and family relationships.

7. **Mediation and Alternative Dispute Resolution:** Explore the use of mediation and alternative dispute resolution mechanisms in resolving child custody disputes in Pakistan, examining their benefits, limitations, and cultural relevance.
8. **Access to Justice:** Investigate access to justice issues related to child custody, including barriers faced by marginalized groups, such as women, children, and individuals from low-income backgrounds.

International Law and Cross-Border Custody Disputes Examine the interaction between Pakistan's child custody laws and international legal frameworks, particularly in cases involving cross-border custody disputes.

❖ **Policy Recommendations**

Develop evidence-based policy recommendations to improve child custody laws and practices in Pakistan, focusing on promoting the child's best interests and ensuring their rights are upheld.

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