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Informal Community Courts and Formal Law Enforcement: The Ismaili CAB in the Chitral District of Pakistan

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Abstract:

Governance of the Ismaili community is regulated by a Constitution issued in 1986, which regulates, among other things, the community adjudication system: The Conciliation and Arbitration Board (CAB) system.

The paper looks into the functioning of the CAB system alongside the official court system and the former's relation with the latter in a particular setting: the Chitral district of Pakistan. Using 'legal pluralism' as a theoretical framework, the paper is based on fieldwork conducted in Chitral, where a sizeable Ismaili population guarantees a very interesting interaction between the local CAB and the local courts and law enforcement agencies.

In the face of a very staunch government position on legal centralism—a government which does not encourage parallel dispute resolution, especially for religious minorities, and does not recognize CAB as a legitimate forum of (in)formal justice—CAB has been allowed to operate on a broad variety of issues, from family law all the way down to private, labour and commercial matters. Surprisingly, the Chitral case shows that in certain cases also non-Ismailis resort to CAB, and that even law enforcement agencies refer cases to it.

As such, the paper contributes to the growing socio-legal research towards understanding 'legal pluralism' in action with a specific focus on a minority religious legal system (CAB) in the broader purview of the state official legal system (Pakistan).