

Jirga and Panchayat as the Precursor to Honour Killing in Pakistan

Robina^{*}, Allah Nawaz[†]

Abstract

Gender inequality is common in Pakistan, reflecting the patriarchal nature of the society in which men dominate. This way of thinking permeates every domain, from the family to the community and the broader public sphere. Discrimination against women starts from the moment of their birth. Gender-based violence is a major human right problem and cases of honour killing are reported repeatedly in Pakistani media. Girls and women are seen to excessively bear the brunt of the cruel, barbaric, unjust and usually inhuman verdicts of Panchayats and Jirgas. One of the most hazardous practices of Panchayats and Jirgas is true in the case of "Honour Killings". Honour killing the characteristics of the Jirga/Panchayat is a stigma on the forehead of Pakistan. Most of the decisions of local Jirga/Panchayat are backed in the name of religion. The main argument for this study is that the honour killing is the precursor of traditional jirga and panchayat.

Keywords: Jirga, Panchayat, women status, honour killing

Introduction

In Pakistan women are facing seclusion and exclusion due to cultural and social traditions which have its roots in patriarchal system that do not provide any benefit for women. Discrimination against women starts from the moment of their birth, because this occasion is hailed with despair and grief in some backward families. The girl child is regarded as a social responsibility and the marriage is assumed to be her only aim in life. These concepts are so strongly anchored in her that she even cannot imagine that these could be wrong or unjust standards of behavior (Awan, 2005; Isran & Isran, 2012).

Gender-based violence is a major human right problem in Pakistan and reported increasingly (Human Rights Watch, 1999, Amnesty International, 2002, Human Rights Commission of Pakistan, 2003). Violence takes different forms, some of which are similar to those in the West and others are more culture-specific. It includes domestic violence, reproductive violence, rape, and abuse during police custody, forced marriages, child marriages, acid attacks, compensation marriages, human trafficking and the honour killings (Critelli, 2010; Jilani & Ahmed, 2004; Coomaraswamy, 2005). Many cases of honour killing are reported in

^{*}Ph.D. Scholar Political Science, robina004@gmail.com Qurtuba University, D.I. Khan.

[†] Gomal University D.I. Khan, profallahnawaz@gu.edu.pk

Pakistani media such as Daily Dawn reported that ‘...A man in the district of Vehari in Punjab reportedly murdered his two sisters in the name of honor, to marry the persons of their choice...’ (Daily Dawn, August 30, 2016).

Besides the above facts, there are many other heterogeneous issues of development which ranged from socio-economic to rural and urban divide. Religious extremism, issues of legal system and improper interpretation of religion also create ambiguity and chaos among the rightful status of women with men. That is why women are facing different levels of discrimination from birth to death in Pakistan (Bari, 2000; Charania, 2015). Pakistan is a conservative country where tribal and feudal structure go hand in hand which creates a number of problems for women as a continuous process of superiority of male supported by patriarchal norms and under the cover of religious extremism (Awan, 2005).

In subcontinent, Jirga and panchayat system have a very long history. Though it is the fastest means of dispute resolution, it has been used to protect the powerful, while poor and weak people are the victims of its negative procedures. The example in this connection is of Maryam Bibi who was stoned to death in Khanewal, a district of Punjab. Reports from the media say, 25 years-old Maryam Bibi, mother of five, was mowing grass on the fields of a local landlord who reportedly forced her to submit to his sexual advances. When she declined the landlord leveled accusations against the woman and took the case to a local panchayat, who ordered the woman to be stoned to death. The order was carried out at her home in the early hours of July 18. Her husband, Sarfaraz, was kidnapped, but later recovered. "This is one of the worst examples of decisions taken in jirgas and panchayats in Pakistan. This is terrible; people generally have less respect for women across the country and can specifically be observed in rural Sindh and southern Punjab (Irfan, 2012).

All over the Pakistan, especially in tribal and feudal areas, a parallel judicial system exists in the form of Panchayat and Jirga. This system although has no legal cover and may be challenged under Article 175(2) of the Constitution of Pakistan, but, in rural areas, several people make the source to Panchayats and Jirgas due to their mistrust in courts and police and reluctance to use the formal judicial system. Panchayat and Jirga system has been severely criticized especially for its decisions in honour crime cases. The fundamental problems associated with Panchayat and Jirga are that the women suspect of honor crime is not given the opportunity to prove their innocence. Their decisions are considered binding and final by the illiterate people. Enforcement of decisions by the

Panchayat and Jirga cannot be justified especially death sentences in honour crimes. Panchayat and Jirga have thus all three powers- executive, legislative and judicial (Daily Dawn, March 29, 2013). The traditional Panchayat and Jirga are the signs of past illiterate traditional society which has provided a parallel judicial system in areas of Pakistan.

Women are seen to excessively bear the brunt of the cruel, barbaric, unjust and usually inhuman verdicts of Panchayats and Jirgas. One of the most hazardous practices of Panchayats and Jirgas is true in the case of “*Honour Killings*”, “*Badal-e-Sulah*” (giving of young women and little girls in compensation for blood disputes among men), and “*Land Disputes*”. This practice is found across the country, in all the areas and provinces of Pakistan (Bikhari & Ramzan, 2013). “A teenage girl was reportedly murdered by her relatives allegedly on the orders of a tribal jirga in Khyber Agency, in what the local political administration said was a case of ‘honour’ killing (reported in Daily Dawn by Abdullah Malik on June 30th, 2017).

It is a traditional fact of behavioral science that convictions and attitudes can be the forerunners of actual conduct and behavior. For example, if men commit violence against women, their action is encouraged by a certain number of convictions. It is therefore important to understand what these beliefs are and how they are encouraged (Zakar *et al.*, 2013). It is estimated that in Pakistan, 80% of women experience domestic violence (Critelli, 2010; Jilani & Ahmed, 2004). So-called honor killings of women on behalf of tribal councils have received a lot of international attention (Amnesty International, 2002; Human Rights Watch, 1999). In Pakistan, women are considered as third-rate citizen of the society and it is presumed that they will obey each and every decision of the male for the sake of male-dominated society’s honour and prestige. The goal of this study is to explore the issue by applying Grounded Theory to the subject matter. For that purpose, researcher has dug out the main facts from the archival study of newspapers and interviews. Researcher drew the themes (Jirga, Panchayat, and Honour Killing) and analyzed the data by applying the three major steps of grounded theory i.e. open coding, axial coding, and selective coding.

Jirga and Panchayat System

Jirga is meant a circle in Mongol and ensures equality of its participants. Jirga usually consisted of more influential members of the tribe. Women are not the member of Jirga (Spain, 1972). Basically, Jirga is a Pashtu word that refers to gathering of few or large number of tribal men for the purpose of consultation (Robin, 2003). Jirga also refers to the

decision-making local institution for settlement of disputes in the light of prevalent customary laws, consists of village elders whose decisions regarding the dispute or local problem are binding (morally and socially) on the parties involved (Wardak, 2004). Jirga is simplest form of Assembly and probably the closest to Athenian democracy. Jirga performs legislative, executive and judicial functions. It frequently acts as a tool for conciliation, and arbitration (Bhattacharya, 2014). "...Jirga and Panchayat were made by men for their own favor and women were totally excluded from it..." (W. Akbar, Interview, January 13, 2018). "... Even that traditionalist is unaware of women rights and discrimination against women is not considered as crime..." (S. Mir, Interview, July 7, 2018).

In Pakistan, despite having been declared illegal since 2004 by the Sindh High Court and since 2005 by Supreme Court of Pakistan, Panchayat and Jirgas continued to pronounce verdicts and continued to be convened with impunity, with instant implementations. No accurate data at the national level is available on the exact number, subject, nature, and location of such gatherings in the past. Only small level studies and events reported in electronic or print media are available to the surface (HRCP, 2017). "...Other forms of violence originate from traditional practices that are continued under the guise of social conformism and religious beliefs, and has its roots in Jirga and Panchayat is 'honor killings'..." (S. Akhtar Zia, Interview, August 7, 2018). "...Unfortunately, honour killing is very common in Pakistan. Government have introduced women friendly policies including Domestic Violence bill, women protection bills, acid throwing bill passed in different assemblies and Police Act 2017 KP etc. to form Dispute Resolution Councils etc. to discourage local Jirga/panchayat etc. which is the root cause of honour killing..." (S. Khan, Interview, March 29, 2018).

The status of women before the arrival of British in subcontinent was widely divided in communities, classes, and regions. A very rigid system was there in many places of the subcontinent where women were completely subjected to the mercy of man as a whole (Ali, 1999). The Muslims of Pakistan, as a legacy of past have strong inclination for man dominated practices, therefore they took refuge in religion and interpreting religious norms in such a way that give a dominant position to male in society (Stanely & Kumari, 2010). "...Most of the decisions of local Jirga and Panchayat are backed in the name of religion. Even that they consider the acts of foreign NGOs working for women empowerment against the Islamic principles..." (A. Ullah, Interview, May 6, 2018).

Honour Killing

In the Pakistani culture, honor (izzat) has extra social significance as a theme around which the most interpersonal life is structured. The individual is considered a representative of the family, so that failures of the individual result in a damage of face or a damage of honor for the whole family. There is a lot of pressure on women as the family-honor sources to preserve the harmony and reduce the actions that would threaten the stability of the family and the community (Abraham, 2000). Behavior that counter customs and norms, like resisting the choice of a partner for marriage, seeking a divorce or reporting a sexual assault, are seen as undermining male and family honor and can cause gender-related violence (Amnesty International, 2002). The man-dominated society colored with the spectacles of extremism is of the view that women have no right to marry a person on her own likeness. If this type of incident takes place the family member even father and brothers kill her on the name of honour. In the same manner as per the report of Daily Dawn dated 27 May 2014, a 25-year-old woman was stoned to death by her family outside the Lahore High Court in a so-called “honour” killing for marrying the man she loved (Daily Dawn, May 27, 2014). In many areas of Pakistan, still women are treated inhumanely and cruelly. Their status is as it was in the dark ages. One of the basic reasons behind this attitude is not only poverty, no doubt, illiteracy, ignorance and backwardness, weak legal system, feudal/landlords and the negative role of religious clerics are also responsible for this. “...The complex procedure of reporting in the police stations and delay in justice is source strengthening of Jirga and Panchayat system...” (A. Ahmad Shah, Interview, December 18, 2017).

In Pakistan Honor killing is repetitive form of violence against women. It has become an acceptable social evil by the community and the legal system of the state as a legitimate defense against murder (Bikhari & Ramzan, 2013). In this, on doubt of adultery or with a pre-marital affair, women are declared Kari and are killed. Nevertheless, the brutality does not end here. A doubtful man is also declared Karo and murdered, mostly with the blessings of the Jirga - an informal legal system consisting of village elders. Because of the tribal nature of society in some parts of Pakistan, the perpetrators are seen as respecting their honor in the eyes of both the society and local law enforcer. As a result, it is known that the practice of killing a woman suspected of an illicit relationship, known as ‘Karo Kari’ in Sindh and Kala Kali in Punjab Tor Tora in KP and tribal areas, and ‘Siyahkari’ in Balochistan, and occurs in all parts of the country (Awan, 2005). As reported in a newspaper “...In Blochistan eighty one

honour killing cases reported in 2011...” (Daily Dawn, December 30, 2011).

Interior Sindh is disreputable for the high number of cases of honor killings (karokari), but this trend also proved to be very common in the Punjab. If a girl is involved in someone or marries of her choice, she is called kari (literal translation: blackened woman), which means she is shunned from society and must be murdered in the name of honor. This habit is so common in a small town of Sindh, such as Shikarpur, Ghotki, and Jacobabad that there are separate cemeteries for women who have been murdered in the name of honor (Bikhari & Ramzan, 2013; Qaisrani *et al.*, 2016). This custom is also used as a punishment tool by informal judicial systems such as Panchayat and Jirga, where cases are taken too seriously and the murderer is usually considered a victim. This practice has now become a political tool for people there who settle their disputes and property cases by murdering a man from another family and by naming their wives as kari and then assassinating them with false pretenses. Such a case is reported in Daily Dawn, October 17th, 2000 “...A man and a woman killed in Sindh as KaroKari...”. “...Such occurrences occurred in rural areas and the rural areas of Pakistan are uneducated so due to ignorance of Islam and lack of education evil traditions are practiced...” (P. Amjed Ali Shah, Interview, July 5, 2018).

Increasingly, men are killing not only the woman they think are ashamed of them, but also several other family members. In November 2000, Mohammad Umar Magsi of southwestern Balochistan and lived with his family in Karachi, murdered his 11-year-old daughter Farzana with an ax because he suspected she had an affair; when his wife and younger daughter, the nine-year-old Sabra, tried to interfere, he also killed them before turning himself in to the police. On January 8, 2001, Riaz Ahmed, a retired soldier in Mandi Bahauddin of Punjab province, killed his wife, two sons and three daughters; because he suspected that his wife was committing adultery. On February 12, 2001, Faramash Ali, in Lahore, murdered his three daughters after an argument with his wife about the birth of another daughter. In May 2001, a man murdered his wife, four-year-old sister-in-law and mother-in-law, in a town near Lahore; he suspected his adulterous wife whom she had denied (Amnesty International, 2002). In Jacobabad district of Sindh, a man killed both of his two wives in suspected ‘honour killing’ (Daily Dawn by Hanif Samoon, April 27, 2017). Woman axed to death in suspected honour killing in Sindh’s Umerkot district (Daily Dawn by Hanif Samoon, May 14, 2017). “... In order to enhance the status of women and to discourage

such practices in Pakistan it is mandatory to recognize two things; literacy rate must be increased especially in rural areas, and secondly, legal action against traditional Jirga/ Panchayat system ...” (H. Ambreen, Interview, May 18, 2018).

In Pakistani society, the element of patriarchy has caused a total contempt for women. The trend of male chauvinism becomes a factor that causes violence against women. Women are considered as inferior to be ‘tapped’ by men for good or in most cases for evil. They are unable to raise their voice against men's violence that may be their brothers, fathers, and, after marriage, spouses and their male relatives who control them physically. Furthermore, the skewed opinion that a daughter plays no role in the family and she cannot be a ‘supplier’ or a ‘protector’, this results in violence and discrimination (Weiss, 2014). “...It happens where women are seen just as a commodity that can be kept in certain limitations. Lack of education and awareness is the main reasons for such behavior...” (A. Khan, Interview, August 18, 2018). Beside this, the feudal system has also caused serious hostility towards women (Burn, 2005).

Conclusion

The prevailing gender inequality in Pakistan is reflecting the patriarchal nature of the society in which men dominate. This way of thinking permeates every domain, from the family to the community and the broader public sphere. In a male-dominated society, the fact that women pay the price for the actions of their family men speaks volumes. Women are used as a means of exchange, an asset for settlement of revenge and a tool for business in groups of male-dominated jirga's that people follow as their tradition.

The ruthless customs of honour killing prevails in Pakistani society. A real brother is not a brother, but only a 'MAN' who would mercilessly murder his sister just because in his view she has dishonored him and his family. In Pakistan, women are found in terrible condition. When the father does not remain a father and husband does not remain a husband, man has wrongly benefited from the vulnerability of the weaker sex. That is the sign of his cowardice. When it comes to tackling the problems of women, the father is not a father, but only a “MAN”.

Religion is also used to spread taboos against women. Religious leaders and personnel are often recognized as male-oriented religious spirituality and seduce male chauvinism in the marriage relationships. In Pakistan, there are polarized versions of religion and many religious leaders take contradictory and controversial views regarding feelings of violence

against women. The people from rural areas in Pakistan who are mostly uneducated followed religious interpretations about women without any doubt. Most of the decisions of local Jirga and Panchayat are backed in the name of religion. Even that they consider the acts of foreign NGOs working for women empowerment against the Islamic principles. Jirga/ Panchayat decisions related to women are not only against the true spirit of religion, law, and constitution of Pakistan but also a source of sacrifices for the women.

Honor Killings reflect strong cultural associations of the honor of a family with the sexuality of women. In such orthodox views, the right of a woman to life is determined by the extent to which she adheres to the traditions and norms established for her. If she deviates from such a path, it is said that she brings dishonor and disgrace to her entire family and thus is allowed to be killed.

The gross violation of women's rights requires not only legal justice but a complete review of different political and social paradigms. Society is in need to recognize certain basic principles relating to the country's criminal justice system, as well as the public silence about gender-based violence. In spite of the extremely discouraging environment for reporting rape, thousands of cases of rape have been recorded during the year, but the laxity of the system allows suspect aggressors to get away with relative ease.

References

- Abraham, M. (2000). *Speaking the unspeakable: Marital violence among South Asian, immigrants in the United States*. New Brunswick, NJ: Rutgers University Press.
- Ali, A. A. (1999). Educational Development of Muslim Women in Colonial India. *Journal of the Research Society of Pakistan*, 36(1). 56-62.
- Amnesty International (2002). PAKISTAN: The tribal justice system.
- Awan, S. M & Uzma, N. (2014). Nature and functioning of local government in the British India (1680-1947). *Pakistan Annual Research Journal*, 50 (1): 45-70.
- Awan, Z.A. (2005). Violence against women and impediments in access to justice. [Retrieved on 12.09.2017, <http://siteresources.worldbank.org/PAKISTANEXTN/Resources/293051-1146639350561/CGA-Companion-Paper-1.pdf>]
- Bari, F. (2000). Country briefing paper: Women in Pakistan. *Asian Development Bank* Retrieved from <http://>

[www.adb.org/Documents/Books/Country Briefing Papers/Women in Pakistan/default.asp](http://www.adb.org/Documents/Books/Country_Briefing_Papers/Women_in_Pakistan/default.asp)

- Bhattacharya, Sa. (2014). Status of women in Pakistan. *Journal of Research Society of Pakistan*, 51(1): 179-211.
- Bikhari, F.Y & Ramzan, M. (2013). Gender Discrimination: A myth or truth Women status in Pakistan. *Journal of Business and Management*, 8(2): 88-97.
- Burn, S. (2005). *Women across cultures: A global perspective*. New York: McGraw Hill.
- Charania, M. (2015). *Will the real Pakistani woman please stand up?* McFarland.
- Coomaraswamy, R. (2005). The varied contours of violence against women in South Asia. *UNIFEM* technical paper presented at the fifth South Asia regional ministerial conference celebrating Beijing Plus Ten, Islamabad, Pakistan.
- Correspondent Author. (2013, March 29). Jirga system and the plight of women. *Daily Dawn*, [Retrieved from <https://www.dawn.com/news/798771>].
- Correspondent Author. (2014, May 27). Woman stoned to death outside Lahore High Court. *Daily Dawn*, [Retrieved from <https://www.dawn.com/news/1108900>].
- Critelli, F.M. (2010). Beyond the Veil in Pakistan. *Journal of Women and Social work*, SAGE Publications, 25(3) 236-249.
- HRCP. (2017). The state of human rights in 2017. *Human Rights Commission of Pakistan*.
- Human Rights Watch. (1999). *Crime or custom? Violence against women in Pakistan*.
- Irfan, H.M. (2012, August 17). Jirga, panchayat system, and women in Pakistan. *The News*.
- Isran, S & Isran M. (2012). Patriarchy and Women in Pakistan: A Critical Analysis. *Interdisciplinary Journal of Contemporary Research in Business*, 4(6): 835-859.
- Jilani, H., & Ahmed, E. (2004). Violence against women: The legal system and institutional responses in Pakistan. In S. Gooneselere (Ed.), *Violence, law and women's rights in South Asia* (pp. 147-205). Thousand Oaks, CA: SAGE.
- Malik, A. (2017, June 30). Relative kills teenage girl for honour. *Daily Dawn*, [Retrieved from <https://www.dawn.com/news/1342364>].

- Qaisrani, A., Liaqat, S, & Khokhar, E.N. (2016). Socio-economic and Cultural Factors of Violence against Women in Pakistan. *Sustainable Development Policy Institute (SDPI)*.
- Samoon, H. (2017, May 14). Women axed to death in suspected honour killing. *Daily Dawn*, [Retrieved from <https://www.dawn.com/news/1333091>].
- Spain, J.W (1972). *The Way of the Pathans*. Oxford University Press.
- Staff Reporter. (2011, June 30). Eighty-one Baluchistan Honour killing cases in 2011. *Daily Dawn*, [Retrieved from <https://www.dawn.com/news/684280>].
- Stanely, S & Kumari, S. (2010). Position of Women in Colonial Era. *International Journal of Educational Research and Technology*, 1(2): 109-111.
- Wardak, A. (2004). Building a Post-War Justice System in Afghanistan. *Journal of Crime, Law and Social Change*, 41(1): 319- 341.
- Weiss, A.M. (2014). *Interpreting Islam, Modernity, and Women's Rights in Pakistan*. Palgrave Macmillan, New York.
- Zakar, R., Zakar, M.Z, & Kraemer, A. (2013). Men's Beliefs and Attitudes Toward Intimate Partner Violence Against Women in Pakistan. *Violence Against Women* 19(2): 246–268.

Interviews

- | | |
|---------------------------|--|
| Akbar, (January 13, 2018) | Wasim Akbar, Professor, HOD, Mass Communication Department, Gomal University DIKhan. |
| Akhtar, (August 07, 2018) | Saeed Ahmad Akhtar, writer, intellectual, social activist & member of civil society. |
| Ambreen (May 18, 2018) | Hina Ambreen, A Senior Civil Society Member. Working in International NGO, Islamabad. |
| Khan, (August 18, 2018) | Azam Khan, Correspondent, Geo News, Journalist & writer. |
| Khan, (March 29, 2018) | Shafiullah Khan, District Program Manager, International Rescue Committee (IRC), A reputed Civil Society Member. |
| Khan, (May 6, 2018) | Ahsan Ullah Khan, Senior Lawyer, District Bar D.I.Khan. |

Shah, (December 18, 2017)

Altaf Ahmad Shah, Deputy
Controller, Radio Pakistan,
Islamabad. Writer & columnist.

Shah, (July 5, 2018)

Pir Amjed Ali Shah, Senior Lawyer,
District Bar D.I. Khan.