

Role of Tribal Jirga in Violence against Women

A Case Study of Karo Kari in Sindh

Study Report



**Participatory
Development Initiatives**
[PDI]



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Study by

PDI Research Wing

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Glossary of Local Terms

Autaq	Male outhouse for soirees
Chadar and Chardivari	Phrase associated with woman signifies that her place is inside the four walls of home and, if she must go out she has to be wrapped from head to foot
Challan	The police's prosecution brief
Darul aman	Literally home for safety. Institutions set up or supported by government for shelter of women needing temporary sanctuary or protection
Diyat	The blood money in return for which the next of kin of a murdered man may agree to forgive the killer
Hadd: plural hudood	Islamic punishment
Hujra	Retiring room of imam or any religious person
Karo kari	A feudal custom whereby couples found in, or more often merely suspected of adulterous relationship, are summarily done to death by the family members
Khula	Divorce in which the move for dissolution of marriage comes from wife's side.
Mehr	The money the groom pledges to the bride at wedding as a token of his earnestness.
Mullah	Formerly an appellation for an Islamic scholar, now it often refers pejoratively to a semi-literate fanatical campaigner and pronouncer of the orthodox Islamic view
Pir	A religious figure who acquires a widening following of his own which looks up to him as a spiritual, and even a physical, healer, guide
Qisas	Punishment identical to the crime: eye for an eye, tooth for a

	tooth.
Wadera	Feudal lord, with all the connotations of his repressive character in relation to the body of peasantry and community who live on and off the lands he owns, and his influence with the local official functionaries and their superiors.
Watta Satta	The kind of parentally arranged marriage in which brother and sister of one family are married to the siblings of another.
Zina	Adultery - rape is zia-bil- jabr

Acronyms

AI	Amnesty International
CEDAW	Convention on the Alimentation of All forms of Discrimination against women
Cr.P.C	Criminal Procedure Code
CRC	Convention on Child Rights
FIR	First Information Report
GEM	Gender Empowerment Measure
GNP	Gross National Product
HRCP	Human Rights Commission of Pakistan
IS	Independent Study
MFLOW	Muslim Family Law Ordinance
MLC	Medico-legal Certificate
MLR	Medico- legal Certificate
NGO	Non-governmental Organization
NPA	National Plan of Action
NWFP	North West Frontier Province
PPC	Pakistan Penal Code
SAP	Social Action Program
SHO	Station House Office
SJN	Sindh Journalists Network for Children
UNDP	United Nations Development Program
UNICEF	United Nations Children Fund
UNIFEM	United Nations Women’s Fund
VAW	Violence against Women
WSSD	World Summit on Social Development

Executive Summery

The Jirga System is a traditional system of justice being practiced in rural Sindh as well as Balochistan and NWFP. There is a common perception that there is a sufficient link between the growing incidents of violence against women especially the cases of Karo Kari in Sindh and the tribal jirgas. The study seeks to identify the overall impact of tribal jirga system on the cases of karo kari in Sindh. Quantities research methodology has been adopted in the data collection process. Secondary data was collection from libraries, internet, bookshops as well as government institutions. Tools of in- depth interviews, focus group discussions and case studies were used to collect wide-ranging primary data on the research problem.

Major findings of the study show that the codes, rules, regulations as well as verdicts of tribal jirgas are completely opposed to not only the formal law and the constitution of Pakistan but also international standards of human rights. For example, in the eyes of tribal jirga, killing a woman in the name of honour is not a crime. Tribal jirga in place of considering the women killed as victim, considers the killer as a victim and grieved party, and in its process of verdict ensures compensation for the killer of the women and his family.

Tribal jirga provides no opportunities to the accused women to defend themselves against the allegations leveled against them, but considers the testimony of their male relatives as the final word to declare women as Kari. Moreover, the women who decide on their own to marry any man of their choice are also declared Kari by the tribal jirga, despite their legal nikah.

While thoroughly examining the codes, rules, regulations and verdicts of the tribal jirga the study concludes that there are sufficient negative impacts of tribal jirgas on violence against women especially the cases of karo kari in Sindh, as the tribal jirgas not only provide relief to the killers but even encourage them on killing a women in the name of karo kari by providing them compensation in the form of cash or women. As a result by being encouraged by the tribal jirga, people usually kill their women on the baseless allegations of karo kari so as to extract money or other benefits from the men accused of being karo.

The study recommendations strict ban on holding tribal jirgas, by further improving the laws which impose ban such jirgas as well as improving the implementation mechanisms for such laws. The study also suggests reforms in the country's formal criminal laws as well as the laws dealing with violence against women. It also suggests that domestic violence be legally declared as criminal offence and procedure of getting FIR registered against the accused be made easy and simple for the women. The study also recommends increasing awareness and education in the rural society to root out the ages old tribal tradition of karo kari.

1. Introduction

1.1 Background of the Study

The Jirga is a traditional system of justice, which is actively practiced in Balochistan, NWFP, as well as districts of Sindh bordering with Balochistan as to settle legal cases and disputes. The system, which was in practice since the British rule, was modified under the Special Provision Ordinance (Criminal Provisions 11) of 1968. Besides dispensing justice and dealing with judicial cases, the Jirga also covers all important aspects of economic, political, and social life of tribal society (Shah Mahmood Ali, 1997).

However, in its present form, the tribal Jirga, especially in Sindh province has generated serious debate about its legal position as well as conflict of its rules and codes with the constitution of Pakistan, law of the land as well as international human rights standards and conventions. Strongest allegation on the jirga system has been its discrimination against women folk during the course of decisions and implementation on variety of its rules and regulations.

Meanwhile, violence against women, whether occurring in public or private life, is increasing day by day in Pakistan in general and in Sindh province in particular. The worst form of violence seems to be the tradition of honor killing locally termed as karo-kari, which gobbles up the lives of hundreds of women every year and still remain unhindered and uncontrolled. The other forms of violence against women include wife-beating, rape, marriages in the early age, marriages without women's consent, sale of women in the exchange for money, animals and exchange of women for marriage and marrying of women as compensation to settle disputes.

Although, there might be many causes and reasons behind the ever-increasing trend of violence against women in our society, including lack of awareness, education etc, However, there is a common perception held by the civil society that tribal jirgas are the main and basic causes of increase in the cases of violence against women including the cases of honour killing in Sindh province.

There are strong opinions against tribal jirgas which are accused of not only causing violence against women but in many cases even practically sanctioning violence in the form of giving permission to the relatives to kill the women accused/ suspected of adultery and declaring the killer of kari women as being victim in place of culprit.

Despite abolition of Jirga system and official ban on holding jirgas are frequently held in various parts of Sindh by Sardars often under official patronage and protocol. Jirgas in Sindh are usually held in the government - owned circuit houses. Even high-level administrative officials including

Police officers attend these jirgas. As such, these jirgas receive official authority and recognition.

1.1 Problem Statement

Cases of violence against women in Sindh, especially Karo Kari cases are increasing with each and every passing day, month and year. There is a common perception that one of the main causes of increase in such cases are the tribal jirgas, which through their rules, regulations, codes and verdicts encourage such cases.

This study seeks to examine the relationship of tribal jirgas in Sindh province with the ever-growing trend of violence against women. However, for the sake of narrowing down the scope of the study and being more specific and concrete in problem diagnosing and analysis, the study would be confined to the cases of honour- killing (Karo Kari). The study would analyze different rules, regulations codes and verdicts of tribal jirga to find the relationship of tribal jirga in the increase in the cases of Karo Kari in Sindh.

1.2 Study Objectives

- To study the codes, rules, regulations and paradigms of tribal jirga with regard to their relationship with violence against women (Karo Kari) cases
- To compares such codes, rules and regulations with the legal provisions and Human Rights Conventions and standards
- To find relationship between jirga system and increase in the cases of karo kari in Sindh
- To formulate policy recommendations for the prevention of karo kari cases

1.3 Research Methodology

Quantitative research methodology was adopted for the collection of relevant data for the research study. Qualitative research can be described as a strategy of calculated chaos (Lofland and Lofland 1971). Researchers intentionally immerse themselves in interviews and participant observation, and then in reading and rereading the data. The aim is to discover, to understand through immersion in the data. The initial experience of immersion may result in a chaotic confusion as a consequence of complexity of the data and of exploring multiple possible interpretations. However, out of the immersion emerge new perspectives, new linkages, and new understandings of the issues under study. There were two main components of the research process:

1.4.1 Secondary Data Collection and Review

Rigorous initiatives were made for the secondary data collection process using all the available resources, options, and avenues. Generally, secondary data was collected from following important sources:

- Libraries of SZABIST Center for Information and Research, Women's Organization Shirkatgah, NGO Resource Center, Sindh University Jamshoro, AERC Karachi University etc
- Internet : Websites of various research organizations, Women's organizations as well as educational / academic and research institutions
- Book Houses: Major Book Houses of Karachi and Hyderabad including Oxford University Press ,Liberty Books, Paramount Books , Thomas and Thomas etc were visited and publications concerned with the theme of the study were purchased
- Government Institutions: Federal as well as provincial government institutions and departments were contacted with the request to provide us any form of report/ data which they have prepared with regard to women or violence against women. These departments included: Federal Ministry of Women Development, Sindh Women Development Department, Federal Bureau of Statistics, and Sindh Bureau of Statistic etc.

Following sort of secondary material was collected during the process of checking the above sources of secondary data:

- Research Reports
- Official Documents
- Important Newspaper Clippings
- Important Journals carrying research papers on the subject
- Raw data in the form of charts / tables etc
- Books written on the theme of the study

1.4.2 Primary Data Collection

Following key tools were used for the collection of secondary data from the field:

- **In-depth Interviews**

In-depth interviews are also variously described as focused interviews, unstructured interviews, non-directive interviews, open-ended interviews, active interviews and semi-structured interviews (Fontana and Frey 1994; Holsein and Gubrium 1995; McCracken 1988). These terms can be used interchangeably to mean the same things.

- **Focus group Discussions**

According to Khan and Manderson (1992, P.57), a focus group interview is a qualitative method with the primary aim of describing and understanding perceptions, and beliefs of a select population to gain understanding of a particular issue from the perspective of the group's participants'.

Typically, focus group interviews involve a group interviews involve a group of people (about 6-10) who come from similar social and cultural

backgrounds or who have similar experiences or concerns. They gather together to discuss a specific issue with the help of a moderator in a particular setting where participants feel comfortable enough to engage in a dynamic discussion for at least one to two hours. Accordingly, a focus group interview has several important features as it enables in-depth discussions and involves a relatively small number of people. Similarly, it is focused on a specific area of interest that allows participants to discuss the topic in greater detail.

- **Case Studies**

In the case study form of data collection, any specific case of a family, individual or even event is taken for a comprehensive study to know about all the dimensions of the case right from the history to the present status and causes and consequences of the situation. In this study, some families were selected both from those families who had declared their women as kari and killed them as well as those families whose male had been declared as karo and they were either killed or had paid compensation through tribal jirgas to avert killing.

2. Tribal System & Society in Pakistan

2.1 Tribal System

Majority of population in Pakistan lives in the rural areas. Rural society in majority of the areas of Pakistan is semi-tribal or tribal in nature. Rural communities are known by their casts/ tribes and also take strength from such relations. Almost every tribe has its own chief locally known as sardars. Some of such sardars are influential to the extent that they yield tribal power not only on their tribe but other smaller tribes also come under their control. The tribes are fully loyal to their sardars, considering their orders as the last word. Such bond of loyalties is strong to the extent that people are ready to kill or be killed on the orders of their sardars. Tribal feuds are common in various tribes as the poor tribal people fight each other from generations on the instigations of the sardars.

The patriarchal family system has strong roots in the tribal setting. Under this family structure, one of the male members of the family, usually the elder one is considered as the head of the family, who enjoys the powers with regard to any form of decision or action on behalf of the whole family. The male-dominated patriarchal family system considers the women family members as inferior / subordinate members.

2.2 Tribal Code of Honour

Every society has its code, and sometimes a multiple set of codes of ethics and morality. Such codes are introduced and practiced in all kinds of societies from tribal to liberal ones. The tribal societies of Balochistan and NWFP as well as the districts of Sindh bordering with tribal Balochistan have their own codes. However, unfortunately, some elements of these codes have been in conflict with universal standards of human rights as well as the law of the land. One of such tribal code is the code of honour killing.

Noted journalist and researcher Ms Nafisa Shah while defining the honor code in tribal societies observes: "Honor has been codified in the psyche that guides the tribal societies. The Baloch and the Pakhtuns have honor codes, enforced since centuries. But these honor values comprising other aspects formed a holistic world-view. The present times, however, have brought in distortions in the value system as the market plays an extremely important role in redefining honor." Silent feature of Baloch tribal Code of honour, according to Balochistan Gazetteer (1890), are as under:

- To avenge blood
- To fight to the death for anyone, except an adulterer, who may take refuge with him. A refugee is called 'bahot' and in olden days was always maintained by his protector so long as he remained under the latter's roof.
- To defend to the last, property entrusted to him

- To be hospitable and to provide the safety of the person and property of a guest
- To refrain from killing a woman, a Hindu, a manial or a boy who had not taken to trousers
- To either pardon an offence on the intercession of the women of the offender's family, or to dismiss the women by giving each of them a dress as a token of honour
- To refrain from killing a man, who had entered the shrine of a pir, so long as he remained within its precincts
- To cease fighting when a mulla, a Sayed or a woman, bearing the Koran on his or her head, intervened between the parties
- To punish an adulterer with death

Similarly, the tribal code of Pathans is embodied in Pakhtunwali, sometimes called "Nang-e-Pukhtana" or the "way of Pakhtun." (Abdul Qudoos Sayed, 1990) The code rests on a mixture of tradition, precedent, and customs. Its cardinal principles are:

- *Melmastia*: hospitality and protection to the guests
- *Nanawati*: asylum for all fugitives and acceptance of a bonafides offer of truce, with its corollary
- *Badragga*: safe conduct for a stranger or enemy.

Throughout the tribal area, death is the penalty for murder, except in the case of blood feud when relations between the families involved and the kind of provocation is taken into account. The Pakhtun's honor is tied to that of his women who exist to serve him and be loyal to his cause. Ideally women are conceptualized as forming to opposite and polar models. *Mor*, the mother, on the one hand, with emotive from the common saying of the prophet of Islam that heaven lies beneath the feet of the mother. On the other hand, where her chastity has been compromised and the honor of her close agnatic kin-father, husband, or brothers- is at stake, she is considered in a state of *tor*, literally black (Akbar S. Ahmed, 1998).

Contrary to strict tribal codes of Balochistan and NWFP a semi tribal concept or code of IZZAT had been in practice in Sindh province. Historically, even before the impact of Baloch tribal customs in Sindh the concept of *izzat* was very much in existence in Sindhi society. The traditional Wadero of Sindhi society had been very careful about his *izzat*. A large estate and plenty of retainers were prerequisites, but less tangible aspects were almost as important, to provide the trappings of power. Lavish entertainment and the ostentatious provision of charity to fakirs, beggars, and hanger-on gave a display of wealth and hinted at greatness of Wadero. Hunting parties, with multitudes of haris acting as bearers, further testified to a Wadero's property, besides demonstrating his power over men. If a Wadero was summoned by a local officer and made to wait all day, or if he were made to sit on the ground in the presence of an officer, then his *izzat* would be considered as destroyed as the people may realize that he was not such a great man as he claimed and they might resist his authority. Small holders of land would desert him and transfer their allegiance to a rival. He might find himself being harassed by more powerful Waderos. The only way to avoid these dire consequences

would be to put on a show of force to emphasize that he was still as strong as ever (David Cheesman, 1997).

As such maintaining Izzat was a driving motivation for vast numbers of people, from all communities and classes and in every walk of life. Many were to go to great length to avoid shame of losing face. Izzat in Sindhi society was defined as 'consideration in the eyes of one's neighbors'.

However, till the dominance of Baloch tribal code of Ghairat, the code of izzat was considered to be less aggressive and less harmful code. Besides, this code had little to do with the issues related to women including the cases of illicit relations. The only negative or self –destructive aspect of this code was extra-ordinary lavish expenditures to exhibit power and influence. However, it seems that with the tribal influence in Sindh, the tribal code of ghairat and Sindh society code of izzat have intermingled leaving dangerous impact on the society as a whole.

While discussing the tribal code of honour Dr. Tahira Khan, a noted academic, states that (presently) the concept of honor is deeply related with woman's body, sexuality, and expressions of her sexual desires, behaviors, and acts. To discipline and control female sexuality, patriarchal institution of family constructs the borders and defines the limitations of woman's space. Crime of honor is an act, which can occur when any of the borders are crossed' (Dr. Tahira Khan 1999).

Karo Kari killing of woman is sanctioned in the tribal as well as traditional rural society of Sindh, in the name of ghairat (literally: honor) code. The very concept behind this tradition is that when woman resorts to illicit extra-marital relations with any person, she damages the honor of the family as well as the community to which she belongs. The only way to restore the damage occurred to the honor is to kill the woman / girl as well as her alleged lover.

In fact the woman's body is treated as a repository of the family honour. By committing adultery she disrupts the social order. Her body may be bought, sold, or exchanged, but only by decision of a man. If she flouts this rule, or is even suspected of doing so, she is punished as per the tribal code of honour. The testimony of the accused is of no importance. A mere allegation of illicit sexual relations is considered an intolerable stain on the honour of the whole family, especially its male members. So they are entitled to take justice into their own hands (Nafisa Shah, 1998).

2.2 Overall Attitude towards Women in the tribal society

The tribal social set up is a system dominated and run by the male, where women's status is no more than a property. Considering women as the commodity owned by the male, the male family members in the tribal society deem it their prerogative to have all the powers to deal with the women including the powers of owning, disowning, keeping in the family, discarding and depriving them from any form of possession and liberty. In such set up the women remain completely at the mercy of the male in the family and the

society. To make things worst for the women, the male in the tribal society consider it their right to control not only the body but also each and every movement of the women. The attachment of the matter of honour with the body and behavior of the women has further complicated such a situation for women, because it is the male who decides in the tribal society as to which appearance and act of the women is bringing honour and which one dishonor for him and the family as whole. Not only this but the decision of the punishment to the women if any of her appearance and activity is considered as disgrace to the family, also completely rests with the male. The male decide the nature of the punishment and even implement that decision with complete liberty.

As the males consider themselves as the owner and the head of the family, the women always receive subordinate status in the family as well as in the tribal set up. Their subordinate status shapes the overall attitude of the male dominated tribal society towards the women, their rights, and status in the family structure, and its decision –making process.

In the tribal system, male usually intend that all the activities of the women should be in accordance with the approval as well as liking of the male especially their male family members. In this way not only the body of the women but their activities are also controlled and monitored by the male family members and it is up to the male to decide which of the activities of the women suites them, which the women should abandon.

For example, in the tribal society, talking with the alien man is out of question for women. A number of karo Kari cases take place only on the basis of woman talking to a male who does not happen to be her relative. During a survey conducted in 2001, majority of the male i.e. 81.31 percent said that women’s talking with any alien male is completely a wrong act (SJNI: Violence against Women in Sindh).

In the tribal family structure decision –making is one of the main activities, which the male consider as their sole prerogative. Male would never be ready to even share this so-called prerogative with their women, because, there is a thought that first being the head of family it’s the right of the male to take each and every decision, second, the women, according to the male, having less mental capacity as compared to male, take wrong decisions.

2.3 Jirga System and Its Historical Background

The Jirga, or assembly, by which most community business, both public and private, is settled in the tribal societies of Balochistan and Sindh is an ages old tribal system of justice. It is headed by the tribal chief of any particular tribe or region A Jirga may meet under the shade of a solitary tree by the dusty road in the interior of Sindh or on the spacious green lawns of the Government Rest House.

Historically, the Jirga System dates back to the days of Naseer Khan of Kalat, Balochistan. He was the Khan of Kalat from 1741 to 1795. Naseer Khan was an able General, trained at the court of Ahmad Shah Abdali, the hero of the

famous Third Battle of Panipat. Naseer Khan wonderfully and admirably aided Ahmed Shah Abdali in this famous crushing defeat inflicted on Marathas. On return, Naseer Khan subdued turbulent tribesmen and established a confederacy. His confederacy extended from Dera Ghazi Khan District on the north-east to the Arabian Sea on the south-east. After the conquest of the soil, Naseer Khan addressed himself to the task of conquering the soil of his countrymen. He successfully attempted to associate the tribesmen with the administration of his confederacy. He knew fully well that no country could succeed unless it was fortified by the goodwill of the countrymen at large. As the tribesmen constituted a workable majority in his confederacy, so he evolved a tribal system. Under this system a multilingual meeting of tribesmen was convened by Naseer Khan the Great. The moot was attended by the representatives of Baluchis, Brohis, Pathans, Jats and Dehwars. At this meeting, Naseer Khan declared that each tribal chief would be responsible to their tribesmen. Each tribal chief would derive his authority from his tribesmen. The rights and responsibility of each Sardar were clearly defined. They were given limited powers to control and manage affairs of their tribesmen. Their failure in the discharge of duties to their tribesmen resulted in the confiscation of their jagirs (landed property) and withdrawal of their title.

This was the basis on which the “Jirga System” was built. Each tribal chief hold a consultative position in dealing with internal tribal cases. They acted as an arbitrator between the rival parties to solve their problems. If they failed, the matter was referred to “supreme Court” headed by Naseer Khan himself. For the settlement of external affairs, arising out of difference or dispute between two or more tribes of the confederacy, periodical intertribal meetings were held. These meetings were later termed as the “Shahi Jirga. In each case the Jirga acted as a “Conciliatory Commission.” The essence of the system was reconciliation and satisfaction of the aggrieved rather than mere punishment of an aggressor. Thus the system worked well. For the tribal chief knew fully well that his authority was grounded in his tribesmen and was to be exercised for the welfare of his tribe(Shah Mahmood Ali, 1997) .

But the successors of Naseer Khan failed to maintain the sanctity of this “Magna Carta”. The system slowly sank into decay. So, when the British took over, life in Balochistan was one of constant internecine warfare, bloodshed, pillage and forays. It was Sir Robert Groves Sandeman, the first Agent to the Governor-General in Balochistan, who revived and revitalized the system. He recognized that no government was safe in a region of incessant feud and bloodshed unless it was guarded by goodwill of the community at large. As a sociopolitical reformer, Sir Robert Sandeman introduced a sort of local self-government in Balochistan. Petty matters were generally settled by the village Jirgas. Inter-tribal disputes or differences were referred to the provincial Jirgas held half-yearly one at Sibi and other at Quetta, for final settlement. These bi-annual Jirgas were known as Shahi Durbars till the inception of Pakistan.

A beginning of the Shahi Durbar was made by Sir Robber Sandeman. His district in the Punjab was attacked in 1867 by about 1,000 Maris and Bugties of Balochistan. They were, however, driven back with much loss of Sandman’s forces. Unlike other British officers of his time, he invited the

chiefs of Maris and Bugties to visit him and talk over the situation with him in a Durbar. This laid the foundation of Durbar or Jirga system. And so whenever any inter-tribal dispute arose, a Durbar was summoned to solve the issue. Sir Robert Sandeman also conceived and introduced the system of awarding cash prizes, sanads and khillats to those tribal chiefs or feudal lords who maintained complete peace and order in their regions. Money was also regularly distributed among the elder-men of the tribes to help them maintain law and order in the area. When outrages occurred, the allowance for the elder men was not forfeited. On the other hand, more money was given to them to help unearth the culprit for trial by their own Jirga in their own way. Matters of vital importance to the tribes or the region as a whole were discussed and decided at the Durbar which was held once a year instead of two as originally initiated by Sandeman. Its venue was Siwi or Sibi.

Through the Jirga the conduct of a tribesman is governed by his own tradition and devotion to honour. Throughout Balochistan, as elsewhere in the country, death is the penalty for murder, except in the case of a blood feud when the relations between the families involved and the kind of provocation is taken into account. In either case, if the deceased's relative agree before a Jirga, blood money may be paid in lieu of execution of the murderer and the obligations of badal are deemed settled. If the victim was a relative of the murderer, death by the sword is prescribed. Refused to go to battle at the call of the tribe is punished by nagah, a fine, confiscation of property and the burning of the house. Adultery is punished by the death of both parties. In this case women have to be killed first.

Tribal jirga is a comprehensive system in its nature having codes, rules and regulations for all the socio-economic, cultural issues, various offences committed in the tribal society and the punishments for such offenses etc. The verdict of the Jirga is still the strongest force in the tribal society. The force behind the Jirga is the age old conventions, traditions and ethics of the tribal society. According to the tribal ethics, any attempt to tamper with one's loyalty is no less a crime than touching the honor of a woman. The traditional penalty for both is summary death.

3. Historical Background of Honour Killing (Karo Kari)

The history of honour killing practices of the tribal societies of Sindh, Balochistan as well as NWFP is very much old. Gazetteers published by British colonialists in India show that the customary practice of honour killing in these western reaches of the empire was an integral part of a detailed code of honour that regulated tribal social relations. Among the Baloch, adultery – or siyahkari – was very severely punished. The pronouncement of siyahkari was a virtual death warrant for a woman: “A woman taken in adultery is by Baloch law made to hang herself, while even the penalty attaching under English law to murder cannot save the adulterer, if caught, from death at the hands of the woman’s relatives” (Gazetteer 90: 60-61). However, there were some fairly clear ‘rules’ in the tribal code that governed the practice of honour killing among the Baloch. For one, the death sentence was reserved mostly for a married woman, for “a faithless wife caught flagrante delicto” in the act of adultery. Secondly, mere suspicion could not constitute grounds for a killing. For example – as Henry Pottinger, a British agent for the Governor General noted in his report on his travels through Balochistan and Sindh in 1810 – in the “territories” ruled by the Khan of Kalat, there were certain evidentiary requirements:

A man who discovers his wife committing adultery, may put her and her lover both to death; but he must bring two respectable witnesses to attest the fact, else it is treated as a case of murder. In the same manner, if he can produce four creditable eye witnesses to his wife’s infidelity, though he himself should not have suspected it, he is at liberty to destroy her, and her paramour if he can get hold of him. The circumstance is then reported to the Khan, who, assisted by the moolahs or priests, examines into it, and if the proofs are valid, the matter is settled; but should any doubt arise respecting the evidence, the man, who has revenged his own supposed wrong, is doomed to the most severe penalty for murder, and the witnesses are given up to the family of the accused person until they can prove their assertions. This salutary law equally restrains revenge and false accusation (Pottinger 86: 292-293).

Among some tribes a man could kill an adulterous wife only if he could prove that she was not a virgin at the time of their marriage, which, seemingly allowed for the possibility – and an implicit acknowledgement by the community – that not all women were virgins when they married. “The difficulty”, writes Pottinger, “in satisfactorily proving the charge, and the deadly feuds it would give rise to in the families, restrained any attempts at unfounded accusations” (Pottinger 86: 70). Furthermore, while death was the most common penalty for adultery, it was not the only way out.

In the case of an unmarried woman accused of illicit sexual relations, a father was considered within his rights to insist on both parties being put to death. However, if the woman was discovered to be pregnant, marriage for the

lovers rather than death was the preferred outcome, presumably to spare the life of an innocent child conceived out of wedlock necessarily consigned to eternal damnation.) The ritual violence of honour killings in Sindh and Balochistan was witnessed by Pottinger who wrote in his travelogue:

In these areas the man who finds his woman in liaison with another man calls a jirga. The accused couple is made to dress up in bridal attire – the woman even having henna applied to her hands and feet as is traditional for brides. They are then brought before the jirga in a baraat like manner, and stoned to death by tribesmen. In case a married man accuses his wife of infidelity, he has to prove that his wife was not a virgin at the time of her marriage. If he can do so, he divorces her, makes her don her wedding outfit and stones her to death This practice is not too common since it is hard to prove a woman's past virginity.

3.1 Honour Killing (Karo Kari) in Sindh

As far as the historical background of honour killings in Sindh is concerned very little historical evidence is available about the tradition of killing of the women on the basis of adultery in Sindh before Kalhora Period. It is also interesting to note that Shah Abdul Latif Bhitai, the great poet of Sindh of the same century has depicted the picture of the woman of that era with all her sorrows, tragedies, and romances in his poetry. The great poetry of this great sufi poet carries the details of the historical romance of Sasui Punhoo, patriotism of Marvi as well as inner feelings of the women of the fishermen engaged in sea trade, being out of their homes and away from their lovely wives most of the time. But, Shah's poetry has no mention of violence against women in the form of Karo Kari.

During the same era, however, Karo Kari tradition was common in the regions of Kalat state as well as British controlled tribal areas now part of present Balochistan as well as in NWFP. According to Balochistan Gazetteer, "Before the British occupation death was the punishment of a faithless wife, caught *flagrante delicto* and of her paramour, the husband and any of his male relations and the woman's father, brother or other guardian being entitled to constitute himself the executioner". The Gazetteer further reads, "In pre-British days, if both the adulteress and her seducer were killed, matters ended there. An adulteress seldom escaped death, but if the seducer managed to escape, the tribal headman settled the case against him. The penalty usually exacted from him was a girl for the injured husband, cash, and arms for women's father."

Meanwhile, historical record on Talpur rule in Sindh gives some indications of the presence of Karo Kari custom in some specific areas of Sindh bordering with tribal regions. This custom however increased to the fearful proportions when the British conquered Sindh in 1843. It is believed that Karo Kari custom was introduced in these specific areas of Sindh with the migration and settlement of Baloch tribes in the province.

In fact the Kalhoras were the first rulers of Sindh, which systematically facilitated the migration of Baloch tribes into Sindh from the tribal areas of Kalat State and other Baloch regions, which presently constitute Balochistan Province. Balochis first entered Sindh in large numbers in eighteenth century, as soldiers of Kalhora rulers. Among the tribes who responded to the invitation were the Talpurs. Members of this tribe seized power from the Kalhora in 1789 and maintained their rule until the British conquest of Sindh in 1843. Naturally Talpurs relied on their fellow-Balochis for support. Their army was almost entirely composed of Balochis and since military wages were nominally paid in land, many of the most important landholders in Sindh were Balochis warlords (David Cheesman, 1997).

3.2 Karo Kari during British Rule

On the conquest of Sindh by the British in 1843, Sir Charles Napier was appointed Sindh's first governor. One of the greatest evils of Sindhi society, which attracted the attention of the first British ruler of Sindh, was the menace of Karo Kari. Napier became very much concerned with wiping out of the custom that appeared to him savage and barbarous. Early in his regime, Napier announced that all the murders would be punished with death and even carried out his threat. As a consequence, it was discovered that the incidence of female 'suicides' had greatly increased. Women were constantly found hanged, having ostensibly made away with themselves. Yet it is noteworthy that suicide was formerly all but unknown amongst the tribes in Sindh. These were evidently disguised murders.

Consequently, Sir Charles Napier issued a menacing proclamation to the people of Sindh. Under this proclamation, Napier threatened to visit and inflict dire punishment to whole village where a woman was found to have committed suicide under suspicious circumstances. A fine was to be levied on the whole village, the kardar¹ was to be dismissed, and all the dead woman's husband's family to be brought to Karachi (A.H Hughes, Gazetteer of Sindh 1876) . The text of Sir Charles Napier's Proclamation makes an interesting reading:

"People of Sindh – the government has forbidden you to murder your wives, a crime commonly committed when the British conquered this country. This crime of woman-murder is forbidden by the religion of the English Conquerors; who shall dare to oppose their law? Woe be to those who do. But this is not all, ye Sindhians, Balochis, and Mohammedans, murder is prohibited by your prophet. You, who murder your wives, outrage your own religion as much as you outrage ours! This government will not permit. Government therefore visited with punishment such murderers, and the crime began to disappear. Some of foolish men among you believe that the English are easily deceived, and you have, in a vast number of cases, hanged your wives, and then pretended that these poor women

1. Right from Mughal to British period the administrative and revenue divisions of Sindh were known as Parganas. The officer incharge of each pargana was known as Mukhtiarkar. Each pargana was subdivided into tapas, which were put in charge of revenue officers known as kardars who had smaller establishments.

committed suicide. Do you imagine that government believes that these women committed suicide? Do you believe that government can be deceived by such villainy that it will let women be thus murdered? If you do believe this, it becomes necessary to teach you how erroneous is your judgment, and if you preserve, your sufferings shall be great

You are therefore thus solemnly warned that in whatever village a woman is found murdered, a heavy fine shall be imposed on all, and rigidly levied. The government will dismiss the Kardar. It will order all her husband's relations up to Karachi, and it will cause such a danger and trouble to all that you shall tremble if a women is said to have committed suicide in your district, for it shall be an evil day for all in that place. You all know that what I say is just, for never was woman known to have committed suicide in Sindh till the law decreed that husbands should not murder their wives, and this year vast numbers of women have been found hanged; gross falsehoods have been put forth by their families that they committed suicide; but woe be to their husbands! For the English government will not be insulted by such felons. The murderers shall be sent to labor far away over the waters, and heard of no more (A.H Hughes, Gazetteer of Province of Sindh, London)

The crime decreased but for a short while only, and soon Napier was writing again: "I beg of the magistrate to warn the kardars that they must find out the truth; they can do so with ease; and if they do not, they too shall suffer. It is just one of those fearful conspiracies to baffle a just law, which must be met with great firmness, and punished with great rigor". The death penalty did not prove to be an adequate deterrent to murder, and finally Sir Charles Napier was forced to seek some other method of punishment, which might prove more effective. After consulting local opinion, he came to the conclusion that only uprooting the Sindhis from their villages, kith and kin would do as leaving one's village was the most dreaded act for Sindhis.

"It is dreaded as something terrible by the people of these provinces, and the punishment of death is, I believe with comparative indifference the very name Kala Panee (banishment across the waters) is enough to subdue the heart of the greatest villains. The natives of Sindh are particularly attached to their own soil, and expatriation to them is the greatest of horrors. For, they must bid adieu to their families, friends and even language as well as their native land."(Hamida Khuhro, 1999)

In the long run the practice remained in vogue and between June 1852 and April 1853 no less than 42 cases of Karo Kari killings were reported.

4. Present Status of Karo Kari Cases in Sindh

“Woman is equal to seven Holy Qurans” is an adage in Sindh, exhibiting the respect for the womenfolk. However, the same women are killed mercilessly in case the male family members have slightest suspicion about their illicit relations with any men. This merciless killing is given the name of “Karo Kari.” The karo Kari tradition decrees that the family whose honor has been offended should kill any man and woman involved in an illicit relationship. However, in practice the victims of this tradition are mostly women.

The cases of karo Kari have never been age-specific. From the small girl of 8 years to the elder women of 80 years can be victims of karo Kari tradition in Sindh. However, usually, the youngest women are the worst victims of karo kari incidents as according to a survey, carried out by Sindh Journalists Network for Children (SJN) for UNICEF during the year 2001 among the cases of karo kari reported by the community members interviewed, 43.37% of those killed were of the age between 15 to 20 years. But, the victims also included the women above the age of 40 years as 6.03% of those killed were above that age.

Although, all the male of the family even close relatives consider themselves as owner and guardian of the women but the close relatives especially the husband, father and bother assert the role of the guardianship with more vigor. Therefore, in karo Kari cases the people who are very close to the victims including those having blood relations with the women etc turn to be her killers, because they are the people who feel their ownership and honor threatened in such cases. According to SJN survey in majority cases (50.60%) husband of the women turn to be their killers in the case of karo Kari. The brothers occupy the second position, among the killers, as 19.28 percent of those killed were put to death by their own brothers. In 6.82% cases the killers of karo Kari victims were their sons. The list of the killers also included fathers (4.82%) uncles, cousins and others.

4.2 Major Causes / Motives behind Karo Kari Cases in Sindh

Previously carried out after witnessing the woman and man in compromising situation, or with the availability of valid proof, karo kari tradition has witnessed many changes as the parochial family system, tribal culture and the commodification of women have become stronger with the passage of time.

According to different studies conducted during recent years, by UNICEF, Shirkatgah, Auraf Foundation, Actionaid Pakistan etc as well as the field observations and interviews for this study, at present valid proof has very little place in the karo Kari killings. The field study conducted in this regard brought the fact on the surface that mostly karo Kari killings are carried out on the following main grounds:

- In the past karo-kari cases usually occurred after the male family members witnessed the woman and her lover in compromising

condition. Killing on the basis of only suspicion was usually avoided. Presently, though in many cases the women are killed on the suspicion or with other motive giving it the name of Kari. However, still in some cases, killing of women and men takes place after witnessing them in compromising condition. This is done usually for the sake of two factors i.e. to satisfy ones so-called own conscience that the woman was killed not without her crime and to strengthen the case of killing in honor before law enforcing agencies and the local sardars. Because the case of killer strengthens when police reach on the spot after the killing and sees the half- naked bodies of the woman and lovers close / stuck to each other. However, in some cases woman is killed on the bases of suspicion, the alleged lover of the woman is brought at the same place with any other excuse, and he is killed at the same place in a bid to show the so-called genuineness of the case.

- Taunting, named as ‘taano’ in Sindhi language often results in the killing of women in the name of karo Kari. A relative, any member of the tribe or even any other villager can taunt the men. Sometimes the families having unpleasant relations also taunt each other with regard to the behavior of their women only to settle their scores. The taano would be very subtle but for any man it would be enough to declare war on the culprits (Nafisa Shah, 1998) .

Taano can be thrown up at the face of any person about his woman family member. In some cases taano can be aired in katchari, about any person who may not be present in that katchari. When such allegations travel to the airs of the male family members, they feel their honor threatened, and become ready to kill their woman.

- Element of suspicion is also one of the main factors behind the karo Kari killings. Interestingly, once the atmosphere of suspicion develops then it increases with the passage of time. Insignificant things can be the bases for such suspicion. During different interviews for this study about 10 main activities of the women emerged as the bases of suspicion for the male. Male usually suspects the women of having bad character on:
 1. Women’s frequently standing near the door
 2. Frequently looking/peeping from the door.
 3. Looking/peeping from the window
 4. Talking with a person who is not a close relative
 5. Praising any male except husband, brother or father
 6. Frequent visits of any male from outside family to the house
 7. Frequent standing of any male near the house
 8. Women doing makeup without any special even i.e. Eid or wedding in the locality.
 9. Preparing any embroidery i.e. topi (cap) or *shaall* by woman for any male outside family without remuneration.
 10. Praise of a woman of the family by a man outside the family

- Expressing a desire to choose a spouse and marrying a partner of one's choice are seen as major acts of defiance in tribal society of Sindh where fathers arrange most marriages. Such desires or acts are seen to damage the honor of the family, whose male consider it only their prerogative to negotiate the marriages of their girls. The desire or act of women to marry any person without family's consent also usually results in declaring the women as Kari by the family(AI, 1999) .
- Petty quarrels on any matter usually end up in killing of one person at the hands of other. The killer would spare no time in axing his wife, daughter, or even mother to death declaring her Kari with the male earlier killed by him to strengthen his position in the incident and to save him from severe punishment. Some times even woman is killed by her husband or any other relative on any other quarrel except karo Kari. For example the male returning from fields, some times hungry, becomes outrageous if he finds no meals prepared. In such situation male usually hits the woman with whatever becomes handy i.e. iron rod, etc. As the woman is killed the male then usually stages drama of karo Kari to save his skin from severe punishment of murder case as well as from the compensation to be paid to the parents of the woman.
- People in a bid to take benefit from the tradition of Karo Kari declare the well off people as Karo with one of their women family members and demand compensation after killing the women. In fact the basic reason behind such killing happened to be to receive a financial benefit from the wealthy people.
- In many cases, if one is dejected of his wife and wants to marry another woman but cannot afford to 'purchase' the same; he would simply kill his wife, declaring her Kari with any one. He would hurl death threats to so-called Karo, to compel him to come to terms and pay compensation.
- Karo Kari cases do occur on the bases of old rivalry. In case if some one has enmity with another person but he is unable to take revenge directly, he would kill the same person on the allegations of being Karo with any woman of his family. By doing so he would be beneficial in many ways: It would save him from the direct murder case. He would face no retaliation from the aggrieved party because in the tribal society as the family of a person killed by being declared Karo never retaliates. It would also save him from any kind of compensation even if the killing case goes to Jirga.

5. Impact of Tribal Jirga on Karo Kari: Major Findings

Jirga is a comprehensive tribal legal system, with comprehensive codes, rules, regulations and mechanisms of imparting tribal justice with regard to all kinds of cases including treachery to clan, theft etc. However, in this study only such codes, rules as well as verdicts of tribal jirga system have been studied and analyzed, which have direct relationship with honour killing (karo kari) cases in Sindh. Following are the major causes:

1. Before the tribal jirga an honour killing is not a crime but a legitimate action, seen as the appropriate punishment for those who contravene the honour code. The man who kills for reasons of honor becomes *ghairatmand* [possessing honour] and is morally and legally supported by the Jirga (AI, 1999) . This code of jirga is completely opposed to the legal provisions, which declare the killing of any person by any one, with any motive as a crime and the killer, according to the law has to face the justice/ punishment.
2. In the cases of karo Kari the logic of tribal tradition turns conceptions of victim and perpetrator. Women who are killed or flee a killing are not victims but the guilty party in the tribal setting. The man to whom woman, whether a wife, sister or daughter, 'belongs', has to kill to restore his honour. He is considered the victim as he has suffered loss, first to his honour and then of the woman whom he has to kill. Consequently, he is the aggrieved person with whom the sympathies in tribal settings lie, not the possibly innocent woman he killed. A man whose honour has been damaged must publicly demonstrate his power to safeguard it by killing those who damaged it and thereby restore it (Nafisa Shah, 1998, AI, 1999). This tribal rule is also opposed to the law of the land, which declares the killer, who has killed anyone on whatever motives as culprit as those killed and their families as the victims.
3. In contrast to the formal justice system where the aggrieved files a report with the police against the accused, in the jirga system the alleged accused or the guilty individual, family or tribe has to ask for the tribal jirga. This reversal is in keeping with what is being sought in each system. In the formal court system, the aggrieved is asking either for compensation for damages inflicted and / or punishment of the party proven guilty. In the settlement system of tribal jirga the guilty party is trying to counter the aggrieved party's wish to either take revenge in which case the latter can either agree to the tribal jirga request or refuse such a request.
4. While taking decision about a serious allegation against any women, the tribal jirgas give no right to the accused women to appear before the jirga and clear her position. Decision about her is taken on the statements of her father, brother or other relatives and

the same statements are considered as last word. This is opposed to the procedures of formal courts, where the accused is presented and her/ his statement is recorded.

5. According to the jirga system, only the single evidence of the husband is enough to declare a woman as Kari. In the case the woman is married, the husband would give testimony that she is Kari and if she is un-married then the testimony of her father or even brothers would be enough to declare her Kari.
 6. Tribal Jirga also considers the act of marriage of any woman with any man without her parents' consent as an act of karo Kari. The woman who gets married on her own will but without the consent of the parents is considered as Kari and her husband is also considered karo even if the marriage is done legally through the court of law. Those families who kill such couples are not fined by the Jirga. This is opposed to the basic right of marriage, for which according to Pakistan's law as well as Islamic law , the consent of wali (parents) is not necessary.
4. In case such couples on run are caught and brought before the Jirga, they are separated and the male is usually fined and the family of the women is given authority to give whatever punishment it considers appropriate for their girl, which may rang from killing her to selling her in a remote area and socially boycotting her after her sale. In this regard, one can quote the case of Roshan Junejo and Bakhtawar Pathan:

Roshan and Bakhtawar were from the same tiny village and same neighborhood. They received primary education together and played for long hours together in the streets of Parumal town of district Sanghar. As they grew together, slowly the fact dawned on them that they love each other. Thus they decided to become life partners. First it was at the family level that the matter was raised. However, the parents of the girl being traditional Pathan family refused to marry off their daughter out of their close relatives. This was the clear indication of the hurdles in the love of Roshan Junejo and 18-year-old Bakhtawar Pathan. Dejected of the family response one day they decided to court marriage, implemented their decision, and escaped from their family's wrath.

However their decision provoked tribal backlash. Hundreds of tribal people started gathering at perumal, from all over the Mirpurkhas division and other parts of country and called a Jirga. They wanted to settle the matter in a tribal fashion and wanted to recover the girl at any cost. The elders of the Junejo tribe in order to avoid a possible clash with the girl's family intervned in the matter. They offered that girl should be taken to a court, for recording her statement and it should be left up to her whether she wanted to return to her parents or stay with her husband. However, the armed Pathan jirga men refused to allow the girl to give her statement in the court. They were demanding that the girl should be handed over to them and the boy should divorce her.

Fearing escalation of war amidst the dead silence of the administration, the Junejo influential decided to pressurize Roshan Junejo to divorce Pathan girl

as her family could take her back. So was done. Under pressure Roshan Junejo divorced Bakhtawsar Pathan and later on, her relatives took her away to Quetta Balochistan. Even her parents who were residents of Perumal town migrated and shifted to Quetta. After that nothing is known about the fate of Bakhtawar Pathan

9. According to the Jirga system of justice, those providing refuge to alleged kari women will have to stand as accused party in the tribal jirga and even compensation may be imposed on them for their such act. However, the alleged kari is provided temporary refuge only in the haveli of sardars till her fate is decided by the jirga. After reaching at Sardar's haveli, the Kari is virtually converted into a maidservant, as she has to work for the family of sardar and in response has to receive protection and food for survival. Although the alleged Kari saves her self from the hatchet of her male family members by taking refuge at Sardar's haveli, however here also she is vulnerable to sexual exploitation from the male members of sardar family as well as the male servants of the haveli. She usually stays at the haveli of the sardar till the tribal jirga decides her fate.
10. Tribal chiefs who run the jirgas usually provide support to the killers of women on the allegation of Karo Kari and even try to save them from the wrath of police and the law of the land. Sardars interviewed said that after killing women or man in karo Kari case the killers usually reach at their otaq in place of going to police. Those killers prefer to house their arrest through sardars. The relatives of the killers request Sardars to pressurize police to help them in such cases. This act is a crime in the eyes of the law of the land, because it is the act of providing protection to the culprit/killer. However, tribal jirga justifies such act and there is no any fine etc on such act by the tribal jirgas.
11. In place of awarding punishment to those who kill their women on the allegations of karo kari, the tribal jirga in fact ensures so-called compensation / benefit for the killers and his family on the basis of sustaining loss of a women, which they themselves have killed. The compensation can be in the form of money, land, or women. The standard price is one girl above the age of seven or two under seven. In order not to have to give up two of their girls, families are known to have knocked out the child's milk teeth to pass her off as older than she really is (Shah 93). But sometimes the compensation has to include two women regardless of age because, as according to one sardar, "if her paramour escapes, he has to pay two khoons [blood money], one for the loss of a wife or daughter and one because the paramour's life was spared" (AI 99:14).
12. The fate of the women, who take refuge in sardars haveli after the allegations of karo kari is usually far from enviable, for saam used in Sindhi language for them in real terms translates into a lifetime of servitude as a baanhi, or slave, of the sardar. He has the power of

disposal over them; he can use them for his own sexual gratification, or auction them to the highest bidder since Karis, particularly if they are young and beautiful, fetch a high price. For instance, amnesty International was told in Balochistan that women accused of siyahkari may be auctioned at the annual cattle fair in Sibi to men of other tribes. The sardar may deduct a percentage of the price for himself to pay for her maintenance while in his household; the rest is delivered to the husband or father (AI 99).

13. Even if in rare cases, it is proved that the woman killed by declaring her kari was in fact innocent, there are no convictions, and most of the accused literally get away with murder on the basis of razinamas ('reconciliation' agreements) presented to and accepted by the police. Any person who has committed such heinous crime is also set free in the case of razinama, which happens to be in the form of payment of cash or girls in the marriage to the aggrieved party.

Till the General Zia, under Pakistani law, murder of any kind was a crime against state and the culprits were not to be set free under any deal/ agreement between the culprit and the aggrieved party. However, under the Qisas and Diyat Ordinance of General Zia, in a bid to Islamize the country's laws, there is a provision of agreement between the culprits and the aggrieved party in the form of payment of compensation to the aggrieved party (Yasmeen Hassan 1995). This law is being severely criticized by the civil society and legal experts and appeals are being made for the repealing of such law. However, according to international standards of human rights the act of killing of any one is a crime, not only against the grieved party but also against the humanity and state and the accused has not to be made free after the payment of any compensation.

14. Majority of those who have been the party to any jirga during the in-depth interviews confirmed that sardars usually receive share from the compensation of the cases of karo kari settled in the jirgas. The share of sardar in the compensation amount varies from sardar to sardar. Normally majority of the sardars get the one-fourth of the settled amount of the compensation. It means out of Rs 100,000, Rs 25 000 go to sardar. However, various sardars and landlords have developed various methods of receiving amounts. Some sardars usually charge money from the settlements in the name of 'Otaq jo Kharach'- the expenses of running their otaq. Such expenses are usually claimed from the accused party. However, in case both the parties stand accused in the jirga, both have to pay this amount jointly. Meanwhile, the more sophisticated method of extortion of money by the influential or sardars claiming money in the name of police. Though in some cases, the matters are settled with police directly by the killer family of karo Kari. However, in majority cases, the killer seeks support of the sardar or any other influential person to ensure relief from police. The influential persons usually become mediator between the police and the killer settling any amount with the police for getting relief. The police are asked not to register case

against the killer and even if the case is registered not to challan the case till the formal settlement of the issue. The investigations showed that though the amounts of the settlement with police as shown from the mediator sardars or other influential ranges from Rs 50,000 to Rs 100,000 but in actual the sardars pays fewer amounts to the police and keep the remaining amount. If the killer is poor, the amount (less than the actual shown amount) is shown to have paid, by the mediator, and this amount is later on claimed from the killer in installments.

6. Conclusion & Recommendations

6.1 Conclusion

Thorough evaluation and examination of rules, regulations, codes and verdicts of tribal jirgas in Sindh, the study concludes that there is sufficient negative impact of tribal jirgas on Karo Kari cases as the rules, regulations, codes and verdicts of the tribal jirgas are not only completely in contrast to the legal provisions (Illegal in the eyes of law) but clearly encourage the killings in the name of karo kari by justifying the killings in the name of honour, declaring the killers as aggrieved party , ensuring compensation for the killers, providing protection to the killers from the law and law enforcers etc.

There is a dire need of prevention of jirga settlements as to prevent the increasing trend of karo kari in Sindh. Following are the suggestions in this regard:

6.2 Recommendations

- Reforms should be introduced in the Hudood Ordinances as well as criminal laws to ensure severe punishments for Karo- Kari cases. A provision must be added to the Criminal Law Act of 1997 that all cases of karo kari will be dealt as intentional murder and there would not be easing of sentence in such cases.
- Traditions and customs are certainly a great socio-cultural wealth for any nation. However, the process of evolution of mankind has proved that many customs and traditions considered as valuable and important proved to be inhuman with disastrous impact on the human lives as education and awareness increased in the world. The custom of honour killing is one of such criminal customs. It is the need of hour that the government should take legal, as well as administrative steps to put restrictions on all the traditions and customs, which instigate violence against the weaker sections of the society including women especially the custom of karo kari . Though the tribal jirga is already banned. However, the successive have failed in implementing the ban. On the contrary, the governments have been involved in encouraging the jirgas to the extent that majority of such jirgas are held in the Government Rest Houses with the full protection and protocol of the government officials. This has practically revived the jirga system. It is high time that the government should strictly enforce the ban on the holding jirgas in Pakistan. However, there is also need to review the law banning the jirga, by adding tougher penalties for those who hold jirgas despite the official ban.
- Domestic violence should be legally defined as a criminal offense. It should be made as cognizable, non-compoundable offense, non-bailable depending on gravity. Existing laws on violence against women, in keeping with universal standards of human rights should be

reviewed and revised. The crimes of murder in the name of karo Kari should also be declared as the crime against the State and humanity. The murders in the karo- kari cases should be punished severely. Similarly, overall legislation on domestic violence should be further reformed.

- The police have rarely been women- friendly. The procedure of the registration of the FIR is cumbersome. The women who try to get case registered against their abusive husbands are usually returned back by the police. The police in place of registering case usually become mediator between the women and their male abusers. Therefore, the process of registration of FIR should be made simple and administrative rules should be simplified especially for women. Women's desks at police stations should be established. Both male and female police personnel need to be trained to handle complaints of violence against women in a gender sensitive manner. All police stations should have at least one women available to deal with the specific problems of women complainants.
- It is also a fact that women have little awareness about their legal rights. This is why they usually remain silent on each and every act of injustice with them. Therefore, there is a need of launching a comprehensive legal awareness program for the women to make them aware about their legal rights with regard to violence, marriages, right of inheritance, divorce as well as right to life and liberty. This would certainly create encouragement among them to challenge the injustice in a proper way.
- Relief and assistance should be provided to women who are victims of domestic violence including allegations of karo kari . In this connection shelter homes should be set up in collaboration with NGOs to provide protection, legal aid and psychological counseling for women in crisis. The functioning of government run shelters should be improved with the help of NGOs, legal and medical specialists. Existing shelters and legal and psychological assistance services should also be widely publicized.
- One of the basic causes of violence against women including the deadly tradition of Karo Kari is illiteracy among the general masses of Sindh. There is the lack of fresh air of awareness and education among the masses. Consequently, people remain prisoners of patriarchal, feudal, and tribal thinking. Therefore, there is a dire need of not only reforms in the formal educational system in the province with the adequate availability of staff and other educational facilities but there is also need of launching some programmes of informal education and awareness in the form of workshops, seminars, literacy programs at the local level in the rural as well as urban areas of the province to enlighten and educate the common people.

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Annex: I

List of People Interviewed:

A. Advocates

- Mohammed Yousaf Leghari , Advocate Supreme Court , Hyderabad
- Ms Noor Naz Agha Advocate , Karachi
- Mr. Nizamuddin Baloch Advocate, Sukkur
- Mr. Ayaz Soomro Advocate, Larkana
- Mr. Ayaz Latif Paleejo Advocate, Hyderabad

B. Human Rights Activists

- Mr. Aftab Ahmed HRCF , Sindh Special Task Force Hyderabad
- Mr. Ali Hassan, HRCF Sindh Special Task Force Hyderabad
- Sayed Javed Shah, Bureau Chief Hilal-e-Pakistan Larkana
- Mr. Ramzan Memon , Bhandar Hari Sangat, Hyderabad
- Mr. Ghaffar Malik, Sindh Development Society , Hyderabad

C. Tribal Chiefs

- Nawab Mohammed Aslam Raisani , Chief of Sarawan Balochistan , Quetta
- Mir Hazar Khan Bijarani , Jacobabad
- Sardar Mugeem Khan Khoso, Jacobabad
- Nawabzada Nadir Magsi, Shahdadkot , District Larkana
- Sardar Shah Nawaz Junejo, Shahdadpur, District Sanghar

C. Women Activists

- Ms Anees Haroon, Coordinator Aurat Foundation, Karachi
- Ms Zubeda Birwani, Senior Program Office Shirkatgah, Karachi
- Ms Aisha Yaqub, Takhleeque Foundation Karachi
- Ms, Parveen Shaikh, Pirbhat Women's Organization , Shahdadkot, District Larkana

Note:

Interviews of some victims of karo kari cases including women and men (especially those undergone tribal jirga system Verdicts) were also conducted. However, their names are not being mentioned here, on their request. Similarly, the names of those families, whose case studies were conducted for the study, have also been withheld on their request.

Questionnaire

1. What is the historical background of tribal system in Sindh?
2. What is the historical background of jirga system in Sindh?
3. What are the present day mechanisms / processes of jirga system i.e., how it is being run?
4. What is the tribal code of honour and what is its place in the jirga system?
5. What is the tradition of honour killing (Karo Kari)?
6. What is the historical background of this tradition?
7. What, according to your opinion, are the basic causes behind karo kari killings?
8. What are the codes, rules and regulations of tribal jirga to deal with the cases of karo kari?
9. What is the role of government in the tribal jirgas and their verdicts with regard to women especially in the cases of karo kari?
10. What are the negative impacts (if any) of tribal jirgas on the cases of karo kari in Sindh?
11. What are the positive impacts (if any) of the tribal jirgas on the karo kari cases in Sindh?
12. Are rules, codes and decisions of tribal jirga with regard to violence against women in accordance to the formal legal provisions of Pakistan ?
13. If not, how they violate the laws and the constitution of Pakistan?
14. Are the tribal jirga in accordance to the international conventions of human rights / women rights?
15. If no, what are the main points/ areas, where jirga codes, rules and verdicts violate the international human rights conventions?
16. If the verdicts of tribal jirgas violate the law of the land as well as international human rights standards and conventions what are your suggestions for preventing such violations by the tribal jirgas?
17. What are your suggestions for the prevention of the growing cases of violence against women especially the cases of karo kari in Sindh