

Challenging the Feudalistic Myth

Mukhtar Mai's Case

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Awaz Foundation Pakistan: Center for Development Services

Head Office

2440 N/A, D-Block, New Shamasabad Colony, Multan – Pakistan

Phone # +92-61-4784606, 4577409, Fax # +92-61-4584909

Email: info@awazcds.org.pk , URL: www.awazcds.org.pk

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Compiled by: Arshad Nazir Advocate

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Mohammad Zia-ur-Rehman

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Disclaimer:

Some of the contents and descriptions of this book are comprised of the views and opinions of the common people recorded during individual interviews, focus group discussions and questionnaires from activists representing different political parties and civil society organizations. It is therefore not necessary for AwazCDS to agree with their point of view.

Acronyms

Awaz CDS	Awaz Foundation Pakistan;Centre for Development Services
ASI	Assistant Sub Inspector
BBC	British Broad Casting
CSOs	Civil Society Organizations
CNN	Cable News Network
DSP	Deputy Superintendent Police
D/O	Daughter Of
NGOs	Non Governmental Organizations
DIG	Deputy Inspector General (Police)
FIR	First Informatory Report
IG	Inspector General (Police)
IPC	Inter Press Communications
SP	Superintendent Police
SSP	Senior Superintendent Police
SHO	Station Head Officer
S/O	Son Of

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Preface & Acknowledgments

Violence against the women is common in our society but it becomes more brutal and barbaric in the areas where the state institutions are weak and feudalists are godfathers. This is bitter fact that these feudalists become much stronger during the military regime as the state authorities do not bother about their unlawful acts in lieu of its own vested interests. Pakistan has remained under military regime for more than half of the period since its inception and during these regimes only military institutions and feudal bases were given priority by the state in every aspect of life.

History is evident that crimes and assaults against the poor particularly against the women always increased during these regimes. The incident of Nawab pur (Multan) back at 1980 in which a woman was forced to walk naked in the village as ordered by the village *Sardars*, similarly the worst incidents of Mukhtar Mai (Mirwala, Jatoi) and Sawer Mai (Vehari), happened in the military regimes and are like stigma upon the face of the southern region of Punjab Province of Pakistan. During the year 2002, 88 women were caught of honor killings, 56 people preyed to acid attacks out of them 29 women and 10 children lost their lives, whereas rest of them are still suffering and are neither dead nor alive. 422 women were the victims of sexual harassments and assaults including Mukhtar Mai. Apart from these figures, hundreds of other women were the victims of out dated customs like, honor killings, marriage with Holy Qur'an, *Wanni*, exchange marriages (*Watta Satta*) and violence at home and work place, *Hudood* Ordinance and Blasphemy laws. If we deeply study each and every above said case of women victimization, it would be easy to understand that *Punchaits* (traditional justice committees) are usually found responsible for these cruelties. This self made local institution, patronized by the state authorities, in the name of providing justice at the doorstep, needs to be challenged. In this book we have emphasized on the social and political impacts of *Punchait* system upon our society.

AwazCDS had followed up the Mukhtar Mai case regularly and had organized two fact finding missions, first, immediately after the incident and second after the court verdict. I believe the contents and analysis of this case study will be helpful for the elected Parliamentarians, researchers, scholars, social scientists and other state and civil society organizations for making pro-people policies and development interventions. Awaz CDS intends to launch a well coordinated campaign with the support of other stakeholders of society to challenge the feudalistic myths.

In the end, I, on behalf of AwazCDS, would like to extend special thanks to all who have done an extremely important work voluntarily for the completion of this

case study. I believe without their help it would have difficult for AwazCDS to get it published. I particularly thankful to Malik Arshad Nazir Bhutta (Advocate) who has compiled and analyzed this study by keeping in view the legal aspects of the case. I am also thankful to Ms. Sheen Farrukh from IPC Karachi, who did an extra ordinary effort by supporting me in editing the case and by writing foreword for this book.

The members of AIMS organization Jatoi district Muzaffar Gardh also deserves deepest thanks for facilitating Awaz team in conducting individual interviews and focus group discussions with victim family members and with other inhabitants of Mirwala village and in the vicinity. AwazCDS is also thankful to its staff members for their volunteer efforts for the study as well to all those civil society activists and experts for responding to our questionnaire regarding the study well in time. Finally AwazCDS also acknowledges the support of **Hienrich Boll Foundation** for getting it published.

I look forward for your comments and suggestions to improve such efforts of AwazCDS and to initiate an advocacy campaign for the socio-economic and political empowerment of the women in the region.

Mohammad Zia-ur-Rehman
Chief Executive
Awaz Foundation Pakistan
Centre for Development Services

Foreword

Every ruling minority needs to numb and, if possible, to kill the time sense of those it exploits by proposing a continuous present. This is the authoritarian secret of all methods of imprisonment The barricades break that present.----*John Berger*

The main character in Mukhtar Mai's case is a symbol and an object representing numerous women in our society, who are the victims of social and domestic violence. Another recent example of such inhuman treatment is of Sarwar Mai from Mailsi, a town in Multan division. A landlord and his accomplices reportedly shaved the head and eyebrows of Sarwar Mai, blackened her face dragged her half naked in the streets and beat her up severely. Sarwar Mai was victimized because she had developed some differences with her husband and returned to her parents' house. The women, a prisoner of her husband's will had no right to choose to break away the barricades imposed by the authoritarian and patriarchal attitude.

A report says that during 1999-2002 sixty-two young girls and elderly women were killed, mostly in the spirit of revenge, by the rival parties who harbored enmity with their male family members in Kohat, district in the northern part of Pakistan. Similarly Mukhtar Mai had been the victim of enmity between the two rival parties. Mukhtar Mai the woman was an object to take revenge. Although she was not killed physically, yet bruised psychologically, gruesomely molested and dishonored. This act may also be called the feminization of crime. Besides the poor governance and corruption of law enforcing agencies, another important factor for this barbaric event is the inequality in economic status. The offenders were privileged to be not only heroic men but also from an influential and economically strong tribe, whereas the victim belonged to a poor and weak group of the rural community.

In the historical perspective of the structure of social violence we find many tales of warrior men and conquering heroes, whose image had evolved together with the image of conquering god as humanity has moved from simple modes of relationship of hunting and gathering peoples and early horticultural societies to the increasingly complex patterns of social dominance we know today. Zeus the all-powerful, ruling over a pantheon of heroic rapists has been the inspiring

model of male sex. The model for woman out of the same mythology has been submission to rape.

Women experience both structural and behavioral violence more sharply than men because social definitions of their biological equipment assign them to a special secondary descriptor (female) as a limitation on their social status at every level in a given social hierarchy. The effects of this are to ensure that the unequal distribution of resources, which is hierarchically determined in all but the simplest, become extra unequal for women. When food, tools and supplies are short, women do without before men do.

While there are differences in social structure between civilized / developed and under developed societies, there are some common features of patriarchal family structures. One aspect of patriarchal household itself, in which the male head of the household has the power of life and death over women and children of his family. The patriarch will protect his women from other men but there is little or no protection from patriarch. Therefore the vulnerability of women to the vicissitudes of the male temperament within the household is one aspect of structural violence inherent in the institution of the patriarchal family.

The horrendous story that appeared in a highly circulated newspaper during March 2003 is of genocide that had killed a large number of women in a town of district Bahawalpur. According to his statement that he used to allure women, rape them and finally killed them, because they were not Muslims. They never said their five time prayers and never fasted. This is the outcome of unleashed obscurantism prevailing in our country. The semi-literates that have not only damaged the real spirit of the religion but also impeded the betterment in social and cultural structure of the society. And women are the worst sufferers in the given circumstances.

AwazCDS under the guidance of Mohammad Zia-ur-Rehman has undertaken a commendable task to unveil the evils of society through their publications. It's said that identifying the problem is the first step to resolve it. The in-depth case study of Mukhtar Mai is the beginning of a long journey ahead.

Sheen Farrukh
Karachi
11th march 2003

Introduction

The main purpose of the book is to find out social, political, religious and cultural factors that drive the individuals and the tribes into the criminality. Why do sometimes the people lose confidence in the state adjudication process? Mukhtar Mai's is not the only case in our society that demands empirical and in-depth study; there are enormous cases of similar nature that demand sociological and psychological understanding. Media have been attracted to this case instantly, with the result the administration was compelled to take urgent notice of the gruesome incident. Many of such cases are either mal-administered or lost un-noticed otherwise.

Mukhtar Mai's case is two-pronged and needs to be addressed in sociological and judicial context. It has not only engendered the whole process but also convulsed the justification of the *Punchait* system and people's confidence in prevalent judicial system.

One has to assess the psychological and sociological factors at the helm of the occurrence of this kind of cases that mostly personify women as scourge of the sins that they never commit. Does the *Punchait* system aptly and confidently mete out justice in its true spirit in present day's stratified society? Does it truly reflect, as it is commonly stated, the feudal mindset i.e. being all-powerful and unaccountable to none? Is it really an indicator of the outdated and corrupted law-enforcement system of the country?

Deviance is a tendency that sprouts from culture. It has been attempted to provide the basic cultural background, along with the analysis of the data available. Though I feel that it may be considered insufficient in many aspects, it opens new avenues for researcher supported by better resources.

The other aspect that deserves serious attention is the role of civil society in such cases. Unfortunately civil society is not the strongest phenomenon in our country. However the stances of civil society groups or non- government organizations and their efforts to condemn such happenings have been kept in consideration.

For a tangible perspective of the civil society in this case, the filled-up questionnaires by various civil society representatives were analyzed. I hope that the book would be highly beneficial for correctional workers, social workers and civil society researchers.

Arshad Nazeer
Advocate Multan

Area Profile

In any socio-economic, psychological or criminological study, nothing can be viewed in isolation. For having an insight and deep analysis of why the crime occurs and what type of culture engenders the crime, there is always a need to have a holistic picture of the community. The socio-economic and cultural background of the area would surely help the readers to envisage how culture plays its role in giving birth to such type of crimes.

Topography of the area

Jhugiwala is the Union Council and it consists of *Jhugiwala, Mirwala, Muchiwala, Kotla Band Ali Khan, Wado Wala, Daulat Wahi*. *Jhugiwala* is the central place and is situated in the North of *Jatoi*. The total area of all the six *Mauzas* is 13096 acres. The link of all other *Mauzas* with *Jhugiwala* is by the *Kacha* (un-metalled) tracts. The accessibility to *Jhugiwala* is not difficult and the residents of the above-mentioned *Mauzas* frequently visit *Jhugiwala* for their day-to-day shopping.

It is an agricultural area with fertile soil that is irrigated by canals and tube wells, to grow wheat and cotton as rotation crops.

Population, households and literacy ratio

Total population of this Union Council is 33, 422, which comprises of 17,181 male and 16,241 female members. There are 3082 households. Joint family system is still valid here yet a separate "*Khacha*" room is provided to the married couple in the same house. Most of the households don't have proper latrines. Farms with grown up crops or bush are often used for this purpose instead.

Mir Wala is inhabited by the 50% percent of *Mastoi* clan and rest of the 50% consists on other castes such as *Chroos, Dhariwal, Pirhar, Tatalay, Mahr, Arayin and Bhatti*.

The majority of people living here belong to *Suni and Shia sects* and only 189 persons are the believers of other religions.

Generally the literacy rate is very low and women as compared to men are lesser literate. The only entertainment and opportunities of socialization are rural fairs (*mailas*) and wrestling, which are mostly male-dominant events.

Culture and the Norms of the Community

The Social Norms

The main tribe that dominates the area is *Mastoi* while the minor tribes do have the sizeable population. 60% of the population depends on farming and livestock for their livelihood. 30% of the population is of labor class. 8% people are engaged in small private businesses. 2% are in Government service.

The male members of the society work in fields and look after the livestock that include watering the fields, driving the cattle, spraying the crops, purchasing the pesticides and chemicals from the market and bidding for their wheat and crops and transportation of the crops to the market. The manual tilling has been replaced by tractor ploughing and is supposed to be men's job. After a hard day's work favorite entertainment for common people is to spend their leisure time in teashops and chat with their other male friends. The big landlords usually own *Visakh/Dera*, the annex, which is exclusively male domain to spend their evenings with male guests and have stag parties.

Nearly 96% population believes in endogamy. Only 4% of the people are in favor of exogamy. *Watta Satta* or exchanged marriages are the commonest practice of the locality and its vicinities. Monogamy is prevalent in approximately 75% of the population. 25% of the population believes in polygamy. Once a woman is widowed seldom remarries, except that she is forced to be in matrimony with a next of kin to her late husband. Divorce is still a taboo. Women are supposed to put up with all sorts of circumstances and getting divorce is not considered to be a likeable act. Second marriage among the widowed males is socially acceptable, while the marriage of a widowed or divorcee woman is considered to be damaging to the family name. Most of her life after the demise of her husband is spent to look after the children. The widowed or divorcee women live either with their parents or in the in-laws without any economic independence.

Polygamy is common among the affluent tribes as compared to poor and small tribesmen. The concept of the class, cast and creed still prevails. Generally, the people feel pride in introducing themselves with their caste instead of names.

All the decisions of the marriages take place within the *bradari* with the final consent of the elders of the clan. However, the consent of the girl's mother is also sought in this regard. At the time of *Nikkah* ceremony, the token consent of the bride is sought in the presence of two men.

Majority of the people live in extended family system with their single rooms and separate earthen *Chullas* (Stoves and Ovens).

The toilet system does not exist within the four walls. The farms with grown up crops, bushes, open spaces against the walls are commonly used by all for this purpose. Women go out early in the morning and after sun set to relieve themselves..

The birth of son is a matter of celebration. Generally the atmosphere is sober, if not gloomy when a girl child arrives.

Small girls and boys of the family play together in courtyard or in fields. The girls mostly play indoor with rag dolls etc and boys play *gully danda*.that's the indigenous form of cricket. After nearly eight years of age girls' movements are restricted and they are segregated from boys. Approximate marriageable age is 16-18.

Besides, child-bearing, raising and then doing up with household chores, the women also help in the farms at the time of sowing, harvesting, cotton picking, watering and cutting the forage for cattle. According to religion and the constitution of Pakistan women are entitled to obtain their due share of the inheritance, but it is rarely practiced and women remain dependent on her family economically. They have no access to the market; neither their bidding nor dealing in the marketplaces is acceptable.

The average women do not own property. Yet some of the families give the share of inheritance of immovable property to women as a gesture, but practically they have no role in the management of their property. They may be the landowners in files, but their economic dependence on men of the family continues.

Socially the women are segregated from the male factions of the society. Women's free mixing up with men other than their own blood relatives is thought to be against the social norms. However there is no concept of *Pardha* to work in fields but when they go out of village or to city, they wear chador or burqua. The shrines of the *Pirs, Urs*, marriages and deaths are the only occasions when the women have opportunity to get together. They are confined within the four walls of their houses otherwise.

The chieftains of the Mastoi clan with their social and political powers had been playing pivotal role in settling disputes of the community. They are also known to pressurize local administration to obtain decision according to their wishes. *Mastoi* tribes have been playing instrumental role in the local and national politics. To them, politics means to maintain and strengthening their social status in the society. They are always keen to contest national, provincial or local bodies' elections. They are also very concerned about the appointment of administrative staff. Similarly they have peculiar concept of being in the assemblies. In fact getting position is a tool to be used to get contracts, revenues & tax evasion etc. They don't serve people but curb them and pressurize them for their vested interest. They want the *Tehsildars, Patwaris*, and S.H.O's of the locality to be the men of their own choice, so that they are used for their own benefit.

According to their pre- conceived perception the women are not intelligent enough to take part in decision-making, especially in case of the conflicts and have no role to play in administration etc. She is man's property and possession that could be used, traded and exchanged as commodity. She has no freedom of choice in marriage. Their families decide it.

Extra marital relationship for men is generally acceptable but there are different paradigms to judge woman's character. She is easily suspected to have illicit affair with other man, commonly known as paramour. The conflict between accuser and accused ignites family dispute.

Economy and professions

This is an agricultural area. 90% of local inhabitants are engaged in cultivation of crops and related activities like livestock.

The position of land holdings varies as ---

3% owns 25 or more acres of land.

45% owns 10 acres land and above.

30% of the land 5 and above 5 acres

22% having 5 and below 5 acres.

50% of the total landholdings belong to the Mastoi tribe and rest of the population have small cultivable patches of lands. The Major crops of the locality are wheat and crop. The main irrigational source is canal named Sohni while there are 14 tube wells in the area.

The people are very sensitive about their possession of land because it is the only source income and livelihood and a symbol of socio-political status for them. Hence most of the local conflicts revolve around the property. Most of the murders are committed due to the unlawful trespassing or possession of the land, breaking the waterways, cutting the trees and selling out the lands. The entire management of the produce is the responsibility of the men. Yet women participate in watering, ploughing and picking the crops.

Religion

Religion can be divided into different sects as following----

33,422 - Suni out of total population 33,265 Shia . 189 belonging to other religions.

There are 5 Sunni and 2 Shias Mosques. In all the religious activities, the ecclesiastical leaders do play significant role. These religious leaders, whether they belong to the Suni or Shia sect don't have any formal education. Some of them have been in *Madrasas* for one or two years to have traditional education. They lead the congregation for five times prayers and the funds raised by the community provide them the livelihood. A *Mullah* or *Alim* comes from District Jatoi to deliver sermons in Jumma Prayers., Both Shia and Sunni perform their religious rituals in separate Mosques. Apparently they have no differences or grudge against each other. Generally the interpretation of the religion is based on male chauvinism and keeping the status of the chieftains intact, rather strengthening their position and role in the society. The *Mullah* plays instrumental role to eradicate all maladies of the rural set up. Mostly his orations and interpretations are tilted toward the strengthening of the feudalistic point of view of the societies. He is a spiritual healer and Panacea to the community as the amulets of the Mullahs are believed to be remedy of the physical maladies of the community. Yet mullahs' amulet is very popular and he does it for petty remittance.

Crimes

Theft, dacoities or fraudulence and cheating are common crimes. Rather there are many forms of stealing. Such as household robberies, of fruits and vegetables in the farms, theft of electricity, irrigation water. Then there are murders in case of conflicts. They are often vindictive to the opposite groups resulting in armed clashes. Drug trafficking, setting fire of the opponents' dwellings, trespassing and house breaking, the illegal occupation of the cultivable lands, destroying the standing crops, the supply of unnecessary water to the fields with criminal intentions, the tramping and destroying of crops by animals, stealing of animals, cutting off the government trees etc.

Men often assault women when they go out to lavatory (in fact an open place) to urinate and defecate. In case the culprit is caught red-handed woman is to be blamed for alluring him. And the incident becomes scandalous.

Major disputes, conflicts, issue and the solutions

Major disputes that take place often in and around Mir Wala are on the moveable and immovable property, abduction, rape and child abuse. In case of disputes, the inhabitants to resolve the issue seek help from arbitrary heads of the tribes. The *Punchaits* are usually constituted for the resolution of the disputes. The mechanism to promulgate a body of *punchait* is that the senior members of dissentient tribes or families get together. The chief of the tribe plays the role of the *Surpanch* and the report to police is avoided. Nor do they like the adjudication of their cases in the court. The verdicts passed by the *Punchait* are usually acceptable for both the accuser and the accused. Usually dissolution of the conflicts is attained in the form of exchanged marriage, giving offender's sister or daughter or niece to the aggrieved party, pay in cash or giving away the land as a penance of the murder committed.

In theft cases, the trend to resolve the issue is as follows:-

The theft of the moveable property such as motorbikes, money, gold ornaments and animals are very common in this area. Mostly local people, who are well known detectors or track-followers, are called on the location to follow the footprints of the stolen animals. They are expert in following both the thieves' footprints and the hooves of the stolen animals. In local terminology they are known as *Khojis*. For the recovery of these stolen articles, sometimes, the *Punchait* is organized and sometimes, an individual detects the thief. The detector manages an amicable settlement of the dispute with the condition that half of the actual price of the valuables, articles or animals would be paid by the real owner. This amount locally known as *Phunga*. The *Surpanch* or the detector collects the *Phunga* and the stolen article is handed over to its real owner by the detector while the identity of the thief is kept secret. When *Phunga* is collected, it

is distributed equally between the detector and thief. Otherwise, there is no chance of the recovery of the stolen articles.

On the identification of the thief, the owners of the stolen property sometimes claim without involving the Surpanch or detector for the retrieval of their property. When they are asked for the reason to not to lodge FIR with the police. The usual reply is that they prefer to leave the matter onto Allah, because, according to them the money paid to the detector etc is lesser than the amount to be paid to the police as bribe. There is also the speculation that robberies are pre-planned and are committed with the permission and under the supervision of the chief because he is the shareholder of Phunga.

The incident

The incident took place in Mir Wala. The Mastoi tribe dominantly inhabit Mir Wala. It has already been mentioned earlier that other tribes are also residing in this village. Mukhtar Mai, a 30 years old divorcee, belongs to the Gujar tribe, which is not influential place as the Mastoi tribe does.

On June the 22nd 2002, Mohammad Jamil along with his two accomplices, caught hold of Abdul Shakoor, 12 years, Mukhtar Mai's younger brother, who was sleeping under a tree. They dragged him to sugar cane field and sodomized him one after the other. Abdul Shakoor, being molested against his will, expressed his intention to disclose the commission of the sexual offence to his relatives. Revengefully, he was confined in a room. Abdul Khaliq, the abettor in this case, brought his sister, named Salma alias Naseem Mai and confined her in the very same room. The news of Abdul Shakoor's rape with Naseem Mai was circulated in the village. His father and other members of the house reached the spot along with the holy Quran so as to prove Abdul Shakoor's innocence. But they persistently implicated Abdul Shakoor to have committed rape with Naseem Mai. It was an act that had blemished their honour. Resultantly, the revenge of the incident had become the matter of their tribal honour. Abdul Shakoor's brother named Hazoor Bakhsh and Maulvi Altaf Hussain approached Thana Jatoi and informed the Police that Abdul Khaliq etc. had unlawfully confined Abdul Shakoor into a room with an intention to kill him. The A.S.I, named Muhammad Iqbal, Thana Jatoi, approached the spot and brought Abdul Shakoor to the police station. Abdul Shakoor was kept under police custody for the whole night. Later on, Ramzan Pachar along with some others demanded Rs. 10,000/- to grease the palm of the police for the release of Abdul Shakoor. Apparently, some of the police officers seemed to be already familiar with the entire affair. Despite that Abdul Shakoor was kept under custody, the fact that he was sexually abused was corroborated with the medico-legal report.

While the Mastoi tribesmen took the plea that Naseem Mai was dishonored and they would wreak its revenge by dishonoring Abdul Shakoor's sister. In this connection, the Gujar and Mastoi *Bradri* (tribe) held separate meetings on June 22. By then, the only information that Abdul Shakoor's parents had, that he was caught with Naseem Mai.

In the meeting of both clans, prior to the release of Abdul Shakoor, it was decided that his sister, Mukhtar Mai, the woman of the Gujar *Bradri*, should present herself in front of the local *Punchait* and apologize for her brother's misdeed. Gujar Bradri opposed the decision, yet for the sake of reconciliation between the estranged clans, it was proposed by Abdul Razaq and Hazoor Bakhsh that there be an exchange of marriages between the clans. The proposal was that Mukhtar Mai is married to Abdul Khaliq and Naseem Mai's marriage be made with Abdul Shakoor. It was decided that Mukhtar Mai's marriage be held immediately while Abdul Shakoor's marriage be held on the next morning, when he would be released from the police station. Abdul Khaliq disagreeing to the proposal, reiterated that Gujar Bradri dishonored the Mastoi community, therefore

the Gujar community should meet with the same fate. According to the prosecution, *Surpanch*, (Head of the Panchait) named Faiz Mohammad of the Mastoi clan asked Sabir Hussain, the maternal uncle of Mukhtar Mai to bring his niece in to *Panchait* where she would apologize in front of all, so as to settle the matter finally. Eventually Mukhtar Mai was brought to the *Panchait*. On her arrival, Faiz Mohammad Mustoi said that since the woman has come in person therefore all apologies should be accepted. On the contrary Abdul Khaliq insisted that the act of dishonor be repaid with dishonor. On this, Abdul Khaliq, Allah Ditta, Fayyaz Hussain and Ghulam Farid caught hold of Mukhtar Mai and dragged her into a hut a few yards away from the place of their meeting. The incident is said to have occurred in the presence of hundreds of spectators. A large number of men belonging to Mastoi clan present on the spot were merry-making to celebrate their revenge. They gang-raped Mukhtar Mai one by one and threw her out of the room half-naked. The spectators adhered to the brutality by showing no reaction or opposing the act. The majority of them were from Mastoi tribe equipped with arms.

Registration of FIR

The FIR was registered after 8 days of the occurrence and there was panic in the whole area. The people remained lip-tied. Maulvi Abdulrazzaq took a bold step and protested against this inhuman act in front of the gathering during *Jumma* prayer. Later on, a local Journalist Murid Abbas reported it to the news papers. When the news of the heinous act appeared in the national and international media, the pressure was mounted on to the police to lodge FIR of the case. Secondly the Khateeb, Maulana Abdur Razzaq, who heralded the incident during Jumma Prayer, raised the pressure; he protested against the decision and demanded the arrest of the culprits.

According to Mukhtar Mai's statement given to the press that the SP Crime Branch blamed her in order to save the police officers from their criminal negligence.

The July 11th report of the Governor's Inspection Team revealed that the police and the Nazim were involved in the crime and they played the barbaric and inhuman role in the case. Governor, Lt. General (Rtd.) Khalid Maqbool visited Jatoi on July 15th and Saeed Awan, the SHO along with other police officials of Jatoi Police Station were suspended on the charges of accepting bribe and negligence of duty. The registration of the case was directed against the police officials. On July 16th, three Sub Inspectors, Nadir Khan, Imam Bakhsh, Mohammad Sadiq and one ASI, Mohammad Aslam were suspended from their services.

The role of media for highlighting the Case

The incident was well covered by not only the national press, but was also highlighted by BBC and CNN and was dubbed as "the most barbaric and

inhuman” incident. During the first eight days no FIR was registered. It was only when the incident had been flashed internationally the police had to register the case. The Chief Justice of Pakistan, taking the *suo motu* action, summoned the IG Punjab, Home Secretary Punjab, DIG Dera Ghazi Khan, SSP Muzaffar Garh and DSP Jatoi and ordered for the speedy trial of the case in Anti-terrorist Court. He ordered that the trial of the case be made within three weeks. The western media over-played the event and targeted the entire Pakistani community, with special reference to Islam and the Muslim world.

The original contents of FIR

“I am a divocree, I live in my parents’ house. On 22-6-2002, my brother Abdul Shakoor was suspected of having illicit relations with Naseem Mai D/O Imam Bakhsh, Caste Mastoi, R/O Mir Wala. With a view to having the decision of this, the gathering “*Ikath*” was called for. Ghulam Rao Bahadar Khan, Altaf Hussain S/O Bahadar Ali, castes Mastoi, and many others were present there in the gathering. Mohammad Ramzan s/o Karim Bakhsh caste *Pichar*, Ghulam Farid S/O Mahmood Caste Mastoi were representatives of Abdul Khaliq while Faiz Bakhsh Khan S/o Khair Mohammad, caste Mastoi was appointed as “arbitrator”. It was decided that Nasim Mai’s marriage be made with Abdul Shakoor S/O Ghulam Farid and Mukhtar Mai be given to the son of Imam Bakhsh in exchange of this. But Abdul Khaliq, Mohammad Ramzan, Ghulam Farid dissented with this decision and demanded that Ghulam Farid should hand over his daughter to them so that they could commit adultery with her and the crime be reciprocated. Then they would reconcile. All others who were present in the gathering opposed to this. Maulvi Abdul Razaq and Manzoor Ahmed left the place. On the cruelty and interrogatories about the reconciliation, my maternal uncle Sabir Hussain S/O Ghulam Qadir brought me to the “*Punchait*” and said that I should tender an apology in consonance with the Baloch traditions so that the incident should be equated and reconciliation be made. Then Abdul Khaliq caught me by my left arm and I forcefully got my arm disentangled. Faiz Bakhsh Mastoi spoke that she should be forgiven. Abdul Khaliq armed with Pistol, Allah Ditta S/O Imam Bakhsh, Fiyyaz Hussain S/O Karim Bakhsh, Ghulam Farid S/O Mahmood castes Mastoi fetched me to a room. Abdul Khaliq, Fiyyaz Hussain, Allah Ditta and Ghulam Farid committed “*Zina-e-Haram*” with me turn by turn. They dishonored me ruthlessly. I kept on screeching. After they had discharged from this “*Zina-bil-Jabar*”, I came out of the room and called out my father, Ghulam Farid. Besides my father, Ghulam Nabi S/O Bahadar Khan, Altaf Hussain S/O Bahadar Khan castes Jatoi, R/O Mir Wala were the eye-witnesses to this incident. I know the above-mentioned accused previously. By this time, I could not come to get the Report registered because of terror, poverty and upset-ness of the incident. This day, accompanied by my father and other witnesses mentioned above, when I proceeded to Thana for getting the Report registered, in the meanwhile, you met me on the way. Now I get my statement recorded that the legal action should be taken against them. Left-hand thumb print of Mukhtar Mai, the prosecutrix, certifying signature of Malik Ahmed, Inspector, SHO Thana Jatoi. Dated 30-6-

2002. **Police Proceeding:** currently, in connection with the prevention of crimes, I along with Mohammad Yar 814/112, Ali Mohammad 514, Mohammad Altaf and Driver Mohammad Akram am on patrolling by the government vehicle No.7280/MNA and I am present at Jhughi Wala Choak within the jurisdiction of southern Jatoi that Mst. Mukhtar Mai, the prosecutrix along with Ghulam Farid and other witnesses came and get her oral statement recorded. The statement was written and read to her and she was made to understand it. After having heard the statement, she accepted it as true statement and imprinted her right thumb. I verify it. In the light of the above-mentioned statement and circumstances, the crime under section 10 7/79 Islamic Law, 109, prima facea seem to be made out. So the written report of the Prosecution is being sent up to *Thana* by Ali Mohammad 514/HC. For the purpose of registration of the case, the report should be submitted to Thana. Mst. Mukhtar Mai is being sent to the Jatoi Hospital under the custody of 814/HC. The Moharar has been directed to submit the report to the Higher Officers. I am busy in investigation. Signed in English By Malik Ahmed, Inspector *Thana*, Jatoi, dated 30-6-02, from Choak Jhughi Wala, within the jurisdiction of *Mauza* south jatoi, at 7/45 a.m.

From Thana: The FIR of the written complaint in accordance with the charge is prepared and the copy of *Misal* along with the original is hereby sent for the purpose of investigation. *Partt Chaharum*, which has been handed over to the Prosecutrix, is being sent to the SHO. Special Reports are being sent to the higher Officers.

Azhar Abbas 437/HC, *Moharrar* Thana Jatoi/ 30-6-02

Analysis of the case

As far as the commission of Abdul Shakoor's sodomy is concerned, it was proved by MLC (Medico-Legal Certificate). It was an incident that occurred prior to Mai's case. Rest of the intricacies of the case were necessary evils, which the alleged offenders perhaps planned to overlap Abdul Shakoor's response of making commission of sexual abuse public. Obviously they had planned to manipulate the things in such a way that would help them to be free of blame. Salma alias Nasim was confined in a room along with Abdul Shakoor and the hue and cry was raised that Abdul Shakoor committed Zina and was caught red handed. That was in fact a call to hold *Punchait*. The offenders' clan Mastoi tribe has a strong hold on the *Punchait*. During the *Punchaits'* session they showed their indignation over Zina and insisted to repay Zina with Zina. And they succeeded in their mousetrap plan.

The occurrence of the incident created great restlessness in the village. The inhabitants were amazed to see a large number of spectators to watch the live blue movie. The presence of armed men created terror and sense of insecurity among the people of a smaller tribe. They were said to be about 40 of them. Any woman in the mob could have been their prey.

It is inconceivable absolutely that the police was unaware of the occurrence because the *Punchait* was held after Abdul Shakoor was taken into police

custody. The police are supposed to be vigilant about unlawful acts and also to take preventive measures against all the apprehending crimes. But the non-challant- attitude of the law enforcing agencies was frustrating as it usually happens in cases of such nature. In other words police failed to perform duties in its professional manner. In fact it's customary that the outgoing officers briefs the new entrants about the tribes, locality and general trends of crimes. The *Mastoi*, as has been mentioned earlier, is the most influential tribe, socially and politically. They know all the tactics to keep a strong hold on the police and other administrative bodies. While the *Gujar* tribe as compared to them stands nowhere. It is an obvious speculation that the offenders concocted the story about Abdul Shakoor. *Gujar* tribe, the aggrieved party was helpless throughout and could not deter against the formidable enemy

It has also been observed that the Nazim of the city government was well aware of the whole affair and he sided the the *Mastois* instead of helping out the victimized people. Mukhtar Mai, her father Ghulam Farid, uncle Sabir Hussain, brother Hazoor Bakhsh and other spectators were terror-struck, rather dumb folded to the extent that none of them went to the police station for the registration of the case.

Technically the FIR registered by the Police was also defective. It said that when the police was forced to register the case, the presence of 30 to 40 armed persons was not mentioned. Similarly tyrannical half naked walk of the victim in the presence of hundreds of the spectators had not been the part of the FIR, whereas it is a crime under Section 354 A of the Pakistan Penal Code. The family members of the offenders were put under unlawful police custody so that the offenders are caught.

The delaying tactics on the part of the influential member of the *Jirga* were used with an intention to protect the accused of the case.

The victim and the other members of the family were not provided with appropriate protection by the law enforcing agencies. On the contrary, the aggrieved party received threats to life.

Sociological analysis of the incident

Abdul Khaliq, Allah Ditta, Fayyaz Hussain and Ghulam Farid were the dubious characters and the *mens rea* behind this alleged offence was their common motive to conceal their crime by forging blame to others.

The Panchait on the Incident

The *Panchait* was held. According to their own interpretation of the situation, the verdict of bringing Mukhtar Mai, as being a woman of the accused family before the *Panchait* and her tendering of apology was in consonance with the Baloch norms. The decision of Abdul Shakoor's marriage with Nasim Mai alias Salma was according to traditions of *Balochs*. Mukhtar Mai's father and uncle agreed and brought her over from the house. But the verdict passed by the Surpanch was not agreeable to the offenders. Initially there was no controversy for holding *Panchait*. But when the situation worsened and the *Mastoi* tribesmen outrageously violated the decision and caught hold of Mukhtar Mai by her plait and dragged her in to the room; the Surpanch himself was taken aback. Consequently all the fuss to hold *panchait* became futile

In the opinion of local people, it was not only unlawful but also an act which was religiously unethical and amoral that humiliated people.

The spectators had observed that the culprits belonged to the *Mastoi* tribe. Nearly the presence of 30 to 40 armed men made others flabbergasted. Faiz *Mastoi* the *Surpanch* of the *Panchait*, having dissension over the decision, expressed his anger by saying: "What type of decision you have made? I've never come across such a decision. It simply means asking for God's scourge. Be fearful of Allah's calamities." He quitted the place thereafter. Although he may have delineated the traditional *Panchait* character, yet the local people had differed. They opined that he who could have prevented the gruesome act of gang rape. It was a matter of just a feeble signal from him. On the contrary he escaped from the scene by going away from the village. That was considered to be a double game on his part. The prevailing circumstances had created an awesome situation that necessitated the urgent intervention by the law enforcing agencies. It was a case beyond the control of informal sanctions alone.

The Community Perception about *Panchait* System

According to our study 68% of the male members of *Mastoi* tribes were in favor of this adjudication system and they explained that it is the cheapest and easily accessible and sustainable form of justice. Women had no role in decision-making in accordance of Baloch customs. Whether the decision was good or bad, they liked it or not; they had to accept all the decisions made by men. 25% people opposed the system, with the view that it is judiciary within the judiciary. In such case might is right. The decisions are also tilted towards the politically and socially influential parties. They also affirmed biased attitudes towards

women who are more often victims of injustice. The exchanged marriages are outstanding examples for treating women as commodity. 7% showed their mistrust in the *Punchait* system, and also demanded the reforming and overhauling of the law-enforcement agencies. They look towards the state to provide them justice, yet on the conditions if law-enforcing system becomes trustworthy.

In the opinion of other tribes

73% people showed their mistrust in the *Punchait* system. They were of the view that the verdicts of the *Punchait* are most of the time tilted towards the influential ones. Complete justice is never done. But if the situation is compelling to take a course other than the *Punchait*, there would be one to come to their rescue. They expressed their dissatisfaction over the functionalities of the law-enforcement agencies that bribery is the only way to get their work done by the police. Under the circumstances they are once again at the mercy of their *Sardars*. They said that the court system, being very costly, is out of their approach. They go to the courts mostly for the settlement of their land and water disputes only when there is no other solution. Initially they try to avoid the courts because of the exuberant fees of the lawyers and lengthy judicial system. They resort to the *Punchait* system otherwise. They said that they respect women and consider them their honour. But the preferential and discriminatory treatment is made for the women of the lower tribes and the women of high tribes. They expressed about their acceptance over the exchange of marriages in such cases.

20% stated that in the cases of small rifts, the decisions of the *Punchait* are not biased. e.g. reconciliation in inheritance, the division of property, small rifts between the brothers' between masters and workers, or land lords and peasants etc 7% said that if there is no *Punchait*, it would be difficult to have our problems been resolved , because usually the police never investigate without any hush money or being under the pressure of the tribal chiefs. There is no hope of justice in the courts. Hence, they are forced to look to the *Punchait* resolve their problems.

Women had said

Nearly 90% of the womenfolk knew nothing about the law-enforcement agencies and its functions. However 58% women showed their indignation on the exchange of the women in the case of the decisions by the *Punchait*. 27% women was of the opinion that all's the men's job. They are not supposed to object but to submit to their will. The things go worst otherwise that include murders in both the parties. They were ignorant of any parallel judiciary system. 13% out rightly refused to answer the questions; yet it was explained by them that they couldn't go against the will of their men. Some of them didn't foresee any positive change in the present set up. 2% reposed their trust in the *Punchait* system, rather they demanded that the women must be the members of the *Punchait*. However their distrust in the law-enforcement agencies was also apparent. No data from the

Chief tribes and their women in this regard could be sought out. It was hard to contact them and get their opinion on the issue.

Sociological Analysis of *Punchait* System

It is held to administer the justice for the crimes such as theft, murder, honor killing (*Ghairat Ka Qatl*), *Kala Kali* (having extramarital and unlawful sexual relationships), elopement and political rifts. It is constituted generally by the chiefs or feudalists of the tribes and both the offender and offended parties are summoned before the Surpanch of the *Punchait* and the verdict is passed against the incriminating party. The verdicts mostly passed are under the influence of the tribes having numerical strength, socio-economic and socio-political status in the society. If the members of the blood-relatives of the feudalists are involved in any crime, no *Punchait* is held. If any relative or other member who is, by one way or the other, influential for the chieftains of the tribe is involved in any crime, not only the *Punchait* is held but the police is also involved in it.

However in urban areas the *punchait* system is not acceptable, rather it's regarded as anti social body but its prevalence in the rural areas is justified due to certain reasons of its own. Firstly, this adjudication system is held in such communities under the covering of cheap, speedy and easily accessible justice. The supporters of this system tend to believe that it is held because of the clans and class-consciousness, endogamy, socio-political status of the community and above all to ensure the cohesion of the society. Secondly, it maintains the status of the feudalists and the existence of the feudalistic system. The feudalists have enough powers to play game that suits their vested interests. Therefore they urge the parties for reconciliation, or pressurize one party and deprive the other accordingly. In all this game, they are the key players. In the case in question, it is observed that no objection was raised against the child abuse by the member of *Mastoi* tribe. Even when this wrongful act was revealed, the undue influence of the *Mastois* upon the administration for conniving at the crime indicates how they manipulate the things in their favour.

Precisely it is the culture that exploits women to be used as tools in the crimes. That's how the *punchait* system has become controversial. Nevertheless, the plebs' discontentment and annoyance against this system was noticeable in the community. The magnifying degree of this dissatisfaction over the *Punchait* system is also the aftermath of this case, because its comprehensive coverage in the media compelled people to comment on the sorry state of women. The urgent visits of Government's high officials to *Mirwala* followed by the approval of grants for the developmental works, prospects of setting up a primary school for girls, check post at Mukhtar Mai's residence and unusual mobility of the law-enforcement agencies are all the factors that cannot be overlooked during the analysis of the data because they certainly played their part to speed up the process of the change in people's attitudes about the *Punchait* system and the women's rights.

Though it is reflective that many offences are committed under the covering of the Panchait system for being the members of the majority, socio-politically influential tribes, yet the crime cannot directly be linked with the Panchait system because it is the system, whose historical and cultural evolvement was meant for the prevention of crime. The changing trends in the culture and the requirement of the professional acumen of application of judicial minds in the decisions such Panchaits are worthless.

Crime and violence appear in every society and to a certain extent it is normal but if the rate of the crime rises than its normal number, it is an apprehensive indicator for any society. Most appropriately putting it in Emile Durham's words: *"In the first place crime is normal because a society exempt from it, is utterly impossible. Crime... consists of an act that offends certain very strong collective sentiments. In a society in which criminal acts are no longer committed, the sentiments they offend would have to be found without exception in all individual consciousnesses, and they must be found to exist with the same degree as sentiments contrary to them. Assuming that this condition could actually be realized, crime would not thereby disappear; it would only change its form, for the very cause which would thus dry up the sources of criminality would immediately open up new ones."*

Civil Society Reaction against the decision of the *Panchait*

Following is given the data collected from NGOs activists. The data collected from the male social activists and that of females are separately described:

98% percent activists were of the view that Mai case was a Human Rights violation and it was a gender prejudice.

Nearly 46% of the male social activists viewed that Mai's case was a well-conceived. They said that it was a decision given by the *Panchait*. They said: *"Such type of violation can take place with boys and girls of tender ages as well."* It was also termed as a crime of gender prejudice. Responding to the question of redressal of such criminal activities, they said: The law-enforcement agencies, judiciary and social sectors are the institutions that can jointly take remedial measure." Pointing towards the root-causes of such crimes, they said that various social, psychological and economic factors underlie for the commission of such crimes.

Addressing to the question of the Civil Society's strategy of prevention of such type of crimes in future, education, awareness and dissemination of tolerant and democratic culture among the communities were factors that were termed as of supreme importance.

They viewed that the role of NGOs under such kind of circumstances is enormously increased as they are the agents who can work at grassroots level and disseminate awareness amidst the common people through informal education.

They were of the view that the NGOs can play the role as watchdog in mounting the plebs' pressure over the impartiality of the Law-enforcement agencies. They

can also demonstrate against such crimes on roadsides, in front of the Press Clubs and in front of the courts. The pressure for repeal of discriminatory laws and promulgation of equality-based laws for both sexes can be mounted against the law-makers.

15% were of the view that it was not a pre-planned case, it was an accident. But the *Punchait* decision was not justified. They said that such type of crime cannot take place against the boy. It can take place with the girls of tender age.

All sections of civil society expressed their dissatisfaction over the decision. The Women Lawyers of different area generally and those of Multan especially protested against such type of inhuman and barbaric crimes. They demanded the government for preventing the Punchait to give such type of decisions.

Psychologists' and behaviorists' viewpoint

Gang-rape, a forcible sexual intercourse, committed by the offenders against the will of the victim, certainly leaves the indelible psychological scar on the mind of a victim. In this case three persons were victimized against their will-- Mukhtar Mai, Abdul Shakoor and Naseem Mai alias Salma, who was confined in a room along with Abdul Shakoor. These persons were not only hurt physically but also tortured psychologically. Mukhtar Mai's plight was the worst than others. It's also a fact that close relative also suffer with the victims. e.g. Mai's father and her uncle also remained under constant psychological stress.

The statements of Mukhtar Mai soon after the incident and of others in this regard are very important. According to her statement Mai had pleaded to bring justice for her. It was amazing that all the relatives were panic-stricken and retired to their home. She was left alone and all by herself. Confounded by the state of affairs she did not speak to anyone for a week. She wept bitterly not only for her disgrace and humiliation but also for the uncouth attitude of the elders of the family. During this she was also inclined to commit suicide.

When the trial of the case started in the court, she reminisced the incident that was blood cuddling for her.

During the painful and stressful trial by the Defense Counsel, she could not help bursting into tears. According to her there had been the most crucial junctures. Finally she fell unconscious. The level of stress one experiences depends upon how one appraises the events of one's life. The above-narrated situation reveals how sorrowful and horrifying the incident for Mai it was. This really was the matter of life or death for her.

It seems better that her situation should be explained in physiological and psychological terms so as to have a clearer understanding of the emotion-arousing situation that caused her faintness. The Physiologists and Psychologists state that the variety of stressors--- extreme cold, lack of oxygen, emotion-arousing incidents--- trigger an outpouring of epinephrine and norepineprine (commonly known as adrenaline and noradrenaline). These stress hormones enter the bloodstream from sympathetic nerve endings in the inner part of the adrenal glands. When alerted by any number of brain pathways, the sympathetic nervous system increases heart rate and respiration, diverts blood to skeletal muscles, and releases fat from the body's stores--- all to prepare the body to fight or flight.

Perhaps, while facing the trial, Mukhtar Mai experienced an alarming reaction due to the sudden activation of her sympathetic nervous system. Her heart rate zoomed, blood was diverted to her skeletal muscles, and she felt the faintness of shock.

On the other hand the celebration by the offenders shows that it was not an expression of unrestrained, impulsive sexual desire but it was a ritual of power and humiliation, which they designedly committed to teach the lesson to them who exhibited courage and raised their heads in front of them. It is apparent that Abdul Khaliq, Allah Ditta, Fayyaz Hussain and Ghulam Farid were the persons who culminated the offence. In the abetment of two others, Mohammad Jamil,

who sexually abused a 12-year old boy, Abdul Shakoor, was also a deviant. Abdul Khaliq, who touched the abyss of disgrace and disregard in terms of the social and religious norms and values of the locality by confining his own real sister along with Abdul Shakoor.

Furthermore, for the study of the behaviour of these deviants, the family background, their upbringing, their social circles and relationships are rudimentary, which we are unfortunately devoid of.

To show the importance of these factors in the study of such criminals' behaviors, it is apt to quote the words of S.W.Ranson: *".....It is said that the character of the reaction depends upon what the life situation involved means to that person.....Whether the manner in which a person responds in life situations is the result of habit or deliberation, his reactions are regarded as the expression of his personality"*.

It is further said: *"Man is born into a culture. He arrives biologically equipped to receive and to adapt knowledge about himself and his relationships to others. His first social contact is the beginning of a life-long process of coordination during which he absorbs and adapts ideas that are transmitted to him formally or informally by instruction or precepts. These ideas embody meanings attached to customs, beliefs, artifacts, and his own relationships to his fellow men and to social institutions. Looked upon as discrete units, these ideas may be regarded as cultural elements, which fit into pattern or configurations of ideas, which tend to become fixed into integrated systems of meanings. Embodied in the mind they become personality elements, and the sum total of all such elements may be conveniently called personality, as distinguished from the person's biological individuality or his inherited and acquired morphological and physiological traits. Personality then rests upon a biological foundation, which is of the greatest importance in the formation of personality. The biological make-up of an individual fixes limits to personality development, determines the character of the receptive and adaptive processes which transform cultural elements into personality elements, and influences the latter's expressions in social activity..."*

Conduct can occur only in situations, which are defined by some social groups and governed by a rule of some sort. Furthermore, all conduct has been socially conditioned, since personality is a social product.

Hence mind is the social product, there must have been the extensive record of these deviants' bringing up, their social circles, their acculturation and socialization through informal institutions which could have aided in the empirical research. Furthermore, the record of the language, body language and exchange of hot words, if there were any; and many more that took place during the incident and on the spot is not so unimportant to be overlooked in such kind of study. We are once again unfortunate that there is nothing to analyze.

Insofar as the *Punchait* as a social control mechanism is concerned, Faiz *Mastoi*, the old conformist and traditionalist spoke eloquently on the occasion but his reins on the young generation seemed to have loosened.

The noticing of the demeanors, though it is the requirement of the court's procedure, is rarely done. So far as the recording of the minute details of the

case is concerned, our police is not properly trained for investigative purposes. Judiciary and the practicing lawyers are bound by the criminal procedure code. According to the legal definition of the criminal it is the one who is only adjudicated by the courts. In this respect, the lawyers as professionals make their witnesses learn that how the case is strengthened or weakened as defense counsels or prosecutors. They try their hardest to prove the accused an innocent by stretching the ambit of the code while the prosecutors remain disquiet in proving the accused a real guilty. In the tug of war of two professional intellectuals, the reality slips somewhere else.

Anyhow there is a stark need of research in the field of crimes, criminals and criminology in our country.

Human Rights Violation

In Mukhtar Mai's case it is quite clear that the vindictiveness the rapists showed was not only barbaric but also the human rights violation. The way the Jirga was organized reflects that the majority community of the locality accept one woman's apology on the crime committed by someone else and the women do not have the right to speak in the presence of the male members.

One Mukhtar Mai and one Salma, who were by no means any conspirators or abettors of the case were victimized. This is the violation of their human rights. The wrong detention of Abdul Shakoor and Salma is another act of human rights violation.

The article 25 of the Constitution of Pakistan states that there wouldn't be any discriminatory treatment on the basis of gender, religion and race. It means that everyone is equal in the eyes of law and should be treated equally. Though it is said that the *Surpanch* said that the female member of accused party had come to tender an apology for the commission of her brother's crime, the general penance should be given to them. But the question of women's status and freedom of speech still remain unanswerable. The so-called *Punchait* system, which is organized for the very purpose of adjudication is against the very spirit of judiciary because the women, in this type of local judicial system, are not only given discriminatory treatment but are also on the permanent risk of being ill-treated and exploited in the name of justice.

The tribe-based selection of the '*Surpanch*' or juror also constitutes the problem. It violates the sole procedure in the court of criminal justice for no arbitration in criminal cases is permissible.

Gender Discrimination.

From the very start to the end this case indicates that there was no free will and opinion of the two women involved in the incident. None, sitting in the *Punchait*, bothered about recording the veracity of what happened and how all that happened with Salma alias Nasim Mai. She is the most dumb and deaf character of the story. It reflects the behavior of men with women generally and especially in the *Punchait*. Let's have a look on the other side of the story. If the whole

situation was worsening due to this incident, couldn't it be possible that she should have come to the *Punchait* herself and disclosed the truth. It means either she was under the pressure of authoritative men of the family or she was threatened by her brother to not to disclose the secret. There may be another presumption that it was culturally discredited that she showed up in the presence of men in large number. Had all above-mentioned presumptions been true, there is one possibility, which is true to a great extent that the women often share such type of things with friends or sisters. If it was impossible she could have shared all this with her mother. Maybe she did so, but once again, we are forced to think that she was after all a woman. Keeping all these possibilities in mind it is obvious that the dominance of men over women, within the family and outside is a hard fact. Secondly, we see that Mukhtar Mai couldn't help submitting to the will and norms of the *Baloch* traditions by asking for apology in the presence of the *Punchait* for the sin she never committed.

Verdict of the Case

Mai & her family reaction upon the Verdict

After the verdict, Mai said she felt “elated” on the just decision of the court. It was really a matter of relief for her that six men who were responsible for the attack on her were sentenced to death. She said: “*I have been praying to Allah that he grant me justice, so I feel elated. I feel my sacrifice has not been wasted.*” She further added that what she was subjected to should never happen to anybody. Her father and other members of her family also expressed their satisfaction over the decision of the court. However, they expressed their concern over the threats from the *Mastoi* tribesmen. The appeal against the decision was also filed by two *Surpanch* and four accused through their counsels. The appeal is still pending in the High Court.

Mukhtar Mai when interviewed later, she expressed her satisfaction over the decision. She stated that the court’s decision was a just one. Those who were the real convicts were sentenced to death and life imprisonment. Earlier, she said that she had the mind to get the life imprisonment sentence transformed into death penalty but later on she changed her mind because each of the prisoners would have to be repentant with what they did and the advancement of her mission of running a girls’ Middle school would make them see their girls’ crusade against such kind of injustices. She received some donation from some unidentified God-fearing persons but she refused to use the donation for her personal needs. She regretfully explained that God might never dare anyone to receive such type of money for someone’s personal use. She seemed determined to use all that money in spreading literacy among the girls of her village.

People’s reaction on court’s decision

Nearly 90% of the population of the poor farmers expressed their satisfaction over the court’s decision. They were of the view that the decision was based on justice and those who committed crime were punished in accordance with the law. They also expressed their satisfaction over the speedy justice. After this incident, they stated that the *Punchait* system was insecure and unreliable. They further said that the court’s speedy justice can restore the people’s confidence and no *Punchaits* would be held in the guise of belated justice.

Civil Society Reaction upon the Verdict

Various representatives of the NGOs, womenfolk, Working Women, Lawyers and Lady Lawyers, teachers and students also expressed their satisfaction over the verdict of the court. They said that such type of *Punchait* decision is not only the violation of the human rights but also against the very spirit of Islam. The *Punchait’s* such type of decisions are reflective of the feudalistic mindset. No

civilized society can allow the people to take the law into their own hands in this way. The ever-increasing trend of such type of crimes must be discouraged and the courts should deal with the criminals sternly and in due course of law. The women while expressing their satisfaction over the decision demanded the government to ban the unchecked sale of acid, which is nowadays being used as a weapon against the innocent women. They further demanded that the acid and stove-burst cases be tried in Anti-terrorist Court so that such type of crimes should be eliminated from the society. "Such type of decisions can eradicate tyranny and injustices from society," The people explained. The civil society activists while condemning the *Thana* culture demanded that police violence and all type of injustices against the poor ones particularly women be stopped at once. They said that the decision against two *Surpanchs* and four other accused was the voice of all the innocent people. It was a just decision. NGOs representatives enjoined upon the government for the immediate action on the decision.

Developmental works initiated at *Mirwala* after the Incident

After the occurrence of this incident and its publication in the national and international media, our government was sensitized and continued some developmental projects in the locality. The very analysis of this incident compelled the government to root out the causes that become the bases of such type of infamous cases.

Shaheen Ateeq-ur-Rehman then Provincial Minister visited Mai and consoled with the aggrieved party on such a calamity in the family. She condemned the inhuman treatments with the women and assured the affected family for speedy justice. President Musharaf's wife donated Rs. 5 lac to help her out from the financial constraints. The girls' school was also approved to be constructed in *Mirwala*. According to her, this financial assistance was surely not the substitute for what she had lost. Mai donated this amount for girls' education in the village.

A Boys Primary School has also been constructed there. It has rightly been realized that the higher the number of the educated male members would be, the more sane and sensible reaction against the womenfolk they are likely to show. One Girls Primary School is also under construction with the name of Mukhtar Mai in front of her home in *Mirwala*.

One Police *Choaki* has been set up there permanently so as to prevent all types of crimes. Due to the establishment of this Police *Choaki*, the number of the crimes is said to have remarkably decreased. But the presence of the Police *Choaki* does not indicate any positive change in our culture until and unless there is a full supervision over it.

One road, which starts from *Jatoi* town and ends to *Mirwala*, has recently been completed. Due to this modern communicational means, the change in the socio-economic lives of the small landlord may be expected. The frequent visit to the urban areas would work a healthy change upon their lives.

Conclusion

- The unnatural act of sodomy was committed with a boy.
- The Nazim and police were partisans with the *Mastoi* tribe.
- The Panchait was organized but the role of the *Surpanch* was not dominant. Nor was his decision, as narrated by the spectators. *Panchait* is and should not be the final word in the rural areas. Nor should the *Surpanch* be from the Feudalists. It gives birth to many socio-economic problems. If there are cases where arbitration becomes a necessary evil, the *Panchait* may be composed of the representatives of both the genders as well as from the representatives of the Union Council. In the criminal cases, the practice of organizing *Panchait* should be completely shunned.
- In the newly developed Local Bodies System, the far larger of the rural women have come to the Union, Tehsil and Zila councils. But much to the chagrin, their effective role in the real politics and in women's welfare is nothing. They have but to submit to the will and dictates of their male members. There is need to disseminate awareness among the female councilors so that they could take remedial and preventive measure, if the need be arises.
- The culprits attack on Mai was pre-ponderous and with mollified intentions. The main motive behind it was to discredit and humiliate *Gujar* family and to warn them that they dare not to show their anger in future.
- Mukhtar Mai was gang-raped and forced to walk naked in the presence of a large crowd.
- Whether it is the right of life or property, the freedom of speech or the right of association, or the right to work against one's free will or violation of human rights is not un-usual in our country. Particularly the violation of women's rights presents a dismal picture in both rural and urban society.

Annexure

Original text of the FIR in Urdu

Questionnaire circulated among civil society for opinion

Snapshots taken at different occasions during the case

Glossary

<i>Arayin</i>	Caste
<i>Bhatti</i>	Caste
<i>Bradari</i>	Fraternity/Family relationship
<i>Choaki</i>	Police Guard / Small Police Station
<i>Chroos</i>	Caste
<i>Chullas</i>	Caste
<i>Daulatwala</i>	Village name annexed to Mirwala
<i>Dera</i>	The common place of sitting annexed with the big landlords' houses or a separate place where the guests are accommodated
<i>Dhariwal</i>	Caste.
<i>Gujars</i>	Caste
<i>Gullydanda</i>	Local traditional game similar to cricket
<i>Hudood</i>	Plural of Hudd which means boundary/ the punishment Allah has prescribed for the crimes.
<i>Jhugiwala</i>	Name of the Place/ A village
<i>Jirga</i>	Traditional judicial body
<i>Jumma</i>	Friday
<i>Kacha</i>	Uncarpeted
<i>Kala kali</i>	Blackened/ defamed/deflowered/dishonoured
	Kotla Band Ali Khan, Name of the place
<i>Mahr</i>	Caste/an honourable man/chief
<i>Mailas</i>	Fairs
<i>Mastoi</i>	Caste
<i>Mauzas</i>	Cluster of Villages under one Patwari for revenue collection
<i>Mens ria</i>	the bad motives

<i>Mirwala,</i>	The name of the Place
<i>Misal</i>	The documents of the Police/Judiciary
<i>Muchiwala,</i>	Name of the place
<i>Muharrar</i>	Clerk/ head constable in Police
<i>Nikkah</i>	The License for marriage
<i>Pardha</i>	Covering the veil
<i>Partt Chaharum</i>	Fourth Page of the document
<i>Patwari</i>	The smallest officer in the Revenue Department/One who collects cess, land and water taxes from the villagers.
<i>Pirhar</i>	Caste
<i>Punchait</i>	The gathering of the elders/respectable persons of the village, who are called to resolve the issues.
<i>Sardar</i>	Feudalist
<i>Shia</i>	One of the Islamic Sects
<i>Sou moto</i>	By one own
<i>Suni</i>	One of the Islamic Sects
<i>Surpanch</i>	The Head of the Punchait
<i>Tehsildar</i>	The High Officer of the Patwari
<i>Thana</i>	Police Station
<i>Tutalay</i>	Caste
<i>Urs</i>	The fair held on the death or birth of the saints in their shrines.
<i>Visakh</i>	Dera/ Sitting Place
<i>Wadowala,</i>	Annexed to Mirwala Village
<i>Wani</i>	A custom in which a girl be given as ransom against any cruel act of her male family member to save him from punishment or death
<i>Watta Satta</i>	Exchange of girl in marriage