

# Tribal Structural Practices of Dispute Settlement Through Women as Compensation in Pukhtoon Culture Khyber Pukhtukhwa

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## Abstract

The present study was aimed at discovering the hidden facts causing the women as compensation practices in *pukhtoon* culture. A cross-sectional study was carried out in Distt *swat*, *Kohistan* and data was collected from the four union councils namely *Kalam*, *Othrore* and *Chupreyal* and *Bartana* respectively. Parents of *Swara*, brother or blood relatives of *Swara* and *Swara* (Women) were chosen as potential respondents for this study. A sample size of 205 respondents out of 369 were randomly selected and subsequently proportionally allocated to the universe of the study. A conceptual frame work comprised of one independent and one dependent variables i.e tribal structural approach and women as compensation with education, family type and income as controlled variables was chalked out. The collected data was analyzed through simple frequency distribution, bi-variate and multi-variate to assess the layout, level of association and effects of extraneous variables while ascertaining the level of relationship between independent and dependent variables respectively. Moreover, reliability analysis was also carried out and reliability coefficient was found as 0.74. The study found that; a strong tribal structural with little room for formal laws and formal court and a profound system of disposition of cases through local council due to easy access. At Bi-variate level, association of dispute resolution through *Jirga* as strong institution, resolution of dispute through *Jirga* as an effective tool, *Jirga* rules are followed and *Jirga* resolves disputes in shorter period were found positive and significant with women as compensation. In addition, while indexing both independent and dependent variable tribal structural was found positive and significant with women as compensation practices. Likewise, non-spurious outcomes detected in low, medium and high income group for tribal structural approach and women as compensation while controlling income. The study concluded that failure of formal courts of justice led to the perpetuation of such practices. In addition, family structural with low income profile and formidable literacy rate were also some other contributors of making it phenomenal. Equality in gender treatment, exploiting the feeling of shame over *Swara* practice providing the legal cover to the inhabitants free of cost while involving legal fraternity and arranging seminars and debates on both print and electronic media were some of the policy recommendations in the light of the study.

**Keywords:** Dispute Settlement, Tribal Structural Approach, Women as Compensation, , Blood, Honor and property.

## INTRODUCTION

Informal and traditional justice system for settling issues/disputes amongst the conflicting social unites in Pakistan has emerged as legal mechanism of disposition of justice in different names and manifestations. *Jirga* in KP and Baluchistan, *Faislo* in Sindh and *Panchayat* in Punjab province respectively. Failure to respond on part of political parties while eradicating this evil from social fabrics and government initiative while revitalizing the *Jirga* led to the reemergence of this dying practice in Pakistan. Post-colonial scenario and lack of formal institutional mechanism had led to the effectiveness of the informal provision of justice in Africa and South Asia. This kind of institution has the mandate of sentencing a culprit even to death such as *Karo Kari* in Sindh (Kandiyoti, 1987; Saleem et al, 2011; Amnesty International, 2002; and Atayee, 1987). Wasssan (2012) concluded that *Karo kari* is a tribal custom manipulated usually by locals chieftains and feudal just to retain power while controlling local and poor communities. Their modes operand operate mostly in land, revenue, women and police related issues. Although local in context, but also contribute to the overall peace maintenance both at group to group and community level as well. It is the most integrated traditional approach in social, economic, political and religious spheres of life, however, contrary to the democratic universal standards of human rights as usually being denied the chances to women to defend themselves as of no representation in decision making process (Menkhus, 2000; Osaghae; 2000; and Boage; 2006). In some of the societies like Somali society, a provision of collective compensation for blood feud through the process of reconciliation under

the aegies of religion and social structural mechanism has given grounds to traditional approach to settlement of disputes. In most part of KP, people had a high faith in the outcomes/decisions of Jirga for resolution of settlement. In addition, a high level of satisfaction over the verdicts of Jirga in KP and Panchayatin Punjab as well (Grubeck et al. 2011; Jahangir, 1990; and Ali, 2001). In most of developing societies (UNDP, 2006) some 80% of the total cases are settled through informal judicial system with a vivid notion of treating women as beasts and paid as compensation for conflict resolution, denied of any access to basic rights (Mukhtar, 2006) through a strong endorsement of local tribal structural. This study is an attempt to figure out the relationship of tribal structural support for dispute settlement through women as compensation in Kohistan Swat, KP.

## MATERIAL AND METHODS

The study was limited to Swat District of *Khyber Pakhtunkhwa* Province. Where culture was the major driving force in molding behavior of the locals, therefore, women as compensation prevailed as a culturally endorsed practice for resolving blood, property, family and honor related disputes. A sample size of 205 as per mechanism of Sekeran (2003) was chosen from four selected Union Councils with relative sample size, determined on the total strength of the respondents from each strata. (See Appendix Table-1). The data were allocated through proportional allocation basis as outlined by Chaudhry and Kamal (1996). All those women who were the victims of compensation practice, Parent of Swara and brothers and blood relatives were chosen as respondents for this study. The study proceeded with the conceptual framework in Appendix Table 2. The dependent variable was indexed to get the desired degree of the responses in accordance to the procedure outlined by (Smith, 1981 and Nachmias and Nachmias, 1987). Reliability analysis was carried out to ascertain the level of Cohesion amongst attributes of variable. A coefficient of 0.74 was found, which is acceptable in social sciences due to behavioral variations (Nachmias and nachmias, 1992). All relevant statistical tools i-e frequency and percentage distribution was carried out. Moreover,  $\chi^2$  test statistics was used to determine the level of relationship between dependent and independent variable at bi-variate level. Gamma statistics enabled to explain the strength and direction of relationship at Bi-variate level with the aforementioned variables (See in Appendix Table-2). Chi-square ( $\chi^2$ ) test was used to test the hypothetical association between independent and dependent variables. However, with the violations of  $\chi^2$  assumptions, Fisher Exact test was used to avoid any statistical anomaly. The relationship developed by Fisher to overcome such violation is given in equation below (Baily, 1982). As the data in the study was ordinal in nature Gamma was the most appropriate measure to find out association for contingency tables (Tai, 1978). The reasons for appropriateness of Gamma were outlined by Nachmias and Nachmias (1992) that helped in determining the strength and direction of relationships between dependent and independent variables. Multi-variate analysis was undertaken to determine the spuriousness or non-spuriousness of the relationship between independent and dependent variable. Basic variables namely, education, family type and income of the respondents were kept control while measuring the authenticity of relationship at bi-variate level.

## RESULTS AND DISCUSSIONS

### Respondents Attitude Towards Tribal structural Approach to Dispute Settlement

Pakistan got independence in August 1947 after its segregation from India. Pakistan is composed of four main ethnic compositions known as *Ballochi, Sindhi, Panjabi, and Pathans*. All these four entities have their own elder leaders like in Punjab *Chaudhri, Wadera* in Sindh, *Malik and Khan* amongst *Pathans* and *Sardars* in Baluchistan. *Pakhtoon (Pathans)* are enjoying their own traditional ways of life revolving around the concept of *Pakhtoonwalias* the code of life. However, with the passage of time and advent of new factors like globalization, democracy and bureaucracy, the institutional grip of *Pakhtoonwaligot* weakened with certain variations to its application from area to area and locality to locality. As given in Appendix Table-3, some 85% of the respondents practiced *Swara* due to strong *Jirga* system. Similarly, 62.0% resolved any type of dispute through informal *Jirga* while 87.8% followed informal *Jirga* rules. It is probable from these results that formal justice system failed to deliver. Thus directing the momentum and seeking justice from informal system. Findings of the Zamurrad (2012) were in lines which highlighted the abuse against women by stating, "Women in Pakistan face the threat of multiple forms of violence including sexual violence by family members, strangers and state agents; domestic abuse, including spousal murder and being burned, disfigured with acid, beaten and threatened, ritual honor killings; and custodian abuse and torture". According to the Pakistan National Reports (1998), the basic reasons of gender discrimination and abuse against women are oppressive patriarchal structural, rigid orthodox norms, and stifling socio-cultural customs and traditions. In addition to this, the discriminatory laws and practices are further widening the gap between men and women, in almost all key sectors, consequently, different forms of violence against women has increased. In this situation, the notion of women empowerment becomes a challenge for the Pakistani women, especially for those, who belong to the middle and low classes, partly due to inadequate financial resources and less exposure to higher education. Furthermore, 75.1% respondents rejected satisfaction from decision of *Jirga*, 54.1% opposed effectiveness of informal *Jirga* in social control while, 67.3% respondents were eager that informal *Jirga* is more effective than formal judiciary. These

findings were indications of ineffectiveness of formal judicial system to deliver. Also Saleem et al (2011) disclosed in his study that *Jirga* is not only used as customary practice to legitimize *honor* crimes or harmful traditional practices like *Vani* a system in which girl is given as compensation to settle dispute but also used as a mode of reconciliation, mediation or arbitration mainly for perceived communal harmony known as restorative justice. Similarly, activeness of informal *Jirga* than formal judiciary system and access to informal *Jirga* was supported by 88.8% and 98.5% of the respondents respectively ( Appendix Table-3). These findings were similar to the findings of Atayee (1978) who stated that traditional or informal justice system is an alternative system of dispensing justice by which the disputes are settled for individuals and between two families, communities and intra or inter tribes. Also 95.1% respondents disclosed that informal *Jirga* resolves disputes in a short period of time, 95.1% disclosed that informal *Jirga* system is economically better than formal judicial system while 58.5% respondents opposed that informal *Jirga* decision is final and long lasting. Respondents expressed the legitimacy of verdicts as financial from informal system as ineffective. However, people access to informal system for resolving their issues were mainly associated to the quick disposition of cases as compared to formal system. Moreover, economic cost over legal system could be another restricting aspect of people approaching to formal judicial system. Rehman (2004) also stated that feudalism and tribal systems are the major problems in many areas of Pakistan. Exploitative role of feudal lords has caused the prevalence and protection of evil customs and attitudes like *karo kari*, *Swara*, *Vani*, *marriage with Quran*, and denial of the right of inheritance to women. They also resist education, and provision of other basic facilities to the people, and hinder all efforts for progress and social reforms. Many forums, NGOs, civil society members, and media are playing important role in highlighting the social problems of women. It could be attributed from the data that traditional justice system in the study area was playing vital role in resolving conflicts arose among various clans. *Jirga* was found economical for people in terms of easy access, activeness and power of taking decision in a shorter period of time but some people were not satisfied as in cases like murder or elopement of women. They had no option rather to accept young girl as *Swara* instead to punish the violators.

#### **Association Between Respondent's Attitudes Regarding Tribal Structural Approach to Dispute Settlement and Women as Compensation**

Any tribal structural is an old and primitive reflection of values and norms with interpersonal relationship usually stems around the primary basis. Such structural are always instrumental in perspectives of bringing any innovative changes in the prevalent social system. Rigidity and adherence to old ways of life is one of the explicit characteristics of such structural. Such structural do compose in their selves some well-defined ways and means of discharging the essential functions for making it smooth and coherent. These structural are always enshrined with most of the cultural traits, derived from religious values, either primitive or advanced in nature. Changes to the values and mores in such tribal structural are always met with high degree of resistance. Growth and development initiatives are conceived to be detrimental and avoided to be owned in the system. Some attributes over the tribal structural were designed in the preview of their interaction with women as compensation which is shown below;

A moderate positive ( $\gamma=0.565$ ) and significant ( $p < 0.05$ ) association was found between respondents attitude towards tribal structural approach to dispute settlement through *Jirga* system is very strong and women as compensation. It is apparent from these results that tribal structural in the study area had an ardent endorsement to informal local mechanism governing the prevalent social system. *Jirga* a legal component of disposing justice for maintaining the smooth functioning of the system. This mechanism is usually restorative instead of punitive justice as explained by Zartman (2000b) that this kind of justice system is mostly based on compensation to loss. Moreover, in most part of Somalia, traditional peace making processes were strong at regional levels as compared to national level (Menkhaus, 2000). Moreover, a high positive ( $\gamma= 0.615$ ) and significant ( $p < 0.05$ ) relationship was found between; respondents attitude towards you resolve any type of dispute through *Jirga* system and women as compensation. *Jirga* system is composition of older members of a society. This union is precisely responsible for bringing social harmony and integration to system while resolving the various nature of disputes. Honor related issues were mostly resolved through *Jirga* which usually involves compensation through offering women. Moreover, almost 5 percent of disputes are resolved through formal court of justice while the remaining is met with informal system (The Daily Khabrain, 2011; and Chirayath et al, 2005). Relationship between *Jirga* is effective instrument for resolving any type of dispute and women as compensation was also found highly positive and significant ( $\gamma=0.733$ ; and  $p < 0.05$ ; Table-4). Men and women with guilt were met with facing the decision of elders i-e *Jirga* in accordance to the prevalent customary practices. These decisions may range from fine imposition to even death punishment and other compensation practices like handing down the women of the aggressive family to the aggrieved family to resolve the issue (Nordberg, 2012). However, anywhere the formal setup inefficiency in deliverance has been replaced through informal judicial system, especially in rural areas of Ethiopia and other under developed regions (Chirayath et al, 2005). Similarly, a high positive ( $\gamma=0.706$ ) and significant ( $p < 0.05$ ) relationship existed

between respondents attitude towards following *Jirga* rules and women as compensation. It could be deduced from these findings that people had high adherence to informal social institution, disposing of justice instead of formal set up. These findings were similar to findings of Boege (2006) that traditional approaches had variations in applicability spread over the nature and location of the societies across the world. Conflict resolution mechanism in these societies had some deep roots to the history, process of evolution and cultural integration of customary practices. These approaches are purely context specific. Moreover, restorative justice is deposed of in a general traditional shape, being transcended to their generations from their ancestors (Boege, 2006; and Tombot, 2003). In addition to above, a high positive ( $\gamma=0.871$ ) and significant ( $p<0.05$ ) relationship was explored between *Jirga* is effective instrument for social control and women as compensation (Table-4). Peace, harmony and tranquility are some basic ingredients leading to stable and smooth functioning of a system. Conflict resolution mechanism is also another scale of judgment of human behavior. The study area had a strong mechanism of social evaluation through informal system of provision of justice with a strong faith from the followers. This synergy in social mechanism is a big harbinger to social solidarity (Gwaravanda, 2011). Local courts provide basis to local laws and ethnic composition reflecting roles and status specification (Gombe, 1980). The relationship between informal *Jirga* is more active then formal judiciary system and women as compensation was detected high positive ( $\gamma=0.710$ ) and significant ( $p< 0.05$ ). Similarly, a highly positive ( $\gamma=0.812$ ) and significant ( $p< 0.05$ ) relationship between respondents towards *Jirga* resolves dispute in a short period of time and women as compensation was obtained (Table-4). Quick and speedy provision of justice makes the process acceptable and popular with in no time space; however, a lengthy and prolonged procedure is usually discarded and disowned as depicted from the above findings. Fryklund (2011) had also disclosed that formal system of disputes resolution is constitutional, legal and based on respectful human rights, however, its slow and lengthy procedures with expensive nature is seldom opted by the parties concerned. Taliban judicial system got familiarity and popularity due to quick and fast mechanism of dispute resolution in Afghanistan (Ben, 2010). Conversely, a low negative ( $\gamma=-0.029$ ) and non-significant relationship was found between you are satisfied from the decision of *Jirga* and women as compensation. Similar relationship existed between informal *Jirga* is more effective than formal judicial system and women as compensation ( $\gamma=-0.119$ ; AppendixTable-4). The relationship between you have easy access to *Jirga* and women as compensation was found negative ( $\gamma=-1.000$ ) and non-significant whereas similar relationship was found between *Jirga* is economically better then formal judiciary and women as compensation ( $\gamma=-1.000$ ) while the relationship between *Jirga* decision is final and long lasting and women as compensation was also found negative and non-significant ( $\gamma=-0.285$ ; Table-4). These findings suggested some flaws in the way of deliverance in justice to the affected persons. However, the existence and continuity in such procedures could be associated to the cultural preservation of such practices in the study area. Rationale in the existence of traditional system of justice is based on the level of satisfaction to both formal and informal setup of the society in Ethiopia (Kambarami, 2006). Failure of acceptance to formal system of justice is due to the exclusion of ordinary mechanism of the society to its heavy and extensive economic cost. In addition, traditional approaches are also an abuse to the formal legal system, but its perpetuations are traced to the instrumental zed colonial mind set (Schlichte, 2005; Boege, 2006; and Dinnen, 2003).

#### **Association Between Respondent's Attitude Towards Tribal Structural Approach and Women as Compensation**

Relationship ( $\gamma = 0.91$ ) between respondents attitude towards tribal structural approach and women as compensation was positive and highly significant ( $p<0.05$ ; Appendix Table-5). Any tribal structural is primary based with strong social cohesion. Changes in cultural and social traits are almost impossible to attain. Moreover, the primitive society in nature whether higher, bigger or stagnant would have chances of change. These results could be attributed to the prevalence of a rigid social system. Traditional system of conflict resolution usually embodied the reconciliation which is essential for maintenance of social life. Most of the primitive societies such as African and study area had a social equilibrium to restore a social balance while settling disputes through traditional mechanisms. These approaches are usually spiritual in nature with psycho-social ramifications (Choudree, 1999; Colletta, and Cullen, 2000). Azinge (1991) and Narebo (1991) have concluded some unethical practices of prevalent social norms which usually end at humiliation. All these could be attributed to a strong hold of patriarchy in the prevalent social system.

#### **Association Between Respondent's Attitude Towards Tribal Structural Approach and Women as Compensation (Controlling Literacy).**

A highly positive ( $\gamma= 0.938$ ) and significant ( $p<0.05$ ) relationship was found between women as compensation and response of illiterate respondents towards tribal structural approach ( AppendixTable-6). The relationship between the fore mentioned variables amongst the literate respondents was also high positive ( $\gamma= 0.871$ ) and significant ( $p<0.05$ ). The relative values of gamma indicated spurious relationship. Tribal structural composed of

the prevalent norms and values had a significant importance in escalating the women as compensation practices. However, ignorance regarding misunderstanding of the religious interpretation and wide spread poverty could probably be the other propelling factors as indicated by the spurious relationship. A placed judicial system devoid of the ability to deliver at fast rate could not be ruled out as well as reported by Munir, (2013) that a costly and lengthy procedure of justice had failed to provide remedy to the people. On the other hand the quick disposition of justice from informal judicial system has given the opportunity to perpetuate in the social system. This informal system has encouraged the *Jirga* (local council) to practice and decide over a number of issues including the property to even gender based issues (Kakar, 2003).

#### **Association Between Respondent's Attitudes Towards Tribal Structural Approach and Women as Compensation (Controlling Family Type).**

In nuclear family, the relationship between tribal structural approach and women as compensation was high positive ( $\gamma = 0.717$ , Appendix Table-7). Association between these variables was also significant ( $p < 0.05$ ). Also in the joint families, the relationship between these variables was high positive ( $\gamma = 0.893$ ) and highly significant ( $p < 0.05$ ). Findings of the present study suggested that relationship between the afore mentioned variables was found spurious in both nuclear and joint family setup. Although structural setup had a high role of determining and directing human behavior. However, their attachments to structural endorsement could be judged through the Google of social, cultural and religious norms of the society. Conflict resolution in *Pakhtoon* culture had a strong functional approach through local elders. This gathering of local elders (*Jirga*) had the lacking of social and cultural endorsement. Women subordination to men and subsequent resolution of issue of women by the men had strong roots in the prevalent patriarchy (International Legal foundation, 2004; Lane, 2011; Margaret, 1992; and Hassan, 1995).

#### **Association Between Respondent's Attitudes Towards Tribal Structural Approach and Women as Compensation (Controlling income).**

As depicted in Appendix Table-8, a high positive ( $\gamma = 0.87$ ) and significant ( $p < 0.050$ ) relationship in low income group was observed between women as compensation and tribal structural approach. In the medium income group, the relationship between the aforementioned variables was high positive ( $\gamma = 0.82$ ) and significant ( $p < 0.05$ ). Similar findings were found in high-income level ( $\gamma = 0.91$ ). The relationships indicated at bi-variate levels were almost identical to the results obtained here as was evident from the respective Gamma values. It could be deduced from the data that tribal structural had a strong support to this practices. It could probably be the outcome of continuous phenomena, received by the respondents from their ancestor's traditional approaches of executing formal system is often informal with high disregard to formal judicial system (Schlichte, 2005; Boege, 2006; and Dinnen, 2003).

### **CONCLUSION AND RECOMMENDATIONS**

The main aim of this research was to investigate dispute settlement through women as compensation in *Pakhtoon* culture, *Khyber Pakhtoonkhwa*. Women as compensation (*Swara*) were measured through tribal structural approach towards dispute settlement. *Jirga* as an institution had a strong ownness and support amongst the locals. Furthermore, informal system of justice was found to be operative due easy access by the locals. Moreover, it was found to be effective in terms of deliverance as smooth and quick in disposition of justice, relatively with less time and financial constraints than formal system of justice. Local culture, with the endorsement of the prevalent tribal structural approach had led to the perpetuation of compensation practices since long. In addition, family structure, income profile, and formidable low literacy were found some other fueling factors to making women as compensation practices as phenomenal. Unabated schooling with special package for women education, making formal justice free of cost while involving human right activists from legal fraternity and arranging debates and seminars on the *Swara* practices in print and electronic media while highlighting its groomsman effects in terms of humanity and social disorder were extended as policy recommendations in light of the study.

### **REFERENCES**

- Abdul, H. M. 1997. *Kalami Ramuze Ashaar*; (Kalami Poetry). Kalam, Swat: Kalam Cultural Society.
- Ali, R. 2001. The dark side of honor: women victims in Pakistan' Published by ShirkatGah, Lahore.
- Amnesty International. 2002. Pakistan: The tribal justice system. p.16
- Atayee, I. 1978. A dictionary of the terminology of the pashtun tribal customary law. p.1272.
- Azinge, E. C. J. 1991. Codification of Customary Law: A Mission Impossible? *Towards a Restatement of Customary Law in Nigeria* 285-6;
- Baily, K. D. 1982. *Methods of Social Research*. 2<sup>nd</sup> Ed. New York. Macmillan Publishing Co., Inc. P. 408.
- Badshah, L. 2000. *Soeela~ Laang*; (Autumn Mist; Kalami Poetry). Kalam, Swat: Kalam

Cultural Society.

- Ben, F. 2010. Life under the Taliban: How a boy of seven was hanged to punish his family. The Telegraph. 12 June 2010.
- Boege, V. 2006. Traditional Approaches to Conflict Transformation – Potentials and Limits. Berghof Research Center for Constructive Conflict Management
- Chirayath, L., Sage, C., and Woolcock, M. 2005. Customary Law and Policy Reform: Engaging with the Plurality of Justice Systems. New York: World Bank.
- Choudree, R. B. G. 1999. Traditions of Conflict Resolution in South Africa. *African Journal on Conflict Resolution*. (1). <http://www.accord.org.za/publications/:/choudree.htm>. (Verified on 20, August 2013).
- Colletta, N. J. and Cullen, M. L. 2000. The Nexus between Violent Conflict, Social Capital and Social Cohesion: Case Studies from Cambodia and Rwanda. World Bank, Washington DC.
- Daily Khabrain, Multan, Pakistan. 13-05-2011 .
- Dinnen, S. 2003. Restorative Justice in the Pacific Islands: An Introduction, in: Sinclair Dinnen (ed.): *A Kind of Mending: Restorative Justice in the Pacific Islands*. Canberra: Pandanus Books, 1–34.
- Fryklund, I. 2011. Updated February 2012. Ms. Fryklund spent 4 ½ years in Afghanistan, running USAID’s ROL programmes May 2004-February 2006, and working with the Afghan government at national, provincial and municipal level in Nangarhar, Laghman, Kandahar and Helman.
- Gombe, 1980. Tsika DzavaShona. Harare. College press.
- Grubeck, N. T. P. and Wayne, F. 2011. Civilian Harm in Somalia: Campaign for Innocent Victims in Conflict (CIVIC) 1210 18th Street NW 4th Floor Washington, DC 20036 USA).
- Gwaravanda, E. T. 2011. Philosophical principles in the shona traditional System. *International journal of peace and development*. Vol 2 (5)
- Hassan, Y. 1995. The haven becomes hell: A study of domestic violence in Pakistan. Lahore: Shirkat Gah.
- International Legal Foundation 2004. *The Customary Laws of Afghanistan*. Kabul: ILF. Available from [http://www.usip.org/files/file/ilf\\_customary\\_law\\_afghanistan.pdf](http://www.usip.org/files/file/ilf_customary_law_afghanistan.pdf) (Verified on 1 November 2013).
- Jahangir, A and Jilani, H. 1990. Divine sections? A research study of the Hudood Ordinance and their effects on the disadvantaged section of Pakistan society. Lahore: Rhotas Books.
- Kakar, P. 2003. Tribal Law of Pashtunwali and Women's Legislative Authority 4-6. (unpublished research paper, Harvard University), available at <http://www.law.harvard.edu/programs/ilsp/research/kakar.pdf> (Verified on March, 2014).
- Kambarami, M. 2006. Femininity, sexuality and culture: Patriarchy and female subordination in Zimbabwe. ARSRC: University of Fort Hare.
- Kandiyoti, D. 1987. Emancipated but unliberated? Reflections on the Turkish case’, *Feminist Studies*, 13.
- Karimi, A. H. K. 1995 (c1982). *Urdu-Kohistani Bol Chaal*; (Urdu-Kohistani Conversation). Bahrain, Swat: Kohistan Adab Academy.
- Kuamr, R. 2010. Research Methodology, 3<sup>rd</sup> edition. Student Book Company New Delhi, India.
- Lane, S. 2011. Stealing Innocence: Child Marriage and Gender Inequality in Pakistan. Plan Finland & Abo Akademi University, Finland.
- Margaret, C. H. 1992. Women and empowerment: strategies for increasing autonomy. Washington: Hemisphere Publishing Corporation.
- Menkhaus, K. 2000. Traditional Conflict Management in Contemporary Somalia, in: I. William Zartman (ed.). *Traditional Cures for Modern Conflicts. African Conflict “Medicine”*. Boulder, CO: Lynne.
- Mukhtar, M. 2006. Marie-Thérèse Cuny translated by Linda Coverdale. In *The Name of Honour: A Memoir*, In France, Oh! Editions, Paris.
- Munir, A and Ghulam, A. K. 2013. A Social Custom “Vani”: Introduction and Critical Analysis. College of Agriculture, Dera Ghazi Khan 32200- University of the Punjab, Lahore, Pakistan.
- Nachmias, C. F. and David, N. 1992. *Research Methods in Social Sciences*. 4<sup>th</sup> Ed. St Martin’s Press Inco. New York. USA.
- Narebo, D. 1991. Codification of Customary Law. *Towards a Restatement of Customary Law in Nigeria*, 301-2.
- Osaghae, E. E. 2000. Applying Traditional Methods to Modern Conflict: Possibilities and Limits, in: *Traditional Cures for Modern Conflicts. African Conflict “Medicine”*. Boulder, CO: Lynne Rienner. 201–218.
- Rehman, S. 2004. Assistant Editor Hashmi and Koukab (2004). Vanni is a Social Evil. [fact.com.Pk/archives/July/feng/vani.html](http://fact.com.Pk/archives/July/feng/vani.html) (Verified on December, 2013).
- Saleem, A., Mushir, A., Muhammad, S. S., and Iqbal, A. D. 2011. Study on informal justice system in Pakistan Sindh judicial academy, Karachi, Pakistan. the Sindh Judicial Academy judges bungalow Nos. 1&2, ferozenana road, bath islan, karachi.
- Schlichte, K. 2005. *Der Staat in der Weltgesellschaft. Politische Herrschaft in Asien, Afrika und Lateinamerika*. Frankfurt/New York: Campus.
- Smith, W. H. 1981. Strategies of Social Research. *The Methodological Imagination*. 2<sup>nd</sup> Ed. Prentice-Hall, Inc.

Englewood Cliffs, New Jersey.

Tai, S. W. 1978. *Social Science Statistics, it Elements and Applications*. California, Goodyear Publishing Company.

UNDP, 2006. Doing Justice: ‘How informal justice systems can contribute’ Available at: <http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/EwaWojkowska.pdf>(Verified 22th July 2013).

Wassan, R. M. 2012. Masculinity & Honor Crimes against Women in Sindh, Pakistan. Research Fellow SANAM supported Research Study Fellowship Program.

Zamurrad, S. A. 2012. Role of Civil Society in Empowering Pakistani Women. *A Research Journal of South Asian Studies Vol. 27, No. 2, July-December 2012, pp.439-458*

## APPENDIX

**Table-1 Sample Size Distribution into Various Strata of Study Population**

S. No	Union Council	Population Size	Sample Size
A	Union Council Kalam		
<b>Total</b>		<b>156</b>	<b>88</b>
B	Union Council Othrore	<b>193</b>	<b>106</b>
C	Tehsil Matta, Union Council Chupreyal	<b>05</b>	<b>02</b>
D	Union Council Bartana	<b>15</b>	<b>09</b>
<b>Grand Total</b>		<b>369</b>	<b>205</b>

**Table-2 Conceptual Framework of the study**

Background variables	Independent Variables	Dependent Variables
Education	Tribal Structural Approach	Women As Compensation ( <i>Swara</i> Practices)
Family Type		
Income		

**Table-3. Frequency Distribution and Proportion Showing Respondent Responses Towards Tribal Structural Approach to Dispute Settlement**

Tribal Structural Approach To Dispute Settlement	Yes	No	Don't know
Strong Jirga system is essential in dispute settlement	176 (85.9)	17 (8.3)	12 (5.9)
People resolve any type of dispute through Jirga	127 (62.0)	73 (35.6)	5 (2.4)
People follow the Jirga rules	180 (87.8)	15 (7.3)	10 (4.9)
People were satisfied from decision of Jirga	40 (19.50)	154 (75.1)	11 (5.4)
Jirga is an effective instrument for social control	69 (33.7)	111 (54.1)	25 (12.2)
Informal Jirga is more effective than formal judiciary	41 (20.0)	138 (67.3)	26 (12.7)
Informal Jirga is more active than formal judiciary	182 (88.8)	14 (6.8)	9 (4.4)
People has easy access to Jirga	202 (98.5)	2 (1.0)	1 (0.5)
Jirga resolves dispute in a shorter period of time	195 (95.1)	3 (1.5)	7 (3.4)
Is informal system economically better than formal judiciary system	195 (95.1)	6 (2.9)	4 (2.0)
Jirga decision is final and long lasting	69 (33.70)	120 (58.5)	16 (7.80)

**Table-4 Relationship Between Tribal Structural Approach to Dispute Settlement and Women as Compensation**

Independent variables	Dependent variable	Statistics
Attitude towards tribal structural approach to dispute settlement		
Strong Jirga system is essential in dispute settlement	Women as compensation	$\chi^2= 7.99 (0.004)$ $\gamma=0.565$
People resolve any type of dispute through Jirga	Women as compensation	$\chi^2= 9.704 (0.005)$ $\gamma=0.615$
People follow Jirga rules	Women as compensation	$\chi^2= 9.598$ $(0.008)\gamma=0.706$
People were satisfied from the decision of Jirga	Women as compensation	$\chi^2= 1.691 (0.429)$ $\gamma=-0.029$
Jirga is an effective instrument for social control	Women as compensation	$\chi^2= 14.616 (0.001)$ $\gamma=0.871$
Informal Jirga is more effective than formal Judiciary	Women as compensation	$\chi^2= 0.392 (0.822)$ $\gamma=-0.119$
Informal Jirga is more active then formal judiciary	Women as compensation	$\chi^2= 7.916 (0.030)$ $\gamma=0.710$
People has easy access to Jirga	Women as compensation	$\chi^2= 0.108 (0.948)$ $\gamma=-1.000$
Jirga resolves dispute in a shorter period of time	Women as compensation	$\chi^2= 13.966$ $(0.001)\gamma=0.812$
Is informal system economically better the formal judiciary system	Women as compensation	$\chi^2= 0.372 (0.830)$ $\gamma=-1.000$
Jirga decision is final and long lasting	Women as compensation	$\chi^2= 2.689 (0.261)$ $\gamma=-0.285$

\*Figure in parenthesis represents probability values

**Table-5 Association Between Respondent's Attitudes Towards Tribal Structural Approach and Women as Compensation**

Independent variables	Dependent variable	Statistics
Tribal structural approach	Women as compensation	$\chi^2= 14.31 (0.000)$ $\gamma = 0.91$

\*Figure in parenthesis represents probability values

**Table-6 Association Between Respondent's Attitudes Towards tribal Structural Approach and Women as Compensation (Controlling Literacy).**

Control variable(Literacy level)	Independent variable	Dependent variable	Statistics
Illiterate	Tribal structural approach	Women as compensation	$\chi^2=13.499(0.000)$ $\gamma= 0.938$
Literate	Tribal structural approach	Women as compensation	$\chi^2=13.966(0.000)$ $\gamma= 0.871$

\*Figure in parenthesis represents probability values

**Table-7 Association Between Respondent's Attitudes Towards Tribal Structural Approach and Women as Compensation (Controlling Family Type).**

Control variable(Family type)	Independent variable	Dependent variable	Statistics
Nuclear	Tribal structural approach	Women as compensation	$\chi^2=4.667 (0.031)$ $\gamma= 0.717$
Joint	Tribal structural approach	Women as compensation	$\chi^2=24.49 (0.000)$ $\gamma= 0.893$

\*Figure in parenthesis represents probability values



**Table-8 Association Between Respondent's Attitudes towards Tribal Structural Approach and Women as Compensation (Controlling income).**

Control variable (Level of income)	Independent variable	Dependent variable	Statistics
Low	Tribal approach structural	Women as compensation	$\chi^2=13.7(0.000)$ $\gamma= 0.87$
Medium	Tribal approach structural	Women as compensation	$\chi^2=13.9$ $(0.000)$ $\gamma= 0.82$
High	Tribal approach structural	Women as compensation	$\chi^2=12.8$ $(0.000)$ $\gamma= 0.91$

\*Figure in parenthesis represents probability values