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Article:	Tribal savage laws and its association with honour-based murders in Pakhtun society
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ABSTRACT

The study carried out with positivistic methodology in tribal District Kurram erstwhile known as Kurram Agency. An appropriate sample size i.e. 377 respondents (*Maliks*) were randomly selected and questionnaire was used as tool of data collection. The data was presented at univariate, bivariate and multivariate levels of analysis through frequencies/percentages distributions and Chi-Square test statistics. Study results concluded that Pakistani women suffered and ruined due to systematic discrimination and institutional failure. The institutional dynamics of tribal societies is supported by normative orders while the existing penal codes always encourage honour killing. In case of any breach in case of honour norms violation, both the offenders are ought to be killed on the spot with impunity. Formal legal institutional framework, though in existence, however disposition of justice with regards to any breach is always treated through the prevalent customary norms and practices. '*Jirga*' is a traditional mechanics is operative in the area due to its quick disposition of justice, while government legal institutions had been failed to address the issue of honour killing. State as a controlling mechanics needs to intervene by extending its laws to tribal areas, special laws should be passed from the legislative bodies to protect self and dignity of women and establishment of speedy courts with representation from both gender at state level were forwarded some the policy recommendations.

Keywords: Turizuna, Jirga, Maliks, FATA, Honour Killing, Kurram Agency, Political Administration

1.1 INTRODUCTION

Around the world, many judicial systems contain various legal provisions that provide leniency towards the perpetrators of honour crimes (Sen, et.al., 2003). Gender bias pervades in criminal justice system and law enforcement agencies. Officials are having hostile and indifferent attitudes towards the complainants of honour killing (Burney and McArthur, 1999). Honour Killings Report (2010) described that police force, legal system and the community ensures leniency towards perpetrators of honour killing under the traditional and cultural excuses. Legal response towards such crimes are seen as exceptional moments where traditions find its way into the state institutions (Kogacioglu, 2004). Kevorkian (2002) contended that in the practice of honour killing, prosecutors are more sympathetic towards the perpetrator than victims while lenient societal perceptions about honour killing enhance the rate of killing in different parts of the world. Mansur, et.al (2009) analyzed that a man who kills their woman relatively feel that their actions are sanctioned by both formal and informal means of justice and therefore should go unpunished because society not only accept such criminal act but honoured it as well. It is not only the societal members who support honour killing but leniency in laws also promote such killing.

Mehmood (2006) stated that this inhuman acts of honour killing is neither condemned by society nor by law at large. The perpetrators do not punish as only 20% percent of cases are ever brought to the platform of justice. It is further believed that lack of statistics obscured the extent of perpetrators which are being accused and punished under the criminal persecution (Danish Immigration Service, Danish Refugee Board, 2009). The projection of honour killing provides greater chances of escape to murderers from the death penalty (Najam, 2006). Amnesty International Report (1999) deduced that police almost favoring man in case of honour killing and rarely the killers are prosecuted, as the judicial system make sure lenient sentence to the convict. Rooz (2008) propounds that honour killing are investigated as murder and the punishment received by the perpetrator are based on his personal ability to provide proof of his innocence in the court.

Except formal means of justice administration, numerous informal means also deal the issue of honour killing. These informal means largely consist on local traditions and customs which are further structured in the cultural system (Ahmad and Din, 2013; and Khattak, Mohammad and Lee, 2014). Lang (2002) described about the reconciliation mechanism of honour related murders as after killing the notables of the area visits the home of the victim family. They offered their sympathies and condolences for securing '*hudna*' (a promise of cease-fire). Where after they convinced the distressed family or clan to quit revenge and be reconciled with the group that has attacked them.

Honour killing is common in Pakistan and state legal response towards this custom has left a lot to be desired, because most of the cases are either unpunished or receive lenient sentences. Pakistani legal system is much lenient while treating the culprits of honour killing (Agosin, 2002). The status of women in the eyes of law in Pakistani society is deliberately discriminated and many inequalities stem from the lack of legal protection (Siddiqui, et. al., 2000). Amnesty International Report (1999) observed that the Government of Pakistan has failed to take necessary measures regarding the prevention and eradication of honour killing due to police

and judiciary law applications in a biased manner. The same is the outcome of patriarchal social order, the fusion of Islamic beliefs, tribal segmentation and dominant customary practices which effectively confines women to the status of chattel (Chesler and Bloon, 2012).

Judicial system of Pakistan operates as a mixture of religious, secular and Western models followed by '*Jirga*' (tribal councils of arbitration) that control over all sorts of disputes arising amongst the people of tribal areas (Hussain, 2006). Palo (2008) examined that Pakistan has both secular as well as '*Sharia*' (religious law) courts system particularly to govern family and religious matters. Knudsen (2004) proclaimed that Islamic Republic of Pakistani introduced '*Sharia Courts*' (religious law oriented courts) in 1978, and it was expanded to all the federating units (provinces) in 1983. Moreover, these courts at local level are led by an Islamic clerics acting as a religious judge known as '*Qazi*' (Judge). Different sections of Pakistan Penal Code provided either protection or lenient sentence to the murderers of honour killing. Such as Pakistani Penal Code (1860), Section-300 highlighted about '*Qatle-e-Amd*' (intentions of causing death) and section-302 elaborated about the punishment of '*qatle-e-amd*'. Section-302 explained three types of punishment i.e. punishment with death as '*Qisas*' (punishment by causing similar hurt), punishment with death for imprisonment for life or punishment with imprisonment for a term which may be extended to 25 years. But the main problem behind these sections arises that mostly victims and murderers are belonged to the same family and clan, which either avoided to report or after reporting forgive the culprits.

Ullah (2010) stated that in many cases, honour killing are justified on the grounds that the victims were engaged in immoral act. He further explained that honour killing encompassed by the provision in terms of '*Qisas*' and '*Diyat*' (Compensation specified payable to the heirs of the victim) laws. The ordinances of '*Qisas*' and '*Diyat*' essentially place the choice of prosecution wholly in the hands of the victim or her heirs rather than the government (Hussain, 2006). Palo (2008) expounded that the application of ordinances also means that it is within the discretion of male guardian which authorizing ending of the woman's life without the need for a fair trial or formal legal retribution. Wasti (2010) reasoned that Pakistan introduced an Islamic criminal law that provided room for compromise between the parties of a murder case. Further, murder was not defined as a crime against the state legal system but considered against the legal heirs of the victim.

In the past there was no proper legislation in Pakistan to deal with the issue of honour killing; however, now the government has passed a law through which honour killing is considered an intentional murder (Khalil, 2010). Yet this law is not very much effective as in most of the cases, the murderers are close relatives of the victims who have the privilege to resolve the matter on behalf of the deceased women. Khan (2006) proclaimed that in 2004, the Government of Islamic Republic of Pakistan finally passed an act namely "The Criminal Law (Amendment) Act 2004" which proposed amendments in the Pakistan Penal Code (PPC)-1860. Moreover, this act somehow emphasized on honour crimes and killing, despite the fact that the promulgation of this Act still allow the perpetrators to get away with minimal sentence or no penalty. The Criminal Law Amendment Act -2004 mainly amended Section 299, and section 302 (Act XLV of 1860) of the Pakistan Penal Code, emphasized on honour killing. Asian Centre for Human Rights Watch Report (2004) expounded that the Criminal Law Amendment Act-2004 enhanced the punishment for the offence of killing in the name of honour to a maximum imprisonment up to 25 years.

1.2 METHODS AND PROCEDURES

This study carried out in Tribal District Kurram erstwhile termed as Kurram Agency to investigate legal dynamics of tribal areas and its relationship with honour killing through positivistic approach. Research tools used in this investigation were selected carefully to draw purposeful results and to investigate all possible associations related to legal aspect of honour killing. In this regard a comprehensive tool of data collection was designed by incorporating all the major statements related to the variables. Keeping in view the quantitative nature of the study, data was collected through five levels likert scale based questionnaire ranging from strongly agree to strongly disagree. A sample size of 377 respondents consisting upon ‘*Maliks/Lungi holders/Spingiri*’ (Prominent Tribal Leaders having membership in *Jirga* institution by virtue of their wisdom) were randomly selected through proportional allocation method while using the criteria of sample size determination given by (Sekaran and Bougie, 2010). The selected category of the respondents has had extensive knowledge about the issue and victims of honour killing by virtue of their professional wisdom as members of the ‘*Jirga*’ (Informal Legal System). To measure changes in an individual responses and obtaining the desired degree of responses, dependent variable (Honour Killing) of the study was indexed. To analyze the data; univariate, bivariate and multivariate procedures were adopted. Univariate analyses were carried out with frequency distribution and percentages. To ascertain relationship between dependent (honour killing) and independent variables (legal dynamics) and to reveal the direction of the responses, bivariate analysis was carried out with the help of Chi-Square Test Statistics. For establishing spurious or non-spurious association, multivariate analyses were carried out while controlling marital status of the respondents.

1.3 DATA ANALYSIS

Legal institution had wide ranging activities pertaining to different dimensions of human life. This institution contains the mechanism of behaviour predication and controlling through the process of social sanctions. The right and wrong ways of doings are not only passed down to the next generation, but are also meet with reward and punishment with the sole purpose of providing consistency to the existing culture. ‘*Jirga*’ is working as an informal institution in different parts of the country including study universe. Just like other parts of the country, ‘*Jirga*’ also play a pivotal role in tribal areas in the context of conflict resolution, as all sort of disputes are brought to the ‘*Jirga*’. Ahmad and Din (2013) stated that in Pakistani society, honour related cases are predominantly decided by ‘*Jirga*’, which is a forum or a council constituted by tribal chiefs as an elder of the society to exercises their power as an executive and judiciary to settle down disputes of the people related to property, land, murders and honour etc.

1.3.1 STUDY RESULTS AT UNIVARIATE AND BIVARIATE LEVELS

Statement	Strongly Agree	Agree	Uncertain	Disagree	Strongly Disagree	Bivariate Analysis
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Honour related offences are brought to the 'Jirga'	203 (53.8%)	72 (19.1%)	65 (17.2%)	27 (7.2%)	10 (2.7%)	$\chi^2= 16.593$ P=0.002
Absolute authority vests in 'Jirga' in matters related to honour	00 (0.0%)	39 (10.3%)	58 (15.4%)	189 (50.1%)	91 (24.1%)	$\chi^2= 63.897$ P=0.420
Parties follows legal procedures in matters related to honour	00 (0.0%)	62 (16.4%)	45 (11.9%)	00 (0.0%)	270 (71.6%)	$\chi^2= 0.868$ P=0.648
Presumed adulterers and adulterous have right to appeal	194 (51.5%)	50 (13.7%)	91 (24.1%)	38 (10.1)	4 (1.1%)	$\chi^2= 9.353$ P=0.05
'Jirga' plays its role in honour related offenses	182 (48.3%)	58 (15.4%)	84 (22.3%)	39 (10.3%)	14 (3.7%)	$\chi^2= 34.685$ P=0.000
Honour killer is exempted from punishment	285 (75.6%)	42 (11.1%)	29 (7.7%)	13 (3.4%)	8 (2.1%)	$\chi^2= 24.696$ P=0.000
Political administration does not intervene directly in honour related offences	167 (44.3%)	35 (9.3%)	65 (17.2%)	28 (7.4%)	82 (21.8%)	$\chi^2= 43.710$ P=0.000
Registering a case of honour killing bring more dishonour	260 (69.0%)	82 (21.8%)	27 (7.2%)	8 (2.1%)	00 (0.0%)	$\chi^2= 8.188$ P=0.042
Elimination of the transgressors through minor/children	00 (0.0%)	3 (0.8%)	51 (13.5%)	53 (14.1%)	270 (71.6%)	$\chi^2= 4.592$ P=0.204

1.3.2 DISCUSSION AT UNIVARIATE AND BIVARIATE LEVEL OF ANALYSIS

The above table described legal aspect and its relationship with honour killing both at univariate and bivariate levels of analysis. 'Pakhtun' traditions are looking into the phenomena of social disorder within the shadows of prevalent cultural norms of 'Pakhtunwali' (Pakhtun codes of conduct), This code of conduct is a complete code of life and it is binding upon each person of the society to obey. Formal legal institutional framework, though in existence, however disposition of justice with regards to any breach is always treated through the prevalent customary norms and practices. The results concluded that majority of the respondents 203 (53.8%) strongly considered that honour related offences are brought to the 'Jirga'. These results intimated the existence of a permanent council of 'Jirga' for settling disputes in the area. Such disputes redressed through traditional approaches with the state endorsement. National Commission on the Status of Women Report (2016) also supported these finding by stating that 'Jirga' is one of the leading legal institutions, which serves to settle conflict over any event and may cover a number of aspects of human social and personal life. Moreover, it also plays a fundamental role in settling intra-tribal and inter-tribal disputes. Such mandates of settling issues are also enjoying a vivid support from federal and provincial

governments. Similarly, at bivariate level a significant relationship ($P=0.002$) observed between bringing honour related offences to '*Jirga*' and honour killing. It could be derived from these results that the issues of honour related offences are brought to '*Jirga*' as evident from the customary practices. However, it is generally observed in the study universe that both types of honour related offences were brought to '*Jirga*' either factual or fabricated. The cultural practice of dealing with adultery specifically dictates about killing the offenders. This act of killing has the local, legal and traditional support with exceeding to the verdict in letter and spirit. However, in case of any doubt and injustice, the case (verdict) could be reopened into the '*Jirga*'. In case of elopement, the case between two concerned families has the chances of reconciliation, which is often reached upon by the elders and the obeying of the decision is binding upon both parties. All these events of social disorganization and fissures empower the '*Jirga*' to perform its role in all totality with high level of confidence from the locals. The empowerment of '*Jirga*' has also been highlighted by Baxi, Rai & Ali (2006) who explored that '*Jirga*' dynamics, having a leading role in disposition of justice. Although, this act of justice is in total repugnance to incumbent the constitution and legal dynamics of the country. Judicial system is primarily under the strong influence of religious injunctions. These religious injunctions are often exercised in public while addressing the event/act of social disorder by paying less respect to the constitutional and legal order of a society. These acts of constitutional violation are more visible in Pakistan. It is conspicuous in case of Khyber Pakhtunkhwa with special reference (Hussian, 2006). Traditional responses to honour killing are exceptional to legal cover amongst '*Pakhtuns*' (Kogacioglu, 2004). The kidnapper or abductor can be killed during the commission of offence by the legal heirs or guardian of the woman with impunity. The female kidnapped or abducted shall be restored by the '*Jirga*' to her relatives if they are prepared to have her back on furnishing security. The procedure of the punishment includes that the complainants will produce two witnesses to the '*Jirga*' to prove his case and accused will produce ten oaths to prove his innocence, an abettor himself with one compurgator will have to take oath to prove his innocence in front of the '*Jirga*'" (Turizuna, Section-44).

Further, majority of the respondents 189 (50.1%) disagreed with the statement that absolute authority vests in '*Jirga*' in matter related to honour norms violations. Although, '*Jirga*' enjoying a complete authority to decide over the conflicting issues, however, it is mandatory upon the warring parties to surrender their mandate. Until and unless this mandate is not received, '*Jirga*', in its own capacity could not deliver. '*Jirga*' has its traditional role of bringing reconciliation and assessing paying amount to the affected parties (National Commission on the Status of Women Report, 2016). In consonance to univariate results, a non-significant association ($P=0.420$) observed between absolute authority of '*Jirga*' and honour killing at bivariate level of analysis. It can be deduced from these findings that '*Jirga*' though played a regulatory role in maintaining social order. However, in absolute terms, though it is an institutional, but in total terms, it cannot be deduced as a curve to all ills. These results further revealed that customary code of life is strong enough in deliverance to all aspect of life. This customary act has been in promulgation since long. People had deep faith and commitment in redressing their problems, by taking enshrinements matters related to various aspects of life. Political and social orders with amenities to economic issues are the leading characteristics of '*Pakhtunwali*', which provide covers in the shape of social and cultural enrichment to all the

operational institutions in the 'Pakhtun' culture. These findings were in support to the extracts of Brint (2001) that 'Pakhtuns' are culturally homogenous and maintain their social order with absolute stress of conformity to its maintenance. Breach to any aspect is often dealt with lethal punishment(s). 'Pakhtuns' are highly traditional, enjoying centralized authority and seldom paying respect to any government authority (Redfield, 1947). The formation of the formal 'Jirga' related to specific cases fall under the authority of the political administration to resolve the issues. As it is also evident from the historical retrospect of the tribal areas that Pakistan succeeded the old fashioned instrument of British repression commonly known as Frontier Crimes Regulations (FCR). Under the FCR, the local political administration is liable to exercise unlimited powers over the tribal community. The political agent and his subordinate are fully authorized to resolve different issues under the umbrella of 'Jirga' institution. That is why; the local people consider that 'Jirga' does not have an absolute authority as this authority largely lies in the hands of the political administration.

The study further disclosed that majority of the respondents 270 (71.6%) showed strong disagreement with the notion that parties follow legal procedures in case of honour related offences. These results indicated towards the non-existence of any state legal operating dynamics. It is essential to be mentioned that tribal areas including the study area was governed through traditional ways of life (Ali, 2001; Hussain, 2006; and Iqbal, 2006). Similar to univariate findings at bivariate level, a non-significant relationship ($P=0.648$) existed between the notion that parties follow legal procedures and honour killing. It could be the reason that tribal culture is in a row of confrontation to the central authority like governmental agencies and authorities. That attributed to the existence and operationalization of its own local traditional mechanics, discharging the duties of containment. Furthermore, it has long with in operational due to its just and quick disposition of justice, while government legal institutions had been failed to redress the issue towards any moral, social and economic, social impairments. The legal system has failed to deliver, thus 'Jirga' has got eminence in terms of redressing the incumbent social problems/issues, confronted by the locals (Ahmad & Din, 2013). Aase (2002) also founds that tribesmen do not encourage addressing honour related issues in such forums. Moreover, since the British Time Federally Administered Tribal Areas (FATA) has had a system which is typically designed as Frontier Crime Regulations (FCR) to run the affairs of the area with iron hands. This instrument of oppression and suppression (FCR) is largely promulgated with the mixing of customary ways of the local people and supreme despotic authority of the state, which still regulate their daily affairs. On the other hand, the modern formal legal structure of the administration of justice did not prevail in the area as compared to the settled parts of the country in true spirit. That is why this justice vacuum leaves no further alternative for tribal people to follow legal procedure inside the courts to administer justice in cases related to honour killing. They have the only one alternative to deal honour related matters according to their customary practices. In this regard literature suggests that the execution of power in the name of honour can be legitimized in those societies where no effective centralized political power exists. Moreover, these honour matters in the study universe are clearly defined by the local customary code '*Turizuna, (1944)*' which clearly provides a detail narration of the criminal and civil procedure according to the local customs and traditions. The concerned parties avoid observance of legal procedure in honour related

cases (Najam, 2006). These results further suggest that honour related offences are brought to 'Jirga'. Where the matter is decided in line with the customary traditions to restore the honour either it is inconsonance with the legal procedures of the state or against.

Moreover, majority of the respondents 194 (51.5%) strongly endorsed that presumed adulterers and adulterous have right to appeal. These findings were in negation to National Commission on the Status of Women (NCSW) Report (2016) which elaborated that women cannot access 'Jirga's. They cannot call for them, appeal to them, participate in them, give testimonies in them or witness them. Moreover, Shah (1994) had explored that right of appeal did not include in the tribal procedure of disposing justice. On the other hand, at bivariate level a significant relationship ($P=0.05$) found between presumed adulterers and adulterous have right to appeal and honour killing. These results validated the chances of reopening of the case, once decided by the 'Jirga' in the 'Jirga'. The adulterer or adulterous though involved in immoral crimes, but taking the help of reappearing, could be attributed to the fair judicious and democratic mode of business of life. However, it usually happens, which contain doubts prevail either around the occurrence of the case and some lapses in the verdict awarded. It is on the strength of 'Pakhtunwali' to get adjusted to the demanding situation and issue pertaining to the true essence of the affairs (Ginsburg, 2011). Resilience to address the issue of non-conformity to the system had given impetus and continuity to the 'Jirga' system (Niaz, 2003). Then in such sort of cases the presumed adulterer or adulterous have right of appeal to the 'Jirga'. In this regard, the cases will be dealt as per the local customary practices either in written 'Turizuna' or unwritten way. Furthermore, it could also be deduced that if a woman become pregnant before marriage and the father of her child is unknown to the family members. In such a situation if someone is presumed guilty, then the presumed adulterer has the right to appeal to prove his innocence. Similarly, if a woman is run away from home and her family members are not aware about her co-partner. While someone is presumed guilty and he refuses the charge then he has the right to appeal to 'Jirga'. Furthermore, it could also be noted that in Tribal territory (Central Kurram Agency) neither government have complete access to the people nor the written local customary practices i.e. 'Turizuna' is applicable in totality. That is why all sort of matters are resolved through 'Jirga' in the area and similar is the case of presumed adulterer or adulterous. In some cases, it is also evident that often the cases go to 'Jirga' for necessary patch up between the aggrieved parties if any, and the 'Jirga' have also an important role in dealing cases like this.

Majority respondents 182 (48.3%) strongly acknowledged that 'Jirga' plays its role in honour related offences, that is also evident from the report of Community Appraisal and Motivation Program (CAMP) (2012) while highlighting that 'Jirga' regulates the 'Pakhtun' ways of life. In support to the above, a highly significant association ($P=0.000$) was extracted between 'Jirga' role and honour killing. 'Jirga' as an institution has been playing a significant role due to its versatile and dynamic characteristics. At one hand it decides over the cases by imposing some of the barbarous decisions, but in some cases it does give opportunity to listening to the convict with deal of fair judgment. This has contributed a lot to its structural and functional strengths and enjoying the highest ever respect amongst its practitioners. Brint (2001) has also indicates towards the extra ordinary role of 'Jirga', which has been succeeded

in deliverance over any issue of deviance. This operational ability has turned it as one of the essential ingredients to providing social conformity to the system. Informal system of social containment had led to the development of social mechanics, which contributes towards mitigating the evils of criminality through disposition of quick justice (Axelrod, 2010). Ahmad and Din (2013) have put forward similar arguments while stating that '*Jirga*' addresses all sorts of disputes including honour related matters between the individuals and communities, besides the fact that the cases decided by '*Jirga*' do not meet the requirements of justice. It has also been extracted from these results that '*Jirga*' performed its role in the honour related offences. Moreover, it was further inferred from these findings that the silent role of '*Jirga*' enhanced the rate of honour killing in the area. As in most of the cases, the role of '*Jirga*' begins after killing the offenders mostly for the purpose to bring normalcy to the order. Such reconciliations entitle an offender with complete freedom if consensus of reconciliation is reached between the offending parties (Mehmud, 2006).

Moreover, a huge majority of the respondents 285 (75.6%) strongly agreed with the statement that the honour killer is exempted from punishment. These findings were in consonance to Shah (1994) who stated that if a woman is killed innocently, the killer is even then let go free. This acquittal is either a result of compromise or paying the cash compensation to bereaved family. Similarly, a highly significant association ($P=0.000$) was in existence between honour killer exemption from punishment and honour killing. It was starkly evident from the study findings that challenging someone honour in the form of abusing their women was most unwanted and unaccepted practice in the preview of customary patterns of tribal social life. If somebody executes the transgressors of honour, usually he would be exempted from the punishment. These results were also in consonance with the local customary practices, which permits killing of the offenders on the spot if someone is found while committing illicit sexual intercourse with a woman (Turizuna, Section-50). These results further suggest that in most of the cases forgiveness of honour killer is a common practice either directly or indirectly as outlined by Mansur, et.al., (2009) who analyzed that honour killing is sanctioned therefore the killer of the honour violator is exempted from punishment because society not only accept such act rather believing it an act of conformity and respect. Similarly, the cultural endorsement to honour killing is common, the perpetrators often go free or get off with mild punishment. This could be the result of strong socio-cultural norms which recognizes the value system based on shame of the dis-honoured family could taste the bitter realities of the incident of unchaste conduct of a woman. Moreover, the psychological traits of the tribal social system decorate the honour killer as his act is considered to be heroic with the assumption of restoring honour of not only the family rather the whole tribe. Mansur, et. al., (2009) contended on these lines that the honour killer is not questioned by society for his act of killing. One could also infer from the above discussion that honour and killing for honour is an accepted norm in tribal *Pakhtun* society, because it is widely supported by the local customary pattern. This argument is also in consonance with the findings of Khattak, Mohammad and Lee (2014) who state that "if the life of a *Pakhtun* is devoted to honour, he has to win it by all means and it must be won, even though if life is at stake".

Further, majority respondents 167 (44.3%) considered that administration does not intervene directly in honour related offences. It could be adjudged that honour killing was a cultural delegation and did not allow any other institution to intervene. This victimization has been taking place due to oblivion of the existing criminal justice system, which is biased particularly for female (Wolhute, et.al., 2009). Moreover, majority of the respondents 260 (69.0%) strongly endorsed that registering a case of honour killing bring more dishonour to the victim family within society. Making such event is a public debate is not supported by either the affected or those who committed killings. These killings though carried out to restore peace and normalcy but its propagation is strictly disregarded in tribal setup (Goldstein, 2002). However, Knudsen (2004) reported that police is primarily dealing any act of criminality and the presence of private justice system had no roots in these settled areas. Similarly, at bivariate level significant relationship ($P=0.000$) found between administration's non-intervention in honour related offences and registering a case of honour killing bring more dishonour in society with honour killing respectively ($P=0.042$). These results indicated that registration of honour related cases were supra legal institution and decided through informal manner in the local courts of justice (*Jirga*). Registering such cases in formal institutions was often amount to violation of local customary norms of justice. Moreover, decision to such issues could take longer period of time, fearing more bloodshed between the aggrieved families/clans due to delayed disposition of justice. This could be the reasons that such cases are not reported to the state authority and people try to decide it by their own in accordance with the prevailing social codes. Administration is either unable or unwilling to register the cases of honour killing (Human Right Commission of Pakistan, 2000). It is presumed that they might be performing their duties under the influence of cultural norms and tribal customs (Chesler & Bloon, 2012).

Lastly, majority respondents 270 (71.6%) strongly discarded the notion about elimination of transgressors through children. It could be deduced from these findings that honour killing was so gruesome and cruel that was often kept secret from the kids. It was though a constructive attempt to mend the thwarted fissures in their social structure. However, their social and personal ramifications were found unbearable for all sorts of personalities. These killings were similar to Sev'er, and Yurdakul (2001) conclusion who added that honour killing is exclusively carried out by male members and others and minor are kept away from this act. In consonance to these results a non-significant association ($P=0.204$) divulged between the elimination of transgressors through minor or children and honour killing. These results suggested that transgressors to be eliminated by adult members of the family rather the minor(s). It may be inferred from the findings that in most of the cases, the killer of the transgressor has been exempted from the punishment while committing honour crimes. As such killings are allowed in the study universe and it falls in the preview of the customary practices. It could further be inferred that assigning the task of killing to children could not bear some sound effects pertaining to personality traits as it may threaten the prevailing gerontocracy by using minors instead of adults.

1.3.3 ASSOCIATION BETWEEN LEGAL ASPECT AND HONOUR KILLING WHILE CONTROLLING MARITAL STATUS AT MULTI-VARIATE LEVEL

Marital Status	Legal Aspect	Honour Killing		Total	Statistics
		Agree	Disagree		
Married	Agree	105(30%)	94(26.9%)	199(56.9%)	$\chi^2=16.38$
	Disagree	48(13.7%)	103(29.7%)	151(43.1%)	P=0.000
Unmarried	Agree	13(48.1%)	6(22.2%)	19(70.4%)	$\chi^2=2.229$
	Disagree	3(11.1%)	5(18.5%)	8(29.6%)	P=0.135

The relationship between honour killing and legal aspect while controlling marital status, was highly significant (P=0.000) in married people but non-significant (P=0.135) in unmarried people. The present results endorsed that relationships at bivariate level were non-spurious for married people whereas spurious for unmarried. It could be the reason that married people have had greater responsibilities of maintaining order and controlling women behaviours in tribal areas than the unmarried one.

1.4 CONCLUSION AND RECOMMENDATIONS

The study divulged that '*Jirga*' is a legal counsel of disposing justice in tribal areas enjoying enormous strength and power while state administration had either no or less power to establish its writ by executing their procedures, powers and decisions in true letter and spirit. Honour based offenses are brought to the '*Jirga*', to decide the same under customary practices and endorsed by the local people. *Jirga* had its composition based on enrichment with local customs, wisdom and vision where the offenders had the right to appeal against any of its verdict to the same or any other '*Jirga*'. The legal procedures of the state followed by the dwellers of settled parts of the country neither followed by the killers nor the victim family members in matters about honour norms violation in tribal society. Further, the killers are always exempted from punishment as the local administration does not directly intervene in honour related offences in tribal areas. Because family members who takes revenge by killing the honour violator is adorned in public and the local state administration had no role to play in either way. Registration of honour related cases in formal legal institution were supra legal and was often amount to violation of local customary norms of justice. The transgressor is never eliminated through minor or children but such killing exclusively carried out by male members. Lastly, married men of the area were more prone to honour killing than the unmarried one due to their high degree of responsibilities. All the stakeholders need to be educated over the magnitude and direction of human loss, understanding of woman in light of the teaching of Islam, state as a controlling mechanics needs to intervene by extending its laws to the tribal areas of the country, passing of special laws from legislative bodies to protect the self and dignity of a woman and establishment of special courts with women representation at the state level were presented some of the recommendations.

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