

QUASI-JUDICIAL ROLE OF PANCHAYAT SYSTEM: A CASE STUDY SOUTHERN RURAL PUNJAB

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ABSTRACT: Panchayat system has been operational as the lowest administrative unit since pre-partition ancient medieval times. It has been an influential tool for bringing justice to the local communities, as a conflict resolution body for village level disputes and to systematize social, cultural and religious activities. The paper explores the preference of the community and their views towards the panchayat system as a judicial body. The study locale was district Lodhran's village "1-Chak", the sample size was 153 selected through random sampling. The results reflected that the community was exceptionally dependent upon the 'panchayat and biradari system' for resolving their issues, and it worked as a fundamental justice providing body. The preference for panchayat system was affirmed to be for various reasons which firstly included; 'confidentiality', 'time efficiency' and 'the complications of judicial law' provided by the government.

Keywords: Panchayat System, Justice Agency, Caste, Caste and Justice System, Biradari, Traditional Judicial System

INTRODUCTION

A society undermines parallel and vertical segmentation and is stratified into numerous divisions. All these segments have varying goals, each striving for survival. Such social conditions, often lead to conflicts. Conflicts arise when "two or more individuals or groups, think that they have incompatible goals" [1]. The outcome of these conflicts is inevitably, "distress parties", resulting into "anger; thoughts of unfriendliness, social-emotional severance, anxiety, worry, and tension" [2].

These conflicts if left unresolved may lead to further turmoil, distress and disruption of organization within the society. "If community citizens are not given social protection and basic rights" and no agencies are developed for balancing these conflicts then "social cohesion will be affected" [3].

Conflicts are "socially constructed cultural events" [2] which is common among "factional groups to attain social security and political power" [4]. In Pakistan specifically the "rural Punjab", "biradari in the form *parya* and *panchayat*" are actively operational in resolving issues [5,6]. The importance and utility of biradari/caste is significant in "socio-economic, political and cultural patterns of Punjab, especially when the "state provided social security and national benefits are absent" [5].

"Gram Sabha" another term for 'panchayat' used in our neighboring country, provides people with a "platform to meet at a common venue and debate, discuss and solve the developmental issues of their village". The "elected representatives" are answerable to the community. "Gram Sabha" generally appeals to public, as there is no "class/caste/gender distinction and political partisanship" [7] It is referred as the "soul of Panchayat" [8] and described as 'watch dogs' and 'a force to reckon with' [9].

Panchayat system provides the general public an opportunity to take active part in the decision making and justice system. The ability to "do something through political action, for oneself or for others is one of the basic freedoms" [10]. Moreover, *panchayat* is characterized by trust, which is "the main motor of good governance" [11]. Successful *panchayat* is the outcome of interplay of various factors, 'trust' being the elementary one. The "trust in powers allotted to Gram Sabha, and their elected representatives and the Panchayati

Raj Institutions is imperative for getting solutions to their problems" [7]. Political trust is inclusive of different components i.e. "trust in Political System, trust in Political Organizations/institutions, and trust in Political incumbents/leaders" [12].

MATERIALS AND METHODS

The study was conducted in District Lodhran, village "1-Chak", Punjab province. The data was collected from a sample of 153 respondents selected through random sampling. The tools used were a blend of both qualitative and quantitative techniques to explore the causes for preference of panchayat system as a law enforcing body and the punishments used. Structured interviews and participant-as-observation, while the data was analyzed through SPSS and further interpreted under the light of anthropological views

RESULTS AND DISCUSSION

Table 1: 'Panchayat' as Judicial System

Questions	Response Sets		%
Judicial System preferred for resolving conflicts.	Panchayat	144	94
	Court	9	6
	Time Efficient	24	15.68
Major reason behind preferring the Panchayat	Confidentiality	117	76.47
	Complications of law	12	7.84
Biradari preferred over panchayat to resolve conflicts	Yes	118	77
	No	35	23

The table reflects the importance of 'Panchayat' as a prevailing judicial system in western Punjab. The respondents when inquired which "Judicial system they preferred for resolving their conflicts", 94 percent of the respondents

inclined towards “Panchayat”, while only 6 percent of the respondents opted for the “Court” as their preferred judicial system. The clear inclination towards *Panchayat* hides many reasons, with the major reason being the safeguarding of the honor. The view that emerges is that *Panchayat* a local system to solve issues involves only the locals; however, taking the matter to a court is a completely alien concept as the issue then becomes too open tarnishing the honor of the family further.

To understand this striking preference the respondents were further questioned about the rationale behind their choice. 76.47 percent revealed ‘Confidentiality’ as the major advantage that led them to choose *panchayat* as their commonly used judicial system. 15.68 percent decided to go with it for its “time efficiency” while 7.84 percent did not want to get involved with the court because of the ‘Complications of law’. The reasons revealed clearly sketch the cultural scenario of the area, where *Izat* and honor were found to be essential to a *biradari* to safeguard their social status. Keeping the matters of the family within the family thus was fundamental.

Further investigation unfolded the extent to which confidentiality was crucial to the people of the community. When asked if “Biradari was preferred over *Panchayat* for conflict resolution”, 77 percent agreed while a mere 23 percent disagreed. The *Panchayat* basically included people of different *biradaris* and out-groups for impartial and neutral decision making, which made the matters open for public discussion. The majority of the community, thus was not only far from choosing court and judiciary as a law enforcing agent, but did not even prefer the *Panchayat*, and was relatively in favor of resolving issues at either family or *Biradari* level for secrecy, privacy and confidentiality. “Panchayat works out conflicts among different castes through the involvement of the ‘whole village’ [13]; this is why members prefer to resolve their conflicts within their *biradari* for the sake of privacy.

Table 2: Kinds of Punishments Given by the Panchayat.

Response set	Frequency	Percent
Fine	47	30.71
Cut-off the village	24	15.68
Resolve dispute	82	53.59
Total	153	100

The punishments given by the *Panchayat* shows a positive side of the system. The respondent revealed that “resolving the dispute” was the priority. In case of issues of severe intensity, the method of ‘Fining’ was used and in extreme conditions the guilty was “cut-off from village”.

The respondents when inquired if the decisions of the panchayat were better than the court, 48.17 percent ‘yes’ while 51.82 percent said ‘No’. The answers show that even though preference was given to the *panchayat* still the decisions were not considered better than the court. The respondents choose the *panchayat* only for a few specific reasons that include saving the honor, time and as it is economical. The results show that the communities trust over the decisions made by the *Panchayat* has decreased significantly. It can thus be anticipated that in near future the

conflicts, clashes and rivalry may increase due to the lack of trust over the major organization of conflict resolution, that is the panchayat. Conflicts if not dissolved will give rise to ‘insecurity’ and the risk of ‘violence’ will persist [14].

Case Study 1: (Fine as Punishment)

X and XX were two friends. They studied together in the same college and went to each other’s place quite often. X had a brother named Y, who had seen XX a lot of times. Time passed and he fell for her. He belonged to the village 313 W.B while XX belonged to the village 355 W.B. They saw each other casually for about two years. Both belonged to the same caste ‘Arrian’. As the relationship moved forward they decided to get married. The marriage took place in a court with no family involved. When Y took the girl XX to his home, the reaction from the family was a strongly opposing one. They directly and most clearly gave him the option to either divorce the girl or leave the house right at that moment. The major problem for the family was that Y was already engaged to sister-in-law of his own sister. This was a common case of endogamous marital relationship, a tradition found very often. This had a bad impact on his sister. She was forced to come back to her parent’s house because of the situation that had been created. The mental and physical torture inflicted by her in-laws was of the height that she had no other choice. But a girl coming back to her parent’s home when she is still married is like a taboo. The people of the society do not forgive, and every action is given maximum attention. In this entire situation XX’s family filed a case on the boy for kidnapping of their daughter. A *panchayat* was organized. The head of this *panchayat* was Naziar But. The Police and Panchayat members combined gave the decision that Y should divorce XX by giving her the Mehar of 2 acres land and 7 grams gold that was decided at the time of the marriage. He did accordingly, after which the girl’s family left the village. XX’s father had died before all this case. The police took 50,000rs. After the case closed another situation came on the scene that X’s mother had helped her daughter to marry the guy. This news also spread like fire and worsened the situation further. Both the families were badly affected. Social relationships of both these families were destroyed after this incident.

Case Study 2: (Bandishment as Punishment)

The case study includes two major influential castes, the Jatts and the Bhatti Rajput. The case was of severe seriousness, in which the girl X was of the Jatt family which was the majority caste within the locale. The boy was from the Rajput *biradari*, the minority group. The boy was young, a mere 23 year old and had only done his matriculation. He had shown his interest to this girl on multiple occasions, however, the girl had not responded positively to his admiration and so called love. The boy kept on trying and when none of his schemes worked he forcefully took the girl away and raped her. The panchayat extreme confidential kind was called upon, no Parya sat, and the decision was made by the *panchayat* within the *biradari*. After serious consideration and due to severe pressure from the girl’s family the boy was banished from the village and sent to *Toba Taiq Singh* at his relatives never to be allowed back in the village again.

Case Study 3(Resolve Dispute, Muk Mukaa)

This is a fight between two casts 'Mochi' and 'Baloch' who were living in 340/WB. Muhammad Rafiq was a farmer and he had six children. He had two sons and four daughters. The elder son was in class eighth and the younger one was in class seventh. The elder son, Muhammad Asif, was working in 'Vocational Training Institute Duniyapur'. He was friends with two more boys, Allah Dita Baloch and Muhammad Munir Mochi. One day Muhammad Asif took away Munir Mochi's bike without permission. Munir in his anger called Asif and verbally abused him. This sparked anger in Muhammad Asif who planned to beat up Munir with Allah Dita Baloch. The next day both the boys did as they planned, and beat him with belts. But as they were friends Munir apologized and the fight came to an end. When Munir came back home his mother saw his condition and his uncle called for a panchayat. Both the parties were called for the panchayat and the matter was discussed listening to the accounts of both the families. Village head Nazir Jatt in light of their accounts found Muhammad Asif guilty but since the matter was not that serious both the parties were asked to forgive each other and shake hands.

CONCLUSION

Panchayat system has been fundamental and crucial for the villages in Pakistan for justice provision as the decentralized power, and participatory governance has never been completely inherited by our government. AT local level these administrative bodies have been found to be autonomous and self regulatory, providing the community with workable solutions to their problems and keeping the social cohesion alive.

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