


CONFLICT RESOLUTION MECHANISM IN BARKHAN: A CASE STUDY OF KHETRAN TRIBE, DISTRICT BARKHAN

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ABSTRACT. The current study explores the role of social structure of traditional society of Khetrans in Nahar Kot, a village located in District of Barkhan in Balochistan, Pakistan. This study has a holistic approach and focuses on the ethnographic interpretation of a Baloch community on a small scale to describe rigid social structure of that society, enabling people to support the acceptance of novel ideas. The implied and overt change observed in traditions and customs of Nahar Kot is studied by focusing on the theoretical models of economic anthropology, cultural materialism, political economy, socio-economic development, modernity, and social change. This study also found out that there are visible changes in the social structure especially hierarchal *Sardari* system, centralized authority, and the economic and social relations, unlike all other Baloch tribal societies. Khetran's political organization is loosely based on centralized hierarchical system of asymmetrical patrons-client relations where sardar and other clan chiefs called Mukkadams, Mirs, and Waderas have decision making authority that is hereditary in nature and persists since time immemorial. Earlier, all decision-making related to matters of inter-clan disputes, killings due to enmity among clans, and individual disputes and other crimes were jointly decided by the chief and the heads of clans. In fact, the major forces instigating socio-economic uplift among Khetrans, include education, responsiveness, increasing contact and exposure and consciousness developed due to changes in technology, transportation, communication, infrastructure, and the geographical suitability of the region. Education has motivated the youth to avail the opportunities of employment outside Barkhan resulting in the change in social status of individuals and groups. Besides these, electronic media and virtual revolution have revolutionized the socio-economic thoughts of the people.

Keywords: Baloch Community, Rigid Social Structure, Centralized hierarchical system, traditional society of Khetrans

INTRODUCTION

An epic traditional view reinforced through ancient verse postulates that the Baloch tribe was living in the area of Aleppo before the time of Prophet Muhammad (PBUH). Various earlier historical records show that Balochs were living around Kerman region at the time of the Arab conquest (Spooner, 1988: 599). Another historical record reveals that due to political upheaval mainly because of advancement of Turkish groups from Central Asia, Baloch were forced to move further east to Seistan and Makran (Dames, 1904). By the fifteenth century, they had further expanded to Sindh and Punjab. The social and political organization during this period centred on flexible segmentary lineages that underwent fission and fusion for defence and military purposes. In this new venerated golden age for Baloch, they under the leadership of legendary hero Mir Chakar, often raided all the way to Delhi, scattering further throughout Balochistan and even into the Punjab (Field, 1959: 52-53). At the same time, there began historical and most significant emergence of a Baloch

Khante centred in Kalat. Simultaneously, this centralized tribal confederation under the leadership of Mir Nasir Khan, extended its frontiers into what is now Punjab and Iran in the eighteenth century. The British had to confront the Khanate with its emergent modern Baloch identity in the coming years.

Barth (1969) was the first and only anthropologist who cautiously raised fundamental questions of identity and boundary maintenance among Baloch and explored different regions of Baloch diverse culture. One unusual reason could perhaps be that the region is either remotely located or the political and security situation of Balochistan; because researchers need government permission to travel in the area.

Baloch folks generally accept that language and descent are the two most accepted features of identity and culture. But then again through the practice of cultural integration with other non-Baloch folks, these identity factors are often likely to become indistinct ceremonials and assume significance when there is matter of Baloch tribal identity and boundary maintenance (Titus, 2004: 51-52).

Though diverse legal system exists but very few inhabitants of Barkhan take advantage of the formal judicial system for resolving their conflicts, while the majority turn to the traditional widely recognized institution of Jirga which is led by Waderas or Sardars, and highly influenced by religious peers. This panel resolves the conflicts among individuals and groups after several deliberations and enquiries. There are several reasons for this behavior of the tribal for seeking justice through traditional mediatory institution rather than recourse to formal judicial system. It is evidently clear that most of the people are poor and it is beyond their means to meet the cost of legal proceedings. They prefer to acquire justice or get settlement of disputes from assembly of group of influential without unnecessary delay or spending a single penny. These proceedings are carried out amicably and without creating animosity toward the rival group (Global Security, 2022).

In view of their distasteful experience of formal judicial processes, the inhabitants have reportedly cultivated distrust for the legal system and strongly believe that it provides justice only to the rich and it can be manipulated by financial means and political influence. The registration of FIR with the police is the first step that leads the conflicting party to courts and hiring of services of legal attorney. Once initiated, these proceedings involve unsparingly large expenses and if even people somehow get justice from courts and the decision is enforced, it still requires extra money to wind up the case. Further, it took victims and affected people many years to seek justice as cases remain pending in the courts due to laborious and lengthy processes and intricacies of judicial system.

The inhabitants therefore, generally opt for Jirga for seeking justice because it provides easy and speedy justice without incurring any expenditure. The assembly of waderas is always active and ready to listen to both parties conflicting parties. At times the Jirga is approached by conflicting parties and sometimes Jirga is constrained to intervene in view of possibility of escalation of conflict that can turn into lifelong friction. In the fieldwork, however, some respondents of the village were not satisfied with both formal and informal judicial process. They claim that resolution of all of their conflicts with the help of the elders of family as helps keep the family matters inside the family instead of becoming talk of town or a topic of gossip outside by all persons in the Barkhan.

Background of Study:

The background of the study is divided into themes.

1. Tribal Justice System in Barkhan

Tribal justice system prevails all over tribal areas across Pakistan and tends to have developed a systematic way of social order within the society. Barkhan is one of those areas in Pakistan where judicial system is closely embedded in social structure in the form of Jirga, Panchayat, and Marka. These conflict resolution systems closely resemble with justice seeking in various parts of the country with small differences. The change which takes place is often in the degree of these practices. To illustrate, the procedures and the practices remain same but the change occurs in the rules regarding the punishment, fines and the time frame for carrying out these orders. Moreover, the factors which compel to change are the time, space, people and the government laws and a common man has to allocate his energies to this cause knowingly or unknowingly (OCHA, 2013).

In comparison the traditional tribal justice system provides justice keeping in view the societal customs, norms, and values specific to people. The formal system deals with all citizens of the state under the statutory rules and regulations governed by law. The continuity of the tribal justice system in Balochistan has historic roots as tribal areas had never be controlled by the state machinery. Second, the system was being practiced since the ages. Third, the government viewed it relatively manageable to maintain the law and order situation in tribal belt through traditional justice systems for controlling the otherwise ungovernable societies. Barkhan is one of those districts of Balochistan, where the writ of the government is not completely observed and typically the area is considered as uncontrolled society. Frontier Constabulary, a law enforcement agency controls the law and order situation of the area within fifty meters of their check posts. Otherwise, they usually do not pay heed to criminals or their nefarious activities and do not stop a stolen car if it enters or leaves Barkhan district even though they have their check posts on all the main entries to Barkhan Valley (Röder & Shinwari, 2015).

2. Sharah in Barkhan

In Barkhan, the Sharah is the system which is similar to that of the judicial court system but there are no advocates from either side of the conflicting parties such as the victims and the accused. In this system, a person of impeccable repute in the area acts as a neutral third person and gives the decision on their conflict. That person is called “Sharah Bur” by the local people. Sharah Bur can be an old experienced person or tribal head of some specific sub-tribe. Sharah decides the conflicts in cases where the owner of the land is unknown or there exists a dispute on the ownership of some land or suspected persons involved in cases of theft, murder and honour killing. The Sharah in other words can also be referred to the Faisla (Decision) in Urdu language which is always done by a third person. In Sharah, both parties are treated equally in front of the neutral third person (Tanzila, 2012).

The Sharah Bur is always available for the Sharah. All the Sharah take place in the broad day light. Both conflicting parties invariably agree upon the acceptance and integrity of the person who is supposed to decide their conflict. Moreover, it is binding that the Sharah Bur be impartial and unbiased in his pronouncements. After mutually agreeing on that person, both parties go to the Sharah Bur without invitation and with that the processes of the Sharah

begins. The Sharah Bur as usually takes half (oath) from the both parties. If the matter relates to theft, then the onus of defending the accusation is on accused party. After listening to both parties, the Sharah Bur then asks for any available evidence. When this whole proceeding comes to an end the Sharah Bur would then give verdict against one person who is proclaimed as responsible (malamat) for the offence, usurpation, or commitment of act of crime.

3. The Traditional System of Marka

Marka is the second form of tribal justice system found in all Baloch society across Pakistan. This is usually called Med among Baloch society but when it enters unobtrusively in areas of Marris, Bugtis, and Khetrans, it takes the title of Marka. It is the form of informal justice system and usually referred to as conflict resolution through a proper channel. It is customarily held to settle of all kind disputes whether these are skirmishes between individuals or groups, thefts, murders or honour killings. Under this arrangement, people belonging to both conflicting parties sit together usually in victim's home. After several deliberations and discussions, decisions are spelled out amicably in terms of either complete truce without fines, with some fines, or establishment of matrimonial relations or compensation in kinds and money. Henceforth, both parties take oath to abide by the decisions and this dispute will never be restarted.

4. Role of Women in Marka

Like all tribal societies including Balochs, women enjoy a more respectable place and honour in Khetrani society. In fact, women though remain within the four walls of their houses. They are given the prominent roles especially in all social events and they remain at center stage in conflict resolution through Marka. As stated earlier, whenever there is a conflict between two parties that results into bloodshed and one or both parties do not agree to retreat and there are absolutely no chances of the Marka, this is where the role of women begins. Women are sent to the victim's house and request is made through them to agree for the Marka. Women have never returned unsuccessful or disappointed in the history of the Baloch culture and tradition. Baloch regard it as their honour for the women coming out of enemies' house having done the needful (Baloch & Qaisarani, 2013).

Besides this, women are also entitled to go with the members of Marka. Though women could not sit with men during the process of Marka, they can, however go inside the home and sit with the women of the victim family in order to encourage them to resolve the dispute. In most of the cases women are not taken to victim's home with members of Marka except in major disputes. Customarily, it is gesture of deference for the women visiting someone's home. The host has to receive them as honourable guests and as they are bounded to settle the matter regardless of the nature and extent of mental agony and distress the offenders have given to them. This exalted respect is given because these women come to request to patch up the dispute or conflict in the larger interest of tribal tradition and for the wellbeing of the families. Traditionally, women were married to the victim's family especially, to compensate the murder of some person from victim's family through the institution called wani to resolve the conflict and establish new relationship. Women married under wani in fact were not accorded equal status in the victims' family and they were often mistreated. But now this tradition does not exist in Barkhan and has also vanished from other parts of Balochistan as well.

5. Role of Tribal Heads in Marka

In Barkhan the tribal heads are usually of various types like the Sardar, Mir, Motabars, Waderas and experienced elderly persons belonging to each clan. Moreover, the power and authority is usually distributed among these tribal heads. The most powerful and holder of highest authority is the Sardar or Nawab. Below them are the Waderas who have direct association with the Sardars and are the heads of each clan. The Waderas are followed by the Mirs who are also known as the “Mukhadams”. The Waderas always accompany the Marka and without them the Marka is not effective (Safe World, 2022.).

In fact, waderas have the powers to call Marka because people adore them and therefore follow them whenever they intervene in conflict. Mostly, the conflicting parties especially the offenders approach wadera to play his role to resolve the conflict and decide the matter. He has the power to lodge FIR, file petition (Dawa), and give and take money. The tribesmen believe that waderas have God given capacity and mind to do the justice. One can easily observe the difference in the eloquence and style of the Mir, Peer, layman and wadera. In the Marka, Wadera takes suggestion from all but at the end he decides by himself in very prudent way that is mutually acceptable to both conflicting parties. However, the Wadera does not have capability to exert pressure on the people to influence them in case they do not agree to hold Marka. The Wadera tries hard to make the Marka effective and settle the dispute in agreeable way.

6. Khetrans’ Perception about Tribal Judicial System

In the traditional justice system, individuals are given much importance and are treated on equality basis. This system also does not require financial huge resources as required in the formal state judicial system. The traditional justice system is in fact a practical form of the continuity and strengthening of customs and traditions of the society. In the traditional judicial system, the people first have to understand the entire legal process of how to register a case, whom to approach, and finding a trustworthy lawyer to pursue the case. For the people who are not very knowledgeable about the complexities of judicial system, the guidance of an expert or a consultant is of utmost importance. This is a long process and consumes a lot of energy and money. The traditional justice system does not require local people to be literate and they are already aware of the existence of local system that provides easy, cheap and speedy justice (Leeds, 2022).

Research Objectives:

1. To identify the decision making authority (Patriarchy or matriarchy) and its political, social, economic, decisions at household, family, and community level are made.
2. To observe sardari system and with its oral history and measure its changing or static status in decision making.
3. To explore more about social, economic, and political conflicts are resolved among khetrans under tribal traditional system.
4. To define political institutions that are working for resolution of conflicts.

METHODOLOGY

The research was conducted in village Nahar Kot of district Barkhan by using anthropological research methods. The majority of the data was collected during comprehensive fieldwork conducted between May to October, 2015. The research techniques comprised of socio-economic survey, unstructured in-depth interviews by using interview guide, focus group discussions, observations and informal discussions. The society under study being traditional, the data was also collected from key informants through follow-up visits in the community, and some affiliates living outside of the locale but closely connected with the community. The reliability of data was ensured through use of mix techniques of data collection.

DISCUSSION AND ANALYSIS

In fact, anthropologically speaking, this type of traditional justice systems developed with the evolution of political organization in chiefdom stage of the society with emergence of centralized authority. The very base of this is traditional system is social charter that requires order and justice in the society and the continuity of the system itself ensures that justice is being done in the society. In tribal areas, the chief is supposed to be custodian of the system along with some waderas having political influence at lower level and they are also considered essential part of this traditional justice process. The tribal justice system usually prevails in the areas where formal state justice system is either weak or non-functional. However, in South Asia, the prevalence of tribal justice process is mainly due to the fact that justice seeking through formal channel is tedious, lengthy, manipulative and expensive. This is despite the fact that the police and levies are well aware of every inhabitant of the district. They know the criminals, thieves, smugglers and offenders in the region. Truth in every type of crime is easily traced in the Barkhan however the resolution of the conflict or mitigation of the criminal activities is possible through two parallel systems; formal and traditional justice system. The state sponsored justice system consists of police and courts, which people hardly ever approached while the traditional justice system is constituted under the guidance of local influential people. Sometimes, the tribal people refer to formal justice system but later bring their disputes to the informal justice system for settlement. In Barkhan, there are two type of traditional justice seeking systems namely; Sharah and Marka. Conversely, the decision of a Sharah Bur can also be denied by either conflicting party and it can also refer to another Sharah Bur.

The formal judicial system is time consuming and very expensive way of seeking justice. For example, people generally believe that ‘if you register case for land occupation against someone, and if the land is one acre and values one lac rupees at market rate, yet for defending this case you will need to spend more than 5 lacs, so in such a case it is a total loss’. Further, there is no hope to get justice through this system. Those who are economically strong and socially powerful and belong to reputed clans or tribes win most of the cases in these district courts even though they are the wrongdoers. Therefore, the poor fearing decisions from the courts select the tribal justice system rather than the modern system to get proper justice.

As stated earlier, only few people opt for modern judicial system for resolving their all types of conflicts; however, majority have their eyes set on different traditional conflict resolution systems. Among several reasons for this justice seeking behaviour the first is that

formal judicial system requires spending enormous resources for seeking justice in courts and middle and lower middle classes in most cases are unable to afford the cost of legal proceedings primarily outside the court. Second, the suits in courts continue for generations whereas traditional Jirga provides prompt justice to common people. Third, even after spending whopping amount and time, individuals are not sure to get justice whereas the traditional tribal Jirga being custodian of social structure provides justice in short duration keeping in view the continuity of social structure.

CONCLUSION

Balochs of Balochistan have historically been studied by anthropologists from the perspective of two correlated but contradictory discourses, explicitly with the ethnographic and ethicists' or nationalists' perspectives. The ethnographic accounts of Baloch culture and traditions employed a classical approach keeping anthropology's role as a discipline for understanding and maintaining the indigenous structure while overlooking the observable and unseen change in social structure, especially of the traditional societies. Khetrans in fact are among those Baloch who belong to latter category of Balochs who carried with them the history of having Baloch and Pathans' origin or possibly a mix of both. However, Khetrans social, economic and political organization is more similar to Baloch society rather than that of the Pathans'. The economic structure of the Khetrans is basically based on pastoral nomadism and strictly adhering to tribal organization and ecology. Patriarchal in nature, the society social organization is based on closely knit kinship system, living patterns, and folk management where traditionally the decision making lies with male head of the household with little interference of female.

Family and kinship relations are perceived to be of greater importance and significance among Khetrans yet there is family politics, and competition too based on agnatic cousins. Inheritance is also patriarchal and property is inherited from father to son only, there is not any concept of offering or giving the right of inheritance to daughters or sisters and neither have they demanded it. Instead they are given dowry as a replacement and compensation for the lack of inheritance and male members of the family feel satisfaction of delivering due rights to women in this way. There are also some conflicts when it comes to distributing a property or inheritance among brothers or cousins yet the conflict is mostly resolved by the intervention of the elders of the family.

Analysing the situation, it can be more precisely found that, the socio-economic uplift and betterment of one person will definitely sensitize the deprived or inferior one; major driving force causing socio-economic uplift among Khetrans includes predominantly the education, awareness, exposure and consciousness emerging with the help of change in technology, transportation, communication, infrastructure, geographical suitability of the region. Pastoral activities have also played a vital role in bringing significant change in the economic life of Khetrans. Education has motivated the youth to avail the opportunities of employment, this has also impacted the speed of improving the economy. Besides these, electronic media and virtual revolution have also revolutionized the socio-economic thoughts of the people. Similar to all other rural areas of Pakistan, Barkhan can be viewed as still passing in modern living conditions, economic progress, and social and human development.

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