

A Social Custom “Vani”: Introduction and Critical Analysis

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Introduction:

We are living in 21st developed, cultured, educated and sophisticated century. In this world, some incidents show that we are breathing in cave age or before, especially in Pakistan, where women are being ill-treated with the name of cultural diplomacy. For several years, Pakistani women have been deprived of the most fundamental of rights, such as the rights of education and even the rights to decide issues connecting to their own marriage and divorce. Those denied these rights are also deprived of the right of equality in a male dominated society where women remain subservient to men. In a society where family and tribal customs are very strict as well as lack of education and misinterpretation of Islam have forced women into a position of obedience and horror, so most survive an existence of oppression without the most essential of rights or the ability to defend them. The Sale of women, karo kari (Honour Killing) issues, death by burning, forced marriages and the curse of a dowry reflect the real state of affairs in the country. And with the passage of time, these social evils have become more complicated. Practice of Vani is not only one of the above social problems but also an old age tradition. This Custom is also known as “Swara”. According to Piggin “In a throwback to medieval time "Swara" blood price is still practiced in Pakistan. Women and girls, even babies in their cradles, are given away in marriages as compensation for crimes committed by their men folk” (1).

Meaning of Vani:

Vani is a Pashto word derived from " VANAY "which stands for blood (2).The meaning of the Vani is to hand over the girls in marriage or exchange marriage to the aggrieved party to resolve the blood fued(3). According to Capt.Revert “Swara means a female rider, but in traditional terminology it refers to a girl given over to the aggrieved family as compensation for blood (4). Bedell says that a vani bride is a young woman who is given in payment for the crime of a male relative (5). In the majority cases, this type of “compensation” is awarded by an informal court and not determined by the relatives of the girls. Resistance by the relations or the

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judgment rejection by the girls from the “Jirga”(informal court) has dreadful consequences for family members.

Historical Background:

The cruel, un-Islamic and heartless ritual was started almost four hundred years ago when two “Pathan” tribes (a Muslim community) of Mianwali (a District of Punjab province in Pakistan) scuffled a bloodthirsty conflict against each other. During this bloody era round about eight hundred people were killed. At that time Ruler of TANK (A state of sub content during Mughul king dome) struggled to resolve this tension. He called the “JIRGA” (A meeting of the elders and nobles/informal court) who determined that girls must be given as compensation. They considered it the only way to resolve this quarrel. So, after the implementation of the decision, both families turned into a family. Later on this decision became a tradition which passed over generation to generation (6). Therefore, this custom is done at the time when there is quarrel or enmity between the two tribes or families due to kidnap, murder or unfair relations. It starts blood shedding between the two sides. So the member of Jirga decides blood instead of blood of fine in the form of money. In Sawara the guilty person gives his sister, daughter or nephew girl to the other family. This girl can be an infant and the person who receives her can be of seventy or seventy five years (7).

Traditionally they occurs a Nikah (matrimonial bond) without any function. Sometimes the girl gets some benefits some time the girl is left alone without Nikah in the fields, so that the opposite tribe can possess her as a lady servant (8).

Kinds of Vani/Swara:

A research scholar Baba Khel indicates three kinds of Swara custom.

1. One sided Swara
2. Two-Sided Swara
3. Three Sided Swara

One sided Swara is the most commonly practiced. The aggressor party gives a woman to the distressed party. A word is given by the aggrieved party, to the Jirga that in future there will be no bloodshed. The cash money or a piece of land may be the surety bond for this decision. If there is any betrayed by the aggrieved by their word, Jirga condemned them. The arrogance and honour of the hurt party in the Jirga is no more intact and they will have no honour in future Jirga meetings. In Two-Sided Swara, Both tribes exchange swara to build up their association and to guarantee an end to enmity. The aggrieved party get some piece of land, cash etc. from the aggressor. Three Sided Swara is an exclusive type. Here similar to the previous kinds of swara, the aggressor party will handover

one lady as a swara. But in addition to that, two more swaras one from each side will be exchanged so as to make stronger the relationship between the hostile tribes (9).

Edward E. Elver pointing out a tribe of Pathans wrote "No one is equal to WAZEER tribe. Their ancestors made this law more than 300 years ago. It is applicable in the following crimes.

- 1- The Crime against a person
- 2- The crime against property
- 3- The crime against woman

There is usually a punishment of twelve women for a murder, six women for a hand, ear or nose, three women for teeth and one woman for a wound of forehead (10).

Grounds of Vani:

There are different grounds due to which girl/girls becomes the victim of Vani or Swara.

Vani due to Murder:

In this case the murder of two tribes is tried to settle in the form of girl/girls. When a Jirga or any judge of the informal court announces someone culprit in matter of murder, he is declared as the Killer. Usually, the decision maker ordered to killer or his tribe to give a girl or more (according to the situation of incident as well as status and prestige of the aggrieved party) to the pained party. It is called chatti (compensation).

Due to Sex corruption:

The cases of rap and sex intercourses create destruction and even murder in our society. If someone receives information about sex relation of his sister/daughter/wife/mother or blood / closed relation with an illegal male, usually kills both male and female. If the guilty man saves from killing, he, with his tribe or family, submit request to the Jirga for dispute settlement. So the case is settled usually by vani.

Due to Financial Loss:

Sometimes a tribe gives financial loss to the other in the form of theft or stolen. It also creates a great destruction between the two tribes. In this case land, money or girl is given as the desire of the effected family. According to Ansar Burney "Many more girls from low-income families are sold into "marriage" in exchange for monetary gain. The younger the girl the higher the price for her would be paid" (11).

Life of A Girl After Vani:

When a girl becomes vani and sent to the enemy's, there is small possibility of a joyful life for her. She is given no honour at her new house. She has to face horrifying behavior there. The activities of swara are not

only restricted but also noticed as mistrustful. She lives a life inferior even than a maid servant. The blameless vani has to bear what she has never committed for the rest of her life. She could never get full benefits of a matrimonial woman. She is treated as a slave who has no say in her own life. These unfortunate women sacrifice their wishes and spend the entire life for the sack of their self-centered male relatives.

State and Religion Rules and Vani:

By the Criminal Law (Amendment) Act, 2005, the practice of giving females in badal-i-sulah (as exchange of peace) was declared a penal offence. The section 310A of PPC states: "Whoever gives a female in marriage or otherwise in badal-i-sulah shall be punished with rigorous imprisonment which may extend to ten years but shall not be less than three years." Recently in 2011, The Supreme Court took strong notice about an event of Vani. The court observed that how a parallel judicial system was still prevailing in the country through jirga system.

Also this is an un-Islamic practice as Islam does not allow a forced marriage. The Holy Prophet clearly directed that a woman should not be married till she is inquired for his agreement. Once a woman came to the Holy Prophet (peace be upon him) and said that her father gave her hand to someone, but she disliked that person. The Holy prophet immediately declared that marriage invalid (12). A world renowned Islamic Scholar says "The Sanctity of matrimonial bond (Nikah) solely depends upon the consent of that lady" (13). When we want to get guidance about this custom from Holy Quran, we get an indication regarding the exclusion of such custom. The Holy Quran says, "For men there is reward for what they have earned, (and likewise) for women there is reward for what they have earned (14). In another verse The Quran says, "And no bearer of burdens shall bear another's burden, and if one heavily laden calls another to (bear) his load, nothing of it will be lifted even though he is near of kin (15). Similarly, The Messenger of God clearly said that no one will be punished because of another's crime. I would like to quote only one saying of the Holy prophet (Peace be upon him) so that we may be able to make decision regarding prevention of such customs. It was narrated from Sulaiman bin 'Amr bin Ahwas that his father said: I heard the Messenger of God saying during the Farewell pilgrimage: "No criminal commits a crime but he brings (the punishment for that) upon himself. No father can bring punishment upon his son by his crime, and no son can bring punishment upon his

father."(16).The above said directions undoubtedly prove that a criminal is itself answerable for his wrongdoing. Nobody either male or female relative can be punished at his place.

Some Examples Published in newspapers about Vani:

- 1- In district D.I.Khan (K.P, Province of Pakistan) a girl of three years was given to a man of forty five years. This decision was headed by saif-ur-Rehman in three days. In a remote village Ghundi-Umer Khan a person name Farooq desire to marry an already married girl Noreen. At the refusal, they took the girl to the unknown area. The Jury decided in three days that three years nephew of boy named Sumaira should be given as a Vani to forty-five years uncle of the girl n-amed Mehboob (17).
- 2- In a village of Mianwali named Chah- Hathi Khelawala (Punjab Province of Pakistan) a man Abdul Rehman handed over her daughter and nephew as a Vani for peace. It was due to a murder ten years ago. The punchait (decision making assembly of male elders) consisted of Zia-ullah Khan, Muhammad khan and some honorable person imposed a fine of 5 lack or two girls of five years kiran and shazia as a Vani.So the aggressor party decided to hand over the girl(18).
- 3- In Mahmand Agency (Federally administrated tribal area of Pakistan) a girl was given as vani to remove/solve the dispute between two tribes in which three persons had been killed. According to details, the leaders of Haleemzy tribe named Malik Aurang Zaib, Malik Dilawar and Malik Zarger ordered to give the daughter of Saeed Muhammad Jan (accused party) to Malik Dukhtaristan (aggrieved party)with a fine of Rs.500,000/-. After acknowledged the judgment, both parties pardon one another (19).
- 4- Alamzeb kidnapped the daughter of his neighbor, Naseer, from the Reri Goth area in Karachi. (The sources said that both were actually in love with one another).The girl's family took the case in a jirga. The Jirga decided that the culprit's (Almzeb) six month daughter may be married off to the girl's brother (Haq Nawaz) who is 25 year old on the basis of Vani.(20).

Recommendations:

Equality between male and female:

The Universal Declaration of Human Rights, adopted in 1948, states "the equal rights of men and women", and addressed both the equality and

equity issues. In 1979 the United Nations General Assembly adopted the CEDAW (Convention on the Elimination of All Forms of Discrimination against Women). Pakistan's CEDAW obligations extend to the provision of an effective remedy to women victims of violence (21). It is also mentioned in constitution of Pakistan of 1973 in Article 25 that the entire citizen are equal. So it is necessary that men and women should be treated equal otherwise it is difficult to end these evils.

Implementation of Law:

Although the constitution of Pakistan provides legal equality but those rules are existing only on papers and are not enjoyed in practical. Niaz A Shah truly says that constitution provides remedy against such customs and traditions but in practice the constitution is ignored and customs prevail (22). So there must be strictly implementation on the presented laws to dishearten these habitual practices, which have caused a notorious name for our society.

Necessary and Compulsory Education:

In the tribal areas and villages the education is nearly zero and standard is hopeless. The condition of female education in Pakistan is the Worst. So it is necessary to educate the people to finish such evils.

Poverty:

Poverty is the greatest evil. It gives birth to all the crimes. When a tribe or a family is unable to pay desired amount to the aggrieved party, they themselves, sometime, offer their girls or accept decision of handing over their girls to the aggrieved party. So the people should be given proper sources of income by different companies and departments for their financial growth as well as to create peace.

N.G.Os:

NGOs can also play an effective role by creating awareness against such traditions. They should create awareness about the rights of women. They should help the women to raise their voice. The Government should help and encourage such N.G.Os.

The Chief System:

Feudalism always implements its code of morality in the name of “tradition and custom”. Usually, the customs are present in such areas where there is sardari Nizam (Feudalism). It is necessary to abolish sardari system.

The rapid Justice:

Justice has great importance in society. Without it, society is like a jungle and war. Unfortunately, the struggle for getting justice in our country is not only costly but also very slow. People cannot get quick reward from existing system. So there is informal justice or the parallel judicial system in Pakistan. It is dire need to make this system fast, simple and easy.

Conclusion:

This custom is practiced nearly in every part of Pakistan. But it is mostly in pathan tribes. Its main theme is to resolve the severe disputes. The main victim of this tradition is woman. It is illegal and un-Islamic tradition. Although, the Government and Judiciary is paying full attention for the eradication of such evils, But the law so far has been widely disregarded. There is dire need to create consciousness within the society in general about this cold-blooded tradition.

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