

**Perceptions of People about Criminal Justice System  
(A Case Study of Kot Mubarak, Dera Ghazi Khan)**



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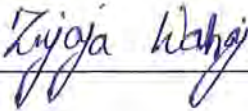
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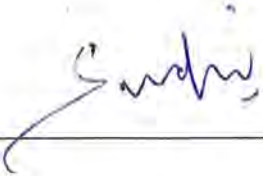
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## **Formal Declaration**

I hereby, proclaim that this work has been produced by me, without anyone else. The help that was taken from some sources is mentioned in this work.

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I am solely responsible for the contents of this thesis.

Islamabad, 2018.

**Meer Salal Kifayat**

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## Abstract

This study explores the perceptions of people about the different institutions involved in criminal justice system. This study explains the interaction of people with these institutions and the way perceptions are constructed. The experiences of people with these institutions are also explored in this study.

Qualitative method used in Anthropology has been employed in this research. The qualitative methods such as purposive sampling, snowball sampling, in-depth interviews, focus group discussions and case study have been used in this study, the functioning of the officials in these institutions help us in explain the public perception about overall perception of public about these institutions.

The analysis shows that there exists power distance, corruption, procrastination and negligent behavior in these institutions. The lack of facilities is also a contributing cause. People and their culture also play it part in malpractices of these institutions. More important for people is the efficiency and effectiveness than capital punishments. People respond to changes in levels of efficiency positively.

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# Chapter 1

## 1.1 Introduction:

In order to establish and maintain its authority over people, a state perform various functions. Some of these functions are merely to protect the sovereignty of state. Others are to maintain order within. One of the most important functions that a state performs to maintain order within is the system of controlling crime in society. This system is known as criminal justice system. This system is very important because if a state fails to provide its people with justice, its authority fades away. Even if authority does retain itself, the society becomes uneasy to govern.

Public opinion as to the functions of state is very important because this opinion reflects the nature and extent of state's authority in eyes of people. As people grow conscious, a state faces continuous challenge to impose its will as they try to balance away the acts of state in positive way. It is perhaps due to this fact that politicians in West now make their agenda of criminal justice reform a part of their election campaigns. (Roberts, 1992) If the perceptions of people grow negative towards the systems of state, they feel reluctant to respect its authority.

The criminal justice system has gone through different stages. It has evolved itself as the concept of the state has evolved. Similarly, the concepts of punishments have also evolved. The modern era sees crime and its punishment in a very different way. However, it can be observed that the major problem standing the way of a criminal justice system based on fair principle is not of the punishments -as it is said by Islamicist- and neither it is of Western or Eastern system, it is simply a cultural phenomenon which is reflecting itself.

The criminal justice system has been studied throughout the history. Different assumptions have been made about its functioning. Recently, the role of

public opinion has been included in its domain (Roberts, 1992). It is often overlooked by those who study the criminal justice system is that it is a cultural phenomenon. It functioning in a society is dependent on the culture of people that it wants to govern. People who view the state as an alien being detached from them do not recognize the fact that they are part of the state.

## 1.2 History:

It is said that the concept of fairness in distribution exists in primates. While in other animals it might be doubtful, in case of human it is apparent. It can be said with certainty that some kind of system would immediately have come into being as humans formed groups to live together. Social life was, therefore, a necessity in the face of hostile environment. Without it survival was impossible. Moreover, given the nature of human existence, social life provided many functions that would not have been attained in a life of solitude. These functions included the physical and psychological functions at top.

Once the human life was safeguarded against the environment, there arose a problem s that would keep human struggling to achieve the highest ends. This problem was of social control. The objective was to secure collaboration within group in a way that ensured the survival against the threats from the environment and the group. In this context evolved the basic concept of reward and justice.

It appears that the inception and evolution of an idea (or culture in a broader sense) depends on objectives behind it, In the early human life the objective was to secure survival. Population was low. Resources were scarce. Disparity in distributing was less apparent. There was a egalitarian system due to these factors. This system was based on social solidarity. Although inclination towards such human values was still present, but as the disparity in resource distribution arose, the objective of the social control system moved from simple survival to more complex objective like maintenance of a particular

type of social order that encouraged power disparity and protected status quo. As population, resources and culture grew, with it grew the concept of criminal justice, but not in a liberal way, In band societies purpose of social control was different; when kingdoms and the modern concept of the state came in the purpose of social control became more complex.

A more concrete history of the criminal justice system goes as narrated below. Prior to agriculture, nomadic cultures had a system of punishment. An example is of the Huns in Mongolia. With the development of agriculture, more organized and formal system of justice developed. These systems were different from each other throughout the world. They developed independently from each other. They were based upon indigenous cultures. Babylonia system, based on the Hammurabi's code was one of them. this system was based on state law, and by it coming the tribal laws had passed out of order. A lot of evidence has been discovered from archaeological sites which points towards existence of formal justice system. It was perhaps because of the management of resources in Babylonia. It was an elitist system based on three classes of people. It can be seen here, as it has been said before, that as resources distribution disparity arose, the objective of the social control changes. Hammurabi's code maintained a system of classes on one hand while on the other had it also gave space to human values although not completely,

In China developed a prefecture system under the Chu and Jin kingdoms. Prefects were spread across the Kingdom. They monitored the civil administration and implementation of law. They reported to magistrates who were answerable to the king. Some prefects were especially for the purpose of investigation like modern police. This system also spread to Korea and Japan. (Whittaker, 2008)

In the pre-modern Europe, the crime was a private matter. There were some magistrates in Greece who had their personal forces. A common force was held in Athens but its purpose was to secure public order only. (Hunter, 1994).

In Rome there was a good law enforcement. Augustus created 14 wards in the capital of the empire which were guarded by 1000 men. (Eck, 2003).

The middle ages saw the punishment of crimes through blood feuds “wergild” or payment to the victims of the family was also a common method. When payment was not made more harsh punishments were given which included mutilation, whipping, branding and glugging. Execution was also a method of punishments. This system operated between party’s state intervened only in some important matters or the matters which had to do something with government directly. Most common method of punishing severe crimes by state was exile.

The most important event in recent human history was ascension of United Kingdom at the helm of world policies. Their colonial expansion meant that their system would now be plants in the colonies which come under their control. Therefore, a detailed account of British system and Pakistani system prior to British invasion is necessary to understand the development of the criminal justice system in Pakistan. Moreover, the modern criminal justice system and officialdom associated with it is product of the British trend of thought throughout the world.

The current system working in Pakistan is a system of interaction. It is system that gets its basic thought from the British colonial framework and the British tradition of thought. It is a system that interacts with local systems. The production of new system by British and its introduction in to its colonies can be seen as a cultural innovation. But as this cultural innovation still finds it hard to get acceptance, it is therefore an interacting phenomenon with colonial culture. Below is an account of the development of different institutions involved in the process of justice in modern times. However, this does not mean that Islam was a local system or that there can be a system with any difficulties of the attempts challenging it fundamentally. Islam, like the British systems, was an alien product. But with time it became part of the indigenous system to some extent. The indigenous system retained its essence anyhow.



### 1.3 Police:

The work of policies to enforce law and maintain order. However, this system has also been used to protect class interests. History of united states is abounding with examples of the use of police for protection of the interests of class. It has been discussed earlier that the system of social control fulfills some objections. Although the modern policy utilizes the concept of bureaucracy as put forward by Max Weber (Weber, 1921), it however remains that it is exploited by group in their favor and work according to the cultural norms of a given community.

Some examples of early police have been discovered earlier. They included examples for ancient Dina and Europe. In medieval Europe examples can be given of Spain where the king could not protect the people against all ills. Therefore, Santa Hernandez or holy brotherhoods were introduced at municipal level. They protected people against banditry, lawless nobility. They also took sides when different individuals claimed the crown. When such alliances were formed, they were supposed to be temporary. But they became a part of history due to their permanency.

At the end of the war of coastline succession in 1479, Ferdinand II of Aragon and Isabella organized a holy brotherhood. The people already working under different brotherhoods were organized under a central system. They were headed by officials appointed by the King. They were granted great power. They served their purpose until their suppression in 1835.

The first police force in the modern sense was organized by King Louis XIV in 1667 to guard Paris which was (Terrill, 2015) the largest city in Europe. A royal edict created the office of the lieutenant general of police. The purpose of police force was defined as "ensuring the peace and quiet of the public and private individuals, purging the city of what may cause disturbances, procuring abundance, and having each and every one live according to their station and duties". The last task in the definition implies the maintenance of status quo. It is without any doubt that police maintain status quo. The criminals are punished according to their status and rank. The modern police,



therefore, came with a purpose of protecting the existing culture of power in France. Gabriel Nicolas de la Reynie was the founder of this system. Under this system, Paris was divided into different districts. These districts were headed by police commissioner. The commissioners were helped by inspectors. This system was later extended to the rest of the France. After French revolution, Napoleon reorganized the police.

In Britain it was George II who began paying some London and Middleclass watchmen in 1737 with tax monies. The first force organized for the purpose of guarding people was the Bow street runners. However, the private police stayed there to work. Bow Street Runners were not full time professional. In London, the merchants felt need of protecting their goods against loot. Patrick Colohoun persuaded these merchants operating at the Thames river to establish a police force. The idea of French type police was detested. But it was apparent that the type of police secured the purpose of protection. Patrick spoke in favor of the French system and said that such police protected the interest. New police was formed known as Thames River Police. A bill called the Marine police bill transformed its form. This was the first full time salaried police. (Terrill, 2015)

#### **1.4 Criminal Justice System of Pakistan**

Broadly, in the region which is now Pakistan, there have been two systems of criminal justice. The one was the system controlled by a king who appointed judicial officials. It was, for example, the system of Mughals. (Khan, 2009). Although the rule was based on the will of the king, on general basis, leniency was shown to most of the people. With advent of the British empire, the system of sub-continent was revolutionized. However, it soon appeared that the attitude of people could not be changed easily. Pakistan, after independence, inherited the tradition of the British system.

The criminal justice system of Pakistan is consisted on Police, Judiciary, Prosecution and Prisons. Before 2007, there was no independent prosecution department. After 2007 all provinces established independent departments for Prosecution. (Hussain, 2011)

### 1.5 Statement of the Problem:

A state exists to serve people. A state that fails to meet the needs of people to an unbearable degree, it soon falls into disarray and chaos. And out of this chaos are born new states with renewed aspirations to serve the people. The cycle goes on leaving one lesson: states are for the people to serve the interest of people and people do not obey unless they are served (notwithstanding the fact that people tolerate the negligence of state to a certain extent). Even the states with the most authoritarian governments never fails to assure people that their interests are beings served.

The emergence of state system was a move from simplicity to complexity. The abstraction that we call state is nothing but a series of institutions that are mandated to serve the people. The state is represented at the level of people through these institutions and systems. These institutions try to meet the needs of the people. In some states, the needs are met more effectively than others. In any case, the importance of people, whose needs are being attempted to be fulfilled, and their perceptions can not be underestimated for two major reasons: 1) The existence of state and orders within it is dependent upon people and their opinion about the state, 2) In the end, all the resources that are spent in these institutions are spent to serve people.

In Pakistan, there are many institutions to provide the society with control and order. One of the most important system for any state, and particularly for Pakistan, is the criminal justice system. In this system are included Police, Judiciary, Prosecution and Prisons. Ideally, this system should function more effectively and efficiently than other systems because it is the only system mandated with the most important function of societal control. If this system does not meet the needs of people, a threat of disorders -which ultimately can lead to disintegration of state- arises. The people should be made satisfied with working of this system. The satisfaction of people with state-based systems is largely dependent on this system.

Whatever the ideals might be, a number of studies reflect that there is no satisfaction in people in relation to the function of this system. From lower level of the system to the upper ones, it is the people who face many problems. There have been many studies to assess these problems. While some have been very comprehensive in nature, the scope of most of the studies was limited due to the fact that they were not ethnographic in nature: they have not attempted to discuss the functioning of the system and negative perceptions of the people as a cultural phenomenon.

The present study was limited in the sense that it could not cover all the units of the components of the system. Criminal justice system is a large system with hundreds of units of each component of the system. But this limitation has not handicapped the main purpose of the study, i.e. the use of ethnographic method to understand the functioning of the system and perceptions of people. The relation of perceptions of people with functioning of the system is very important. The perceptions have been defined as those perceptions which aid or damage the functioning of the system.

## **1.6 Objectives**

The objectives of my research are:

- 1) Making an estimate of the procedures involved in the process of justice.
- 2) Getting acquainted with the public perceptions about the state's institution involved in process of justice.

## **1.7 Significance of the study**

This study has focused on day-to-day interaction of people with the institutions involved in the criminal justice system. A great deal of work has been done in the field in other countries. But in Pakistan, there exist some gaps. Without Anthropological studies the problems would remain unsolvable.

Moreover, the studies that have already been done have not included the area which has been studied in this study. The inhabitants of this area are often neglected in such studies as they are ignored while other serious studies are done. The breaking of big-problem of criminal justice system into small activities and then drawing conclusion from it would contribute to solution of these problems. It will also help researchers who can not reach out to these places on a daily basis and rely on statistics.

## 2 Research Methodology

### 2.1 Methodology:

Before embarking on research, it is necessary for a research to select an appropriated methodology to collect data. In this study the qualitative anthropological method has been used. The tools of data collection have been discussed below.

### 2.2 Rapport Building:

The importance of rapport building in an anthropological research is selfevident. One can not access the original opinion of people and their culture without first building a rapport with them. Rapport is such a relationship which in which a respondent shares his/her culture and view with the researcher without any hesitation.

In this study, the first step I made was to get involved with the people of the area. It was done through adopting their culture and respecting their norms. There was some difficulty in the beginning but I managed to build a good rapport with the people.

### 2.3 Participant observation:

Participant observation is an important tool which was first used by Frank Hamilton Cushing in his study of Zuni Indians. Development of this approach was made possible when Bronislaw Malinowski used it in his researches. Evan Pritchard also made important contributions to it.

It a method in which people are observed from inside. It involves rapport building as a first step. In participant observation we gradually start sharing days to day activities of people with them. We participate in their culture as they do to get a comprehensive view of their culture and to understand how their views ae constructed. Through participation we get better chance to understand the culture of people. The observation is continued for long time. This observation is done in a natural setting. Different scholars have elaborated the importance of the participant observation.

*" Through participant observation the data about people can be effortlessly observed and recorded. This method can be applied by making people friendly. It is bedrock of cultural anthropology. (Bernard, 2006, p.342)*

After building rapport with people, i went with them in their activities which I wanted to observe in order the understand their working. I went with them to police station. I went with them to local councils which acted as arbitrators. I observed all these activities very closely. I devoted a lot of time to observe these activities.

Use of this technique gave me an understanding of the culture which worked at lower level in communities. I did not have such understanding of their system before. I came to understand how the local judicial system work and how the mainstream judicial practices differ from the subculture.

On overall basis this technique appeared as most powerful technique of data collection. It was due to the fact that interviewing often involves some degree of positioning. The data collected through participant observation aids the data collected through interviews in forming a good balanced view which is nearer to real functioning of the system.

#### **2.4 Sampling:**

When we do a research, we can not study all people. We need to choose people in a way that does not affect the quality of data. This process is called sampling,

In my research the population under study was a combination of many caste groups. These all sub-caste groups belonged to a main major caste: Khosa. Details will come when i will discuss locale and the subcultural patterns of the area. Briefly these castes included Balails, Jhangails, Tundvani etc. There were some expectations too. Some people there do not belong to this Baloch tribe and are called *Kammi* locally. The other exception was in domain of language. Majority spoke Saraiki but some people falling in the locale were

Balochi speaking. But as far as the culture is concerned these all castes form same cultural group. So, I could select people from different castes.

My research was related to perceptions of people about the criminal justice system. I, however, could not study the whole district in this research. Therefore, I first selected a local and population unit to study for their interaction and perceptions of the system.

In this study I used many sampling techniques. It was due to assumption that by using different sampling techniques, the population would be represented in a fair manner. Under every sampling technique lies a concept that provides foundation to it. I used a variety of sampling techniques to ensure that the population is represented and real opinion come to front.

The sample size in this research was 30. The population in the area where this research was conducted has a limited population. The sample size was designed to ensure that data saturation is met.

#### 2.4.1 Purposive Sampling:

It is a sampling technique in which such respondent is selected which meet the criteria of research in eyes of the researcher. According to Teddlie:

*" It is non-probability sampling technique in which the investigator selects respondents from population by his or her assessment. The selection of respondents is based on the purpose and acquaintance of research that the sample must fulfill the research standards (Teddlie & Yu, 2007, p.78)"*

This sampling technique is widely used in qualitative research because of the fact that in such researches the purpose of investigation is to find data that reflects the views of people accurately. Purposive sampling fulfills this purpose by providing the researcher with opportunity to make assessment as to which respondents can fulfill this criterion of accuracy of data. The

assessment is based on the literature that a researcher reads before research and the field knowledge which he or she acquires after entering the field.

I have used purposive sampling because my research topic was not a general one. Its basic aim was to explore the perception of the people who have come in interaction with the criminal justice system at some point in their life. The assessment was based on this basic criterion. Other things were also kept in mind before selecting the respondents such as their understanding of the system, their time spent in interaction with the system and how reflective the perception of these people can be in relation to the actual functioning of the system. I made assessment of such people after spending some time in the field.

#### 2.4.2 Snow Ball sampling:

In this sampling technique a researcher first selects a respondent by any sampling technique. He then asks this sample to recommend other respondents who in their knowledge might have better understanding or information related to research topic. Where purposive sampling utilizes the assessment of the researcher for selection of respondents, this approach uses the knowledge of respondents. In this, it appears as a string technique in a qualitative research. According to Bernard:

*" Snowball sampling is a method used to collect data and facts, from extended relations, through previous connections; snowball sampling uses recommendations to find people with detailed variety of skills that have been determined as being useful"(Bernard, 2006, p. 192)*

During this research, this technique was used to select respondents. The first samples were selected purposively or accidentally. These respondents were then asked to refer to other respondents which have knowledge about the subject or have come in interaction with the system. This technique proved to be very useful. The data gathered through this technique was very important.



**2.4.3 Random Probability Sampling:**

Random probability sampling was employed in this study to conduct a survey. In this survey, it was assessed whether the general perceptions which are associated with people in relation to the criminal justice system are true or not. The sample size in this survey was 100. This sample size was adequate to represent the perceptions of those people who came into interaction with the system due to the fact that from a large population only a tiny minority get into interaction with the criminal justice system.

Effort was made to make it inclusive as far as the gender and caste are concerned. In former, there was limitation due to the lack of the opportunities of interaction with women, while for the men target was reached conveniently. Properties of this sample are given in the tables below.

**2.4.3.1 Gender wise Distribution of the Sample**

<b>Male</b>	<b>Female</b>	<b>Total</b>
81	19	100

**2.4.3.2 Caste wise Distribution of the Sample**

<b>Caste</b>	<b>Number of Respondents</b>
Balail (Khosa)	22
Jhangail (Khosa)	25
Jiayani (Khosa)	8
Tundwani	8
Umrani (Khosa)	11
Esani (Khosa)	5

Bhatti	11
Other	9

2.4.3.3 Income wise Distribution of the Sample

<b>Income Group</b>	<b>Number of Respondents</b>
Less than 20000 Rs	36
Between 20000 Rs and 50000	33
Between 50000 Rs and 100000	17
Rs	
More than 100000 Rs	14

**2.5 In- depth interviews:**

This tool is very important in qualitative research because of the fact that it gives the respondent greater space to give their views. In an in- depth interview the beliefs and values of a respondent can be explored in more depth. The respondents share their stories and perceptions with the researcher. It gives the researcher space to explore the themes found in such data. This tool also helps researcher in assessing the world-view of the respondents through their language and gestures, which are given space to manifest themselves.

During the research i used this technique frequently. I interviewed many respondents who were asked open ended question. The open- ended questions provided space to the respondents to engage with me freely. In these interviews, they give data and used lingual expressions which helped me in understanding their true perceptions. I conducted these interviews from the respondents residing in the village in which I conducted the major part of my research. However, some of these interviews were also conducted in the

premises of courts where i managed to engage some respondents. I also conducted some interviews of people who were not directly related to the topic to know about their perception. The results found were reflective of the perception of the majority.

There was also some limitation in using this technique. It was found hard sometimes to engage respondents in such interview. Some respondents hesitated in sharing their views. In some respondents positioning was noticed. However, this did not happen in many cases.

## **2.6 Interview Guide:**

A good interview guide helps a researcher in exploring the views of people accurately, and relevantly. To prepare a good interview guide it is necessary to have a good understanding for the research topic and relevant literature. The stimuli in a interview guide should be designed in a way that gives the most important and relevant data. These stimuli provide the respondents with appropriate and meaningful chances to give their view on the subject of the study. Interview guide help the researcher to have a better understanding of the topic throughout the research. It also helps a researcher to stay away from deviations during research. In this research I used an interview guide which was made keeping in view the objective of study. The interview guide was very helpful during the research. I enabled me to stay strictly in limits of the topic.

## **2.7 Case Study:**

In case study, the past events of the life of someone are assessed to have a understanding of their experiences. This technique serves the purpose of holistic assessment of someone life which consequently helps in having holistic understanding of the research topic. The situations which are not easy to understand can be inquired through this technique. In a case study, the data often explains the links between different variables. I have used this technique in this research

## **2.8 Focus Group Discussions:**

In Focus group discussions, more than three people are chosen to conduct a discussion within themselves. Such people are chosen who meet the criteria of research. During this study i conducted focus group discussion to explore that how the people see the problems within themselves. I used my interview guide to moderate them. Before conducting the focus group discussion in made sure that they felt comfortable with me. This technique was very useful as it revealed the actual thought processes and perceptions of the people. This data could not have been gotten by any other tool,

## **2.9 Audio Recording**

The use of audio recording is very common among researchers nowadays. It provides them with ease of use and speed. The researchers can also check the data easily for validity.

In this research i used this tool in formal interview, informal interviews, and focus group discussions. The audio recording helped me in extracting relevant information and analyzing it.

## **2.10 Ethics of Research**

The data that is obtained from the respondents is very critical in some cases. Some of that data might bring harm to the researcher or the respondent. In an anthropological research it is very important to provide safety to the respondents. A formal consent should be obtained to use the data.

During this research, many respondents requested me to not to disclose their names due to the nature of the topic. It is the reason that the term respondent has been used when something is quoted from the interviewee. I also took consent of the people before conducting the interviews. I shared with them the topic, nature and use of research. It was only after that the formal consent was obtained i recorded data.

## 2.11 Data Analysis

Data analysis is very important for a research. A data, if not classified and analyzed, does not serve the purpose of obtaining any conclusions. as Govaert says:

*" Data analysis is a process of systematically applying statistical or logical techniques to describe and illustrate, condense and recap, and evaluate data.*

*An essential component of ensuring data integrity is the accurate and appropriate analysis of research findings" (Govaert, 2004, p.205)*

I used analysis to identify the themes in data. This analysis helped in understanding the system.

## 2.12 Limitations of the Study

The nature of topic caused many limitations. The people were not ready to share their sensitive data. I was hard to obtain concrete and verifiable accounts. I wanted to use photography in the study but I was not allowed by even a single respondent.

There was also a suspicion among my identity among the people. They wanted to know that for whom it was work. However, it was only in the beginning. as started to spend time with the people they become friendlier.

## 3 Literature review

### 3.1 Public Opinion and criminal justice system

“Public knowledge about the structure of criminal justice system has been tested in some polls. It appeared that the people are more familiar with the correctional stage than policing (e.g., Fagan 1987). It appears ironical because mass media gives more attention to the police than corrections. However, media coverage of policing (particularly fictional representations) is more stereotypical than coverage of other areas of criminal justice and focuses on aspects that do not represent the reality of policing. Most of the research on public knowledge of the criminal justice system has focused on sentencing and correction. (Roberts, 1992, p. 112)”

In the polls conducted in some countries in west, it appeared that the people have more information about the phase of corrections in the system than the function of policing. It looks strange. Media tries to spread sensation through giving news about the police only. However, it appears that the representation of the policing that is done in the coverages is based on stereotypes. The media show those aspect of policing which can cause public sensation instead of actual event. There is fictional representation which do not reflect the reality. Similarly, the most of the research on the criminal justice has been done with a focus on the correction. It is also stereotypical because realities are not reflected in it.

“Public awareness of sentencing is critical for a number of reasons. From the perspective of deterrence, potential offenders cannot be deterred by penalties of which they are unaware. Moreover, public knowledge of minimum and maximum penalties and actual dispositions provides the context against which people evaluate specific sentences. Whether a sentence of four years for robbery is regarded as lenient or harsh, depends, in part at least, on what the



public believe the average sentence for robbery (and other offenses) to be. Estimates of maximum penalties may also be important in this respect. And finally, public attitudes in general toward the courts and the judiciary have been shown to be at least correlated with, and quite possibly determined by, knowledge of the sentencing (Roberts, 1992, p. 112)”

Roberts say that the public awareness of sentencing is critical. The commonly held stereotypes do not go beyond suggesting then simple conclusion. The actual information which matters it the information regarding sentencing. It information about the sentencing is also important for the reason that it not only builds correct perceptions but also act crucially to deter the criminals. People cannot fear a law if they are unaware of it. The knowledge about sentencing also helps people to evaluate the sentencing. One important thing that is important is the judgement based on any legislation. If people believe that a sentence for a crime is on average two years then, even if it is written harsher in the law, it does make less impact. The public behavior towards courts and judiciary is dependent on their knowledge of sentencing.

“Similar disparities exist between public knowledge and reality in the area of statutory maxima. Williams, Gibbs, and Erickson concluded that "the overwhelming majority of respondents were unaware of the statutory maximums for all penalties and all crimes" (Roberts, 1992, p. 112)”

Public also do not have knowledge about the maximum penalties. The knowledge of penalties is very important to deter the criminals from committing the crimes. Like other surveys, William concluded the in educated nations of west the public knowledge as to these penalties was limited. In Pakistan the case is worse.

“Residents of several American states have been surveyed about their legal rights and related issues such as police powers. Knowledge tends to be

poor, particularly for civil law issues, rather than criminal justice, but even for the latter, members of the public appear to know little. (Roberts, 1992, p. 115)”

Not only that the knowledge about the maximum penalties is less, the people in west also do not know their rights. The situation in Pakistan is not much better. Like west, the people not only lack in knowledge about right but also about the powers of police. The situation in civil law matters is worse than the matters in criminal law. This information is very critical for the perceptions of people. Without good knowledge they can not perceive the problems and the solution correctly. Moreover, their relation with the state would be compromised.

“Awareness of legislative change is also far from universal. In 1990, the Ohio legislature passed Senate Bill 258, a major piece of legislation relating to drug offenses. A central aim was to crack down on illegal drug use by increasing the penalties for drug crimes; all drug offenses were moved up in seriousness, with a corresponding increase in the severity of penalty. (Roberts, 1992, p. 115)”

Like in the matters of criminal laws, the knowledge about changes in laws is very important. The laws nowadays form a part of the agenda of politicians in the west. With growing knowledge, it is also happening in Pakistan. However, these changes do not bring any fruits due to lack of proper knowledge by the people. They remain oblivious of the laws. This in turn does not affect the perceptions. While the system moves towards positivity, the people are often slow to respond to such changes. For example, in Pakistan there have been important changes in the laws relating to women, but these have not brought any fruits for the agenda of politicians. Due to lack of the public awareness they remain limited in effects. As Roberts puts it:

"This gap between legislative reform and public awareness of the reforms is counterproductive. After all, legislation is frequently introduced for instrumental purposes related to the attitudes and behavior of the public. One of the goals of rape reform legislation in



both the United States (Marsh, Geist, and Caplan 1982) and Canada (Roberts 1990) was to restore public confidence in the criminal justice system and thereby to promote the reporting of sexual assaults to the police.” (Roberts, 1992, p. 119)”

The effects of the news media on public knowledge have been explored for many years now . While the influence of the media has been demonstrated, its effects are not always strong or straightforward. (Roberts, 1992)

The effects of news media are very important for the construction of peoples' perceptions. People interact with such media more that they interact with institutions. They form the opinions from the facts that are presented in the news media. But in some cases, as analysis suggest, people do not always take perception from this media in a straight forward basis. They are many variables involved in the process.

“A frequent research strategy consists of comparing some measure of public knowledge (e.g., estimates of crime rates) with some measure of media coverage (e.g., the distribution of crimes reported in the newspapers). (Roberts, 1992, p. 119)”

To understand the psychological factors involved, one needs to delve further into research. There is need to explore the difference between the media representations of the problems and crime rates in estimates of the people. Although people take a lot from people, there are many other cognitive functions such as biasness which affect the actual formation of the perceptions.

The results of this research suggest that, while public estimates of the distribution of crime do not directly reflect news media data, they are closer to the news media version of reality than to the official statistics

The news media nevertheless shapes the opinion of the people. The perception of public might not be based on it but they reflect the sensations of the news media sources. They often lack the understanding of the crime statistics and the system.

Eccentric coverage of criminal justice topics by the news media is not the sole reason that public knowledge is so poor. When responding to information, members of the public are prone to a number of cognitive errors that can give rise to beliefs such as those concerning sentencing patterns and recidivism rates. These cognitive failings have been studied by social psychologists (Ross, 1977)

In perceiving the system people often demonstrate cognitive defects. These problems have been studied by the social psychologists. The biases and stereotypes of culture are often reflected in these perceptions. People tend to believe what the cultural pattern give importance. The stories that can flow smoothly in a society are determined by the preset design. The actual stories can only find ground when they fit in this design.

Lenient sentences are easier to recall than "appropriate" ones because such sentences are more "available" to consciousness. Some people define cognitive availability as "accessibility in the processes of perception, memory or construction from imagination". Estimates of the frequency or likelihood of an event are determined by the ease with which instances or examples come to mind. This bias-known as the availability heuristic-has been employed to explain the inaccuracy of public estimates of various even. (Ross, 1977)

It is often complained that the criminals are acquitted or given lenient sentences. This might not be the case in all matters. This general perception is held because people can remember the lenient sentences more easily than the appropriate ones. The appropriate ones have legal complexities in them. They are the processes the knowledge of which is missing in the people. The mental map of humans is also a factor that contributes to such behavior. The lenient or special cases which are given to people by the floating information in a society are easier to remember. Moreover, the term lenient here also means that the lenient sentences when written in laws also appear into mind more easily than the appropriate of harsh ones.

### 3.2 Criminal Justice System of Pakistan:

The criminal justice system is defined as the set of agencies and processes established by governments to control crime and impose penalties on those who violate laws. This system has various components which have to work in harmony and support of each other in order to provide justice to not only to the victim but to the accused as well (Hamza, 2013)

The criminal justice system is defined universally in a same way. It consists of the agencies which are formed to control crime. These agencies try to prevent crime by imposing penalties for violators of laws. In Pakistan, these agencies are Police, Judiciary, Prosecution and Prisons. The main organs of this system are Police and judiciary. A harmonious working of different organs of this system is important, but unfortunately in Pakistan, there exist strong institutional gaps.

A good and reliable system of criminal justice not only caters to speedy remedy for the victims of crime but also safeguards and protects the legitimate rights of the accused. The system is based on fairness, equality, justice and fair-play for all – a system that deals with crime and criminals with the view to maintain peace and order in the society.(Hamza, 2013)

It is generally complained by the people that the criminal justice system does not work quickly. Although there are delays that occur in dispensation of justice, however, the more important component of the criminal justice system is to ensure justice rightfully. In Pakistan, not only that the cases are delayed, but also the basic rights of people are not ensured. The society works in order to some cultural mechanisms. The criminal justice system plays its role to maintain the order but there is much to be done.

The legal basis of the criminal justice system of Pakistan includes the **Criminal Procedure Act of 1898** (popularly known as the **CrPC**) and **Pakistan Penal**

**Code 1860** which lay out the foundations, procedures and functions of all components of the system starting from reporting of the case to police, its trial by courts, appeals and correction at jails. However, even though amendments from time to time had been made in laws to cater for changing needs, Islamize laws and keep them up-to-date, the major shape is still the same. (Hamza, 2013)

There are some documents on which the legal system of Pakistan is based. One of them is the criminal procedure of Act and the other is Pakistan Penal Code. These two documents are based on the western principles of justice. The local system in Pakistan which preferred judgement over the use of rules has not been used. The use of rule-based order is not a problem. The problem is based in the fact that the system is not functioning as it was aspired to function.

The problems of the system have been identified a Supreme Court observation that that “...people are losing faith in the dispensation of criminal justice by ordinary criminal courts for the reason that they either acquit the accused persons on technical grounds or take a lenient view in awarding sentences” (Hussain, 2011)

The civil and criminal justice system in Pakistan is confronted today with the serious crisis of abnormal delays. Delay in litigation of civil and criminal cases has become chronic and proverbial. The phenomenon is not restricted to Pakistan; it is rather historical and universal. It is inherent in every judicial system which meticulously guards against any injustice being done to an individual in a civil dispute or criminal prosecution. (Hussain, 2011)

The delays in decisions of cases are common. It is become a proverbial phenomenon. These problems, however, not restricted to Pakistan. They are found everywhere. The problems of justice and crime have always faced problems throughout the world. The delays also result due to the problems that are not understood by people. If the rights of people are to be protected the process of justice then takes time. The time of the process, if utilized properly,

ensures the unbiased nature of the system. However, the justice system in Pakistan is not solely due to this reason. There is a serious problem of capacity.

### 3.3 Nature of the Criminal Justice System in Pakistan:

In Pakistan, the legal system is British in its nature. There has been a longstanding debate over the imposition of a foreign system over people and its interaction with the local one. There are two sides to this argument. The first side sees the impositions of alien order upon people of a culture as something not very fair. They argue that societies and their legal systems function smoothly when indigenous structure of power and processes is kept. The other side of the argument looks at this imposition somewhat positively and inescapable. These are the arguments of legal pluralism and of outright support of the imposition of a foreign culture upon an indigenous culture which lacks sophistication.

Legal pluralist scholarship teaches that Custom used to be treated as the precursor of the law, and as its evolutionary source (Moore, 1978). In that, it maintains that as a system is resulted from the composition of a society, it serves as a law in that social organization. However, the introduction of foreign rule was inescapable and has resulted in a pluralistic legal culture. A pluralistic culture originates from the basis of failure of the alien culture to uproot the traditional culture which is rooted in social organization and material conditions. It affects the legal system which is "other" and serves as precursor of not only that but also of the imposed legal order which, after arriving in a land, starts to be formulated by the indigenous culture. Galanter has recognized this fact by putting that the scholars have long recognized that custom is "semi- autonomous," constantly competing with and appropriating state law, and vice versa. (Galanter, 1981).

The customs of people in Pakistan, like many other societies, have a strong inclination towards restorative justice. Rather than punishing offender with harsh punishments the aim of these systems remains to ensure the process of reconciliation and rehabilitation goes on. These systems have functioned well

traditionally. Recently, there have been some critiques as to the violation of human rights by such system. These human rights are those right which might not be recognized by a specific culture but have now become universal. Moreover, with introduction of modern principles of western democracy, the integration of such restorative systems has become a critical concern for scholars. The concerns are not as much related to integration as they are related to finding a place for such systems in a democracy.

Civic republicans worry whether citizens can have the energy to engage with deliberative democracy across the executive and legislative branches of governance, and the rigor to do so in ways that guard against tyrannies of the majority and other dominations. "Contestatory" institutions rather than directly deliberative ones are the fundamental vehicles for delivering freedom as nondomination. Restorative justice theorists, however, have argued that deliberative democracy that engages all stakeholders is more plausible in the judicial than in the executive or legislative branches of governance (Braithwaite, 2002).

Deliberative democracy means that the domination of a majority group and culture should be restricted by making a deliberative process of consensual decision-making. The traditional system of the people was of this nature. But in recent times of the modern system there is problem of operationalization of such a system. However, there has been an attempt from the very beginning to integrate the deliberative process of justice into the more rigid one. It is normally done through juries. Braithwaite, along with other scholars is of opinion that the if the integration of such a system is to be made, it should be in the judicial branch. There can be one argument against it, that is, even in judicial branch of a country like Pakistan, the process of consensual decision-making seems evasive due to the problems of execution of such system. Although, the tradition deliberative system worked well, there should be more thought to make this system part of the mainstream system.

The process which is currently under progress in underdeveloped societies is one in which the people shift from their local culture to the new state-based order. Due to the difference in two systems the inefficiency is natural. It is because once people start to move from their local system to the new one, they start to influence the new system with the organizational and power system of their own. This type of interaction results in bad functioning of the system. Braithwaite and Gohar have put this in these words while writing on the restorative justice in Pakistan:

“In rural spaces of many developing societies, there is an ideology of a shift from traditional non-state justice to a justice of state prosecutors and courts. In practice, this often delivers a rule of law vacuum, or slow, corrupt justice that leads rural citizens to long for a return of traditional justice (Braithwaite and Gohar, 2014, p.534)”

### **3.4 Human Rights in Traditional system and Modern System:**

All emphasis and importance that is given to the functioning of the criminal justice system is due to one thing: ensuring that the human rights are duly protected. The debate of human right is within itself very complex. The traditional mode of conflict resolution and restorative justice also recognizes that there are certain rights to which humans are entitled. But the modern conceptualization of human rights is considerably different due to its individualistic nature and emphasis over equality instead of reproduction of the power structures. This calls for implementation of the universal human rights and abolition of those patterns of the traditional system which damage such rights. This demand is met with resistance from those group which focus on the fact that indigenous culture is the best machinery suited to the needs of a population group. There are many modes of such justice in Pakistan like *jirga* and *Panchaiyat*. Those who believe in modern system put that such institution must be rooted out for it is the new model which is best suited to the individual human rights. According to Merry those who resist human

rights often claim to be defending (essentialized) "culture," rejecting more contested and flexible models of culture. At times, human rights activists also reify traditional "culture" when they see "culture" as a set of (premodern) values and beliefs, which they believe must disappear for justice to be administered properly. Among the pre-modern beliefs of concern that are placed in the "culture" category are traditional forms of justice like Fijian Bulubulu (Merry, 2003).

The traditional forms of the process of criminal justice do not exist without any reason. The moderate ones argue that instead of completely destroying the indigenous culture and their traditions, efforts should be made to make these traditions aligned with the modern ones. In this way, they can become very useful in meeting the ends of human rights. Merry points out that if indigenous traditions are not crushed, they can provide a vernacular for translating human rights and gender rights from a threatening foreign discourse into a persuasive local one. Human rights can be "remade in the vernacular" with the mediation and translation of actors who have a double sensibility in both the indigenous vernacular and human rights discourse (Merry, 2003)



## 4 Area Profile

### 4.1 Introduction

A research cannot be done everywhere. As we have to limit ourselves to samples, similarly, we have to restrict a research to an area however large or small it might be (unless it becomes too large for efficiency and effectiveness). But the area that is chosen for a research must be justified. This justification should be done in a way that explains that the research that is conducted in the chosen area is reflective of the problems addressed in the study and at the same time is suitable for sampling. The selection of the research area must ensure that the research remains relevant and significant.

For this research I chose Dera Ghazi Khan as research area. The selection of this area can be justified by the argument that Dera Ghazi Khan is a central point which connects different areas of Pakistan. In that it has become a hub for different cultures of the surrounding areas. Moreover, the research done in this area justifies itself by the fact that the people of this area are not too disconnected from other cultures of Pakistan which form a majority- like those of Punjab, Sindh and Baloch tribal areas. The cultural patterns of this area are reflective of the other areas of Pakistan.

### 4.2 Location of the area

Dera Ghazi Khan district is located in Punjab province of Pakistan. It is the last division of Punjab which connect Punjab with other four provinces of Pakistan.

It is called the heart of Pakistan due to its location.



Figure 1 Dera Ghazi Khan on Map

### 4.3 History

Dera Ghazi Khan is a metropolis located in Dera Ghazi Khan District, Punjab, Pakistan. Dera Ghazi Khan is one of the most populous towns in Southern Punjab, and its miles the largest district in Punjab in phrases of place, being about 5,306 square miles (13,740 km<sup>2</sup>) in volume.

The city turned into founded at the close of the 15th century and named after Nawab Ghazi Khan Mirrani, son of Nawab Haji Khan Mirrani, a Balochi chieftain, who had declared independence from the Langhi Dynasty Sultans of Multan. Together with other Deras i.e. Settlements, Dera Ismail Khan and Dera Fateh Khan, it gave its call to Derajat. Derajat in the end got here into the possession of the British after the Sikh War in 1849 and turned into divided into districts: Dera Ghazi Khan and Dera Ismail Khan. After the partition of India, some of the town's Hindu citizens settled in Derawal Nagar colony of Delhi, India. The district of Rajanpur become later carved out of the Dera Ghazi Khan district. Some of them also settled in diverse a part of India, consisting of Bhiwani, Delhi, Jhansi, Ranchi, Ambala and Haridwar. DG

Khan changed into most well-known seat of Krishna (Hindu avatar of Vishnu) worship, in north west British India, in which lord Krishn ji have been fondly referred as "Thakur Gosain" by devotees. After the partition of British India, the Krishns Moorat become shifted to a brand-new temple at Railway avenue, in Gurgaon, a suburb of Delhi.

Dera Ghazi Khan changed into founded in fifteenth century via Amar a Tribal Sardar of Mirani tribe. The vintage city of Dera Ghazi Khan was located at the space of 10 miles (16 km) towards east of the existing metropolis. In 1908, the vintage metropolis became destroyed due to flash floods from heavy rains overflowing the River Indus. The gift town turned into established in 1910. The metropolis is divided into different blocks. The British Raj set up colonial gadget inside the continent and declared Dera Ghazi Khan as district inside the year 1849. General Courtland became appointed as first Deputy Commissioner of this District. Keeping in view the unexpectedly increasing population of the location and deteriorating regulation and order scenario district Dera Ghazi Khan become divided in districts i.e. Dera Ghazi Khan and Rajanpur. Presently there are revenue sub department of the District.

Dera Ghazi Khan town is situated on the western bank of the Indus river. It was based through a Balouch ruler, Nawab Haji Khan Mirrani, additionally known as Mirani Balouch, in 1476; he named the city after his son Ghazi Khan Mirrani. Their near allies have been Changwani and khetran tribes in the ones days, game abounded close to Dera Ghazi Khan and the fields had been inexperienced. It was called "Dera Phoolan Da Sehra" because of masses of gardens and kastori canal, supplied by the Indus river. And tehsil tounsa shreef may be very famous in district D.G khan.

In 1909-10, this cradle of Mirrani civilisation became inundated by way of the Indus. At that point, there was a population of about 23,731. The present metropolis was constructed 10 miles (16 km) from the old town. It became laid out on a grid sample comprising sixty six blocks with wide long roads and streets. Two open spaces were deliberate in every block for social gatherings.

Some of these were encroached upon.

The population of the brand-new advanced town in 1911 turned into 18,446. This 2.22% lower of populace was due to dislocation of population after the destruction of the previous agreement.

In the year 1913, the Municipal Committee came in to existence. At that point, the place of the town changed into very small. Physical growth endured and now the location became about four-square miles (10 km<sup>2</sup>). The important growth of the city has taken area in view that 1947. The metropolis has largely spread to the north and south; it couldn't increase to the west due to the hazard of flooding torrents such as affected the metropolis in 1955. However, increase has additionally taken location within the Japanese aspect. Almost all of the new trends in north and east of the planned metropolis are haphazardly constructed.

The improvement in the town from 1947 to 1958 remained sluggish, due to loss of transportation and communication centers. Only a boat bridge at the river Indus in wintry weather season and steamer provider for summer season related Dera Ghazi Khan with the relaxation of the Punjab. Taunsa Barrage on river Indus become finished in 1953 and the tempo of improvement gained momentum. During the remaining 5 years, 72 business devices were installed. Ghazi Textile generators is another try to set up a heavy commercial complicated as a way to boost the monetary base of the town.

#### 4.4 The Settings:

There were two sites in study this study. The first site was a small village in Dera Ghazi Khan. Its name is Kot Mubarak. I selected this site because of the fact that this site has a culture that is plural in nature. One side of it is mountain range called Koh e Suleiman which goes further to Baluchistan. The Baloch tribal culture with some cultural elements of it has found space in this area.

These include some linguistic and temperamental similarities with the Balochs who live in the mountain range. Apart from that, it has its own culture which is not so pure as Baloch tradition in the mountain range now.

The second site in this study was Zila Katcheri (District courts) in Dera Ghazi Khan.

I chose this site because I followed the cases of people who were basically from Kot Mubarak but had to go to city for the proceeding of their cases. Moreover, some sampling was also done in the Zila Kathcery to check the validity of the data gathered from the main site which was the village.

#### 4.4.1 Kot Mubarak Location

Kot Mubarak is a town and union council of Dera Ghazi Khan District in the Punjab province of Punjab. It is located at 31°13'35N 70°28'30E and has an altitude of 202 metres (666 feet). Most of the people living in this area are Baloch but belong to different sub-castes.



Figure 2 Kot Mubarak on Map

#### 4.4.2 District Courts Location:

The district courts are located almost in the middle of the city. The premises are surrounded by government offices on three side and on one side is the Railway road which connects district courts with the main market of the district.



Figure 3 Area of District courts on Map

#### 4.5 Communication

The district Dera Ghazi Khan is not a remote area as far as the communication channels are concerned. It is connected with the rest of Pakistan through road and air. It is connected with Sindh through Indus Highways which goes long

way to Karachi, It is connected with Balochistan through road which is being reconstructed and modernized by Chinese companies as part of the CPEC project. On Eastern side it is connected with the rest of the Punjab through Multan road which goes straight to Lahore. It is connected with KPK through a road built by National highway authority. This road connects Dera Ghazi Khan with Dera Ismael khan which is the first city of KPK on northern side. An airport was built in Dera Ghazi Khan due to the proposal of Farooq Ahmad Khan Leghari who served as the President of the Islamic republic of Pakistan. The roads within the city are also well built. The rural areas are also joined together through these roads.

The location of Dera Ghazi Khan is like a connecting dot. This strategic position has given it advantage of being a central point in the flow of good between different provinces. Most of the goods that come from one province and go to the other pass through this city.

Kot Mubarak, the main site of study is connected with the main city through two main road. The first road is National highway which has a minor road connected to it which takes one to Kot Mubarak. The other road is built along a canal (called *nala* when it enters the main city). The second road takes directly to Kot Mubarak. The second site of study is lies within the city. It is connected with rest of the city through two main roads. One is the 'chirya ghar road' (zoo road) which is center of government works. The other is railway road which lies in the heart of the city. On all these roads, one can easily access transport facilities.

#### 4.6 Ethnicity and Tribes

The majority population in Dera Ghazi Khan is Baloch. They, however, are divided among themselves into different sub-groups which cherish their individual identity. Two strong groups both in terms of numbers and politics are Leghari and Khosa. A major number of these groups lie both in the city and outskirts of the area. Legharis have populated the southern and southwestern side of the district while Khosa are in majority on northern and north-

western. Both groups stretch to Kho e Sulaiman in the west. In the city there is mixed settlement. Among Baloch population there are other significant groups also like Lashari, Mastoi, pItafi, Wadani etc. The other groups in the city also have a significant number. But taken in isolation, each group of these is insignificant in numbers. These groups include Bhatti, Awan, Kumhar, Nirali, Malik etc. The largest group, other than Baloch, in the city of Mohajirs (migrants). The status enjoyed by Balochs is one that is privileged than others.

The Baloch groups which live in the outskirts of the city have enjoyed a tribal system historically. While this system has become weaker now, the patterns of this system can still be observed. The *Sirdari* system is still there working. The system of resolution of disputes on tribal basis is also present but with weaknesses. Most of the people now rely on the state-based justice system.

#### 4.7 Religion

The religion of majority of people in Dera Ghazi Khan is Islam. Sunni is the dominant sect but a significant population of Shia sect is also present in the city and its surrounding. The relations between these two sects have historically been amiable. There have been minor incidents of clashes but these were insignificant given the long history of friendly relations. Sunni often participate in shia rituals. The polarity between the two sects increased for a limited period of time but people were able to cover these gaps. Apart from Muslims, there is a countable population of Christians. They have a church in the city. The relation of Christians with the Muslims remains normal. There are some cases in which Christians are discriminated due to their beliefs. But these have not been apparent and occur only on personal basics- and that too rarely. People with some other Islamic belief such as Ismaili, Khojas and Alawi (a recent population) Pervezi (they are seen as a different sect although they might be not) are also present in the area. These religious groups hide their identities normally. A small fraction of Ahmadi's is also part of Dera Ghazi Khan.



In the village from where the data was collected Sunni Muslims are a dominant group. These are divided into Ahl e hadith and Barelvi. A small population of Shias is also part of the area. Other religious groups are absent from the area. The mosques of Shias and Sunnis are separate in the area. They, however, pray freely in each other's mosques. The intermarriage between Shias and Sunni is also a normal phenomenon. There are some exceptions too. But marriage with other religious groups is strictly forbidden.

#### 4.8 Folklore and Literature

There is a rich tradition of literature which exists in the area. It has influences of both Baloch and Saraiki tradition. From Baloch tradition it gets the values of honor and tribal life, while from the old Saraiki tradition it gets the values of spirituality and love. The folklore is unwritten form; however, there have been efforts to bring it into standardized written form. There is also a rich tradition of humor which is constructed around the accent in using the words. The way words are pronounced and used signifies their use as humor. People love to sit in *jama* or gatherings. There they mostly use humor to amuse each other. Some circles of literature are also part of the area.

The city has been a center of Saraiki poetry and prose. Its poets have not been recognized for their efforts because of the lack of opportunities. A famous poet of the area neighboring the main site of data collection was Ahmad Khan Tariq whose poetry is filled with love and call for justice for the poor. Similarly, there have been other prominent writer who have been obscured in the mainstream literary culture of Pakistan due to location of their area and unavailability of resources.

#### 4.9 Birth

The birth of a son is celebrated by the people. People are invited to grand meals which are organized in happiness. Animals are sacrificed. A ceremony is held for this purpose. Everybody greet the parents of a son for the blessing that is given to them by God. But the birth of a girls is not celebrated by

anyone. A simple ceremony is held in the house of the parents known as "*kher ghutti*" in Saraiki. This ceremony is also held for male offspring but there exists much difference in celebrations. In this ceremony, the newborn is given water or milk by family members in small spoons. Newborns are also given names on this occasion.

The newborns, whether it is a boy or a girl, are not taken away from home for some days. They can be taken out for medical reason but not without them. There are certain myths behaviors and superstitions that revolve around the newly born babies. They have to wear some amount of iron as locket in their necks. They are given bath by grandmothers or other old women. They are protected from crossing over their bodies. In every house of Baloch community, there are basket which have local things used as medicine for the newly born babies. Whenever they fall sick, they are first given these things,

Generally, Islamic names are preferred for the babies. Sometime before, Baloch traditional names were more common than Islamic names. However, the trend is changing; the people also give modern names to their babies too.

#### 4.10 Death

When a person dies, his/her funeral is attended by most of the people. It is said locally that: "*Dukh ech dushmani ni hondi, khushi ech hondi ha*" (on occasion of grief, there is no enmity. Enmity is only for occasion of happiness). The funeral, therefore, attract a large number of people. People come to the house of the dead person and share the grief of the family. It is regarded as a duty of provide the family of the deceased with food for three days until *qul* or *soyam* are held. On *qul* the family of the deceased distributes food among people for *sawab* (divine reward) of the deceased.

The days of mourning vary from sect to sect. Normally, an intense mourning session goes on for three days. They there is a mourning observed for forty

day after the day of death. The forty days of mourning are not held in *Ahl e Hdith*. People normally bury the dead in the the graveyard of their area. This graveyard is generally called *Khandani Qabaristan* or the family graveyard. It is because of the fact that the most of the member of a family are buried in this graveyard.

#### 4.11 Languages

Majority of the people of Dera Ghazi Khan speak Saraiki language. Saraiki is a old language which is considered as very old. It resembles both Sindhi and Punjabi. It is written in Persian script. But most of the people who speak this language do not know how to write it. This language is understood by all. Those people who live near *Koh e Sulaiman* speak Balochi people which is called *Sulaimani Balochi* by some people. Balochi language is a Iranian language. It belongs to the family of Indo-european languages (reference). Wadani community, who are Baloch, are the only major group who live in the premises of the city and speak Balochi. While one can find numerous houses where Balochi is spoken in the city, these are however a minority. The everyday language of the city is Saraiki which is even spoken by Baloch sirdars. There is a small Pashtoon population who normally come here for business. They speak Pashto. Apart from Saraiki, the other major language spoken in the city is Urdu which is language of the muhajir community. They too, whoever, interact in Saraiki with local people.

In the village which was site of the study, majority of the people speak Saraiki as main language. But there are many people who know Balochi. It is said that the Saraiki is a modern thing for these people. As they are Baloch, they all spoke Balochi some time back. But gradually they adopted Saraiki because it was language of the Hindu traders in the area and of other people who were not Baloch. The landowners who have lands near *Koh e Sulaiman* also speak Balochi.

#### 4.12 Family Pattern

Joint families are preferred over nuclear families. In city the trend of join families is now becoming less, but the number of nuclear families is still very

small. Joint families are very common because of the fact that women are considered less trustworthy. It is thought that in nuclear families women are less protected than in joint families where more people can keep eye over them.

Economic resources are other factors which is a cause of joint families.

#### **4.13 Marriages**

Endogamy is losing its feet because the population of girls, as it is observed, is less. Now people are less hesitant to marry out of families and out of caste. But it is preferred to marry in the higher castes such as Khosa and Legari. Males are the traditional heads of the family. They make all the critical decisions. The position of women is lower than them. In villages the marriage ceremonies are simple. There is no major difference in norms and rituals of the marriage from other areas of Punjab.

#### **4.14 Relationships**

Nature of relationships is varied among people. In Baloch tradition, giving respect to others has an important place. But at the same time, this tradition asks one to do anything for his/her honor. Therefore, there are elements of both intimacy and jealousy among people. Friendship and honoring one's words are seen as virtues. On the other hand, losing a battle, even if it is a legal one, is seen by the people as a dishonor. Other communities have also borrowed these elements from Baloch.

In the village, when people meet each other, they inquire about each other. They ask about health and other affairs. There is a tradition that when a person meets another person, both ask about Hal which means that other person has to tell everything that happened in his life after the last time they met.

#### **4.15 Hospitality**

The people are hospitable. The guests are accorded a very decent behavior and food. There is some difference between the hospitality of the people living in villages and the city. On a general basis, the people of villages are more

hospitable than the people of cities. The case of those who belong to Baloch tribes is different. In Balochs, the tradition of hospitality is very rich. The element of hospitality is found both in men and women.

#### 4.16 Conflict Resolution

The traditional system of the resolution of conflicts is one which revolves around Sirdar or elders of the community. *Sirdar* can resolve conflicts more efficiently than a council of elder due to his authority. However, with spread of education and elevation in economic status of people the authority of Sirdars is fading away. The council of elders is generally called '*Panchaiyat*' or '*Kahcari*' (gathering of people). In both systems, one party goes to the either sirdar or council of elders which then decides upon the case. The decisions are normally based on monetary compensation punishment rather than physical. In most of the cases, both parties, when they agree to authorize Sirdar for resolution of their conflict, accept the decision.

#### 4.17 Clothing

There is some variation in clothing pattern in the city and its surrounding areas. In the city, as many communities live, some people wear simple Kamez Shalwar and some wear pants and shirts (western clothing). The women wear Kamez shalwar although the culture of jeans shirt is also making its way among the young girls. Young boys wear western dress mostly.

In the tribal areas, where Balochs live, the dress pattern is a little different. Men wear *Kamez shalwar* but that *kamez shalwar* different from that worn in the city. The shalwar in that areas is a little wider and shorter in length. This shalwar is called '*Wallen Aali shalwar*'. It is also worn by the people in the city but there it has negative connotation attached with it. They also wear a Pagri. The women in these areas wear long and wide *Kamze*. They wear a cloth over their head every time. It is called *Bochan* or *Dupatta*. There is no veil of face in tribal areas. In other villages, the dress pattern is closer to the city. In these villages women have to hide their faces and body.

#### 4.18 Recreation

In the city there are less recreational spots. There is a zoo, a park (which is not functioning completely), and another park which in real sense is only a garden. Men meet in the evenings at railway station where there are different drink corners. They also meet at snooker clubs and some other games. The opportunities for recreation for the women are limited. They mostly go to *Ghazi Ghat* (bank of river Indus) and food places for recreation.

#### 4.19 Music

The Saraiki music is the most popular local music. It contains the local tradition of love and romance along with sad elements of poverty. The musical instrument used by the Saraiki singer are similar to those used in other part of Pakistan. The Saraiki music used to be backward but now the singers are using modern techniques due to rise in popularity of the music. The music is commonly played on marriage and other ceremonies. Saraiki singers are often called to perform. A marriage in which a singer performs is seen as a big marriage ceremony. The Baloch tribal areas also listen to the Saraiki music. Balochi music is also common among them. In city the young generation is more inclined towards Indian and English music.

#### 4.20 Food

In the city three meals a day are common. But in rural areas people normally eat two times a day. The most common food is meat as it is liked by everyone. Vegetables are also eaten but they are not liked as the meat is liked. A bread made up of rice flour is commonly served in the rural areas in Winter. In summer, people use a lot of Lassi. The bread made-up of Wheats is made in the village on a special thing called "*Thobi*" which is like a flat pan. Rice are also liked by people. Because of the joint family system in villages the food is cooked by one woman which is then consumed by all. Separate preparation of food is negatively seen in such families. In city, people are now increasingly consuming fast food.

#### **4.21 Houses**

The houses in the city are modernly built. But there are some very old houses too. In villages houses are now constructed with cement and linter. Previously, these houses were build-up of mud. There were no mud bricks. Mud was settled in a series of steps over with each layer over the other. It was then sundried. The rooms were built in rows. There was not complex design. In front of the rooms was veranda and open space where cattle were kept.

#### **4.22 Employment**

The major source of income in the rural areas is farming. Along with that, increasingly more people are moving abroad especially to UAE and Saudi Arabia. This change in economic pattern is causing changes in the living and power patterns too. People also have some necessary occupation to fulfill the needs of local people. With rise in education service class is also increasing in the villages.

In the city the employment pattern is diverse. There are small businesses as well as large one. Government employment is given importance by the people for its job security. Private enterprises are also functioning. City has a great number of people in service class.

#### **4.23 Sports**

Cricket is the most popular sport in the city as well as the village. Football is also played but it is very limited. Badminton and tennis are other sports but these are played only by the upper-class in the government-made complexes. Indoor games such as snooker are also very common. Culture of volleyball is fading away.

## 5 Constituents of the Criminal Justice System

### 5.1 The Process of perception construction:

For perceptions to build themselves in mind of people, communication is necessary. Without communication there would be no impressions of one object upon the other. And this communication needs some form of language, a medium to transport this language to the object where these are to an object where perception is made. For example, a mind needs the image of a wall communicated by eyes to form a perception of a wall. Here the language is the properties possessed by the wall. This language is transported by the eyes to the brains which perceives. This function of transportation is not exclusively for the eyes. Other senses also serve the same purpose. The brains perceive according to preset patterns which make things recognizable for it. This can be called the 'belief system of the brain'. This example has been used deliberately. Following this example, a few assumptions can be made.

First, in realm of perception building, or this process of communication, everything that has some meaning for the five sense to decipher and brain to process possesses a lingual value. It acts as representative or the symbol of an object. In the above example, the properties of the wall had values such as its color, rigidity, length etc. It can be inducted from this example all the behaviors, in which we continuously engage, become our representatives or symbols.

Second, the process of perception construction requires agents. In the example above, the eyes were agents or mediators. But a more complex case can be made. The example above had three objects, the object to be perceived, the mediator, and the object upon which perceptions are made in accordance with its preset patterns. But what if the objects involved are more than three. In study of the state institutions, the representatives of state act as middlemen. They are, to say, mediators who build up the convey the properties of state to people. They are also the representatives of the state. It is through their behavior that a layman builds up perceptions about the state in his mind. Not



only this, they also are the representatives of the social system because the state is inseparable from the public. It will be discussed in next section.

Third, following the example, the people are those brains upon which the perception are made. And this brain is never unbiased. It possesses preset values which are socially constructed. Moreover, people also act upon the other objects. They interact with the symbols, shape them in evolutionary of devolutionary style.

Fourth, the process of the constructions of the perceptions is a process of interactions. Objects belong to each other in one way or another. They are in a continuous chain of interactions. Everything is shaped by this interaction.

## 5.2 Building an Anthropological Perspective

As a holistic science, Anthropology must take all dimension of a thing understanding. It is due to this reason that broad foundations are being constructed here. Anthropology focuses on culture. Culture is a complex whole as established which includes norms, symbols, manners, religion and much more. This definition along supposition that a society is like a theatre (Turner, V., & Turner, V. W., 1975), where these things interact certain expositions can be made.

Building upon the definitions of state, the foundations of the state can be explored culturally. Questions are that how an abstract concept like state is manifested in the regular life? How the different elements of the state make themselves effective? How people perceive the state when the use the Urdu equivalent "*Riasat*"? How state institutions work? And how are they structured to process the public works? As our research is related to the procedure undertaken for dispensation of justice in criminal cases, so we will be discussing everything in perspective of conflict resolution.

First point that should be elaborated is that for common people state means institution that are there to provides services for the community through monopoly for violence. These tasks include dispensation of justice, collection

of taxes, holding and maintaining public property etc. This understanding defies the academic understanding which is more logical. The academic understanding includes the people too in the state. Having said this, the problem of studying the judicial procedures becomes more complex as the number of affective actors increases. Now a study must take into consideration the cultural symbols and interactions, belief systems, system of norms and their affects.

State needs people run the system. This manpower is recruited from within the society. Therefore, people shape the role institution with same force-if not more- they shape the public life. Another question is that which group from the society shapes affects the institutions in forcefully that the others? On general basis, people do not shape them in more effective way than the culture of a society. Culture in terms of power structure, norm of work and social relations is more effective.

Second point is that implicating the understanding of the public with the word "ignorance" does not solve the problem. It should be explored that how the state institutions are structured? And how they interact with the public. Moreover, everything possesses value in the process of communication. Interaction of these values create perceptions. When an institution is structured in a pattern, the pattern under consideration must create form of culture. This culture is called 'organizational culture'. Science of administration deals with this problem in 'system theory'. Anthropology must also deal with it in a more profound way. It must explore the inner culture of institutions.

It can be said that state is represented in the public life through its institutions, and perceived in accordance with the procedures which are undertaken by the state the institutions. These procedures -along with other communication-serve as symbols. These symbols act upon the public mind and cultivate an image that shapes the course of public behavior.

In modern states, institutions are organized upon his theoretical concept of bureaucracy. Although other theories have also emerged, this theory has had unquestionable preponderance over others. When institutions are organized bureaucratically, they produce a culture within them. Below is a discussion of Weber's theory (Waters, T., & Waters, D., 2015).

### 5.3 Weber's Modern Bureaucracy

Following characteristics of modern bureaucracy have been enumerated by Max Weber.

- i) Principle of official jurisdictional areas, generally ordered by rules.
- ii) Regular activities are assigned as official duties. iii) Official authority distributed in stable way and delimited by rules. iv) Employment of qualified persons only.
- v) Official hierarchy with jurisdictional competency.
- vi) Management is based upon written documents or files. vii) Separation of bureau from personal life of the official.
- viii) Special training given to the officials.
- ix) Office demands full working capacity of the official.
- x) Management of office is based upon rules.

Before moving on to the discussion of a culture produce by implementation of these principle, it is appropriate to justify that discussion for judicial process. Normally, by the term 'Bureaucracy', the executive branch of a government is meant. It is correct as far as the functions are concerned. But we are discussing the way in which, generally, offices are organized. Judicial offices are no exception. There are organized upon same principles with different duties. Moreover, our discussions related to the process of criminal justice system.

Police and other offices are also designed upon the same principles. Whenever applied in pure form, these characteristics will produce same culture.

First principle and tenth principles are of the creation of the jurisdictional areas which are governed by rules. There could be two motives behind this assumption. First, attaining efficiency, effectiveness and equality. and second, setting an area of jurisdiction outside the mundane surroundings to make it authoritative. That means every person coming in the area for solution of his problems will have to undergo procedure specified in an order book. It adds to the power of a jurisdictional area in a jurisdiction. And if followed in pure form, it will produce ideal type situation having the enumerated advantages.

Designed under this principle, the police, the judicial and every other office have authority in jurisdictional areas. But unmatching the motives of the formulator, this authority has come to serve relatively. As discussed above persons holding a relatively powerful position than the other have are more likely together works done in a timely manner. This phenomenon has emerged due to power structure of the community- when the prestigious bureaucracy found itself less suited for local prestige system, it adopted the local system while maintaining the characteristics of ideal type bureaucracy for less privileged,

Second and seventh principles are that regular activities are assigned as official duties and that office is detached from personal life of the official. It means that the official performing the public works should perform them in an orderly way and as a duty assigned as function of a bureau. This theory has, for long, been criticized as an attempt to convert emotional being into a cog in a machine. Official performing the duties finds himself a part of local system. He is also subject to a belief system. He also has emotions. Absolute detachment is not possible. Detachment is practiced as far as the duty assigned does not come in conflict with the personal position. There are also exceptions but on a general basis it remains true.

Third principle states that the official duty is distributed in a stable way and delimited by rules. Rules delimit the duties and jurisdictions of officials in modern institutions. In practice, generally there is a tendency towards jurisdictional overlap. It is so because of personal positions of officials.

Officials move beyond their jurisdictional areas. The general public which is not well acquainted with these rules have ambiguous notions about jurisdictional duty.

Fourth principle is particularly important. It states that officials must be employed from the competent. In reality this principle is not observed to much extent. There are issues relating to "what comprises competency", and social structure, which has huge disparities. My key informant, who is lawyer by profession told me about many cases in which the selection of judges was not based upon merit. The recruitment of judges from among the 'prestigious' lawyers is maladministered. They usually come with less competency than the lawyers presenting cases before them. Moreover, in police too, nepotism and bribery is prevalent. A person getting employed due to his personal relations or bribery can never serve the public in a competent way. This culture also hampers the conduct of more competent people.

Fifth principle states that there should be an official hierarchy with jurisdictional competency. Even if followed in pure form this system creates problems. Normally, as hierarchy descends to the bottom, competency becomes lower. It is also difficult to ascertain that who has 'competency' for a specified jurisdiction.

Sixth principle states that offices should have a system of recording the information. On one hand, it regulates the work of the officials while on the other it impedes efficiency. It is also cumbersome to record the information. Delays occurs in dispensation of cases due to this problem. Office holder are part of the same lazy society. Tasks are performed in less efficient manner. A clerk sitting at a desk uses files for procrastinating and this procrastination is somewhat a social problem.

Eight principle states that special training should be given to the official. This training normally -as told by a bureaucrat- detaches official from the society. They again become attached when their personal position dictates so. This special position and training also shower prestige upon the officials.

On overall basis the pure bureaucratic culture can be summed up as a culture dominated by trained individual having authority due their bureau and position to serve the public in a detached way. But in practice, this ideal type bureaucracy colors itself in the color of society. It gives some norms and takes some. It monopoly due to authority is practiced but only where authority is to satisfy the personal position of the official. There is incompetency not because of flaws of this concept, but because in practice, reality prevails. Any ambitious theory, sooner or later, finds way to match itself with the reality. And Weber's 'ideal type' bureaucracy is not an exception.

#### 5.4 Concept of Crime among the People

One thing that is often underestimated in the studies that are conducted to assess the criminal justice is the role of people in shaping the overall behavioral characteristics of the system. It is true that people are the negatively affected by the system, it is also true that the role of culture of people is very important in shaping the effects that are called negative. Every institution of a society, however it might be organized to stay detached from the non-ideal form of functioning to achieve an ideal one is soon after its inception is brought back into the culture from detachment and balanced. Therefore, it would not be wrong to say, though it seems exaggerated, that the people are an important component of the criminal justice system, in such a way that the culture and societal organization is at par with the other components like police judiciary etc. It is not a general ascription of status, rather it is a concrete addition to understand the functioning of the system completely.

#### 5.4.1 Perceiving the Crime:

The standardized rule-based order derives the essence of crimes from some philosophy and some tradition (as it happened in west). Although there are rules as to the crimes in a society which are shared by members of a society, they are not as rigid as the written rules of legal texts. People perceive crime from their own cultural and emotional lenses. It is not to justify the role of the culture and emotions of people that is played in perception of crime and legal orders, however, it is true that in operation the definitions of crime vary from culture to culture (and person to person in a cultural group). The rule-based order attempts to treat [people with equality, but the people themselves, through their perceptions and interaction with the system play such a role that promoted the malfunctioning of the rule-based order. No society is exempt from this, however, there might be variations in the degree.

#### 5.4.2 Role of Social Distance:

Social distance in kin-based societies plays a very important role in attitude of people towards crime and criminal justice system. People see the crime of the people close to them as less seriously than the crimes of others. The emotional and deliberately group or kin-centered approach goes against the very nature of the rule-based order which the state employs. People counteract when the system of state acts against them. They try to shape the process in their favor. The crime committed by the close ones does not dictate as much severity of punishment as the crimes of people which are not in the group. The equality of order which is sought after and is attempted to achieve become irrelevant for such people.

Kin-based groups are not the only factor that promote such attitude. Other inclinations such as sect or caste also play important role. It was observed during the study that the people perceive the crime of the people in same religious sect softly than the crimes of the people of other sects. It especially become true when the offence itself is sectarian in nature. Caste also plays an important role. People try to defend the people that belong to their own subcaste. In many cases, the people of sub-castes are close relatives.

These kin-based group and caste-based group form the organizational structure of a society. The economic and power relationships are embedded within it. These patterns collectively influence the functioning of different components of the states justice system. The economic factors such as bribes in forms of money and powers relationships, such as political influence all contribute to the current state of the system.

#### **5.4.3 Attachment with the local system:**

It is not only that the organizational, power and economic factors play role in the making the perceptions of the people, their sense of alienation from the fact that the state-based system is not rooted in their culture as their own norms and values were. They feel that this system is not working well due to the difference in the nature of two system. There have been many attempts to reconcile the local system with the state-based system but they failed to bring results due to reluctance of the concerned authorities. However, the point raised by people should not be given undue emphasis due to the fact that they have now started to move towards this new system. There remain the difficulties which arise when two cultures interact and often result in lack of efficiency and effectiveness. Both side of the argument are true as long as they remain moderate because the new system can not be disposed and on the other side, the tradition will remain there to affect the new system. The process of reconciliation of the two systems is important.

Similarly, people point out that the order based on religion would be more suitable to solve the problems of the people. It is merely a rhetoric. During observation and interviews, not substantial appeared to support this argument. As it is said that the Islamic order will solve the problems of currently ailing system, people fail to understand that the Islamic system is as alien to them as the western one.

#### **5.4.4 Views of People on Different Crimes**

Any formal system of justice has to standardize the definitions of crime, process for dispensing justice according to these definitions and punishments that suit the severity of the crime done. Social groups also have some kind of



definitions in their culture that might not exist in written standardized form, but nevertheless exist in culture. These cultural definitions might have variations in them because of the fact that they are not formalized in written form.

The system that state uses in Pakistan has legal code that standardizes the definitions. Some of these definitions reflect the social and cultural patterns while some are just product of the thoughtful engineering of the people who run the state. The perception are built during interaction of the cultural patterns with the state-made definitions and processes which attempt to be detached from the general happenings in everyday lives of the people. A general comparison of these of definitions of these interacting yet different systems constitutes the first step of any attempt at understanding the perceptions of people. Some selected cases were assessed in interviews with people. These include: 1) Murder 2) Crimes against women 3) Theft including stealing state resources like electricity 4) Financial crimes.

#### 5.4.4.1 Murder

Unsurprisingly, it is viewed as crime. In reference to many cases on the respondents gave opinion that murders is a crime and should be punished. In some cases, the respondents said that the murder was justified given the circumstances. But even these respondents were of the view that it should be punished regardless of the reason for committing the crime.

There was, however, a difference when it came to conceptualization of the process. For almost every case, the people know perpetrator of the crime. It is like that, if people had authority, the crime would be punished in an hour. They first of all were not able to define a clearly a process to establish the crime. Some respondents suggested that the local authority-based system was better because in it the people were more closely involved with the process and could be helpful in dispensation of justice. These suggestions were, however, in vague terms. For some it is a system in which a Sirdar delivered justice. For other, this system too was not a fair system. But as it was based on

direct involvement of the people, it was one which was more efficient one. People, on overall basis, do not dispute the state's authority to define murder and processes involved in delivery of justice in such cases.

#### 5.4.4.2 Crime against Women

The major crimes against women are considered as crime in the culture of people. These include rape and harassment by other people. The concept of such crimes is not based on individual women rights as defined in the mainstream legal texts. But these are crimes because they go against the honor of men. The women are honored property of the men. And this prestigious property has to be protected. Not a even single respondent viewed such crimes as having individual basis. For all of them, it was matter of honor.

There is a discrimination against women when it comes to murder and crimes which include property. Murders of women in name of honor by family are justified on the grounds of honor. Most of the respondents viewed such murders not only legitimate but also as a matter of pride. One respondent, when asked that, 'isn't this a sin to kill women?', responded by saying that 'Don't you think that God knows that we did it for honor.' Similarly, the infringements on the property rights of the women are not considered illegitimate. Marriages are most often endogamous. It protects the property for men.

People do not like the state-based processes for dispensation of justice in the cases involving women. Behind this abhorrence is the same 'honor'. Although people use these processes, they are not inclined positively towards them. In such cases they like to solve the problems within men without women needing to go out their houses.

#### 5.4.4.3 Theft

Theft is viewed negatively, but only when it is done realities to other people. One respondent narrated a local proverb, "do not steal because once you steal even your closest friends will not allow you in their houses.' The thieves are mentioned with most derogatory terms. The crimes like theft are often associated with lower castes.

This perspective changes when it comes to infringement on the state resources. Electricity is illegally used by almost all residents of the area. Similarly, even men from the noblest families cut the railway lines. These are all crimes in the state-made definitions of crime, but in general opinion, these are not always crime. In fact, people regard it as something legitimate due to economic burdens on them. The legal processes one has to face are seen negatively because such crime is justified in opinion of people. There is no community-based process to solve them.

#### 5.4.4.4 Financial Matters

Financial malpractices between two persons are seen as a crime. But all financial malpractices are not culturally defined. There is no strict notion attached with such practices that can be found in the language of the people or other symbolic things. These are seen as individual matters as long as one party does not make it public. The process which is based in community is preferred by people in such cases. All the parties involved do not want to go to any state institution for solution of such matters. In the same way, property disputes are tried to resolve within community due to lengthy legal process.

Other matters such as regulation of different things by the state, and resulting crime when these regulations are not followed are not culturally defined. The language of people has not symbolic references to such things. Therefore, when these crimes are committed, only legal definition can be viewed in order to assess the process.

#### 5.4.5 Local System of Conflict Resolution:

The main local system of resolving conflict is one in which a *Sirdar* exercises his authority to give justice. There was once a time when conflicts were frequently brought to *Sirdar* for resolution. But currently conflicts are not brought to *Sirdar*. It is because of education, growing socio-economic status of the people, and a tendency towards self-reliance in such matters. Even *Sirdar* now hesitate to take matters of public which involve conflict. The decision of *Sirdar* is not binding over people. In many cases people did not

followed the decision made by sirdar of the area. However, it is still practicing and to some extent the decisions made through this system are also followed.

The opinion as to this system varies. Most of the people say that this system functioned well for it involved people more closely. It was efficient to because *Sirdar* had his authority to which enable people to execute the decisions, on his behalf. In this system, the only punishments for crimes like murder and offences against women are compensation to victim's family and marriages. In almost all cases the perpetrators of crime appear themselves when 'peace' is made.

Excluding this *Sirdari nizam* (Sirdar system), people can resolve disputes within themselves. Usually, a council of elders or respectable people is called to resolve conflict. It is usually called '*katchari*', '*panjait*' or referred to only as '*vady*' (elders). This system is used in small conflicts. If conflict is major then people resort to Sirdar or the state-based system.

For people who are historically tribal, the system of *Sirdar* was an efficient and effective one. This system started to weaken when the British system was established. In this system even some Sirdars were punished for their criminal behavior. However, even at that time, it was the only system that delivered justice to the people. Elders tell that all matters were resolved within the community or tribe.

#### 5.4.5.1 Language and Crime

People share details about their culture and perception about the surrounding world in interviews. This data is very useful in generation of themes about their worldview and approach towards different problems. That data, however, is limited because of the fact the interviewees might get positioned when they are asked about certain things. In such scenario, participant observation and analysis of their language serve as an important tool. The language tells the world view of people towards their environment. The analysis of language relating to perception will be presented in the relevant section, here some

things found in language that telling in relation to the attitude towards crime are presented.

In language of the people- which is Seraiki, and Balochi in some people- the 'ego' is over emphasized. A sentence written over a wall in the village read "*Asa aap zindaabad*" which means we ourselves should live long. Most of the individuals in the community put great importance on their own being and their family. The word 'main' meaning 'i' is emphasized when people talk about their everyday life. This language creates and perpetuates the concept of individual honor and consequently, honor of one's family. The 'ego' once hurt, never goes without telling people that it has been hurt. The results produced by this such language can be judged from the high rate of crime in the area falling under Kot Mubarak police station, and its neighboring Saddardin police station.

When people talk about their opponents they normally use derogatory terms. For an individual, honors matter the most, and if something matters even more than that, that is hurting the honor of the opponent. People will tell you during interviews that crime is a bad thing, but when they talk within themselves, crimes are not criticized in an emphatic way. Many major criminals are hero in the everyday discussion, and that is just because they are seen as brave and protectors of their honor. They would tell their stories in a heroic way. The behavior of these criminal, which in most cases remains offensive, towards police and other state institutions is a heroic tale. It is can not be, however, said that crime is altogether not viewed as a negative thing. There are exceptions particularly in cases where people are educated.

This state of language influences the perceptions of the people towards crime and criminal justice system. The state processes which hurt the 'ego' are seen as negative ones. If women are taken into public institutions, people abhor it. If a police officer insults a man, the story goes long way to influence opinion of many who sit with that person.

## 5.5 Police and People: The interaction

### 5.5.1 Police Station

A man who is not lean was sitting at the chair. I was there to have a security certificate signed. I was doing this to participate in the process a man has to undergo while interacting with police. I asked him, 'sir I have to get this signed today'. He replied, 'it is not an easy task. We will have to check registers in orders to see whether you have any previous criminal record or not. are you educated?' he ended the statement with this question. 'yes, I replied. 'They why can't you understand' he said with a smile. I called a man who was also a police officer, and 'luckily' my relative. He called that police officer. The same police officer who was impressing me with his 'integrity and discipline' signed the paper without checking any register. This was a police station.

### 5.5.2 Work Force in a Police Station

In order to be efficient and effective in crime prevention police need to have enough work force to perform duties. If police do not have enough work force. The work force in a police station varies from one police station to other. On average, the number of policemen in a police station is 27.

### 5.5.3 Reports of crime

The first step after occurrence of a crime is to write a report of it. If someone wants to report a crime he has to go to the police station under which the location of crime falls. Once a report is written, then police starts investigation, makes necessary arrests and present the report in a relevant court.

The process might seem very smooth from the above description. In reality the situation is much complex. If a person wants to get a report of a crime written, it is impossible that it would be done on his first visit. Police normally hesitates in writing reports. One respondent told that: '*i have been visiting the police station for many day. They are not writing my report. The opposite party has bribed the SHO.*' Whether the SHO was bribed or not is quite

another matter, but for this man it was just because of the bribe he had taken from his opponents.

Several factors are considered before writing report of a crime.

These range from political considerations to one that relate to money.

#### 5.5.4 Police Front Desks and Reporting of Crime

Front desks were established to facilitate people. Their aim was to increase efficiency in Police and link the upper tier of Police force with people. Their task is to immediately write reports of crime whenever a person come for this purpose. The reports written should then be presented to senior officer and process to investigate these reports be started immediately. However, in reality, the things are not going this way. A police officer tells: " Front desks have changed noting. The senior officers have verbally told the staff sitting in the front desk to not to write reports without prior permission of the relevant SHO or another senior officer. People still face the same difficulties. They are asked to come on next day whenever they come."

#### 5.5.5 Police Staff and People

There is a general behavior that police have towards people. There can be exceptions. This behavior is the most important determinant of the perception of people towards police. This behavior, however, is not single-sided. It is a story of interaction. On one side people perceive police as a stat institution that represents the state symbolically through its behavior. For policemen, the attitude of people is a sample of overall culture in which they have to act. Both sides remain relevant to any analysis of this interaction and resulting perceptions.

##### 5.5.5.1 Constables

Constables form to major portion of workforce of a police station. They are important in two respects 1) They are not trained in bureaucratic practices 2) They are more involved with people than other policemen. Generally, the behavior of police constables is not exceptional. The act as masters within as far as their role in a police station permits. However, their involvement with people allows them to have less distance in dealings with people. They

sometimes behave politely with people. They, however, do not have much space for acting on their own. For example, a constable at duty under a ASI or a sub inspector at check post has to follow the orders of seniors. This attempt at detachment from public is meant to secure impartiality in service. In practice, this practice acts in favor of the privileged at the cost of underprivileged.

The duty hours of a constable are usually longer than other staff of a police station. When a constable was interviewed he said that : " people say bad things about us. We are not respected..... Our pay is less.... we do not a take bribes for ourselves... some portion of this goes to everyday expenses of the police station, other portion goes into pockets of officers."

#### 5.5.5.2 Front Desk Clerks

The duty of front desk clerks is to write reports of offences. They, however, can not write reports without approval of senior officers. They tend to be polite when a person visits a police station for getting a report written. But can behave rudely whenever they will. So, there is not a general behavior of these clerks.

Being a part of a bureaucratic organization, they can tell you about the procedures involved in reporting a crime and following it. They have registers to name, they have official processes to name whenever they procrastinate. These register and processes are just an excuse for delaying the process of crime reporting, and making the reports best suited to the political, personal and departmental considerations. It was observed during observation that these clerks delay the work of people for as long as possible.

In the police station under this study there are some men who can be found sitting with the front desk clerk. These people have close relationships with police. They normally work as agents of the police in the surrounding area. They even blackmail people on behalf of police. There is no official status of these people. Their only contribution to police is that they give tell them about what happens in the area. Other than that they are agents who take bribes for



police or influence the reporting process to suit the motives of the police officers.

#### 5.5.5.3 Sub- Inspector and ASI

These officers are primarily investigation officers. Their duty is to investigate a crime after it is reported. From this tier of policemen, one can observe that bureaucratic values have become operationalized. They maintain distance from people. And they involve with people selectively. Their another duty is to patrol in the area falling under their police station.

In their behavior the dignity they feel being part of a powerful organization is visible. For them, they are masters of many matters of the people. In their attitude, they carry power of being in charge of these affairs. They maintain a visible distance while interacting people. However, it can not be said that all these officers are the same. Some officers interact with people in a more appropriate and intimate manner. Such officers are more often fresh inductees into the police department. One respondent told: " The fresh inductees normally have great aspirations for their career and service of people. But I have seen many boys becoming part of the same police culture as they spend time in the department.

In the area of study these police officers maintain distance from people. They patrol mostly at night. The officers who are currently appointed in the area where they have power in many ways. They would stop a man walking by the side of the road and start questioning him. They would get false reports written against people. They then take bribes to remove these reports.

#### 5.5.5.4 SHO

A SHO is in charge of the overall affairs of a police station. He usually does not meet people. For any report to get registered his approval is necessary. He keeps in view the political and other considerations before approving a report. He maintains connections with local politicians. They try to influence him in many matters. He also is held responsible for crime rates in his area.

The interaction of SHO with public depends on nature of the SHO. Some officers maintain a good distance from people. Some others interact with them more often. However, it is solely his discretion to meet someone or not. During participant observation, I tried to meet the SHO, but I was told that I can not meet him. But i was later allowed to meet him when I was with my key informant. The SHO did not know that I was on research.

The SHO does not hesitate to show his power. His way of talking and behavior is often loaded with the power that his status grants him.

### **5.5.6 Factors that make the Police what it is**

#### **5.5.6.1 Induction**

The police officers are recruited from the society. They bring the culture of society with them to institutions. Moreover, the induction of police officers is not conducted from the most educated class. Normally, people from normal educational background are inducted into police except senior officials.

#### **5.5.6.2 Culture of Procrastination**

The culture of procrastination is not limited to the police. It is a social problem.

The problems are brought into the police department.

#### **5.5.6.3 Politicians**

The influence of politician seriously impedes the functioning of the police. The situation was made worse by the Police Order 2001. It affected the in the functioning of all bureaucratic organization. The police force was subjected to the authority of local politicians. Apart from that, from the first day the role of politicians has been blamed for corrupt practices of the Police.

### **5.5.7 Problems Faced by the police**

Police, if it is to blame on one hand, also blames the system for not providing it with the facilities that can help the functioning of the polices.

### **5.5.8 Lack of Modern Equipment**

It is not only complained by police; their voice is echoed by people. Police is expected to match the standards of modern countries but in reality, it lacks most of the facilities that those countries have for their police force. From

reporting of crime to investigation, it does not have enough resources or equipment to support itself.

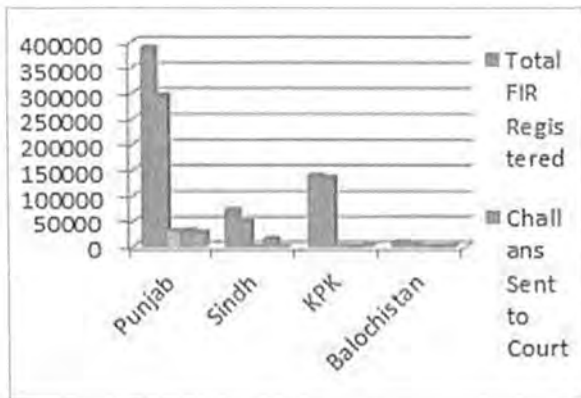


Figure 4 Police Work Load

#### 5.5.9 Public Unresponsiveness

People also play part in this functioning of police. They detest the police. The unresponsiveness on part of the people, as said by a respondent, is to be blamed for such functioning of the police.

#### 5.5.10 Pay Problems

One of the reasons given for corruption in police is the pay problems that they have. With less pay, it is not possible for them to conduct their private matters. The situation is future aggravated by the culture of corruption.

### 5.6 Lawyers

In the present system of criminal justice, the ordinary people lack the understanding of the law. They, therefore have to rely on the lawyers for their cases. Lawyers often lack empathy. They see the cases as matters of earning a livelihood. It is a culture that the most incompetent men and women go to this profession. There can be exceptions.

## **5.7 Judges:**

Judges are the most detached and distanced officials in this system. Their job is to hear the cases and decide on them. It is not only the demand of their job to stay detached, but the power culture also makes it happen. They enjoy the privileges and powers which can not be enjoyed by other officials. But these facilities come at a cost. They have to deal with the cases which are more in number than the capacity of judicial system. This factor influences the judgement, and along with that the perceptions of people. Due to this burden, the judges have to deal with the cases with delays.

### **5.7.1 Staff of Judicial Offices**

The staff of the judicial offices includes many persons. The most important one are the Assistant, Stenographer, Naib qasid and some other functionaries. The professionalism in these servicemen is better than the other department. As the judiciary is independent, therefore, the structure and functioning of judiciary is better than other departments.

As these servicemen are humans, they too have gaps. The position of these servicemen is critical due to the fact that they are close to judges. Their malpractices affect the system in a more serious way. The complaints are also myriad against these officials. But on an overall basis, it is held that their behavior and conduct is satisfactory.

### **5.7.2 Burden on Judiciary:**

The capacity of judiciary is very limited. The delays in cases are caused due to it.

## **5.8 People and the System**

A one-sided view can not present the actual picture. During the research, the role of people and culture was also explored in making the institutions of the system what they are. Their role is important because they finally those who are controlled and protected by the system.

### 5.8.1 Lack of Knowledge

People lack the knowledge of the legal system and processes. Their lack of knowledge causes great damage to the perception about the institution. It can be observed that the situation of law and order is not as good as people think. Their lack of knowledge not only about the legal processes but also the crime statistics is a critical hurdle in the way of a soundly functioning system.

### 5.8.2 Filing Wrong Reports

While interviewing a policeman it came to attention that it's the culture among people to file wrong complaints against their opponents. The respondent told that the cause of all the malpractices is rooted in culture of the society. He gave many examples in which the cases filed were not real. In one case complaint of kidnapping of a girl was filed. The respondent told that no such incident had occurred. It was motivated only to take revenge on the opponents. He further said that in our society the crimes against women such as kidnapping are not tolerated. In the report the complainants said that the girl had been kidnapped from the house. This raises question because the house of the complainant is located in his village where whole families live. They normally keep weapons in houses.

There was no reality in this case as the investigation revealed.

### 5.8.3 Unverifiable Accounts During Research:

During the research many respondents narrated stories of their interaction with the police. They appeared victims in such stories. But other respondents who live with these respondents revealed that the stories were not true. It is a general tendency among the people to call themselves victims and blame others for their faults.

### 5.8.4 The culture of producing criminals:

The same culture that blames the criminal justice system for producing criminals boast off the criminals the area. The youth have great stories of the

heroism of the criminals. The gangsters are not only feared respected by many people - although not by all. The society marginalized the people to an extent that t become criminals.

#### 5.8.5 Perceptions not based on facts:

Perceptions are not always based on facts. People just remember the major incidents. Their knowledge law is also limited which results in the stereotypical perceptions. They often form opinions about the ca of other people without having a good knowledge of it. For example, there are thousands of cases current but people form opinion on some sensational cases or from accounts that are normally floating in the area

There is a strange behavior among the people when they perceive the system and refer to it. For example, during the tenure of a famous DPO in the city, the crime rates fell to a minimum. But people after praise him, finally fell to see him negatively because of the fact he was too considerate in approach and decisive action. The police tell that he was one of the best officers who was finally transferred.

## 6 Perceptions of People

### 6.1 Perception about Police

#### 6.1.1 Registration of Crime Reports

##### 6.1.1.1 Fake Reports

People believe that police makes fakes reports against innocent people. They do this to take bribes from people. In one case, which went viral on social media some months back, the police had made a false report against a boy who had just returned from UAE. In report, the police accused him of snatching motorbikes from people. This report was taken back when the family of the boy gave the police some money. The father of the boy told that his boy was innocent. He returned after two years from UAE. He had some bad friends but when i censored him he refrained from meeting them. He is not involved in the crime. It is practice of police to implicate innocent people in the crimes that they have never committed."

People can tell many cases in which innocent people were accused of crimes that they had not committed. These fake reports, at some times, politically motivated; and at some occasions, made by opponents of a party. In one case, a report was registered against an old man that he was involved in theft of some equipment from a gasoline station in the area. The old man told that: " I have an altercation with the man who complained about me in Batil (name of a market). It was over a tiny matter of land. He bribed the police to involve me in the FIR." Politically motivated FIR's are also a common practice. The local political chiefs get complaints registered against their opponents.

##### 6.1.1.2 Weak Reports

The lawyers and people reported that it is police that is a hindrance in way of justice. In a very important case, which happened not in the main area of study but in the city of locale, a mob had killed a man. It is believed by the people that the man was killed in the police station, and then thrown into public just to make it look a murder perpetrated by the mob. The report of the murder was not written properly, because if it would have been written correctly, it would have implicated the policemen in the murder. In the report, the whole burden

was thrown on the mob. The brother of the victim told that: " Our case became weak when the mob, not the policemen or specific persons were mentioned in the report. Most of the persons who were mentioned as the part of the mob were released by the court over the lack of evidence. This happened because the court observed that in a mob it becomes hard to establish that a person was murderer." His lawyer mentioned the same reason for weakening of the case.

The reports are weakened not only to defend policemen against criminal proceedings but also because heavy bribes taken. Political influences also influence it. One respondent told that : " After a crime is perpetrated, police delays writing the report just because they have expectations from the parties involved."

The situation of weak and false reports has been reflected in many studies. A study conducted by a organization named Courting the law

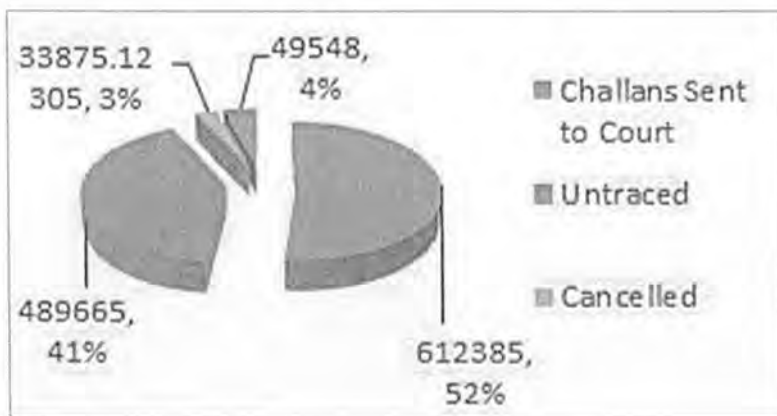


Figure 5 Report of Challans

#### 6.1.1.3 Bribes to Register Reports

" Go to a police station," said a respondent, " you will not get your report registered if you do not have money." It is normally believed that police do not register the reports of even smallest matters without taking bribes. In an interesting case, a respondent had to give some money just in order to get a report of his lost identity card written. People believe that as the nature of a crime becomes serious, the bribe needed for registration of the crime also



increases. For those people who do not have enough resources, this practice is seriously upsetting. They can not get report of the crimes done against them without giving bribes. In cases when they arrange some money, the opponent party gives more money to police.

#### 6.1.1.4 Politically Motivated Reports

Some respondents told that the politically motivated reports are a common practice. They say that this normally happens after elections end. The newly elected people take revenge from their opponents. As there is *Sirdari* nizam still functioning, the sirdars maintain influence on police. They often get fake reports written against their opponents. A respondent told that: " In order to have a life that is safe from the police, a man has to maintain ties with the sirdar. They can take care of your matters." Some other respondents were of the view that this system is now changing. Sirdar are now facing opponents who are strong financially. These opponents also have power to challenge the sirdar."

To some extent, this landscape is changing because the socio-economic status of people has risen. It has happened mostly because of a wave of people going to Arab countries. Another contributing factor is the rise in education levels of people. The structure of public organization is changing. People now rely on themselves more than others.

#### 6.1.1.5 Reports Registered by Police for Police

If any person attempts to challenge the police culture and power of police, he usually has to face its consequences. In a prominent incident, a young man was killed in police encounter just because of the fact that he used abusive language when he met a SHO. It is the story that people tell. Some people tell that the boy was a criminal, while most of the people say that the boy was innocent. Police protect the 'prestige' of *wardi* (uniform) by either killing people in encounter, or by registering fake reports against them.

## 6.1.2 Perception about Constables

### 6.1.2.1 The Good Constables

People believe that the behavior of some constables towards public is good. They report the incidences when they were shown a good attitude and respect from the police constables. A respondent said that: " We usually interact with the constables at the check posts in the area. If you are not a criminal or have something proscribed by law, they do not behave in a bad manner with you." Respondents told that most of the constables that behave in this way are educated or have recently been inducted into police. However, in old serving constables, such cases can also be found.

### 6.1.2.2 The Bad Constables

People also have complaints against constables. Many respondents reported that they were exposed to a very rude behavior when they interacted with police constables. They are of the opinion that it does not matter much if someone is a constable or a senior officer; all that matters is that they are policemen - or the "*paiti bhai*", a normally used term for police that shows their departmental integrity. These constables even abuse people physically. In one case which i witnessed at a check post, a constable first abused a man and then slapped him because he was arguing with him.

There is also another picture. It is not necessary that the persons abused by police constables are innocents. People would tell you that they have not been treated well at the hands of police. But there remains a probability that people are not always innocent. The constables in the area under study try to refrain from showing off their power much because of the fact that 'honor' remains a integral part of the people.

### 6.1.2.3 Working for Seniors

In the eyes of the people, the constables are not much powerful to act on their own. They are first influenced by the culture of police which makes them corrupt. And then they are handicapped by the fact that they have to work under senior officers. These officers, as people put it, are responsible for their behavior. They have to take bribes from people to give them to senior officers.

They have to behave rudely with people because they fear that if they fail to perform their duties they will be punished by their seniors. Their position is only that of ancillary.

#### 6.1.2.4 Role Within Police

Constables do not have much power to act on their own; and people know this fact. They are viewed by the people as least powerful policemen. They just obey the orders of the seniors. They, however, assert their role and position whenever they find a space. Some constables are thought to be close to senior officers.

They act as agents.

#### 6.1.3 Front Desk Clerks

Front desk clerk do not perform even small tasks without procrastinating for a day a or two. They frequently take bribes to do tasks. One respondent told that: " I have been visiting a police station for one week. Front desk clerk is not registering my report. He says that he will have to ask SHO about this case. I have tried to meet the SHO but he is not meeting me." People are of the view that the behavior of the front desk clerks is no different than the behavior of other clerks sitting in the government offices. I it is something else-it is worse than them.

Some respondents reported that their problems were registered when they first time went to a police station. Here the only variable that was change was perhaps the mood of the front desk clerk involved or their relation with the front desk clerk. On general basic, the interaction of people with the front desk clerks is one of difficulties.

#### 6.1.4 SHO

In people's view SHO's try to maintain a distance from people. They think that the old saying that ' a SHO is king of the area' has not fallen away. Through this distance SHO try to maintain their symbolic authority over the people.

The people can not file complaint in the registers without prior approval of the SHO concerned.

Public complaints about the SHO'S taking bribes are myriad. Every respondent had a story that translated into a story of bribery. One respondent told that: " if you do not bribe the police officials especially SHO then forget about the case. People also say that the official register fake complaints against the innocent people. It is also commonly held that even in order to get justice one has to bribe SHO. SHO's influence the registration of reports. They themselves write the report of serious offence in a way that ensures their benefits. It is believed that these officers have link with thieves and dacoit. They work in collaboration with them.

There is a positive side too which emerged in interviews. People named some police official especially SHO's and said that these officers do not take bribes and are honest in their duties. This claim was with a sad aspect; these officers are forced to work in the low-profile areas.

The area under study is liked with the *Koh e Sulaiman* which is a center of trafficking of illegal material. It is also a safe haven for criminals. Some police officers have also been killed by these officers. Some respondents were of the view that these officers were is frightened from these criminals. Others told that police lacked adequate training and equipment to face such criminals. People blame these police official for being under the political influence too.

#### 6.1.5 Overall Perceptions about the Police

##### 6.1.5.1 Inefficiency

It is held by the people that police are inefficient in performing the duties assigned to it. There has been time, not so long before today, when there was no sense of security among the people. The criminals who lived in the mountains used to come every now and then. The incidents of robbery were common. The thing which aggravated the situation was that even police did not worked in a positive manner with the public.

People also believe that police is inefficient in conducting the investigation of a crime. The murder rate in the area is high. But it is very uncommon that the original perpetrators of a crime are held. There are lapses committed during investigations by the police. These lapses are not only because of inefficiency but also deliberate. One respondent said that: " Police consciously destroy the evidence which it does not want to be reported in a crime. They often implicate innocent people. In a murder which was committed in the area near the locale, police deliberately implicated a man. The original murderer, was everybody knew, was his son. Because his son ran away immediately after the murder, the police arrested and implicated his father in the crime. I was a witness to this murder. I was a open murder done in a public space." A lawyer who was interviewed also told that it was police due to which the criminals are never rewarded proper punishments. They do not produce a convincing evidence in the courts.

Similarly, the response time which police takes in event of a crime is slow. The complaints of the public are not responded in a timely manner. Some people, however, pointed out that the police was much better now than it used to be. They said that with induction of new boys in the police, the behavior of the police had changed.

#### 6.1.5.2 Bribery

It is the most common perception held by the people that one can not get their work done from the police unless he has given some bribes to police. These bribes are dependent on the nature of crime. Sometimes they go up to many lac.

It is after taking the bribers that police alter the crime evidences and reports.

#### 6.1.5.3 Ineffectiveness

The public spending on the police force is huge. But it is not producing the desired results. The services that police renders are, for common people, ineffective in the control of crime. There come periods when crime rate reaches its peaks. Then, the people say, a responsible officer come for a short time who controls the crime rates. But this change is temporary. The police is

tasked with producing effective evidence in courts, but people believe that they do not do this. The other service in which police is supposed to perform well also remain ineffective.

There has been a change in public tone of criticism as pointed out by some respondents. It is because of some young policemen who died in different accidents in the area. After these incidents, the people started to believe that the police actually work hard for public. Here, it can be observed that the symbolic things like sacrificing the lives in way of service and heroism affects the public opinion more than other things of importance.

#### 6.1.5.4 Use of Torture

One respondent, while commenting on a man who was considered the *Gunda* of the area said that: " if you want to see the reality of these *gunda*, go and see them in police custody where they are undressed and then beaten." That respondent told that story in some other sense, but it appeared from the reports of the people that police uses torture to get statements from people. The mode of inquiry here is to prove guilt over a person through using torture instead of questioning to get real evidence. Even in small matters, police uses torture. There is no exception in this behavior unless one is well known in area politically. Those who bear the brunt of this torture are helpless poor people who often lack courage to counter the police.

#### 6.1.5.5 Disrespectful Behavior

It is commonly held that the police use disrespectful language towards the people. Their behavior is not in any way respectful or responsible. Due to this disrespect a common man fears from going into a police station. A respondent told that: " I was stopped by the police at a check post in the area. I did not have anything illegal with me. But they slapped me and used swear word against me just because in am a poor man." The complaints of disrespectful behavior abound the public narrative.

#### 6.1.5.6 Departmental solidarity

It is strongly believed by the people that there exists a strong departmental solidarity in the police. If we complaint to senior officer about a policeman,

our complaints are heard for are moment bit no serious decision is taken as to these complaints. The police officials protect each other in such cases.

#### 6.1.5.7 Positive perceptions

All perception about police are not negative among the people. There is some acknowledgement on the part of people that police is not only handicapped by the cultural constraints but also constrained by the lack of facilities provided to them. Some respondents also recognized the positive role that police plays in the society.

#### 6.1.5.8 Lack of facilities

People say that police lack adequate facilities and training to perform the task they are given. The facilities to conduct investigation on the modern lines are missing. They still use outdated tools of investigation. When dealing with serious criminals, they often lack the weapons which are needed. The criminal, on the other hand, being under no institutional constrained possess latest weapons. This opinion, in major part, was put forward by educated respondents. There were some respondents who narrated the same view due to their close observation of the role of police. They had been witness to many incidents.

#### 6.1.5.9 Less pay

People say that the most important reason for corruption in police is less pay. It appeared during some interviews that the police is not provided with enough funds to run the day to day business of a police station. With less pay, these policemen find it hard to balance their work and private lives. To meet the expenses of their private lives they have to take bribes. These bribes in start remains small, but they become a habit- and cultural phenomena.

#### 6.1.5.10 Public disrespect for police

People were also of the view that police officers are not given the respect. This disrespect from public leads them to corruption and bad behavior. They live in the society that they serve. The perceptions and language used by people to discuss police reaches the police also. Public disrespect culminates in

departmental solidarity, They begin to think that if disrespect is their fortune, they why should they hesitate to do corrupt practices.

#### 6.1.5.11 Improvement in conditions

People also acknowledge the fact that there has been an improvement in the behavior of police. They have become a little more effective then they previously were. But this improvement has been slow and inadequate to meet the benchmark of good police service. However, the improvement is a positive thing.

## 6.2 Lawyers

### 6.2.1 High fees

There is no fixed criteria of the fee charged by lawyers for cases. But if one wants to plead strongly in a court he/she needs a good lawyer. The good lawyers charge heavy fee. The poor people are at less advantage in this case. Normally, people with more money get more competent lawyers to present their cases before a court. If the opponent party does not have enough resources, they are set at a disadvantage from the beginning. Most of the people in the area do not have much resources at their disposal. Even when they hire competent lawyers, they have to cut down on their private expenses to give heavy fees to these lawyers. The concept of honor forces people to sacrifice their private lives for legal matters. I a case is filed, it has to be won at any cost. People even sell their land to give heavy fee to these lawyers,

There are different fees for appearing in a lower court and higher one. Lawyers charge more fee when a case goes to higher courts. The expenses when are incurred on travel of the lawyers are also taken from the party whose case is presented in the court. Apart from these fees, lawyers also request gifts to their clients. A great number of people are living abroad especially in UAE and Saudia Arabia. They are asked by their lawyers for expensive phones and other gifts.





### 6.2.2 **Less Interest in Cases**

The respondents claimed that even after taking high fees, the lawyers do not pay necessary attention to their cases. When a person falls short of dues, they do not appear before court. They send their juniors to court and ask for next date. Even when they appear before courts, their primary motive remains to prolong the case. One respondent told that: " Our case is hanging in the courts for three years. The first lawyer returned us papers when we were not able to give fee on time. we then hired a new lawyer. We are paying our fee on time and in full but this lawyer too is not heeding to requests." Similar kinds of complaints appeared in almost all interviews. Lawyers act as self-interest businessmen.

People also complain that the lawyers hide their competency from the clients. They often commit mistakes in preparing the cases which in result affect their clients. The burden of this lack of competency is borne by the clients who are unaware of the complex legal matter. In a case their only reliance happens to be on the lawyers: this is a point where they say that they are deceived.

### 6.2.3 **Lack of honesty with clients**

It is a normal perception that the lawyers are not honest with their clients. They often do not tell them about the nature and position of their cases. They, in expectation of high fees, take cases but to observe the ethical behaviors. One key informant, who was a lawyer told that: " The lawyers are not honest with people. Not only that they behave in a bad manner, they also provide wrong information to their clients. You should observe that the clients come to the offices of the lawyers with many hopes and fears. Their hopes are shattered here, and their fears are often exploited.

### 6.2.4 **Taking Money in the Name of judges**

Many respondents narrated stories about lawyer who take money in the name of judges. They ask their clients that their case will be solved in their favor if they gave some money to the relevant judge. In many cases, it later came into attention of people that this money was not going to judges. A very prominent member of lawyer community in the area of study is often named. It is,

however, an irony that this lawyer is still considered as a best lawyer in the area. A respondent narrated a story in which this lawyer had taken twelve lac rupees in name of a judge. Later, the judge had to meet the clients of this lawyer personally to tell them that he had not asked for any money.

#### **6.2.5 Delaying the cases**

If you do not pay your fees on timely, your case will be delayed by your own lawyer. The lawyers try to prolong the cases in expectation of more fee. They often do not appear in courts. They do not respond to calls of their clients. In general, it is held among the people that the only responsible people of delays in the cases are lawyers.

#### **6.2.6 Behavior with clients**

The key informant, who is a lawyer told that the behavior of lawyers with their clients is bad. They become distrustful and unresponsive. The clients would sit for hours in the chambers of the lawyers in hope that their complaints might be heard. But they remain unmoved. For them the only interest is their interest. The sense of community among lawyers is a factor which further aggravates the situation. Lawyers, when they interact with people, appear to be same of a kind.

### **6.3 Public prosecutors**

For the people who can not afford expensive lawyers, or any lawyer at all, there is an arrangement that they can request a public prosecutor. These prosecutors are not the first choice of the people. People try to avoid them by managing to find fees for a normal lawyer. However, there are people who fail to manage such lawyers.

#### **6.3.1 Less Fee given by Government**

The dues that government pays to these prosecutors are less than a average lawyer earns. Therefore, these lawyers try to avoid such cases. And when they have to take such cases, they do not take interest in such cases.

### 6.3.2 Lack of competency

These lawyers who act as public prosecutors often lack the competency which clients expect from lawyers. The negligence on their part is made serious by the fact that they are not competent. While sitting in the office of key informant it was observed that there are lawyers who do not know how to even write simple reports for judges to present on behalf of their clients. These are normal lawyers, The case of public prosecutors is worse than these lawyers.

### 6.3.3 Dealing the Cases as Second Priority

The lawyer who take cases in public prosecution deal with these cases as a second priority, In such cases the clients can not even complain to any official who might bring these lawyers to question. Their cases in which they take heavy fees take preference over the cases in which poor people are their clients who can not afford the fee.

## 6.4 Judicial offices

It appeared during the interview that the interaction of people with the judicial offices and judicial officers is limited due to the fact that the cases are presented by lawyers in these offices. Lawyers interact with these official more often than other people. However, the interaction occurs even though it is limited.

### 6.4.1 Staff

The behavior of the staff of judicial offices is normally satisfactory with the people. They do not behave in such disrespectful manner as police and lawyers. But some respondents claimed that the behavior of the staff of judicial offices is not good. They told that they were not given proper attention and respect when they visited such offices. There is another complaint about the lower staff of judicial offices that they take bribes. The bribe in such matter can put a case up on a list. These clerks and assistants can influence the conduct of cases in the court. They often are close to judges. Their position in this system is one of a authority. They also it as official of other offices in any government agency. But when the behavior of the staff of these offices is

compared with police and lawyers, they are much less corrupt, distrustful and negligent.

#### 6.4.2 Judges

People do not interact with judges very frequently. Judge always maintain a distance. It is part of their jib to stay detached from people so that the decisions are based on principles of justice. In public's view, judges are an authority at a distance. They possess power to changes their fates. If it is to be assessed that which government officials are the most stern followers of bureaucratic concept of detachment from public, the judges top the list. Although the interaction of people with the judges is limited, it is not no existent for they are the ones who can shape the cases of people. They have power to declare them guilty of a crime of acquit them.

#### 6.4.3 Less Use of Judgment

The local system of delivery of justice is based on judgement. Judgement has been taken as a more virtuous concept. But as there exist chances that the judgment, if not constrained by rules, will degenerate into rule of injustice, the rule of law and order in standardized form is given a priority. People resent this rules-based order due the fact that judgement is sometimes compromised in it. But the judges are bound by their rule-book.

The standardized form also demands use of judgement. People believe that the judges do not use wise judgement in the cases. They acquit the criminals. The jail the innocent. It is, however, acknowledged by the people that this process of injustice starts with the police reposting.

#### 6.4.4 Delaying Cases

People believe that the judges deal with the cases as a daily matter. They think that they should see cases with more interest and get involved with the cases. It is complained that undue delays are committed in hearing of the cases. The other side of the picture tells that the judicial capacity is limited. It is not to say that judgement have no fault of their part. But it can be observed that the

judicial offices are under a heavy load. The role of lawyers, as mentioned earlier, is also significant in delaying the cases.

#### **6.4.5 Power distance**

People see judges and the law that they implement in judgements as detached from people. The power distance that is maintained by the judges - it can also be called distance from public in an official capacity- acts as a barrier to provision of justice. Some respondents also said that judges see people as inferior than them. They do not heed to their complaints and requests. They said that they are even disrespected in the courts some times. The behavior of judges with poor and uneducated people is not good.

#### **6.4.6 Lack of Empathy**

Empathy can not be observed in matters of justice as it can influence justice. People agree with this fact. But they point out that empathy with the public suffering can make the process of delivery of justice more efficient and effective. They feel that judges should have some heart. They should try to deliver justice in a short time.

#### **6.4.7 Acquitting the Serious Criminals**

People narrate many stories in which they say that serious criminals were acquitted and innocent persons were jailed. In many cases of politician and security concern, the judgment is influenced by other consideration than the facts of the cases. Moreover, the judges have to acquit criminals because of the lack of evidence. There were some cases narrated by people in which bribery was involved.

### **6.5 Prisons**

The prisons could not be visited due to limitations of the study but the perceptions and opinion of people was explored in relation to these centers.

#### **6.5.1 Torture**

It was told by some respondents that the use of torture is frequent in the jails. The criminals as well as those people who have not been still found guilty are

tortured by the jail police. They are also tortured mentally. The environment of a jail is very stressful.

### 6.5.2 A House of Criminals

Instead of correcting people, it is held by the people that the jails are houses of criminal where, even if innocent goes, returns a criminal. Some respondents told that there are networks of crime operated from jail. The government has tried to block such activities but the culture is still there. The criminals are often the bosses of the jail.

## 6.6 Survey results:

The survey conducted during this study to check the normally attributed perceptions of the people with the criminal justice system brought the results that were not surprising. The purpose of this survey was to check the perceptions of people briefly from a larger sample. The perception discovered through other interview techniques mentioned earlier were explored as a countercheck measure in this survey. Most of the people think negatively about the institutions that are involved in the process of dispensation of justice in the society. These perceptions are result of the behavior that they face in these institutions. The result, which is in the table below, tells that the state of interaction of people with these institutions and the functioning of these institutions is in a bad condition.

Items	Strongly Agree/ Very good	Agree/ Fair	Not Sure	Disagree/ Bad	Strongly Disagree/Very bad
How was the behavior of the Policemen with you	11	15	0	40	34
Do you think that Police registers fake reports?	30	15	20	10	25

Do you think that police influence the cases by writing wrong reports?	38	30	15	12	5
Do you think that police make a case weak if not bribed or politically influenced?	32	36	5	18	9
Do you think that police are negligent?	49	22	11	9	9
Do you think that politician influence the police?	48	31	3	7	11
Do you think that police only repeat cultural patterns?	12	26	20	32	10
How was behavior of lawyers with you?	29	23	10	19	19
Do you think that lawyers deal with the cases responsibly?	51	19	17	5	8
Do you think that police plays positive part in society?	19	12	23	25	21
Do you think that police are handicapped due to lack of facilities?	19	23	4	34	20
Do you think that lawyers play negative part in the process?	10	27	17	20	26

How was the behavior of the staff of the court with you	9	33	7	26	24
How was the behavior of the judge?	30	34	21	9	6
Do you think that staff of judicial offices takes bribes or other influences?	24	33	0	33	10
Do think that judiciary is doing its work properly?	9	8	18	32	33

*Figure 6 Survey Results*



## 7 Conclusion

It is often said that the disappointment of people with the criminal justice system is due to the western nature of it. Some emphasize that the system should be Islamized, others say that it should be more localized. Apparently, both attempts have been made in the past. The system was pushed towards Islamization at times. It was also integrated with the local structure of power and control. But both attempts failed to deliver results. Well, it can be said that the efforts were half-hearted and not properly made. It is true. However, there is a basic fault with the analysis that is made and the solutions that are suggested.

The analysis is always focused on the legal definitions and the alternative processes which can be implemented. This analysis ignores the fact that the behavior of the agencies involved in the system is influenced by the culture in which they operate. The people, who criticize the institution often neglect the fact that they are part of the institution for institutions are product of the society. Therefore, the analysis should be focused on the habits of people, their norms and values. The system operates along the cultural lines.

From it, the first conclusion which appears convincing is that the functioning of system and the public dissatisfaction with the system is not a matter of legal definitions. It is a matter of interaction and behavior which is cultural. The institutions, however they might try to be isolated from the structures of the society and try to adopt principles whether they be western or Islamicist, bend along the cultural lines sooner or later. An only a qualitative study can tell how the system in realty work. Where other analysis takes 'big data' and superficial overview, the qualitative method breaks the problem into day-to-day cultural patterns in which interactions occur.

The policemen are recruited from the society. The less respect given to them by people, less facilities, less pay, workload result in less efficient functioning. The policemen are recruited from the society. They take the culture of society

with themselves. Therefore the culture of bribery, nepotism, procrastination is inherent to this institution. The culture that has developed within the institution is also responsible for malpractices.

It is true that the activities of police, due to their own negligence, can not be called 'satisfactory'. They are responsible for their conduct. However, the role of people is also important. They try to influence the police. They often offer bribes and put political pressure for getting the desired result. As this can only be done by the privileged people, the cost of the culture produced by such practices is borne by the common people -Who are a majority, the negative perceptions which are held for the police are justified. But it appears that the perceivers - although not all- are part of the process of wrongdoings. The only solution lies in improving the induction process. This can not be done without increasing the pay scale to attract the competent men. Other solutions are the training programs for people to give them knowledge about the police and increase their positive interaction. The integration of courses for behavioral reforms in education would also prove effective if implemented properly.

The lawyers are also responsible for the negative perceptions of people as to criminal justice system. There too, there is lack of competency along with selfinterest at then cost of their clients. The changes brought in the criteria for qualifications of the lawyers would help the system. The lawyers should also show respect to the people. There is no bar to act for their own profession and rewards, but this should not be at the cost of people.

Judiciary faces the problems of overload. Due to less capacity, the cases are delayed. All perception held by the people about the judiciary do not seem correct. First, because there is limited interaction between people and judiciary, second, because the public opinion in this case is influenced by the cultural and psychological biases. They give more attention to some case while lack the knowledge of others. The staff of judicial officers was found to be involved in malpractices, as told by people. There should be reforms.

Moreover, the distance between the judge and the people should be decreased for it is causing great damage to the people's way of perceiving things.

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## **Annexure I**

### **Interview Guide**

Have you ever come in interaction with police?

Have you ever been to courts for any matters?

Have you ever been involved in interaction with lawyers?

How was your experience with them?

When and why you came in contact with them?

What was the behavior of different policemen that you interacted with?

What is your opinion about police?

What are the negative aspects of police?

What are positive aspects of police?

Can you narrate any incident in which police did not function as it was required to be?

Can you give your opinion on the other cases (reference given while interviewing)?

What is your opinion about judges?

What was the behavior of the officials of courts?

Have you ever been to a prison?

What, do you think, are the faults with this system?

What is your opinion about the perspective of other people?

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What are the problems of police in your opinion?

What is the positive side of the police?

Can you narrate any incident that happened to you or your relatives/friends?



## Annexure II

### Survey Questionnaire

**Note:** This form has been designed as a part of a field research. I am a student of Quaid I Azam university and topic of my research is 'Perception of People about Criminal Justice system'. The data provided by you in this form will not be used by me for any purpose except this study. There are no political or commercial objectives of this study. Your name will be changed while writing the final report of the data if you want to conceal your identity.

- Your Name

- Your Education

- Your Monthly Income

- How did you come into interaction with police? Please Specify.

- How was the behavior of the policemen with you?

Very Good	Good	No Sure	Bad	Very Bad
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- Did they register your report on first visit?

Yes	No
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- Do you believe that police registers fakes reports?

Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
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- Do you think that police have control over fate of a case through writing reports?

Yes	No
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- **Do you think that police make a case weak if not bribed or politically influenced?**

Yes	No
-----	----

- **Did you use any political influence to get your case registered?**

Yes	No
-----	----

- **Do you believe that the behavior of SHO and other senior staff of a police station are negligent?**

Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
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- **Do you think the politician influence the police?**

Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
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- **Do you think that the corruption in police is a cultural thing which is due to behavior people?**

Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
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- **How did you come into interaction with any lawyer? Please specify**

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- **What was his rank? Please specify.**

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- **How was his behavior with you?**

Very Good	Good	No Sure	Bad	Very Bad
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- **Do you think that the lawyers deal with cases with responsibility?**

Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
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- **Do you think that lawyers play a negative part in cases due to their personal inclinations?**

Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
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- **Do you think that lawyers are adequately competent?**

Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
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- **Have you ever been to a court?**

Yes	No
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- **How was the behavior of the staff of the court with you?**

Very Good	Good	No Sure	Bad	Very Bad
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- **How was the behavior of judge with you or the criminal you went with?**

Very Good	Good	No Sure	Bad	Very Bad
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- 
- **Do you think that the police are competent?**

Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
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- **Do you think that the system of courts of working correctly ,**

Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
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- **What are the reasons in your opinion of the inefficiency of the police? Please specify**

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- **What do you recommend for the betterment of the system?**

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