

The culture practice of vani



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Culture is the systems or way of life, which is shared by a large number of people. In culture, some practices and activities create the social differences with other social group. Actually the culture is total of activities, and material or spiritual things. It is basically the logical and self made system of value belief as well as set of practice which become their characteristic and move over time to time or generation to generation. It also gives to individual identity and become the part of that culture. (Stavenhagen. R, 1998)

The tradition is inheriting elements of culture which move one generation to another. Actually tradition is set of customs or practices, which are regularly, perform in our daily life and which support the people in every circumstances that how they can spend their life. (Stavenhagen. R, 1998)

In every culture the tradition and practices are link every one life and dominating their every part of life like birth, marriages death ceremony etc. In Pakistani culture there are some tradition related to marriage are exists like watta satta, Karo Kari, vani, Swara etc.(.....

Vani is a Pashto word derived from “ Vanay” which stands for blood. Vani is culture practice which is very common in Pashtoon families. This cruel custom also practices in Punjab especially in Mianwali and neighboring areas, which becomes there social norm. Mianwali is a region in the north-west of Punjab province, in Pakistan. (Hashmi, A. & Koukab, 2004)

According to vani it is the method of resolving disputes like Qatal and Zana and settling debts between families and tribes. According to this a custom, female who is the member of criminal male’s family are married or given to

the victim's family as a compensation of his sin. These decisions are often final by a Jirga. (Chaudhry. R, 2006).

In phaktoon family, girls are given Vani marriage for as compensation of murder, adultery, abduction and kidnapping which is committed by the men of the family. (Usafzai , Ali. Z. 2004)

In the tribes vani is practice, which has no written rules and regulation. In vani, If one family or tribe of a village kills member of other family or tribe, then the criminal family or tribe offer a girl or woman to the aggrieved family to settle the enmity".(Khattak, R. 2009).

Vani Tradition is an old age tradition. This tradition started almost 400 years ago when two ' Pathan' tribes of Mianwali fought a bloody war. During the war approximately 800 people were killed. At that time Nawab of Tank tried to solve the problem. He called the " Girga" (jirga) who decided that girls are given as Qisas. Later on this decision became a custom which passed over generation to generation. This tradition is practiced in different areas of Sindh, Punjab and NWFP. (Hashmi, A. & Koukab, 2004)

These marriages are known as Vani, Sakh, Sawara, Sharam, Khoon Baha, and Sang Chatti with the difference of languages in different areas. (Zofeen T. E, 2006) In Punjab it is known as " Vani", Sindh it is known as " Sang Chati", Baluchistan it is known as " Ijai", and NWFP it is known as " Swara". These are an original means of different dispute resolution instrument. (Ramzan, I. 2009)

The custom and tradition are unwritten and there are no hard and fast rules. So vani has practice in different ways. Mostly the vani decision is made according to the nature of crime. Hidden vani is the kind of vani when some kind of crime done for which both families are not wanted to open it for the sake of honour then it is done. It is type of secret vani. Mostly these issues are zana either zina bil jabar or zana bill raza. In this type of cases female indirectly convince the male for the particular proposal. (Salamat, R. 2007). The second kind of vani which is done in front of tribe, in this case the decision is made by jirga. Mostly the decisions are done according to effected family will. (Salamat, R. 2007).

In vani custom the relation are decide at the time of decision in Panchayat that can be nikah, engagement or ruksati. In engagement the decision of vani women and men are decide and ruksati are decided later according to both party will. Mostly this decision is done when girls are minor or not born but their decision of marriage is done. In second type of vani is that nikah are done immediately in jirga. This decision is done when severe kind of dispute is between two families. That time parents and no one has permission to delay the nikah. In mostly cases the father or brother accepts the nikah on the behalf of girl. Immediately departure of bride it also part of vani. In some cases the bride leave parents home immediately after the decision of vani and in some cases the day and month of departure are decided in jirga and according to the decision the departure are done. (Salamat, R. 2007)

In some cases money and property is also given to the victim family with the women. This happen mostly in the cases of long term enmity. Secondly when
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rich families give vani to poor family then for the betterment of their girl
criminal families give property or money to effected family. (Salamat, R. 2007)

In the tribal area Vani is performed as beneficial instrument because this practice is resolve the dispute and tie the enemy in strong relation which never breaks again. When there is enmity between two families and tribes due to any reason then people of both tribes arrange the marriage for the sake of new and strong relation. The criminal party accepts crime and gives her female to other party, through giving female to his family is compensation of sin and aggrieved party forgive them. In simple word the girl is used for compensation. (Salamat, R. 2007).

The main thinking behind vani is that in dispute effected family actually loss their hounor because of criminal party. Women are consider the hounor of family in that tribal areas so effected party take women of effected family as compensation. So through women actually they return their hounor. (Salamat, R. 2007).

According to Islamic law of Qisas and Diyat, in compensation (Badal-i-Sulh)of murder , the criminal paid or given to a Wali, cash or in the form of moveable or movable property, which done according to mutual willingness of both parties and Shariah.(Chaudhry, Sharif, M. 1993). But in vani practice women give to another party as compensation. The some people are poor when they murder some one, then it is impossible for them to pay the Qisas and Diyat. So they give them women for compensation without money. Actually it is wrong. It is done to save the money and property, Due to materialistic world

now a day even rich people of tribal areas also give the women as vani and save their money and property. (Salamat, R. 2007).

According to vani custom the any girl and women of criminal party accept as vani but in community the custom are not like this. There are some proffered girls or women for compensation purpose. These are sister, daughter, daughter of brother; etc if girl of that criminal party is not available then they can buy the girl and give effected family. But mostly it is preferred that the girl and women are kid of that criminal person or group. In the effected family male member are also required for marriage purpose. There is no specification for male or bride groom. On effected side male can be brother, son, father etc. Mostly that person is chosen who are older, abnormal and those by whom marriage is not possible. (Salamat, R. 2007).

It is inhuman and unislamic practice that is violates of women basic human right. It is cruel meanness towards women, treating them as a property and cattle that is used to settle disputes. Women pay for that crime which she never did. This tribal tradition makes the life of thousands of girls a living hell. (Ehsan A. 2006).

Violence against women through customary practice like Vani, Watta satta, hounor killing, exists in Pakistan, Which was creating serious disorder in the society and exploit the women life. These practice is become the social norms, Like Vani ' marriages has become as a social norm in tribal areas of Pakistan. (Hashmi, A. Koukab, Mushtaq. R, 2004). These practice are continuously practice, in 2008 in Pakistan 50 cases of vani are done and

under the jirga system and 210 cases of forced marriages are registered. (Awan. A, Z. 2009).

Vani is a pre-Islamic tradition which has no scope in Islam. These practices must be condemned and punished. Vani is also against the teachings of Islam. In Islam all marriage prohibited which done under any kind of pressure. The Holy Prophet (PBUH) has at many examples to stop such kind of marriages. These marriages were known as ‘ Sabaya’, which is practice in the days of Jahiliya (ignorance). In which Arabs used to capture the ladies of enemy and beaten after the battle. Vani is also the example of that marriage in two manners. A woman is married without her consent and punished for that crime which she never committed. Which is restrict in Islam(.....

In Islam there is no discrimination between persons on the basis of gender, color, race, nationality, wealth, etc. only the superiority of a person is base on justice, and moral excellence. So how it is possible, that any person exploited the women’s life on the name of custom is Islamic practice. Islam gives women respect, honor, right to inherit property, to marry anyone with their own choice and the right to divorce. (.....

According to Islamic law a punishment should have four characteristics. It should be disciplinary, retributive, reformative and a limit. But vani has not any of these characteristic, because criminal himself goes free and innocent girl pay their unlimited cost. In Islam, there is no clear responsibility that every person must bear the burden of his/her own actions, and in Islam no concept of women gives as compensation in Badal-i-Sulh. It violates the law of Qisas and Diyat. (Anis, F. 2003)

According to Universal Declaration of Human Rights in article 1 that all human being born free and equal right and dignity, but the vani practice is direct conflict with it 1 article. In vani practice the girl punished for those act which she never did. She is also born free and equal right like men. But she exploited in the hand of men and become commodity. As a human being she is free for take any decision, but in vani without her consent she gets marries with any person for revival. Article 16 of Universal Declaration of Human Right, that there is no limitation for any men and women to marry and form a family. Without any discrimination of race, nationality or religion they can enjoy their marriage and family. There is free full consent for both men and women to choose their spouse. But in vani neither the men consent is asked or nor the women consent for marriage. Both men and women force to marrying to end of enmity. (Hashmi, A. & Koukab, 2004)

The vani practice is also violates the constitutional law. Like in vani women liberty and mobility are restricted but in Article 9 of the Constitution are guarantees that any person whether men and women has freedom of liberty. It also violates Article 4 of the Constitution that guarantees that every citizen has full right to enjoy the protection of the law but in vani practice law don't support her. It has declared in Supreme Court that vani custom un-Islamic and unconstitutional under the Constitution of 1973. (Chaudhry, M. G. & Ulfat, A. 2007)

Pakistan is the member of CEDAW (Convention on the Elimination of all Forms of Discrimination against Women) which work to protect the women from discrimination, violence against women and protect their rights. In article 16 of CEDAW in which stated that all parties shall take all proper step

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to eliminate discrimination against woman in all matters relating to marriage and family relations and ensure, on a basis of equality of men and women. In this article man and women both has right to enter in marriage and freely chosen the spouse. But in vani practice there are no concept consent and equal right for marriage. Women oppress for marriage by father, brother or other male member of society. (Hashmi, A. & Koukab, 2004)

Vani is illegal practice. In 2002, the Chief Justice of Pakistan declared vani as un-Islamic practice. In March 2004 a press reports of the Law and Justice Commission stated that,

All people who include in vani decision must be punished. The Commission also came with a draft amendment to article 366-C of the Pakistan Penal Code. According to it:

Those entire person who take part in the decision of vani whether any person to offer or accept of women as vani, or whether the part of Panchayat they shall be punished in jail. Which is minimum 3 year or it can exceed 10 years and also liable to a fine. Whether it is done with the consent of both the parties, or it is done with the consent of the female herself, it must be punished. But still this amendment has not been passed. (Chaudhry, M. G. & Ulfat, A. 2007)

In vani practice marriage are done without the consent of girl so it is also violate the Hudood ordinance section 6 in which force marriage under this practice need to protection of law, because it is illegal. (Hashmi, A. & Koukab, 2004)

Vani practice is done mostly as child marriage which is prohibited in Islam and all over the world laws. According to UN Convention in which child marriage are prohibited under Rights of Child in article 2. At the same according to Muslim Family Law Ordinance, that at the time of marriage the girl must have reach at the age of 16 and a boy must reached at the age of 18, and both proper consent taken before marriage.

According to Punishment for Parent or Guardian Concerned in a Child Marriage Section 6. If any persons promote the child marriage in any case or in any way shall be punished minimum 1 month or with fine which extends to one thousand rupees or with both. But vani mostly girls given over are below the age of 18 which is in conflict with these law and convention. . (Ebrahim, Z. 2009).

Government takes initiative against vani, Like Human Rights Commission of Pakistan and different NGOs are working against the custom of vani. The Supreme Court of Pakistan has also taken action of forced marriages in different areas of parts of Sindh, Punjab and N. W. F. P. National Judicial Policy making Committee in a meeting announced that vani is unislamic practice and it must be punished.(Minallah, S. (2007). In 2004 Pervez Musharraf, Pakistan's ex- president, passed law against vani during visit by the US president, George Bush. But it didn't implement because of laws limited influence in rural areas. In rural area feudal system is so strong so only 15 vani cases have been tried under the new law in Mianwali. (.....

There are several cultural factors which become the reasons of violence against women in Pakistan. Patriarchal society, misinterpretation of Islam,

and cruel practices in culture are major cause of low women status. Women are considering as object and property. Vani practice is one of the major customary practices which become vital cause of women exploitation. The women pay the cost of that sin which actually they never did. The only sin of women is that she had the blood relation with sinner or criminal. Because of this her whole life are exploited. (Jehanzeb, 2004).

If girl married as vani and went to enemy house then there is no place in society. They are treated by their new families without any kindness. Even parents of vani victims are mistreat with her after marriage and not value her sacrificing. They have no place in either home or in-laws. The innocent girls are suffering forever in an environment of opposition Due to psychological trauma it difficult to handle the stressful demand of their husband, children and in-laws. (Jehanzeb, 2004).

Vani is considered an evil tradition and sever punishment, especially by the feminists because the main victim is the innocent and wordless girl who sacrifices for the sake of her brothers and parents. It is a cruel behavior towards females because women bear the punishment of that crime which she never committed. (.....)

According to the annual report of Human Rights Commission of Pakistan (2003), Vani is like of death punishment for victim women. Although they are not physically killed, but the humiliation, abuses and misery which they face in her husband home is terrible punishment which she faces in her whole life. Women face this for that crime which she never did. (p. 56)

Vani girl is just like a slave in their house, because she comes from the enemy's family. The Taunts, curses and violence become the fate of vani women in everyday life, because she has blood relation with that person who killed their loved one. She is a continuously reminder in the in-laws of the death of their loved one. They try to give pain to the girl and her family members." (Ullah Khan, Z. 2006)

This custom is like announcement of death sentence for girls, because she knows that she has to live in unwelcoming and miserable scenario till the end of her life. She must lives in aggressive situation and she will never be happy there, because there no one love and care about her. Everyone abuse and taunt her, because she has blood relation with sinner. (Ebrahim, 2006).

Vani whether is used properly or is misused, is against the norms of human rights. The vani girl has to bear psychological and mental torture till the end of her life. That girl will have to live in an unsympathetic situation and she will never be happy over there. The innocent girl never understands the cause of pain upon her. Her body, mind and soul would traumatize till she dies. They have to face terrible cost of that decision. (Khan, 2009).

Violence against women is not only brings physical injuries, psychological impacts of violence become the cause of pressure on their power of thinking and behaving. This violence leaves a long lasted trauma which with no proper healing. (Babur Udin, Z . 2007). Because of vani women life becomes miserable. So being a mother miserable condition and lack of security makes children turn into indirect victims. Apart from the women suffering problems

with self-esteem, their children face severe emotional and behavioral problems growing up with the traumatic. (Jehanzeb, 2004).

Violence against women is not only about women violence on sex, or about conflict. It is about control, their mobility, their access to material resources and their both productive and reproductive role (Heise, Ellsberg and Gottemoeller(1992) highlight: p. 2)

In patriarchal society women has low status, because man considered as personal properties which control every aspect of lives of women including their life style, behavior and movements etc. Men make the decisions, and women pressurize to follow those decisions in family, tribe, community and society. Because of male dominating society women consider minority in society. (Hassan, 1995). In many tribal areas, women are even not considered as human beings. She is cattle or personal property which used for trade or to settle debts or conflicts. These types of practices become women low status in society. (Shaheed, 1990).

In our society women are face discrimination and violence on a daily life, due to the cultural and religious norms and belief. In our society the concept of “ Char Divari,” a term translated literally to mean “ the four walls of the house” restricted women mobility. (Shaheed, F. & ghazdar, A. 1998)

According to social norm women restricted in her father and brother home and after marriage the live in husband’s home. There is no other option for her. In the society the proverb like (aurat baap k ghar ko chorti hai dole mai or shohar k ghar ko coffin mai) mean women leave father home in bridal palanquin and that of their husband’s only in coffin. These types of social

norms restricted women mobility. She faces psychological and physical violence but never dare to leave it. (shaheed, F.& ghazdar, A. 1998)

In vani practice at the time of departure no brides are made in proper way and when she leave the father home that time their relative and parents weep bitterly because they know that now her mobility is restricted. Even she never allows coming parents home expect particular occasion. (Salamat, R. 2007).

In our society women continuously become the victims of this senseless violence. The hounor of family associated with women. Through out life it is internalized on her in socialization that family hounor are linked with her action. Women spend whole life in submission and fear that she doesn't do any thing which becomes the result of family dishonored in society.

(Shaheed, F. & ghazdar, A. 1998) All her life she faces threats. She accepts all kind of violence for the sake of father, brother, or husband hounor and actually these relation makes women lives more miserable. So through out whole life women have pressure to safe the hounor of male and family in society. In vani same women has social pressure to safe the life and hounor of his male member of family. For the sake of his family so-called honour she spend whole life in hell (Babur Udin, Z. 2007)

According to Human rights lawyer Hina Jilani (1998, p. 143), women protection in the name of family honour from immoral activities is done for the sake of social morality actually is the oppression of basic human rights of women.

Gender-based violence included physical, psychological violence on women, which is done by her husband or by another person family. Physical violence includes torture beating burning and murdering of woman. Psychological violence includes verbal aggression, humiliation, abuse, taunt etc.

(International Planned Parenthood Federation (2000). When vani women went husband home where she face physical violence like beating, torture of husband or other family member and also psychological violence like curses, abuse, taunt then how her life are secured. This violence has no limitation, women face it till death. (U, Ubaid. K, Ullah, Zia. & F, Aliya. 2006)