



In the name of justice

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RANA IDREES visits Abbakhel (District Mianwali) and finds out about the centuries old tradition *wanni* and its practice which almost ruined the lives of innocent girls



Raiz Ahmad, while taking notice of a newsitem published regarding the settlement of the dispute, demanded the report from the District and Session Judge Mianwali in three days. It was reported that when the Chief Justice of Pakistan was announcing the action of suo motto notice on the issue, the *nikah* was being solemnised. Shortly after getting the orders, a large contingent of police, DCO Saleem Sher Afghan Kiyani and SSP Rao Sardar Ali Khan reached the place. The timely intervention of the concerned authorities stopped the *rukhsati* of six of the eight girls forced in to fraudulent marriage.

The next day District and Session Judge Mianwali, Rao Akbar Ali Khan on the direction of the Chief Justice of Pakistan started inquiry under the suo motto notice. Both parties were summoned and the

statements were recorded. The girls were also produced before the court and they were below 18 years. At that moment, some people belonging to both parties expressed their disliking over the handling of girls for the settlement of dispute. Some people claimed that they even tried to stop Atta Muhammed from doing this but he remained adamant and insisted on going ahead with the plans. The murderers family had agreed to hand over girls, one of whom as young as three and the other one was only five, to the male members of the families of the murder victim.

On the direction of the Punjab Governor Khalid Maqbool, the Provincial Law Minister Rana Ejaz visited the area and talked to both parties. He was told that the matter has been resolved and the money will be distributed among members of the aggrieved party, according to

the *Shariah*. It was said that the Nawab of Kala Bagh Malik Asad took this decision according to the tradition of the tribe but later it was reported that this decision was taken with the consent of the both parties.

Rana Ejaz Ahmad Khan has said that the government is trying to make laws for abolishing the custom of *wanni*. It is expected that in future, stringent action will be taken against the perpetrators. He added that a law proposal prepared by the human rights commission has been

presented to the governor of the Punjab to abolish the tradition of *wanni*. Moreover, the provincial minister lamented the fact that no religious scholar raised voice against such a heinous act. He said that there will be a ban on the handing over of girls to settle a dispute and it will be considered an act illegal in essence, and

the violator will be punishable for seven years. Illegal *panchayat* decisions will not be tolerated in future. The minister also directed the district administration to take action against the guilty people. The District and Session Judge Rao Akbar Ali Khan has completed the judicial inquiry and has sent the report to the Chief Justice of Supreme Court. Both parties have given written agreement of their reconciliation. Maulana Ghulam Rasool has informed the court that the *nikah* was solemnised with the agreement of both parties. One fails to understand that why the Maulana agreed to solemnise the *nikah*, and why didn't he try to stop it. He could have tried to make them realise the grotesque side of this decision.

While talking on the issue, Barrister Aitzaz Ahsan said,

I agreed to this nefarious settlement in order to save my father," this was remarked by 18-year-old Sardaraan Bibi, one of the victims forced to solemnise *nikah* to 80-year-old Ata Muhammad. The much publicised and widely condemned tribal settlement in which four convicts in Abbakhel (Mianwali) saved their lives by giving eight million and six girls to the victims party.

Indeed, it is an mind boggling incident. It has shamed the entire country and especially the ones who claim that we are living in a modern state. What has those people got to say now? As if the Meerwala incident was not enough to open our eyes to the inhuman treatment of women, this case surfaced. It is hoped that the so called NGO's and human rights organisations will try to uproot this social and traditional menace.

On the evening of July 22, people from all walks of life were heading towards Abbakhel to witness the out-of-court settlement of double murder between the two tribes Maddi Khail and Gohar Khail.

Enmity between the tribes triggered over a four-canal piece of land. To settle the dispute, a *panchayat* headed by the Ex-governor West Pakistan Nawab of Kala Bagh Malik Ameer Mohammad Khan's son Malik Asad Khan, along with other prominent figures gave this verdict. Although, it has been reported that Malik Asad Khan denied surrendering of girls in the Abbakhel deal. He claimed that on the assurance of the exclusion of girls from the agreement, he agreed to play the mediatory role in the dispute. Among the three tribes, living in this area, only the Niazi's have this tradition and both these sub-tribes belonged to the Niazi caste.

On July 23 and 24, the Chief Justice of Pakistan Justice Sheikh

"Section 6 of the Zina Ordinance states that cohabitation with a woman not validly married to the accused and against or without the legal consent of the victim is punishable with death." He also referred to Section 11 and 15, specifying that a person, who participates in the compelling of a woman to marry or is party to a kidnapping, knowing that it is likely that she will be compelled to marry a person against her will, is guilty of an offence punishable with imprisonment for life.

It is pertinent to mention here that the custom is being widely practised in the area. Both tribes of Abbakhel belong to Niazi. Their occupation is agriculture and marriage of girls in return of settling of a dispute along with handsome money is a tradition which is centuries old, known as *wanni*. Both the girls who were married on allegedly fake *nikahnama* said that they did it in order to save their families from the decades old enmity.

The exchange of girls for the settlement of a dispute is common in District Mianwali and the surrounding areas. These girls are named as *Sharam* or *Saakh*. Its history dates back to 400 years when about 800 individuals of two pathan tribes were killed. The dispute was settled by the then Nawab of Tanak. It was decided by the *jirga* that the girls will be given to the aggrieved party for settling the dispute. The respectable of the *jirga* were of the view that with the formation of new relations, the enmity will end. Such decisions have been taken in the past.

The plea taken by both the parties was on the basis of *Qisas*. They referred to this Islamic conjunction to justify their action. But they forgot that the Islamic provision of *Qisas* does not permit a human trade. The consent of girls is mandatory in *nikahnama* which is conveniently forgotten at the time it is being solemnised by the elders of the family.

Is this what we call a civil society, where individuals are supposed to be free to exercise their basic rights. Haven't we become a laughing stock in the world because of such incidents, and yet we profess that we are living in an Islamic society where women have been granted rights to live a decent life in the society. ■