

DYNAMICS OF MUSALIHATI ANJUMAN IN CONFLICT MANAGEMENT AT LOCAL LEVEL (A CASE STUDY OF MIANWALI, PUNJAB)

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Abstract

This paper is focused on growth and development of the institution of Musalihati Anjumane (Musalihati Anjumane is a community-supported Alternative Dispute Resolution (ADR) mechanism at the level of the Union Council (UC), the lowest level of local government in Pakistan). Musalihati Anjuman (MA) was part of the devolution of power plan. Musalihati Anjumane being a local arbitrary mechanism was considered as a hope for the solution of problematic issues related to poor. Owing to its mandate, an ultimate question about the working and effectiveness of MA arise in mind. Main findings of the study clearly ascertained a positive role of Musalihati Anjuman. Based on the hypothesis that MA is a hope for the solution of the problems of poor women, some specific objectives were set for the study. The study was aimed to differentiate between systems of arbitration, impact of economic factors in conflict management and observance of cultural norms and values by the MA. Anthropological research methods were applied to collect field data from Kalabagh, District

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Mianwali, and Punjab, Pakistan. The empirical evidence confirmed more reliance on informal patterns of decision making than the formal judicial apparatus. In case of the procedures of MA, the arbitrary system was pro poor as the fee involved was either minimal or negligible. The results also confirmed the observance of cultural norms particularly in providing solution for women's personal and domestic issues. Various impressions and interpretations of Musalihat Anjuman by women were a reflection of their confidence in the arbitration practices.

Keywords: *Musalihat Anjuman, Arbitration, Women issues, Judiciary System, Economic factors, Cultural values*

Introduction

The issue of arbitration to resolve social problems at community level is a long debate in academic arena of social sciences. It is also a fact that conflict resolution has always been a crucial factor amongst socially hierarchical societies, like Pakistan's Punjab. In this region, various models and approaches ranging from formal to informal have been tested to resolve problems at the community level. Amongst them, the famous included *Punchayat* (Punchayat is a place where the people of Punjab are gathered to solve their problems), *Jirga* (Hujra is a place where the people of Pathan are gathered to solve their problems), and *Aoutaq* etc. The results produced by these mechanisms have produced mixed consequences; however, none of them could encompass the vibrant dynamics of changing social patterns. As an integral part of the devolution of power plan of Government of Pakistan, the concept of Musalihat Anjuman was introduced for the resolution of conflicts at the local level through an assembly of local leaders. Devolution of power offers people opportunity to work towards the solution of their socio economic problems and disputes arising out of their daily life, it provides an opportunity to solve the problems of the people among themselves (Kalanauri, 2009). Devolution will provide an opportunity for people, particularly people from low-income communities to fulfill their basic needs, achievement of destinies and to overcome their mental stress through local decision-making processes and the implementation of development projects. The local communities may have a platform which may provide a consultancy to the people

for their problematic issues to highlight them at government level through organized structures such as Citizen Community Boards (CCB). If devolution of power is implemented properly there would be a real possibility for the ordinary people to get the power and to influence change. General Pervez Musharrafⁱ presented these terms present the devolution of power. He claimed that devolution was the beginning of constructive, democratic dynamic revolution whose sole objective was to put the power in peoples hand to shape their own destiny, an unprecedented transfer of power will take place from the elites to the vast of majority (ICG, 2004). Musalihat Anjumane aims to provide its welfare services to all segments of the society. The first and foremost preference of the Musalihat Anjumane is to safeguard and promote the rights of women and its lawful entitlements by offering them an Alternative Dispute Resolution (ADR) mechanism at the local level. The Anjumane solve the domestic problems of the women, and is located within the society so as to provide an easy access to them.

The Section 102 of local government organization LGO provided for the establishment of Musalihat Anjumane. The Anjumane was required to be constitute in each *union council* and consisted of three members, one of whom would be the convener. The members were nominated by *Insaf* (Justice) committees, which in turn were elected committees constituted at the district court level. Local government *Nazims* (Nazims are elected through local Government Ordinance, through elections to solve and manage community problem) were not eligible for nominations to the Anjumane. The Anjumane empowered to facilitate and mediate any dispute, civil or criminal, at the local level, whether or not it had been registered in court of law. Courts could also refer disputes to Musalihat Anjumane for settlement within a specific period for resolution. However, no legal practitioners were allowed to take part in the proceedings of the Anjumane.

The present study can be viewed in the perspective of feminism which; Feminist studies focused the major role of institutions for gender inequality early and continually (Elson, 1991). Jutting argued that patriarchal structures perpetuate gender inequality. To overcome it, women must challenge existing power relations and change or abolish patriarchal institutions (Jütting, 2005). Lott said the movement of feminism was approached by the fact that women as a group were not getting their equal rights and all the power and basic opportunities were only for men, and women subordination is one of the major problems of that time.

After the feminist movement and analysis, the subject of women's problem and their important role in society came to be noticed by social Anthropologist and they started taking interest in women's life and their role in family and in society. As a social Anthropologist started studying women life, they became able to get idea about consequences, major events of women's life (Lott, 1987). Anand (2002) conducted the study on the fact that women are the victim of crime and has lower status in all lifestyle. He said violence against women is not a new phenomenon, women are facing it throughout the history, and they are the subject of violence by her husbands, brothers and fathers. Almost in every part of the world, women are maltreated, abused and exploited. However, every society claims to give high status to women but this in reality it is not true and they are facing exploitation in all lifestyles (Anand, 2002). Becker said in very general terms, women's status improvement is a dynamic process and many factors contribute to the reduction of gender gaps. This trend is based on the fact that women were historically disadvantaged in the gendered division of labour. While men were bread winners of families and dominated the gender relationship, women were responsible for human reproduction and household chores. (Becker, 1991). Hashmi (2000) explains the women status and rights. He said that women can enhance their status and they can achieve all things through education so women must concentrate on their education, and they can solve their all problems through education (Hashmi, 2000).

Xiaogang quoted it is clear that not only is women's status relative to men's affected by the visible hand of the state, also subject to marriage and family relationship constraints. In other words, to understand the process of women's status change at the societal level, particular attention needs to be paid to women's relative status to their marital spouses within the family (Xiaogang Wu, 2014).

A brief introduction of MA is given to facilitate the reader. Arbitration agreement means an agreement by the parties to give in to arbitration all or certain disputes which have arisen or which may arise between them; arbitration agreement may be in the form of an arbitration clause in a contract or in the form of a separate contract (WIPO, 2009). Simple clearly drafted arbitration clauses will avoid ambiguity and disputes as to their meaning and effect. They will minimize the risk of time and cost being spent on disputes regarding, for example, the jurisdiction

of the arbitral tribunal or the process of appointing arbitrators. In all cases, ensure that the arbitration clause conforms to any relevant applicable laws (Berg, 2011).

Hypothesis and Objectives

The research was based on a supposition that Anjumane is considered as a hope for the solution of the problematic issues related to poor women. Musalihat Anjumane an ultimate question about its working and effectiveness arise in mind. If the Anjumane is working properly its work must be reflected in the form of positive development in the community and how the government and society maintains its sustainability and find out the reasons for which women prefer Anjumane than court. In the light of hypothesis, following objectives were set for this research:

- To compare between the Judicial Courts and Anjumane.
- To evaluate economic factor involved in conflict resolution.
- To access if the Anjumane corresponds to cultural norms and values

Methodology

Being an anthropological research the data was collected through the approach of qualitative methods. Whereas the methodology was a combination of tools and techniques used for data collection (Pelto, 1978). During the field work snowball sampling was used to ensure the relevant presentation of the sample size. A close interaction with members was maintained to observe the ongoing situation very closely. Participant observation helped to differentiate between “what they say and what they do”. Informal/un-structured and structured interviews were conducted with a sample of population of 100.

Findings

A multiplicity of data collection methods had helped to verify and re-verify information. The respondents were contacted several times for details in-depth views to rove the findings.

Comparison between the Judicial Courts and Anjumane

The judiciary is the method of courts that understands and put on the law in the name of the state. The judiciary also provides a mechanism for the resolution of differences. Under the code of the separation of powers, the judiciary generally

does not make law or enforce law but rather infers law and put on it to the facts of all cases. This branch of the state is often tasked with safeguarding equal justice under law. It usually consists of a court of final appeal (Supreme Court), organized with lower courts. Court system of Pakistan is made up of many courts differing in levels of legal superiority and separated by jurisdiction. Whereas the model rules of Business for Musalihat Anjumane, an alternative dispute resolution mechanism for arbitration, mediation and reconciliation of disputes relating to violence and abuse authorized by the Local Government Ordinance 2001 as an. The active involvement and support of a former female Supreme Court Judge accelerated the process of acceptance and buy-in within the legal and administrative circles resulting in a speedy notification of the rules (Chughtai, 2011). During field work the interviews and views had been taken from women for comparison the Anjumane and Court. Women had the view that Anjumane and court was legally authorized by government. Musalihat Anjumane was working in the devolution of power, consisted in Union council so its main focus was on local and community based problems, Anjumane could not solve the large scale issues. As compared to court, it had the authority given by government. It could use the police power. So court focused on all major issues as well as local level problems.

Women had multiple views for the working structure of court and Anjumane. According to 57% of women Anjumane is a better place for the poor women where they go easily to solve their problems. It is very difficult for them to go court for their domestic problems. Women had the view Anjumane is the best platform for the women; it should remain for the long period of time. Anjumane solved domestic issues in a very short period of time. Women did not face difficulties and problems in Anjumane; also women have not pay fee to the Anjumane. It is free of cost and one may solved all type of problems. According to 43% of women court is better, of law court decisions were more effective, if they would have money, and they had preferred the court. The poor condition of women compelled them to go Anjumane rather court.

Table 1: Anjumane Role better than Court

Anjumane Role	Women	Percentage
Better than Court	34	57
Not better than court	26	43
Total	60	100

Source: Socio Economic Survey

Table shows that 34 women preferred Anjumane. Women had the view Anjumane was a better place for resolution of the conflicts. 26 women had the view court system was a better place if they would have money, they had preferred court.

Economic Factor of Anjumane

In formal judicial system, there is a long list of costs involved at every step. It includes transportation expenditures, lawyer fees etc. Everyone had no capacity to face these costs. So it was a necessary for a poor, there should be a platform where they can solve their problems. Musalihati Anjumane was a better to solve problems, where poor did not face cost at any step. But sometimes members of Musalihati Anjumane received *rishwat* from some parties. In return members molded their decision towards these parties. Members did not justice with the women. Members did not perform justice, so some women wished if they would have money, they would have preferred courts. So in depth interviews from the women researcher analyzed that no employee received the fees from women.

Table 2: Economic Factor

Fees	No of Women	Percentage
Nil	41	67
Low	19	32
Total	60	100

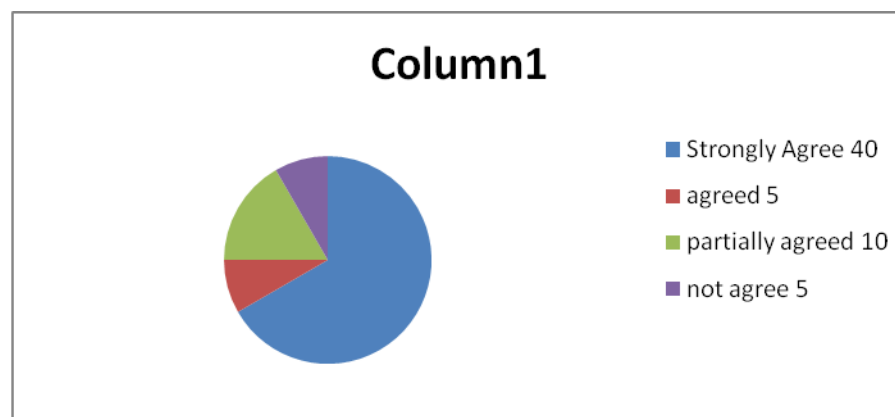
Source: Socio economic survey

Table shows 41 women said members did not receive fee from them and 19 members said they received money but as a *rishwat* (Bribery).

Traditions employed by Anjumane

Tradition is one of the key concepts in anthropology; it can be said that anthropology is the study of tradition in traditional societies. It was amazing to note that there is a very little convergence on the definition of tradition amongst the anthropologist, based on the assumptions that small differences in definition are just technical. Traditional cultural follows reflect values and beliefs held by members of a community for times often straddling generations. Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women. The research analyzed cases which were solved in Anjumane; members followed the society traditions and norms. All cases were solved on social law, norms and values. Members of the Anjumane had given importance to the society norms, value and traditions because they had been the part of that society. They knew all the complications and customs of the society very well. Women came in *purdah* (Veil) no one forced her to remove her veil. If women did not want to contact direct with a male member, then a female member talked to her. No one used abusive language with women. Members did not reveal women secrets to others. The problems which were purely related to women; members did not discuss openly. So members cared the women integrity, honor and solved problems in way women did not feel shame in a society.

Figure1: Status of Anjumane



Source: Field Data

Women attitude towards Anjumane

Women attitude towards Anjumane was based on their social status. Hierarchical factor was also involved. Women who belonged to rich families they did not prefer Anjumane. The women who had superior cast, they did not prefer Anjumane. Women had the view if they would have solve their problems through lower cast, it would have effect their prestigious and respect. They had enough resources to go court; so they preferred court system than the Anjumane. Other women had limited income resources; they had the view problems which were solved in own community were preferable than court. Women said, “In courts we spent a lot of money, in return we also lost our respect in community. Women went to court; they did not consider prestigious women. Poor women preferred Anjumane, they had no other option. Women perceived role of Anjumane in their lives on some basic points

- Support Mechanism
- Social Threat
- Justice providing Agency
- Pro- women approach

Table 3: Women perceived role of Anjumane in their lives

Women’s attitude	Positive attitude	Percentage	Negative Attitude	Percentage
Lower Status	21	57	13	57
Medium Status	14	38	9	39
Higher Status	2	5	1	4

Source: Field Data

Table shows that 21 women of lower status have positive attitude towards Anjumane and 13 women had negative attitude towards Anjumane. 14 women of medium status had positive attitude and 9 women had negative attitude. 2 women of high status had positive attitude and 1 woman had negative attitude.

Access of Women to Anjumane

The research analyzed, women had the view all cases could not reach to Anjumane. Research covered 60 effected women, took interviews and case studies. Some cases reached to Anjumane and some could not reach to Anjumane. Some women had no knowledge or any type of awareness about Anjumane. They first time came to know about Anjumane. The cases which were taken to Anjumane were divorced cases and property cases. In some cases the people wanted to keep their information confidential, they wanted to keep privacy so people did not bring cases in Anjumane. Women said, “If the information is shared publically they might be punished by their males”. There were some reasons the cases could not reach to Anjumane.

- Ignorance/awareness
- Cultural barriers
- Absence of female member of Anjumane
- Lack of trust
- long time in proceeding
- Nonexistence of office
- Integrity of male members of Anjumane

Table 4: Cases reached to Anjumane

No of Cases	No of Women	Percentage
Reached	37	62
Do not Reach	23	38
Total	60	100

Source: Field Data

This table shows that 37 problems reached to the Anjumane and 23 problems did not reach to Anjumane.

Table 5: Women problems access to Anjumane

Women's Problems	Cases Reported	Cases Resolved
Divorce Problem	26	20
Property Problem	17	13
Women Violence	7	1
<i>Wata Satta</i> Problem	2	0
Marriage Problem	3	1
Literacy Problem	5	2
Total	60	37

Source: Field Data

The table shows 26 interviews were taken from divorce women but only 20 divorce problems were reported, 17 interviews were taken from women who had property problem but 13 were reported to Anjumane. 7 interviews were taken from women who had domestic violence but 1 was reported to Anjumane. 2 interviews were taken from women who had *Wata Satta* (Exchange marriage) problem but not only single case reported to Anjumane. 3 Interviews were taken from women who had problems in their marriages and maternal lives but only 1 case reported to Anjumane. 5 interviews were taken from women who had literacy problem but 2 cases were reported to Anjumane.

Women View about Anjumane Members

Women had different view about the female member of the Anjumane. Women said female member of Anjumane did not take part in any decision. Miss Begum was an illiterate lady even she could not give her number to any member. Even if female needed her phone number, she used to give her son's mobile number. Women said they needed a female member where they could easily share their

personal problems without hesitation. Because some problems were only related to female, so they could not tell to male member of Anjumane. Women had the view about male member of Anjumane was mixed. Women said, the behavior of male member was good. Male members were the part of their own society so they could easily interact with them. Members which were selected for member; they were prestigious and respectable. Women said that they could easily communicate to male employee. But sometime members were selected on reference basis; their behavior was not good and they also had not a good repute in community; so women did not cooperate with male member. Most of the women were of the view that Anjumane decisions were quite right.

Table 6: Women view about Anjumane Members

Contribution of female member	Women View	Percentage
Yes	9	15
No	51	85
Total	60	100

Source: Field Data

Table shows 9 women had the view female member took part in the cases and 51 women had view female member did not take part in cases.

Contribution of Male Member	Women Views	Percentage
Yes	47	78
No	13	22
Total	60	100

Source: Field Data

Table shows 47 women were satisfied with the behavior of male member. 13 women were not satisfied with the behavior of the male members of Anjumane.

Conclusion

In the research Researcher faced many problems to get the original anthropological data but those were solved by using different anthropological techniques and methodology. Most of the case studies in the research clearly give the concept and importance of Musalihat Anjumane and its affecting role. I found that factors which were involved in the adaptation of Musalihat Anjumane as a platform for the solution of their personal problems and domestic issues. By using the snow ball sampling the problems, issues and the origin of those problems and issues was studied in detail. Different views about the Musalihat Anjumane by women were collected and analyzed. The role of Musalihat Anjumane was not equally acceptable by all type of women.

First of let us discuss the participation of women staff in the issues. Anjumane working in Kalabagh has only female employee. The participation and interest of that only woman in the cases is least. Almost all the women have some consensus about the role of the female employee in the Anjumane services from the field data I found that the women feel some hesitation while interacting with male employee of the Anjumane so Anjumane should ensure the participation of the female employee in the cases. Similarly a woman can easily understand the women problems. They can easily share what they cannot share to males. During research in some decision the biasness is observed. According to some women of the locale the involvement of male in their decision influenced the decision badly. The decisions were Male centric. The powerful males have an influence on the employee of the Anjumane and hence the decisions are not done on the base of justice.

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