

Does Inequalities of Legal and Political Rights Affect Female Quality of Life in Tribal Area: (A Case Study of Kurram Agency)



Ahmad Khan	Department of Sociology, University of Peshawar, Pakistan
Dr. Majid Khan	Department of Rural Sociology, University of Agriculture, Peshawar, Pakistan
Dr. Latif Ullah	Department of Criminology, University of Malakand, Pakistan
Marjan Gul	Department of Pakistan Studies, Islamia College University Peshawar, Pakistan

Abstract: *The current study was formulated to investigate inequalities of legal and political rights that affect female quality of life in Federally Administrated Tribal Area (FATA). A sample of 279 was randomly selected for data collection through interview schedule from the respondents belonging to four villages of Kurram Agency. Statistical tool (Chi- Square Test) was used to measure the association between dependent and independent variable. The results reported a significant association between tribal female deprived from legal and political rights ($P=0.000$), constitutional rights have not been given due to Frontier Crime Regulation FCR ($P=0.002$), tribal representatives do not making legislation for protection of female rights ($P= 0.002$), Frontier Crime Regulation (FCR) system is responsible for low female quality of life in FATA ($P=0.000$), Pakistan government having weak control over tribal affairs which affect female quality of life ($P=0.000$), FATA do, not come under the jurisdiction of Pakistan supreme court and high court ($P=0.000$) with female quality of life. The study recommends that female quality of life in FATA can be improve by providing constitutional rights, discouraging all norms on the basis of patriarchy and misinterpretation of religion.*

Keywords: legal rights, political rights, quality of life, Chi-square.

Introduction

The women population of depends directly or indirectly on men. They avail less opportunities in all fields of life such as education, land property, credit, health and paid jobs due to their low status in the world. Around two billion people in the world are considered poor and the two third of these are women. Women having more hours of work compared to men but earn less because 60 percent of women are unpaid workers. Only 1% of total world assets are on women name (Rahman and Naoroze, 2007). About half billions of women living in the world are Muslim and reside in fifty Muslim majority countries. They face more problems compared

to the women in the rest of the world. They do not have access to the outside world from their houses. In majority of the Islamic world, women are not only controlled by the male members but also male family members consider themselves as the custodians of women. Further, low level of education, less control over resources, early marriages, less mobility, high fertility, low participation in jobs and freedom of choice are the main issues of Muslim women (Sidani, 2005). Most of the Muslim countries, there is high level of gender gap, low women status and empowerment. The gender gap in some of the developed Muslim countries is better compared to poor Muslim countries. Islamic countries having two types of law system, one is civil law

and the second is Islamic Sharia. However, the Islamic law is not properly interpreted and therefore, it was criticized for little impartiality in favor of male. Poor economic conditions, lower education and less health facilities are the main issues of South Asia women living in the Islamic World (Offenhauer, 2005).

Moreover, Pakistan is male dominant society and there is rigid division of labor that made restrictions on women to express this freedom of movement. The role of women in Pakistani society is associated within the family. The main functions have to bearing, rearing and caring of children. They are far behind in the field of education, employment, decision making, political participation, access to health, decision making process, investments and job opportunities. The position of women is not satisfactory and discriminated in many ways despite of the fact that all the citizens of Pakistan irrespective of caste, religion and sex are equal under the constitution of Pakistan 1973. Pakistan had initiated different conventions related to gender equality and violence against women in connection with the quality of women life. Pakistan had launched National Plan of Action (NPA) for women on August 14, 1998. The focus of this plan was on twelve critical areas such as women health, education, poverty, power and decision making, armed conflict, human right, media and girl child. On March 8, 2002, National Policy of Development recommended to improve the quality of life of Pakistani women and remove discrimination against them in all the fields of life especially education, economics, health, politics and employment (Tisdeed, 2002).

Furthermore, the condition of women in tribal area is terrible as compared to settled area of Pakistan. Health of tribal women has again affected due to lack of access and existing to basic health facilities. There are few professional doctors and lady health workers which is insufficient for the rest of FATA. Due to extreme level of discrimination against women in tribal society, the health facilities are not being accessed and fulfilled properly. Women cannot take decision without the consent of men. Many times, quality of female

life is compromised due to lack of basic health awareness. The burden of female household duties combined with reproductive one result both physical health problem and acute psychological problems. They also face cultural taboos in case of consulting doctor. They are based on false traditions and religious beliefs (Sathar, 2000). Further, security and political situation is another problem which is now a day common for women in FATA. In fact, women in tribal areas have been become the victim of double discrimination since the beginning of colonial era of British rule to successive governments after creation of Pakistan in 1947. Under the Frontier Crime Regulation (FCR) women suffered both from patriarchy based social system and law and order situation which made FATA a safe haven for insurgents and criminals. Women mobility and basic human rights have been further restricted due to deteriorated law and order situation (Khan, 2009).

The Dawn Newspaper (1995) reported that Khyber Pakhtunkhwa, Azad Jammu and Kashmir and Federally Administered Tribal Areas (FATA) have high level mortality rates. It is difficult to approach to basic healthcare because mountainous areas and local norms and tradition that hinder mobility of women. Most of women died during the pregnancy due to lack of transport and communication services. Millennium Development Goal (MDG) founded that more than 350,000 women died from preventable problems related to pregnancy and childbirth every year. Ibrahim (2005) viewed that cultural pattern does not permit women to enjoy their legal rights given by Islam and protected by the court of law. Pakistan is an Islamic country but wrong interpretation of Islamic laws by our culture has deprived the women from the very basic rights of life. The women quality of life is further severely affected due to our strong traditional system. The women cannot raise their voice against fathers, brothers and husband violence as all resources are in the control of male members.

Additionally, Khan and Afridi (2010) founded that the main pillar of tribal judicial system is the Jirga. All the powers are exercised by the tribal

(chieftain) such as Mullah and Clerics. Women are not allowed to take participate physically in Jirga, even matter relevant to them. Women are totally dependent on men and women are not in that position to empower women in decisions making process. Further, Khan (2012) concluded that the women in Pashtun society are treated in a different way. Women represent as a source of honor (IZZAT) for men in the whole tribal region. They are bound to remain at home and are not allowed to take part in any social business. They feel frightened to go outside home without a company of male blood relative who is considered as a protection for her honor. Shah (2012) found that all the decisions relating to tribal women are made on the basis of tribal customs and traditions. No act of parliament is implemented on federally administered tribal areas under the article 47 of the constitution. There is no jurisdiction of Supreme Court and High Court over tribal areas. The National Commission on Status of women called upon the president in January-2012 to extend the women friendly legislation to tribal areas.

Methodology

Universe of Study

Kurram Agency was the universe of the study. It had three administrative divisions namely Lower Kurram, Central Kurram and Upper Kurram. The major tribes living in kurram agency were Turi, Bangash, Mangel, Maqbal, Ghiligi, Maso Zai and Ali shirzai. The Agency was covering a total number of 3,380 sq. km with total population and household of 448,310 and 39435 respectively (1998 Census Report). It was the third largest Agency of FATA. Due to the size of the area and population, it was not possible to collect data from the entire Agency. So the data for the present study were collected from the tribe of Ali Shirzai. According to 1998 population Census Report, the total households of Ali Shirzai tribe were 4495 households respectively. However, for present study, data was collected from 4 randomly selected villages namely Tindo, Wrasta, Mirbagh and Tandoori. In the selected villages in Kuram Agency not only represented the pure Pashtun culture but also had been the victim of insurgency in FATA which ultimately affected the quality of female's

life particularly.

Sampling procedure and sample size

All the households belonging to Ali Shirzai tribe were the potential respondents of the study. According to Tribal areas 1998 Population Census Report, there were 4495 households in the selected villages. Though a large family size gives better results but due to time, financial constraints and human resources constraints, data were collected from 279 households. The sample size was drawn by keeping in the view table designed by the Sekran (2003). Proportionate sampling procedure was used to select the sample size from each of the selected villages, while lottery method of simple random sampling method was used to pick the samples from each of the selected villages (for more details see table).

Sampling and Sample Size

S.No.	Names of villages and their population	Total Households	Sample Size
1.	Tindo	390	108
2.	Wrasta	165	46
3.	Mirbagh	175	48
4	Tandoori	277	77
Total		1007	279

Sources: Preliminary Survey and 1998 Population Census Report.

3.3 Methods of Data Collection

An interview schedule was designed in the light of the objectives of the study. It was pre-tested in the study area and necessary changes were made in the interview schedule in the light of pilot survey. For the collection of information from the potential respondents, three females were trained who approached directly to respondents of the study (females) in order to make it possible to collect data from them while keeping all ethical considerations in prior view of the tribe.

3.4 Conceptual Framework

S.No.	Independent Variable	Dependent Variable
5.	Lack of Legal and Political Rights	Quality of life

Results and Discussion

Univariate Analysis of Legal and Political Rights

Frontier Crime Regulation is one of the black laws which was promulgated by the British empire during colonial era and still prevails in Federally Administered Tribal Area (FATA) of Pakistan. Unlike the other areas, all the powers are exercised by the political agent in FATA. This directly affects the quality of life of the females but the males as well.

The Table states that 46.2% of the respondents were of the opinion that they lack legal and political rights whereas 34.1% of the respondents negated it. This was followed by 19.7% of respondents who were not fully aware of lack of legal and political rights. Regarding the statement about Frontier Crime Regulation (FCR), 98.9% of the respondents were of the opinion that their constitutional rights have not been defined in FATA due to FCR while 34.1 and 19.7% of the respondents either disagreed or were uncertain in this regard. About their FATA representative's role in legislation for female a 58.4% of the respondents were of the view that they do not have any role for tribal females while 21.9 and 19.7% were either disagreed or not sure about the statement. All the issues in tribal areas are solved through Jirga system. A 59.5% of the respondents reported that tribal women are excluded from the Jirga system whereas the remaining 28.3 and 11.8% of the respondents were either disagreed or uncertain about the exclusion of women from the Jirga system. A 99.3% of the respondents further reported that Frontier Crime Regulation (FCR) is responsible for low female quality of life in FATA whereas 0.7% of the respondents were of the opinion that FCR is responsible for low quality of life. Similarly, 43.4% of the respondents were of the opinion that performing political activities is

good for tribal women while 41.6% of the respondents said that performing political activities is not good for tribal women while 15.1% of the respondents had no idea about the participation of tribal women in political activities. As far as the legal control of Pakistani government over tribal area is concerned, a 58.8% of the respondents had reported that there is no legal control of Pakistani government over tribal areas while 30.8% of the respondents disagreed and 10.4 percent of the respondents had no idea about the legal control of government over tribal area. In the same way, 65.6% of the respondents were of the view that women are not allowed to become MNA in FATA while 27.2% of the respondents had no information about the representation of tribal women in national assembly and 7.2% of the respondents were of the opinion that they are allowed to become MNA. About judiciary as one of the basic pillars, 53.4% of the respondents reported that FATA does not come under the jurisdiction of Pakistan Supreme Court and High Court while 25.4% of the respondent did not agree in the above statement and 21.1% of the respondents were unaware about the control of Pakistan supreme court and high court over tribal area. Regarding the responsibility of government, 81.4% of the respondents were of the view that government is responsible for low quality of female life in FATA while 18.6% of the respondents disagreed to the above statement. A 45.9% of the respondents reported that FCR should be replaced with the current political system in other areas in Pakistan whereas 39.1% of the respondents found disagreed with the opinion.

The Table as a whole shows that the achievement of legal and political right is only possible if the current FCR system should be replaced with the current political system in Pakistan. The quality of women life can be improved in tribal area only if we give representation to women in the parliament. Khan (2009) in this regard stated that in fact, women in tribal areas have been become the victim of double discrimination since the begging of colonial era of British rule two successive governments after creation of Pakistan in 1947.

Under the Frontier Crime Regulation (FCR) women suffered both from patriarchy based social system and law and order situation which made FATA a safe haven for insurgents and criminals. Women mobility and basic human rights have been further restricted due to deteriorated law and order situation. Further Daily Express (2011) reported that the women in tribal areas want immediate actions to change the fate of their life. They want constitutional rights which have already been given by Pakistan government to the rest of country's

women. The honour and right of FATA women cannot be improved under the FCR and Jirga system. Similarly, UNESCO (2006) quoted that gender representation is low almost in all fields of life especially in political institutions. It has further restricted women to make required legislation for women protection, equality and better socio-economic status. All these made extremely difficult for women to excel the male status and improve environment for a healthy life.

Univariate Analysis of Legal and Political Rights

S.No.	Statement	Yes	No	Uncertain	Total
1	Tribal women you fell lack of basic legal and political rights	129(46.2)	95(34.1)	55(19.7)	279(100)
2	Constitutional rights have not been defined for tribal women due to FCR	276(98.9)	3(1.1)	0(0.00)	279(100)
3	Tribal representatives do not making legislation for tribal women	163(58.4)	61(21.9)	55(19.7)	279(100)
4	Tribal women are excluded from the Jirga system	166(59.5)	79(28.3)	33(11.8)	279(100)
5	Frontier Crime Regulation (FCR) system is responsible for low female quality of life in FATA	277(99.3)	2(.7)	0(0.00)	279(100)
6	Performing political activities you think is not good for tribal women	116(41.6)	121(43.4)	42(15.1)	279(100)
7	There is no legal control of Pakistan government over tribal area	164(58.8)	86(30.8)	29(10.4)	279(100)
8	Women are not allowed to become MNA in FATA	183(65.6)	20(7.2)	76(27.2)	279(100)
9	FATA do not come under the jurisdiction of Pakistan supreme court and high court	149(53.4)	71(25.4)	59(21.1)	279(100)
10	Government is responsible for quality of female life in FATA	227(81.4)	52(18.6)	0(0.00)	279(100)
11	FCR should be replaced with the current political system in Pakistan	128(45.9)	109(39.1)	1(.4)	279(100)

Bivariate Analysis**Association between Legal and Political Rights with Female Quality of Life**

The table states quality of life was significantly associated with the statements, tribal women feel lack of legal and political rights ($P=0.000$), performing political activities is not good for tribal women ($P=0.000$), women are not allowed to become MNA ($P=0.000$), no legal hold of government over tribal area ($P=0.000$), government is responsible for low female quality of life ($P=0.005$), FATA do not come under the jurisdiction of Pakistan supreme court and high court ($P=0.009$), tribal representative do not make legislation for tribal women ($P=0.011$), tribal women are excluded from Jirga ($P=0.024$) and FCR should be replaced with the current political system ($P=0.027$). Those statements found non-significant included, constitutional rights have not been defined due to FCR ($P=0.283$) and frontier crime regulation system is responsible for low female quality of life in FATA ($P=0.912$).

The table concludes that women in tribal area have lack of legal and political rights. It was difficult from tribal women to take participation in politics nor allowed to become MNA from

FATA. There was no legal and total hold of Pakistani government over tribal area and government is responsible for low female quality of life in FATA. Tribal representative did not make legislation for tribal women. Tribal area also did not come under the jurisdiction of Supreme Court and high court and women are also excluded from Jirga system. Khan, (2009) in this respect states that there is discrimination found among tribal women along the border area of Afghanistan and Pakistan since the begging of colonial era of British rule and after the creation of Pakistan. Under the Frontier Crime Regulation (FCR) women suffered both from patriarchy based social system and law and order situation which made FATA a safe haven for insurgents and criminals. Express, (2011) reports that, women in tribal areas want immediate actions to change the fate of life. They demand their constitutional right which has already been given to the rest of other Pakistani women. Similarly, UNESCO, (2006) quotes that gender representation is low almost in all fields of life and especially in political institutions. It has further restricted women to make required legislation for women protection, equality and better socio-economic status.

Table; Association between Legal and Political Rights and Female Quality of Life

S.No	Statement	Quality of life			Chi square
		Yes	No	Uncertain	
1	Tribal women you fell lack of basic legal and political rights				$\chi^2 = 23.271$ (P=0.000)
	Yes	69(24.7)	55(19.7)	5(1.8)	
	No	44 (15.8)	40 (14.3)	11 (3.9)	
	Uncertain	10 (3.6)	38 (13.6)	7 (2.5)	
2	Constitutional rights have not been defined for tribal women due to FCR				$\chi^2 = 2.526$ (P=0.002)
	Yes	122(43.7)	132(47.3)	22(7.9)	
	No	1(0.4)	1(0.4)	1(0.4)	
	Uncertain	0 (0.0)	0 (0.0)	0 (0.0)	
3	Tribal representatives do not making legislation for tribal women				$\chi^2 = 12.967$ (P=0.001)
	Yes	79(28.3)	65(23.3)	19(6.8)	
	No	21(7.5)	38(13.6)	2(0.7)	
	Uncertain	23(8.2)	30(10.8)	2(0.7)	
4	Tribal women are excluded from the Jirga system				$\chi^2 = 14.521$ (P=0.024)
	Yes	88(31.5)	66(23.7)	12(4.3)	
	No	24(8.6)	48(17.2)	7(2.5)	
	Uncertain	11(3.9)	18 (6.5)	4 (1.4)	

5	Frontier Crime Regulation (FCR) system is responsible for low female quality of life in FATA				
	Yes	122(43.7)	132(47.3)	23(8.2)	$\chi^2 = 0.184$ (P=0.000)
	No	1(0.4)	1(0.4)	0(0.0)	
	Uncertain	0 (0.0)	0 (0.0)	0 (0.0)	
6	Performing political activities you think is not good for tribal women				
	Yes	66(23.7)	43(15.4)	7(2.5)	$\chi^2 = 21.189$ (P=0.000)
	No	50(17.9)	61(21.9)	10(3.6)	
	Uncertain	7 (2.5)	29 (10.4)	6 (2.2)	
7	There is no legal control of Pakistan government over tribal area				
	Yes	89(31.9)	63(22.6)	12(4.3)	$\chi^2 = 24.768$ (P=0.000)
	No	30(10.8)	46(16.5)	10(3.6)	
	Uncertain	4(1.4)	24(8.6)	1(0.4)	
8	Women are not allowed to become MNA in FATA				
	Yes	91(32.6)	73(26.2)	19(6.8)	$\chi^2 = 21.646$ (P=0.000)
	No	12(4.3)	7(2.5)	1(0.4)	
	Uncertain	20(7.2)	53(19.0)	3(1.1)	
9	FATA do not come under the jurisdiction of Pakistan supreme court and high court				
	Yes	80(28.7)	58(20.8)	11(3.9)	$\chi^2 = 13.523$ (P=0.009)
	No	26(9.3)	40(14.3)	5(1.8)	
	Uncertain	17(6.1)	35(12.5)	7(2.5)	
10	Government is responsible for quality of female life in FATA				
	Yes	105(36.6)	99(35.5)	23(8.2)	$\chi^2 = 10.776$ (P=0.005)
	No	18(6.5)	34(12.2)	0(0.0)	
	Uncertain	0(0.0)	0(0.0)	0(0.0)	
11	FCR should be replaced with the current political system in Pakistan				
	Yes	69(24.7)	50(17.9)	9(3.20)	$\chi^2 = 14.216$ (P=0.027)
	No	44(15.8)	57(20.4)	8(2.9)	
	Uncertain	10(3.6)	25(9.0)	6(2.2)	

Conclusion

Quality of life is one of the emerging concepts in the world. A number of incentives and gender based policies have been made to improve the quality of female life in Pakistan. The tribal female are effected by Low female literacy, strong purdah system, male dominant society, Lack of legal and political right were prominent causes of low female quality of life in FATA. Further, lack of participation in political activates, no proper representation in parliament, lack of government responsibility, lack of access to supreme court and high court for their basic rights and exclusion from Jirga system were also contributed to low female quality of life in Federally Administered Tribal Area (FATA). They study recommends that proper policy regarding protection of women rights with strict implementation should be made and vanished of Frontier Crime

Regulation (FCR), providing constitutional rights, discouraging all norms on the basis of patriarchy and misinterpretation of religion to improve female quality of life.

Recommendations

The study suggests following recommendations on the basis of the finding of the study.

1. The role of clergy man and government was extremely indispensable in the improvement of female quality of life in FATA. Islam gives equal rights and powers to man and woman as well. It is also necessary to give power to tribal women in decisions making, participation in jobs and share in family inheritance by using the religious leaders.
2. The quality of tribal women can be improved only if we provide legal and political rights. Right of women representation and legislation should be

given to tribal women in parliament so that they can raise their voice regarding their gender issues and rights.

3. The current administrative system was called exploitative, non-participatory and unacceptable. It should be reformed to ensure rule of law, transparency and common citizen participation in decision making. In this regard jurisdiction of Pakistan Supreme Court and High Court should be extended to FATA as well.
4. The merger of FATA with Pakhtunkhwa is the most popular demand of the people of tribal areas and FCR should be replaced with the current political system in Pakistan.

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