

POLICING IN *PURDAH*:

WOMEN AND WOMEN POLICE STATION, PESHAWAR, NWFP,
PAKISTAN

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Dedicated to Shafaq Haroon with love

PREFACE

This thesis looks into the status and role of the women police stations in the North-West Frontier Province of Pakistan and is based upon the fieldwork conducted in the women police station, Peshawar, and women police station, Abbottabad. Chapter one introduces the research topic and objectives. Chapter two depicts the methods used to carry out the research, the problem encountered in this regard and the way they were taken care of. Chapter three is about theoretical framework. Also, this chapter points out the analytical tools to explain various aspects of the research findings. Chapter four sheds some light on the idea for the establishment of women police stations in Pakistan. Chapter five, chapter six, chapter seven and chapter eight describe and discuss the data collected in women police station, Peshawar, and women police station, Abbottabad. These data, which are interesting and thought provoking, give a vivid account of the ‘working’ of the women police stations in the North-West Frontier Province of Pakistan. And finally, chapter nine gives some recommendations to facilitate women’s access to justice and for a better use of the women police stations in Pakistan.

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A Piece of Poetry

You are the queen of your home
mother of your children
head bent in servitude, how lovely you look
how protected and dignified
you have a right to a pedestal and Heaven
therefore, they tell you for your own good
want you to understand 'the evidence of two women'.
Going out alone is not right
all these comings and goings are improper
this is a heavenly injunction
whoever denies this
is guilty of apostasy
deserves to be beheaded.

Saeeda Gazdar

CHAPTER ONE

1.0) INTRODUCTION OF THE RESEARCH TOPIC

1.1) Abstract

Women police stations staffed by only women police officers were established in Pakistan by the government of prime minister Benazir Bhutto (1993 to 1996). The objective was to provide a relief to those women victims of violence who felt reluctant to approach the male-dominated police stations with their complaints¹. These police stations were also assumed to treat the female accused according to the law and to avoid the abuse of custodial power associated with policemen (*The News*, 26, January 1994).

Initially, these women police stations were established in the big urban centers² of Pakistan. North-West Frontier Province, NWFP³, has two women police stations, one each in Peshawar⁴ and Abbottabad⁵. Till to date not even a single case has been registered in the women police station, Peshawar, since its establishment nine years ago, whereas about 500 cases have been registered in the women police station, Abbottabad, established in 1994. However, in August 2002, the women police station, Abbottabad, was ordered to stop registering any more complaints.

My research, mainly conducted on the women police station, Peshawar, has explored why women don't register cases in it and what are the functions of this police station. A smaller part of the research is also conducted on the women police station, Abbottabad, to make a comparison between the two police stations.

The research findings show that the women police stations are misfits in the male-dominated police system of Pakistan. These police stations are not allowed to register and investigate cases. Most of their staff are untrained and some are even illiterate. They are without necessary infrastructure, i.e. transport, telephone etc. In Peshawar, the policewomen are not even allowed to leave the doorstep of their women police station without the permission of the senior male police officers.

¹ Script of an interview through email by Benazir Bhutto with Guylaine Idoux of French magazine *Elle*. Downloaded in March, 2003 from the website <http://www.ppp.org.pk/articles/article4.html>

² Rawalpindi, Islamabad, Lahore, Karachi, Peshawar, Abbottabad, Multan and Larkana.

³ It is one of the four federating units of Pakistan.

⁴ Capital of NWFP.

⁵ A beautiful mountainous city in the east of NWFP founded by Sir James Abbott, a British civil servant in 1853.

1.2) Background of the Decision to Choose Women Police Stations as Research Topic

I have read several press reports in Pakistan, which raise serious questions about the performance of the women police stations and the police authority invested in them for law enforcement. For example, a press report that the women police station, Karachi⁶, cannot register a case unless allowed by senior male police officers (the daily newspaper *Down*, 12 March, 2002). *Aurat* Foundation, a women's NGO in Pakistan, attempted to send a fact finding team to the women police station, Karachi, to enquire about its problems and suggest ways in which the NGO could provide assistance to the police station. The senior male police officers did not allow the NGO team to meet the policewomen (the monthly magazine *Neswline*, April 2002). A female accused in the lock up of women police station, Lahore⁷ attempted suicide and seriously injured herself. This woman later accused the policewomen of torturing her (*Dawn*, 6, March 2002). The Governor of the Punjab⁸ termed the women police stations a failure (*Dawn*, 3, March 2002).

But I was more interested⁹ in the women police station, Peshawar, which also cuts a very sorry figure in the press reports. For example, the press report that not even a single case has been registered in this police station in eight years since its establishment (*Dawn*, 22 December, 2002). The same press report quoted Mrs. Azam, the boss of the women police station, Peshawar, as follows:

'Women do come to us and share their domestic problems but they don't register FIR¹⁰ with us for fear of landing into more problems'.

Moreover, I have also heard many jokes about policewomen in Peshawar, particularly about an incident in which a woman ran away from the lock up of the women police station, Peshawar. At heart of all the jokes is the notion that women are not cut for 'real

⁶ Capital of Sindh, a federating unit of Pakistan.

⁷ Capital of the Punjab, the largest federating unit of Pakistan.

⁸ One of the four federating units of Pakistan.

⁹ This is because of my closeness with Peshawar. I belong to Kohat, a town 60 KM south of Peshawar. I studied in Peshawar. Also, I work in Peshawar.

¹⁰ First Information Report. This is the formal lodging of a complaint in a police station and is followed by the police investigation.

police work', which is a function of masculinity. Similarly, several Peshawar-based human rights activists told me¹¹ that the women police station in Peshawar is deprived of authority and resources. Hence, all this kept my interest in the women police stations intact. Therefore, I decided to write my thesis project¹² on the women police stations of NWFP. In this regard, I was confident that I would be given access to the women police stations by the government due to my official status¹³. The access was indeed given to me and I decided to go into the women police stations, sit for long hours, have several informal talk sessions with the policewomen, female complainants and accused, have formal interviews with some of them and observe all that is going on in these police stations. The decision, I thought, would enable me obtain first hand information about the women police stations, which would further enable me to compare and contrast the ground reality about these police stations, on the one hand, and what is reported about them in the press and mentioned in the public talk, on the other hand.

1.3) Main Argument of the Research

Women police stations are misfits in the male-dominated police organization of Pakistan. They are unable to achieve the objective they were created for: to facilitate women's access to justice. Ill-equipped, staffed by untrained even illiterate policewomen and stripped of the police authority to enforce law, these police stations are no police stations in terms of practical police work, for example, registration and investigation of cases, arrest of criminal suspects etc.

1.4) Research Focus

No case has been registered in the women police station, Peshawar, since its establishment several years from now. Why is it so? Women police station, Abbottabad, has been registering cases. Why is it so? What are the hindrances, objective and subjective, restricting women accessibility to the women police station, Peshawar? This research tries to answer these questions. In this study, there are four main categories of women: three in Peshawar and one in Abbottabad. The categories in Peshawar are the following.

¹¹ I myself have been a member of the Human Rights Commission of Pakistan and have been in contact with some human rights activists in Peshawar since my arrival in Norway in August 2002.

¹² This is a requirement for the partial fulfillment of my M.Phil degree program in Gender and Development at the University of Bergen.

- ◆Female complainants
- ◆Female accused arrested by the police
- ◆Policewomen of the women police station.

The category of Abbottabad includes the Policewomen only, because during my stays in the women police station, Abbottabad, no complainant visited the police station and no accused arrested by the police was brought to the lock up of this police station. This research is focused on all four categories.

1.5) Objectives of the Research

- ◆To explore why women of Peshawar don't register complaints in the women police station, Peshawar.
- ◆To explore what goes on within the women police station, Peshawar, i.e. when no cases are registered in the women police station, Peshawar, then what the policewomen do in their duty hours.
- ◆To explore what are the reasons and circumstances, which have encouraged some women in Abbottabad to report their complaints to the women police station, Abbottabad.
- ◆To explore public opinion about the women police station in Peshawar, i.e. to find what people think of the police station per se and its performance so far and what are their expectations from the women police station.

¹³ I work as Planning Officer in the education ministry of the Government of NWFP, Pakistan.

CHAPTER TWO

2.0) METHODOLOGY

In this chapter I will depict the main characteristics of my fieldwork in Pakistan and the methods used for the purpose. Due to limitations of time and resources, the women police station, Abbottabad, could not be researched upon in detail and, therefore, the main focus of the research is on women police station, Peshawar. Still, in order to have a comparison between the two women police stations of NWFP, the women police station, Abbottabad, is a part of the research study. Following are the main characteristics of the research.

2.1) Time Spent in the Women Police Stations

I visited women police station, Peshawar, for two months, June to July 2003¹⁴. With an average of every four day per week, I used stay there for three or four hours. However, whenever I found cases of women, whether complainant or accused, being dealt with by the police, I stayed in the women police station as long as might be required by the course of the police proceedings, in order to observe how the police handle the case¹⁵.

Moreover, I had several informal talk sessions with policewomen of all ranks on various issues pertaining to the women police station and to themselves as policewomen, besides holding detailed informal interviews with some of them. Also, I interviewed some of the women complainants and had informal talk with some of the accused arrested by the police.

In August 2003 I moved on to Abbottabad, where I used to visit the women police station with the same frequency as mentioned above for Peshawar. I stayed in Abbottabad for about three weeks. I had several informal talk sessions with policewomen and had detailed informal interviews with some of them. But in Abbottabad, I did not see any woman complainant who had come to the police station in my presence at the place or any woman arrested by the police and brought to the women police station in my presence.

¹⁴ Total fieldwork time was three months, June to August 2003.

¹⁵ This means cases of women complainants who visited the women police station, Peshawar, in my presence in the police station and the women arrested by the police and brought to the women police station, Peshawar, in my presence.

2.2) Research Methods

This research is exploratory aimed at highlighting the status and role of the only two women police stations of NWFP. In this regard, I decided to make the research mainly qualitative but also quantitative only to some extent.

The main strengths of qualitative data can be regarded as richness and contextualism (Miles and Huberman, 1994). This means qualitative data give information situated in the wider social universe. For the purpose of my research, I wanted information about the women police stations, policewomen, policemen and the women complainants and accused in the context of gender relations and police culture of Pakistan. Therefore, I used the following qualitative research methods to generate vivid and contextual qualitative data for my research.

2.2.1) Participant Observation

Observation means to see what people do and listen to what they say. It involves a systematic recording, description, analysis and interpretation of people's behavior (Saunders, Lewis, and Thornhill, 1997:186). In my research, I was interested in observing what policewomen do in their duty hours and how do they deal with the female complainants and accused.

Participant observation is a kind of observation in which a researcher tries to fully participate in the lives and activities of the research subjects and hence become a member of their group, organization or community (ibid:187). In social sciences one can not hope to adequately explain the behavior of social actors unless one at least tries to understand their meanings (Delbridge and Krikpatrick as mentioned in Saunders, Lewis, Thornhill (ed.), 1997:187). Thus, a research through participant observation attempts to catch the nuances of meaning people attach to their social context.

Gill and Johnson (Gill and Johnson as cited in ibid: 189) make the following four categories of participant observation: one, Complete Participant, two, Complete Observer, three, Observer as Participant, four, Participant as Observer. The first two involves the researcher to conceal his/her identity. Therefore, I did not use them in my fieldwork for ethical considerations against the concealment of the researcher's identity. The last two entail revealing the researcher's identity to the research population.

Therefore, I used them for the ethical considerations that stand for revealing the researcher's identity to the research population.

2.2.1.1) Observer as Participant

A researcher who is observer as participant is like a 'spectator' observing the activities of the research population, who had welcomed the researcher, after revealing his/ her identity, with their free consent to observe them. In my work, I silently observed and took notes in my diary about the activities pertaining to the policewomen, policemen and the women the police were handling as complainants and accused. Moreover, I asked them questions whenever I thought I should ask in order to make myself clear about a particular aspect of any issue under observation¹⁶. Therefore, I did not consider myself an observer as silent participant but an observer as passive participant.

2.2.1.2) Participant as Observer

A researcher who is a participant as observer is welcomed by the research population to participate in their activities. In this way the researcher tries to gain trust of those s/he is researching on and thus stands a much better chance to obtain a vivid and contextual qualitative data. A researcher in sociology, Punch, became a participant as observer in his study on police work in Holland and in the process developed confidence between him and the police officers, who later allowed him admission into the police activities, which are normally not open for an 'outsider' (Saunders, Lewis, Thornhill, 1997:191).

In my fieldwork, I made myself an active participant as observer in just one case. This is the case of Hadia, a young woman who had requested the policewomen to help her get the custody of her ten months old baby, who, she alleged, was taken from her by her in-laws¹⁷. I accompanied Hadia, her mother, and two policemen to Hadia's in-laws' house, where the child was kept. In return, I believe I won a lot of good will of the mother and the daughter, which proved very useful for my research. This case will be described and discussed in chapter six.

¹⁶ Thanks to my research population, policewomen, women complainants and accused, and policemen. I admit that I was allowed to ask questions each time I requested for and all the questions were responded accordingly.

¹⁷ A detailed account of this case is mentioned in chapter six as a case study.

2.2.2) Sessions of Informal Talk

I had had several sessions of informal talk, mostly over a cup of tea, with several policewomen of all ranks in the women police stations. They talked about their problems and aspirations as women and policewomen, about the women, both complainants and accused and about the over all working environment of the women police stations. Also, some brief talks were held with women complainants and the accused kept in the lock up of the women police station, although talking to the latter category would at times turn difficult and had to be left midway. Because they would cry and even request me to help them get rid of the police custody. This used to create an uncomfortable situation for me as a human being, as someone who could not help them get rid of the police and as a researcher.

2.2.3) Semi-Structured Interviews

An interview is a purposeful discussion between two or more people (Kahn and Cannell, 1975 as cited by Saunders, Lewis and Thornhill, 1997: 210). Interview data have a potential to explain the complexity of the issue under consideration in a contextual frame. Semi-structured interview is a type of interview in which a researcher has a list of themes and questions to cover during the course of interview. Additional questions may be added to the list to further explore the issue. The order of the questions may be changed depending upon the flow of conversation in the interview.

My research is basically exploratory, but at times it became explanatory, i.e. trying to explain the relation between different variables explored during the course of research. Therefore, I preferred semi-structured interviews for my work. Because semi-structured interviews are good for obtaining information related to exploratory and explanatory studies (Saunders, Lewis and Thornhill, 1997:212 & 213). The following table is a summery of the main characteristics of the semi-structured interviews I conducted.

Characteristics of Interview	Policewomen	Policemen	Complainants ¹⁸	Human Rights Activists	Women Rights Activists
# of Interviews	Total ¹⁹ =10 7 in Peshawar and 3 in Abbottabad	Total ²⁰ =4 3 in Peshawar and 1 in Abbottabad	Total= 2 2 in Peshawar and 0 in Abbottabad ²¹	Total ²² =2	Total ²³ =2
Duration of Interviews	Between one and two hours	Between one and two hours	Between one and two hours	Between one and two hours	Between one and two hours
Type of Interview Recording	Taking of notes in diary	Taking of notes in diary & Tape-Recording ²⁴	Taking of notes in diary	Tape-Recording	Tape-Recording

Beside, the selection of the policewomen for interview was based upon their willingness and interest to share their experiences as policewomen with me. The Inspector General

¹⁸ Women who sought help from women police station.

¹⁹ Those who are interviewed are the Deputy Superintendent Police (DSP) and Station House Master (SHO) women police station, Peshawar, Station House master (SHO) women police station, Abbottabad, four Assistant Sub-Inspectors (ASIs) three in Peshawar, one in Abbottabad, and three constables, two in Peshawar and one in Abbottabad.

²⁰ Those who are interviewed include Inspector General Police, IGP, NWFP, who is chief of NWFP police, Senior Superintendent Police, SSP, Abbottabad, who is a senior ranking police officer in Abbottabad, an Assistant Sub-Inspector, ASI, in Peshawar and a constable in Peshawar.

²¹ No complainant visited women police station, Abbottabad, in my presence in the women police station during the fieldwork.

²² One of them is Afrasiab Khattak and the other is Mussarat Hilali. Please see appendix one for their introduction.

²³ One of them is Rakhshanda Naz and the other is Bushra Gohar. Please see appendix one for their introduction.

²⁴ One of the interviews, i.e. the interview with an ASI in Peshawar is tape-recorded.

Police, IGP, was interviewed to get to know his view about the women police stations. The SSP Abbottabad was interviewed to get to know his views, as chief of the police in the city about the women police station. In an attempt to have some information about the perceptions/views of ordinary policemen in Peshawar related to the women police station of the city, two policemen were interviewed. Due to cultural constraints, it was difficult for me to mix up with ordinary policemen, hold small talk with them and finally select some of them for interview. Therefore, I requested my colleagues, in the government office where I work, to look for me at least for two ordinary policemen who would be willing to be interviewed by me. One of the colleagues introduced me to a constable, a friend of his, whom I interviewed in my colleague's office. Another colleague accompanied me to the office of an ASI, also a good friend of the colleague, where I had an interview with me. My colleague also helped me conduct the interview by asking his friend, the ASI, many questions, which were popping up in his mind while listening to the talk between the policeman and me. I interviewed one of the complainants in her home, where she invited me, upon my request for an interview with her and the other complainant, along with her mother who was accompanying her, in a room in the women police station, Peshawar. I am thankful to policewomen who left the two women and me alone during the course of interview. The objective of interviewing the human rights activists was to shed some light on the situation of women and women police stations of NWFP in terms of human rights. The purpose of the interviews with two women rights activists was to have an insight into the positions taken by the women rights activists of NWFP vis-à-vis the usefulness or otherwise of the women police stations of NWFP.

2.2.4) Structured Questionnaire: a Qualitative Research Method

Quantitative research is a formal, objective, systematic process in which numerical data are utilised to obtain information about the world²⁵. A quantitative researcher Fred Kerlinger says that there is no such thing as qualitative data because everything is either 1

²⁵ Burns and Grove cited by Cormack 1991 p 140, obtained from the website <http://www.fortunecity.com/greenfield/grizzly/432/rra2.htm>

or 0²⁶. Another researcher, D. T. Campbell is of the view that all research ultimately has a qualitative grounding²⁷.

In my research I agree with Miles and Huberman who argue that the debate on qualitative versus quantitative is essentially unproductive and the two research methods need each other more often than not²⁸. Hence, I have made use of both qualitative and quantitative methods to complement each other. For example, I have used the information/ knowledge generated in qualitative research to make structured questionnaires. These questionnaires were later distributed among 50 men and 50 housewives (women who don't do any paid job) and 50 working women (women who do a paid job) of Peshawar to measure public opinion about the women police station in Peshawar.

In order to distribute the questionnaires, I had to rely on my colleagues in the government office²⁹ I work at in Peshawar. I have about one hundred colleagues who come from almost all urban and rural localities of Peshawar. In order to make sure that the questionnaire reach some of the major rural and urban areas of Peshawar, I requested my twenty colleagues, ten from different rural localities and ten from different urban localities to get the questionnaires to their relatives, friends and neighbors (only men and housewives) in their areas and request them to fill them in and get them back to me. I gave five questionnaires to each of my colleagues. All my colleagues were very cooperative and I got all the questionnaires back. For distributing the questionnaires among working women, I personally visited government offices, NGO offices, banks, courts, colleges, schools, hospitals and requested the women working therein to fill in the questionnaires, which they did.

2.3) Limitations of Research

Following are the limitations of the research.

2.3.1) Limitation Related to Secondary Data

From research point of view women police stations of NWFP are an unexplored area. Therefore, I did not find considerable secondary data, except some government

²⁶ A quotation from Miles and Huberman's 1994 book *Qualitative Data Analysis*, taken from website <http://writing.colostate.edu/references/research/gentrans/pop2f.cfm> , under the title The Qualitative versus Quantitative Debate, dated 16, January 2004.

²⁷ *ibid*

²⁸ *ibid*

²⁹ Schools and Literacy Department, Government of NWFP, Civil Secretariat Peshawar, NWFP, Pakistan.

documents about the establishment of the women police stations and some press clippings on the topic.

2.3.2) Limitations of the Data Generated by the Semi-Structured Interviews and the Sessions of Informal talk

Although face-to-face semi-structured interviews and the sessions of informal talk generated good data for the research, still it should be kept in mind that no question is answered in a social vacuum. People may give answers that they think the researcher would like to hear. They might not be completely honest with me as researcher, because for them I was an ‘outsider³⁰, and as well as an ‘insider³¹, and, therefore, they might fear that their views could not be acceptable to the milieu they and I myself belonged to. In the context of police in Pakistan, or for that matter in almost every country, there is a considerable probability that some interviewees, especially the police officers, may not be openly critical of the police system, its senior level officers and the government.

2.3.3) Limitation of the Data Generated by the Structured Questionnaires

Peshawar is a city of 1,200,000 people³². Just 150 people of the city have filled in my questionnaires. 150 people out of 1,200,000 are almost negligible. But given the limitations of resources, it was not possible for me to conduct a survey encompassing thousands or even hundreds of people. Thus, I decided to distribute the questionnaires to as many people as practically possible. With the help of my colleagues, I could manage to distribute the questionnaires to 150 people. Therefore, the data generated by the structured questionnaires is just a small illustration of much broader social and cultural processes. Hence, the result obtained from the data should not be viewed as a complete, definite and all-encompassing statement on the public opinion about the women and women police station of Peshawar. What should be viewed, however, is that the results obtained from the data shed some light on the public opinion in terms of current trends and mindsets in the city.

2.3.4) Limitation of Distribution of the Questionnaires

I handed over the questionnaires to my colleagues to get them to their friends, relatives and neighbors to be filled in by them. I had no mechanism to verify that the

³⁰ A researcher from a Norwegian University.

³¹ A resident of NWFP, Pakistan and a government officer in Peshawar, NWFP, Pakistan.

³² This population figure is taken in April 2004 from the website: <http://www.peshawarcity.com/>

questionnaires had been filled in by the men and women my colleagues told me they would get the questionnaires filled in from. My colleagues have been very cooperative with me in my research and apparently I have no reason to doubt that they might not have had the questionnaires filled in by the appropriate men and women in their areas. But still on my part I had no independent way to confirm that the questionnaires had reached the appropriate respondents.

2.4) Ethical Considerations

All the interviews were conducted upon the free consent of the interviewees, along with their absolute right to withdraw from the process any time or refuse to answer any question they wanted. Due to the sensitive nature of the research topic, most of the time the respondents did not allow me to tape-record the conversation with them. Therefore, I did not use tape-recorder, but used to take notes in my diary. All the names, addresses etc are changed to hide the identity of those concerned, particularly the women who had encountered the police, both as accused and complainants. I have taken some photographs during the fieldwork after getting permission of those being photographed. Among the photographs, I have published only those in the thesis for which due permission has been given to me by the people photographed.

CHAPTER THREE

3.0) THEORETICAL FRAMEWORK

The theoretical framework for this thesis is designed for the multiplicity and the intersections of four different kinds of laws (to be mentioned in the following sections) in Pakistan. This will be illustrated by the case of the North-West Frontier Province, NWFP. In this regard, the concepts of commodification of women, honor, *purdah*, violence, the theory of tokenism and the intersection of sets in mathematics are used as analytical tools to understand the dynamics of gender discrimination and inequality faced by the women (policewomen, complainants and accused) of NWFP as subjects of the multiple and the intersecting laws in Pakistan.

3.1) Women's Lives under the Multiplicity and Intersections of Laws in Pakistan: a Case of North-West Frontier Province

Pakistan got independence in 1947 in the era of nation states. As a newly independent state, Pakistan was obliged to evolve uniform state laws and a sense of nationhood. In classical sense of nationhood, Pakistan is not one nation but a state constituted by more than one nationalities³³. State laws in Pakistan were devised by a small elite class³⁴, often associated with a specific racial, ethnic or religious identity and imposed from above on the constituent nationalities each one with its own structure of authority, legal framework, culture, and its own understanding of Islam³⁵. It could hardly be hoped that merely getting the status of an independent state would automatically grant the state of Pakistan legitimacy to abolish the existing traditional systems of authority.

³³Pakistan is a multi-racial, multi-ethnic and multi-lingual country. Some parts of the country live in a rigid tribal culture (NWFP and parts of Baluchistan), some with a feudal culture (south Punjab and interior Sindh, parts of Baluchistan). There are also modern urban centers with liberal culture (Karachi, Islamabad, Pindi, Lahore, Abbottabad, Faisalabad etc). Major ethnic/ racial group are the following: Punjabi, Sindhi, Pathan, Baluch, inhabitants of the Northern Area (Gilgat, Hunza etc), Kashmiries of Azad Kashmir and the people who migrated from India into Pakistan after independence in 1947, commonly known as *Muhajir*. Each one of them has its own distinct language, history, centuries old traditions, culture, customary laws, practices, and understanding of Islam.

³⁴ Democracy never took firm roots in Pakistan and the democratic process has been frequently disrupted by the military takeovers. More than half of its life since independence, Pakistan has been ruled by military dictators.

³⁵ For example, among the Sindhes, it is according to Islam to marry a woman with Quran, the holy book of the Muslim. Consequently, the woman would stay unmarried all her life in the house of her father. The objective is to prevent her inheriting the family property and taking it with her to the marital family. This understanding of Islam is unknown to the people of NWFP and other ethnic groups of Pakistan.

Moreover, the efforts of nation building were focused on economic growth at macro-level and strengthening of the military³⁶ rather than a fair distribution of the benefits of economic growth to all people of the country (Haq-ul-Mahboob, 1995:21&22) or integrating the citizen in a cohesive social structure or some sort of national culture. For example, English, the official language of the state of Pakistan, also the language of judiciary in Pakistan, is not spoken by 92% of the country's population³⁷. Arguably, the people remained stuck in poverty and the state system was beyond their reach. Thus, the state seems to be unsuccessful to adequately address the problem of national integration and this contributed to the survival, even encouragement, of informal customary law and traditional Islamic law vis-à-vis the statutory law. Due to female illiteracy and restricted mobility most women of Pakistan, whose lives are governed by the informal law, are usually unaware of the existence of parallel statutory laws (Shaheed,1997: 54) and their lives continued to be regulated and judged by the informal law and a very narrow understanding of Islam. But for women of Pakistan, this was not the worst, which has yet to come. It came when the state of Pakistan underwent an identity crisis and finally selected Islam to address the crisis of identity³⁸. But here too the state effectively kept the 'man's world' (politics³⁹, finances⁴⁰) out from the range of Islam and implemented it on women and the institution of family, the last bastion of Islamic identity in the post-colonial Islamic world. In this regard the biggest example of the state's selective implementation of Islam is the discriminatory *Haddood* laws of Pakistan (to be discussed in the following sections), which have expanded the intersections and interface of informal law, statutory law and Islamic law in Pakistan, with disastrous consequences on the lives of women of Pakistan.

³⁶ The military of Pakistan is believed to be the main institution, which keeps entire Pakistan stay together as a unified state. But the military itself is dominated by Punjabis and Pathans, while other ethnic groups don't have as much representation in the military as the Punjabis and the Pathans.

³⁷ This information is taken from the official website of the Government of Pakistan, which is the following: <http://www.pakistan.gov.pk/>

³⁸ A few years immediately after independence in 1947, Pakistan did not have any critical identity crisis and thus did not specifically need Islamic credentials to formulate state policies. But then, the identity crisis struck Pakistan. Why and how? This is beyond the range of this study. But for a quick answer to these questions, chapter VII of Shaheen Sardar Ali's book, *Gender and Human Rights in Islam and International law* is recommended for reading.

³⁹ Most of the time since independence, Pakistan has been under military dictatorships. This is not an Islamic form of government.

In short, it can be concluded that women in Pakistan are subjected to four different kinds of law: Customary Law and Practices, Islamic Law, Statutory Law of Pakistan and International Human Rights Law⁴¹. For the purpose of this thesis, customary law and practices means all traditions, customs and cultural norms that shape and govern people's conduct and behavior but have no official legal status under the statutory law of Pakistan. The term informal law will also be used in this context. Statutory law includes Constitution of Pakistan and all current statutory laws of Pakistan. Islamic law means laws based upon Quranic commandments and Quranic commandments per se. In regard with International Human Rights law, I will consider only UN Convention on Elimination of All Forms of Discrimination Against Women, commonly known as CEDAW. Moreover, in the context of the above mentioned four kinds of laws, the intersections of laws means that gender discrimination cuts across different kinds of laws in Pakistan.

3.1.1) Customary Law and Practices

This is the core constituent of gender relations in Pakistan, which indeed is not uniform throughout the country but has one vital characteristic that transcends all the ethnic, racial and lingual divides of the country: subordination of women to men⁴². Here I will narrow down my focus to the women living under rigid tribal customary law and practices of the North-West Frontier, NWFP, where the two police stations under the research are located.

Women in the customary law of NWFP are legal non-entities or perpetual legal minors under the guardianship of male relatives (Ali, S.S, 2000:175). Thus, Pathan women cannot inherit property. They are not mentioned in the family tree and a man with no son

⁴⁰ Pakistan's economy is interest-based which is un-Islamic. According to the commandments of Quran, taking interest on loans is a war against God.

⁴¹ These are various international human rights instruments, which the state of Pakistan has ratified and hence, is obliged to implement these international human rights standards in Pakistan.

⁴² In this regard it is pertinent to mention that besides the big urban centers of Pakistan, in other comparatively small urban centers there are pockets and individual families where women have good opportunities in terms of education, employment, ownership of property, marriage with consent etc, and they play an active role in public life as professionals, politicians, social workers etc. But this certainly does not represent the mainstream male-dominated society where women stand deprived of basic human rights.

-although he may have daughter(s) - is known as *mirat*⁴³. A woman is not allowed to choose her marriage partner. According to a research, only 8% households in rural and 37% households in urban NWFP allow their women to have a say in choice of marriage partner⁴⁴. Education⁴⁵ is considered irrelevant even potentially dangerous⁴⁶ for women. A woman is sold for bride price known as *valver* in *Pushto*⁴⁷. She often becomes *swara*⁴⁸. In the remote tribal belt of NWFP, a woman can also become *zagh*⁴⁹. Here I will focus on those Pathan tribal concepts which are manifested in different customary law and practice and which cast shadows on the working of the women police station, Peshawar.

3.1.1.1) Commodification of Women

The concept that woman is a commodity belonging to a man is deeply entrenched in the tribal psyche of NWFP. In *Pushto* a woman is called *kada*, a word whose straight English translation is commodity or belonging. Commodification of women is reflected in the tribal customs like *swara*, *valver*, *zagh*, and *adal badal*⁵⁰. Women together with wealth and land make the most sought after possessions of men and are mentioned in a famous *Pushto* proverb: *zen* (woman), *zar* (wealth), *zemaka* (land). The fact that woman is not a *sui juris* or a free agent under the tribal law is an established fact which a Pathan male will reiterate without a slightest hint of hesitation (Ali, S. S, 2000:176). The commodification of women is also expressed in the Pathan tradition that a widow should marry the brother of her late husband. If there is no brother she must stay unmarried whole her life in the

⁴³ A man who does not have any male issue. After his death, a *mirat*'s property is taken over by nearest male agnates. To call someone *mirat* usually invokes feeling of pity because he has nobody to inherit his property and name in the family tree.

⁴⁴ Simi Kamal, 'Effects of the Interplay of Formal and Customary Laws on Women in Tribal Cultures', downloaded on 24 March, 2004 from http://www.skk.uit.no/WW99/papers/Kamal_Simi.pdf

⁴⁵ Female literacy rate of NWFP is 18.82% (*Literacy Trends in Pakistan*, 2002: 41).

⁴⁶ The notion that education might enable women to question Pathan tribal laws and practices regulating their lives is one of the reasons why families keep girls deprived of education. I myself come from a very conservative town, Kohat, in NWFP, and personally know several Pathan families in Kohat and elsewhere in NWFP where girls are not sent to schools because of the above-mentioned notion.

⁴⁷ Language of the Pathans.

⁴⁸ *Pushto* term for the Pathan tribal practice of giving away a girl in marriage to an aggrieved family as compensation for a murder perpetrated by her male family members.

⁴⁹ The Pathan tradition in which a man who wishes to marry a woman, shoots arial fire in front of her house, after which her family is bound to give her in marriage to that man. If the family does not agree, then she must stay unmarried in her father's house her whole life. In such a situation no other person would be willing to marry her, because that would trigger enmity between his family and family of the man who had fired shots in front of her house. In *Pushto* language this practice is known as *Zagh*.

⁵⁰ Exchange marriage in which a man acquires wife for himself by giving away a woman (daughter or sister) belonging to him to another man as his wife.

house of her late husband. If she marries elsewhere, that is the beginning of enmity between her late husband's and her new husband's families. The enmity could be settled by paying compensation in form of fine or marrying a girl from the new husband's family to the late husband's relatives (Mehdi, 2001:172).

3.1.1.2) Honor

Honor is a loaded word and has various interconnected meanings. But, generally it means how a person carries a society's cherished values. It is a concept that includes qualities leading to symbolic capital of a person, family or group, e.g. to esteem, self-esteem, respect, self-respect, prestige, status, rank etc.

Commodification of women is closely linked with men's perception of honor. A man's property, wealth and all that is linked with them make the sum total of his honor value and therefore, woman, being an object of value is an integral part of the honor of a man, tribe etc⁵¹. This implies that honor belongs to men and is manifested in the word *saritob* (manhood) which is the *Pushto* translation of honor. Since possession and control over valuable commodities, including women, are imperative for the sake of man's honor, this turns women into embodiment of male honor and, therefore, her conduct is vital to the honor of her male family members. Thus a Pathan man is most vulnerable through the acts of women of his house (Ahmed, 1980:202). In case of illicit sexual relation a woman damages the honor of her male family members and therefore, forfeits her right to life (Ali, R, 2000:21). Hence, the phenomena of honor killing, which is widespread in NWFP. What triggers honor killing is not restricted to the perceived or actual illicit sexual relation of a woman but could be any autonomous decision on the part of a woman, for example, the high profiled honor killing in 1992 of Samia Sarwar, a Pathan woman, for seeking divorce from her abusive husband against the wishes of her family.

3.1.1.3) *Purdah*

Purdah is the customary seclusion and segregation of women from stranger men and the world outside homes. In a physical sense *Purdah* means covering of woman's body in a veil from head to toe in public and in moral terms it means enforcement of high standards of chastity on women. *Purdah* is a set of complex norms and values which governs and

regulates gender relations and is based on three principles: gender segregation, female seclusion and overall female subservience to male dominance.

Purdah creates male space (public space) and female space (private space) and allocates the former to men and the latter to women. The public world of men, in which is concentrated financial and political power, penetrates and intervenes in the private female space through male family members, whose authority supercedes that of women whose ability to intervene in the public world is marginal (Shaheed,1989:18). Either women do not enter public space at all or when they do they often cover themselves in veil, which makes them a 'portable' private space (ibid).

Purdah is inextricably linked with honor. Woman is the embodiment of male honor and, as mentioned before, a man's honor is connected to acts of woman, especially her sexuality. The more she is segregated and secluded from male strangers, i.e. the more she observes *purdah*, the better for the preservation and protection of honor of her male family members. A nonconformist woman, a woman not observing *purdah* would endanger the family honor, which might bring public humiliation to her male family members. As mentioned in the aforesaid lines, one of the constituent principles of *purdah* is overall female subservience to male dominance. Therefore, a woman who tries to register a complaint against her male family member(s) in a police station can be easily seen as violating the norms of *purdah* and hence, may be accused of reprobate behavior by the society.

Purdah is practiced differently in different parts of Pakistan and depends on class, family background and urban or rural residence. But in NWFP, *purdah* drastically restricts women's mobility. In the name of *purdah*, most women spend the major part of their lives physically within their homes and courtyards and go out in veils only for serious and approved reasons. Many women almost never meet unrelated men throughout their lives⁵².

⁵¹ Nafisa Shah as cited in 'The Rationale of Honor Killings: Commodification of Women and the Honor Code', down loaded from the Amnesty International's website
http://www.amnestyusa.org/countries/pakistan/reports/honour/honour-3.html#N_26

⁵² In this regard, it is admitted that I am also a Pathan from a conservative town, Kohat, in NWFP. I have to observe *purdah* by veiling myself in a *buraqa* from head to toe when I leave the doorstep of my home in Kohat. I stay most of the time in my home, again for the sake of *purdah*, when I am in Kohat, because venturing out in the public, even in *burqa*, is bound to tarnish the reputation of my family. I know many women in and around Kohat who had spent most of their lifetime inside the premises of homes. Generally,

3.1.1.4) System of Justice under the Tribal Customary Law in NWFP

Under the tribal justice system, a *jirga* or tribal jury, conducted by tribal elders and witnessed by the local tribesmen, decides upon disputes over murder, land, money and women, etc. *Jirga* justice system has no official status under the statutory law of Pakistan, except in the Federally Administered Tribal Area, FATA, on the border between Pakistan and Afghanistan⁵³. A Pathan *jirga* is generally known as an egalitarian institution, because, all men, rich and poor, have access to it and have a say in the process of *jirga*. But the egalitarianism is strictly restricted to male members of the Pathan tribes. As rule, women have no access to tribal juries as complainant, accused or even spectators. In issues pertaining to custody of children etc a woman is represented by her male family members. Women are not even given any opportunity to clear themselves of the tarnished reputation, which often leads to the perceived damage to family honor and ultimately their killing for the restoration of the family honor. Also, women are not consulted in decisions affecting their lives, for example, when they are handed over to the opponent party as compensation deal for disputes over land, money or the perceived damage to honor⁵⁴. The irony is that the police also negotiate in such *jirgas* where male family members represent women. During my fieldwork, I observed how the police tried to negotiate in a *jirga* in the case of a young woman, Hadia, who sought police help to get custody of her ten months old child. I will discuss this case in chapter six.

3.1.2) Islamic Law

Pakistan is predominantly a Muslim country⁵⁵ and NWFP is known as the most Islam-loving part of Pakistan. Therefore, Islamic law has a paramount role in the construction of gender relations in the country as well as in NWFP. In terms of equality between men and women Islamic law is much better than customary law and practices of NWFP. For,

women are not allowed to go out from homes, except for serious purposes, e.g. funeral or marriage ceremonies of relative or visit to a doctor etc. Similarly, most Pathan women in NWFP observe *purdah* in the same manner.

⁵³ To go into the explanations of why *jirga* justice system is legal in FATA is beyond the scope of this study. But it is pertinent to say that *jirga* justice system is legal in FATA since the British colonial time. Pakistan inherited this arrangement from the British Colonial.

⁵⁴ 'Pakistan, the Tribal Justice System', Amnesty International.

example, Islam allows a woman to contract or dissolve her marriage and inherit property. Islam does not bar women's access to education or employment. However, some laws and injunctions of Islam discriminate against women. For example, man is allowed to marry four wives in one go, man's right to divorce a woman is unfettered and unconditional but a woman's right to divorce her husband is subjected to certain conditions, man's share in inheritance is double of a woman's, one man's evidence is equal to two women's in an Islamic court of law dealing with financial matters and man is allowed to marry non-Muslim women but a Muslim woman is not allowed to marry a non-Muslim man. Moreover, Quran even allows men to tame a 'disobedient' wife by scourging her (Chapter four of Quran).

Hence, there is a gender hierarchy in Islam, which arguably has accorded a religious sanction to the sharp gender hierarchy in Pathan culture, where people follow Islam on the pattern of 'more catholic than the Pope', where it (Islam) discriminates against women but tend to ignore the religion where it stands to protect women. For example, Pathan men indiscriminately beat, cripple, fracture bones of, or even kill their women when they perceive them to be 'disobedient'⁵⁶. If Islam allows a woman to inherit half of the family property vis-à-vis her male relatives, the Pathan customary law does not allow her to inherit any property at all. If in Islam two women are equal to one man as witness in the court of law, in Pathan *jirgas* any number of women is not equal to a one man as witness and so on. Similarly, one example of where the Pathans tend to neglect Islam altogether is that they don't allow a woman to have a say in contracting her own marriage, whereas Islam allows women to marry with free consent.

⁵⁵ 97.96% of the population is Muslim. This figure is taken from 'About Pakistan' at the Government of Pakistan's website <http://www.pakistan.gov.pk/>.

⁵⁶ In this regard, it is interesting to mention that in my own neighborhood in Kohat, my hometown in Pakistan, there is a woman who is regularly beaten up by her husband. Once late in the night my entire family woke up with her screaming. Whenever I tried to intervene when she gets beaten up, the elder members of my family stop me from doing so. They argue that this is the family's private matter and I should pretend as if I know nothing. I have heard many gossips about the woman who gets beaten up in the neighborhood. According to one prominent comment in the gossips, she often 'disobeys' her husband and in-laws and they are in their Quran-given right to beat her and bring her into the 'obedience'. Similarly, I personally know women, both in Kohat and Peshawar, who off and on get beaten up by husband and in-laws for a perceived 'disobedience'.

3.1.3) Statutory Law of Pakistan

The Constitution of Pakistan stands for gender equality. According to article 25(1) of the Constitution:

‘All citizens are equal before law and are entitled to equal protection of law’.

Moreover, according to article 25(2):

There shall be no discrimination on the basis of sex alone’.

Also, Pakistan’s Muslim Family Law Ordinance 1961 accords important protection to women in marriage, divorce, custody of children, inheritance etc. Besides, all through the Pakistan Penal Code, PPC⁵⁷, the pronoun ‘he’ and its derivatives are used to mention the citizens of Pakistan, but the PPC explicitly declares that the ‘pronoun he and its derivatives are used for any person, whether male or female⁵⁸’ (this is like many other languages and countries in the West until recently. In Spain this is still the case) Therefore all sections of the PPC are equally applicable to all men and women, unless explicitly mentioned otherwise. Certainly, PPC does not have any specific laws that deal with domestic violence, but under its section 324 the police can registers a case of domestic violence if there is a bone fracture or cuts with removed skin⁵⁹. The section 324 deals with an attempt to commit an intentional murder by any person against any person regardless of sex⁶⁰. Similarly, section 337 of PPC (although this section too does not specifically mention domestic violence) points out several kinds of bodily damages and the corresponding punishments. The police can also register a case of domestic violence under section 337 if the damage(s) to a woman’s body come(s) under this section. However, marital rape, an ugly form of domestic violence, is not a crime at all in PPC.

⁵⁷ The PPC is composed of the British Common law and Islamic laws.

⁵⁸ The Pakistan Penal Code, P 12.

⁵⁹ The News, 25 January, 2003, Sehar, ‘Silent sufferers’ By Aoun Sahi.

⁶⁰ Section 324 of PPC: ‘Attempt to commit *Qatl-e-Amd* (intentional murder)- whoever does any act with such intention or knowledge, and be under such circumstance that, if he by that act caused *qatl* (murder), he would be guilty of *Qatl-e-Amd* shall be punished with imprisonment of either description for a term which may extend to ten year, or shall also be liable to a fine, and, if hurt is caused by any person by such act the offender shall (in addition to the imprisonment and fine as aforesaid) be liable to the punishment provided for the hurt caused’ (Saeed, 2000: 351).

Generally, all the laws enacted before 1979 stand for protection and promotion of women's rights⁶¹. But the making of these laws was not followed by their effective implementation and hence women have not benefited from them. At best these laws reflected the state of Pakistan's progressive position on women (Mumtaz & Shaheed, 1987:99) But the statutory law of Pakistan turned out rightly discriminatory against women when the PPC was Islamized in 1980.

3.1.3.1) *Hudood* Laws: the Islamization of Pakistan Penal Code (PPC)

The government of Gen. Zia, a military dictator of Pakistan, enforced *Hudood* laws in 1980 to Islamize the PPC. The *Hudood* Laws gave a legal sanction to the already subordinate status of women in the society. For example, according to *Hudood* Laws testimony of one man is equal to two women in the court of law and a raped woman has to produce 'four adult poise male Muslims' witnesses to the act of rape. If she could not, then she will be prosecuted against for adultery for which the punishment is stoning to death. Meanwhile, the rapist goes free for lack of evidence, because, practically, there are very dim chances that a rapist would rape a woman in front of 'four adult poise male Muslims' who would later testify against him in the court of law. Thus the *Hudood* laws have removed the distinction between rape and adultery. A woman who files a complaint of rape puts herself at the mercy of the court, which considers her guilty of adultery until she proves herself innocent ('Crime or Custom? Violence against Women in Pakistan', 1999:3). Also, families of the raped women feel publicly dishonored by the charges of adultery by the police/courts and have killed the raped women for restoring the family honor (Bettencourt, 2000:9). Moreover, a Muslim man who rapes a Muslim/ non-Muslim woman in presence of any number of Muslim women, non-Muslim men and non-Muslim women cannot be punished for the act of rape, because the laws do not accept the testimony of Muslim women, non-Muslim men and non-Muslim women in rape cases. Furthermore, before the *Hudood* laws, a complaint of adultery could only be made by the husband of the adulteress and females could not be punished for adultery under PPC⁶².

⁶¹(Mumtaz, K. and Shaheed, F, 1987: 99)

⁶² The authors of PPC argued that within the prevalent patriarchal and discriminatory social structure, women hardly have any control on their lives. Making them liable to willing adultery in such unequal circumstances would frequently lead to injustices. Also the criminal liability would increase her chances of victimization, as she would be open to blackmails, threats and highhandedness. It was also thought that such a rule would lead to strengthen the traditional norms and values and raise the scale of her oppression.

Therefore, there were only a handful of reported cases of adultery (*Report of the Commission of Inquiry for Women, Pakistan, 1997:65*). But the *Hudood* laws put women within the range of punishment for adultery, and, therefore, soon after the promulgation of the *Hudood* laws the cases reported to the police on adultery, which implicated women, ran into tens of thousands (ibid). Besides, under the *Hudood* Laws the police have been arresting women who got married without the consent of their families when the families charged them with adultery or fornication. For example, when Riffat Ifridi married without the permission of her father, he brought charges of fornication against her and her husband under *Hudood* Laws in 1998⁶³. This also proves that by making women liable to a willing adultery or fornication in an extremely patriarchal society like Pakistan, where women are the embodiment of family honor and have hardly any control over their lives, the *Hudood* Laws have become a tool to promote violence against women and strengthen the patriarchal social structure.

3.1.4) International Human Rights

As mentioned in the earlier section I will only consider the UN Convention on Elimination of All Forms of Discrimination Against Women, commonly known as CEDAW, under the International Human Rights Law. Pakistan ratified⁶⁴ CEDAW with the following declaration:

‘The accession by (the) Government of the Islamic Republic of Pakistan to the (said Convention) is subject to the provisions of the Constitution of Pakistan’.

This seemingly harmless declaration embodies far-reaching consequences in terms of rendering CEDAW irrelevant for the women of Pakistan. The declaration subjects CEDAW to the constitution of Pakistan, which is not a secular document, although it stands for gender equality. According to article 2 of the constitution, Islam is the state religion of Pakistan. Therefore, the principle of gender equality enshrined in CEDAW is

Thus the authors concluded that they would not throw into a scale already loaded against women , the additional weight of the penal law (*Report of the Commission of Inquiry for Women, Pakistan,1997:65*).

⁶³This high profile case was given a wide coverage by national and international media.

⁶⁴ For more information about the unglamorous, even shameful process in which Pakistan took 15 years to make itself ready for the ratification of CEDAW, chapter # VII of Shaheen Sardar Ali’s book, *Gender and Human Rights in Islam and International law* is recommended for reading.

subjected to the interpretation of Islam by the state institutions and authorities in Pakistan. Thus it is hard to imagine that Pakistan would implement, for example, article 16⁶⁵ of CEDAW which stands for equality between man and woman in marriage. There is no equality between man and woman in a marriage union in Islam: man is a clear dominant party and woman subservient to him. The situation is even worse in a marriage union under the customary law of Pakistan, where man is the owner and woman his property. There is no complete gender equality in marriage even in the Muslim Family law Ordinance of Pakistan, although it accords some important protections to women⁶⁶. Thus, although Pakistan has ratified CEDAW, but had hardly given any publicity to its contents and intents in the state-controlled media and other state institutions for fear of

⁶⁵ 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

⁶⁶ For example, polygamy is not banned altogether but is restricted by subjecting it to some strict conditions under this ordinance.

backlash from obscurantist elements ⁶⁷(Islamic extremists and powerful feudal and tribal leaders in the government and state institutions) who don't accept the idea of gender equality in marriage and other spheres of life.

3.1.5) Conclusion

To conclude the issue, I would say that women of Pakistan are subjected to the above mentioned four different kinds of laws. But culturally, and to some extent religiously, sanctioned views of women and their role and status are deeply embodied in various social processes and institutions, including the process of law enforcement and the institution of police. Thus it is the gender discrimination and inequality as in-built characteristics of the social norms, informal law and a traditional interpretation of Islam, which hinder the formal laws from benefiting women. Through the empirical data I collected in the research on the women police stations of NWFP, I will try to show that the customary law and practices shape and govern the lives of women, whether policewomen or complainant or accused. Some laws of Islam and the Islamic provisions of Penal Code of Pakistan reinforce the customary law and practices. CEDAW and those official laws of Pakistan which stand for protection of women are largely outweighed by the above mentioned two laws.

3.2) VIOLENCE

Violence is defined as 'violent behavior that is intended to hurt or kill somebody in the Oxford Advanced Learner's Dictionary (Hornby, 2000:1445). For the purpose of this thesis I will narrow down my focus on violence to violence against women. Violence against women as defined by the UN Beijing Declaration, 1995 is the following:

'The term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Accordingly, violence against women encompasses but is not limited to the following:

- a. Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non- spousal violence and violence related to exploitation;

⁶⁷ *Report of the Commission of Inquiry for Women, Pakistan, August 1997.*

- b. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- c. Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs'

The above definition makes three categories of violence against women: domestic violence, violence inflicted by the society at large, e.g. by criminals, colleagues etc, and violence perpetrated by the state agents, e.g police.

Farida Shaheed assembles all forms of violence against women in Pakistan in the following three categories.

◆ One, violence perpetrated against women as individuals for a wide range of specific, individual acts, for example, killing or injuring of women for rejecting marriage proposal, refusing to return to abusive husband or even something as trivial as not having dinner ready etc.

◆ Two, violence in which women's bodies become the ravaged battle ground for disputes between men. A powerful example of this kind of violence against women is the unfortunate incidence in the south of Pakistan in 2002 in which a woman was raped upon the verdict of a village jury, dominated by men of a powerful tribe, called *Mastoi* tribe. The elders of the tribe alleged that the woman's brother had an illicit sexual relation with one of their girls, which, they argued, had damaged the honor of the tribe and hence, his sister should be raped by men of *Mastoi* tribe to restore the damage to their tribal honor. The raped woman did not belong to the *Mastoi* tribe.

◆ Three, violence against women as a class (category). The author views women as the least powerful and least organized section of the society, who are systematically victimized as a class (category) . An example of this is the discriminatory *Hudood* Laws of Pakistan, which discriminate against women as a single category (Shaheed,1994: 214).

3.3) Theory of Tokenism

Tokenism means the policy or practice of making only a symbolic effort (*Merriam – Webster Online Dictionary*). A relevant example would be the practice of hiring or appointing a token number of people from an underrepresented group in order to deflect criticism or comply with affirmative action rules (*The American Heritage® Dictionary of*

the English Language: Fourth Edition. 2000). Rosabeth Moss Kanter, an American sociologist, observed and interviewed over a period of five years employees at a large industrial supply company⁶⁸ in USA and developed her theory of tokenism⁶⁹, which can very well be applied to any kind of organization (Ryen, 2000:18). I will apply her theory to the male-dominated police organization of Peshawar. Although the theory of tokenism is developed in a cultural context, which is very different from the culture of Pakistan, still the theory, together with the customary and Islamic laws of Pakistan, seems to provide an interesting analytical tool to explain how the women police station is reduced to the status of a non-functioning police station. In fact, the policewomen are considered as tokens and hence less as individual officers of the police force and more as representatives of a social category, i.e. the Pathan women.

Kanter makes four groups ('uniform group' with typological ratio 100:0, 'skewed group' with typological ratio 85:15, 'titled group' with typological ratio 65:35, and 'balanced group' with typological ratio 60:40) on basis of different proportional representation of kinds of people in an organization and claims that composition within the group will affect the behavior within the group

For the purpose of this thesis, I will concentrate only on the skewed group and its two categories. People in the dominating category are known as **dominants**, who make 85% or more of the staff, and those in the other category are called as **tokens**, who make 15% or even less of the staff. To be more restricted to my research findings, I consider the male-dominated police organization of Peshawar, whose every constitute set up, e.g. the Police Line or Police Headquarters, 22 regular police stations of the city (excluding women police station) is almost completely staffed by male staff. I regard this staff as dominants. Similarly, I regard the staff of the one and only women police station, Peshawar, as tokens. Women police station, Peshawar, does not work in isolation and in order to function as a normal police station, it needs a lot of coordination with and cooperation from the Police Line on one hand, and all police stations of the city, on the other hand. Therefore, I consider the police organization of Peshawar as a skewed group,

⁶⁸ 'Tokenism at Workplace'. Downloaded from website
<http://www.pineforge.com/newman4study/resources/token.htm>

⁶⁹ The theory is explained in Kanter's book *Men and Women of the Corporation* published in 1977.

with its male set ups (Police Line, regular police station) as dominant and its only female set up, the women police station as, token.

3.4) Set in Mathematics and its Justification for Research on the Women Police Stations

I use the concept of sets⁷⁰ in mathematics in my theoretical framework because I have a background in mathematics and when I was trying to understand the jurisdiction-related problem of the women police stations, I got to know the problem better when I thought about it in terms of sets and intersection of sets in mathematics. Following which I thought it appropriate to use some simple mathematics in my thesis and hence, connect some of my previous know-how in mathematics to my first ever research in social science⁷¹. I will use the operation of intersection⁷² of sets to explain the problem of jurisdiction of the women police station, Abbottabad, in chapter eight. For this purpose I will consider every police station of the city as a set and apply the mathematical operation of intersection of sets to these sets (police stations) to explain the problem of jurisdiction of the women police station. I will suppose that each police station is a set

⁷⁰ In mathematics, a set is a collection of entities. The entities are known as elements of the set. The elements may be real objects or conceptual entities. For any given object, in order to be a member of a set, it must be unambiguous whether or not the object is an element of the set. For example, if a set contains all the tables in a particular room, then any table in the world can be determined either to be in or not in the set. If there were no table in the room, the set would be called the empty set, or null set, or a set containing no elements. A set is usually denoted by a capital letter. If A is the set of odd numbers between 2 and 8, then mathematically A is represented as $A = \{3, 5, 7\}$. The braces, {}, are commonly used to enclose the listed elements of a set.

⁷¹ Research on women police stations of NWFP is my first ever research work in social science.

⁷² The intersection of two sets is the set, which contains the elements common to the two sets. For example, let A is a set containing even numbers between 1 and 9. Therefore, mathematically, $A = \{2, 4, 6, 8\}$. And, B is a set containing even numbers between 3 and 9. Therefore, mathematically, $B = \{4, 6, 8\}$.

Now, intersection of A and B will be a set containing the numbers common to both A and B. Mathematically, this is represented as following:

A Intersection B

$= \{2, 4, 6, 8\}$ Intersection $\{4, 6, 8\}$

$= \{4, 6, 8\}$

constituted by two elements: one, 'territorial jurisdiction' of each police station, two, the 'authority' to exert police power in this territorial jurisdiction. In this regard more explanation is given in chapter eight.

CHAPTER FOUR

4.0) THE IDEA OF WOMEN POLICE STATIONS

I begin this chapter by looking into the official legal procedure which women should follow in order to get police protection/help in cases of violence against them. In my opinion, gender related problems in the application of the procedure and the police handling of the female accused led to the idea of the women police station. In this regard, I take the Pakistan Penal Code, PPC, as my point of departure.

The PPC specifically mentions some crimes against women and prescribes punishment for them, for example, insulting the modesty of a woman by any sound, gesture, or object, kidnapping or abduction, forcing a woman into prostitution, stripping a woman naked in public, rape etc. The police are mandated to register a case if a woman faces any of the above mentioned PPC crimes. There is no concept of domestic violence in PPC but under section 337 of PPC several kinds of bodily damages and the corresponding punishments are specified. The police can register a case of domestic violence if damage(s) to a woman's body correspond(s) to those which are mentioned in section 337. Similarly, under Section 324 of PPC, which deals with murder or attempt of murder, the police can register a case of domestic violence but only if there is a bone fracture or cuts with removed skin (Sahi, *The News*, 25, January 2003). By law, both these sections of PPC are equally applicable to men and women as citizen of Pakistan. In this regard Shehnaz Hameed⁷³ says:

‘ There is no section in PPC on domestic violence against women, but several sections of PPC cover a very wide variety of acts of violence. The police can register a case of domestic violence under any of these sections. All these sections are equally applicable to all citizens of Pakistan regardless of sex⁷⁴.’

However, some of the worst forms of domestic violence in form of customary practices like, *Swara* and honor killing are not crimes in PPC. Similarly, rape of wife by a husband is not a crime at all.

⁷³ A Peshawar-based female lawyer.

⁷⁴ A telephonic talk with Shehnaz Hameed in Peshawar on 31, March 2004, in which she explained to me how various sections of the PPC could be applicable to the women who suffer domestic violence.

If a woman faces a crime of violence, she can report to the police station. If she is badly injured, anyone could report to the police on her behalf. In either case the police should register FIR, First Information Report⁷⁵, under the relevant section of the PPC, investigate the case according to the law and finally submit a report to the court of law for trial. If the police refuse to register FIR, a writ petition can be filed in the High Court⁷⁶.

4.1) How Far the Police Follow the Formal Procedure to Ensure Justice to Women Victims of Crimes?

Society in Pakistan is patriarchal and male biased and policemen of the country share the patriarchal and gender biased worldview with the rest of the society. Therefore, gender bias pervades the police system of Pakistan and women have to face it when they face the police. According to Afrasiab Khattak⁷⁷:

‘Women face double jeopardy when they encounter police. Like men they have to face police highhandedness as citizen, but unlike men have to bear the burnt of gender bias in police as well⁷⁸.’

The police do not even recognize the criminal nature of domestic violence against women and dismiss it as a family matter, which must be dealt with by the family itself or by a family court at the most. According to Bushra Gohar⁷⁹:

‘The police say we don’t even know what to do with battered women. We just advised them to go back home’.

While talking about domestic violence in his interview with me, the chief of NWFP police asked me:

‘If you (Farhat) are slapped by your father, what would you do? Would you come to us (the police) or try to resolve the problem in your family? As a daughter do you (Farhat) think it is appropriate for you to go to the police against your own father⁸⁰?’

⁷⁵ It is the formal registration of a case with the police and is promptly followed a police investigation of the case.

⁷⁶ ‘Crimes against Women’, downloaded on 27, March 2004 from the website of Sustainable Development Policy Institute, Islamabad.

⁷⁷ A famous human rights activist of Pakistan.

⁷⁸ Interview with Afrasiab Khattak, a human rights activists, in Peshawar on 10, June 2003.

⁷⁹ A famous women rights activist in NWFP.

⁸⁰ Interview with Inspector General Police (IGP) NWFP on 27, August 2003.

Similarly, in cases of rape the police start their investigation by attacking the veracity of the woman's complaint. A policeman in Pakistan told the Human Rights Watch:

'Non-consensual sexual intercourse does not exist in Pakistan and that in the overwhelming majority of cases women fabricate allegations of rape ('Crime or Custom? Violence against Women in Pakistan', 1999:6)'.

Besides, the police have been very abusive towards female accused in the police custody. Once a woman's story of police excesses moved a judge into tears (*State of Human Rights in 2000*:87). Human rights organizations, both national⁸¹ and international⁸², frequently report that women in Pakistan are subjected to violence, for example rape, torture etc, in police custody. At one point even the Lahore⁸³ High Court took a serious note of the issue and directed the police in January 1996 to strictly follow the amended provisions of the Code of Criminal Procedure, CCP⁸⁴, of Pakistan regarding the arrest, detention and interrogation of female defendants, witnesses and complainants ('Pakistan: Women's Human Rights Remain a Dead Letter', Amnesty International Report, March 1997:5). Despite court orders and regulations requiring that female suspects be interrogated only by female police officers, women continued to be detained overnight at regular police stations and abused by male officers ('Human Rights Country Report-Pakistan', US Department of State, 1998:7).

In short, gender bias does exist in the police culture of Pakistan. Now, since police is the first point of contact with the criminal justice system, women who seek justice upon violation of their rights are likely to land into more violation of their rights at the hands of a gender biased police. In this regard, my research findings in chapter six would shed some light on the gender-biased attitude of the police.

In a gender-biased situation like the one mentioned above, the state of Pakistan is bound by article 25(3) of the Constitution of Pakistan to make 'special provision for protection

⁸¹ For example, *State of Human Rights in 2000*, the annual report 2000 of Human Rights Commission of Pakistan.

⁸²For example, 'Crime or Custom? Violence against Women in Pakistan', report of Human Rights Watch, August 1999.

⁸³ Capital of the Punjab, the largest federating unit of Pakistan in terms of population.

⁸⁴ CCP was amended in 1994 and its amended provisions provide that women may not be interrogated except in the presence of female police staff and may not be held in police custody over night.

of women' in such cases. Similarly, according to article 4(2) of CEDAW, the state of Pakistan can adopt temporary special measures to provide justice to women.

4.2) Women Police Stations: a Special Provision and a Temporary Special Measure for Women's Access to Justice?

The government of Benazir Bhutto, which also signed CEDAW in 1996, established women police stations, one each in Rawalpindi, Islamabad, Lahore, Karachi, Peshawar, Larkana⁸⁵, Multan and Abbottabad⁸⁶. While speaking at the inaugurating ceremony of Pakistan's first woman police station in the city of Rawalpindi, the prime minister Benazir Bhutto said that the decision to set up female police stations was taken to guarantee easy provision of legal rights to women (*The News*, 26, January 1994). Similarly, in an interview with *Elle*, a French magazine, she said:

'It (women police station) was an idea, which grew in my mind while meeting women and questioning them about why they silently faced humiliation. I found they felt doubly punished when they had to live an ordeal and repeat it in front of men. Men tended to stick with men and did not appear to take what women had to say as seriously as the situation warranted. I felt women (policewomen) would sympathize with women and that crimes would not go unregistered and be properly investigated⁸⁷.

However, the establishment of women police station does not mean that regular male-dominated police stations were not to register women's cases. All police stations could and ought to address women's complaints. However, it has been left to the women to choose which police station they prefer to register their cases into. If a woman wants to seek police help from a regular male-dominated police station, she is free to do so and that police station will be obliged to handle her case according to the law. The women police stations were meant for those women who don't want to approach a regular male-dominated police station.

4.3) Women Police Stations of the North-West Frontier Province, NWFP

There are two women police stations in the North-West Frontier Province, NWFP, one in Peshawar, the capital of NWFP, and one in the town of Abbottabad.

⁸⁵ Although Larkana is not a big urban center of Pakistan, but it is the hometown of Benazir Bhutto.

⁸⁶ In the later phase a women police station was to be established in every city of Pakistan, after their establishment in the big urban centers. But this phase did not materialize due to the dismissal of Benazir Bhutto's government in 1996

The women police station, Peshawar, was established in February 1994⁸⁸. Its jurisdiction encompasses the entirety of rural and urban areas of Peshawar with regard to offences relating to women⁸⁹. Initially the police station was planned to be located in Gulbahar⁹⁰ and a building for the purpose was to be constructed. Upon completion the building was handed over to the traffic police, Peshawar, and the women police station was instead permanently housed in a small building, enclosed by a tall brick-wall, with only one entrance, a wooden gate, which too remains covered from outside with a curtain, in the Police Line⁹¹ Peshawar. Moreover, no FIR has been registered in this police station since its establishment.

The women police station, Abbottabad, was inaugurated by the former prime minister Benazir Bhutto herself on 8 May, 1994. Officially the police station has a jurisdiction over all rural and urban areas of Abbottabad. However, in practice it has been exerting jurisdiction over entire Hazara⁹². Unlike Peshawar, no surrounding wall encloses the women police station, Abbottabad. Although situated in the Police Line Abbottabad, still quite an independent path leads to the women police station, Abbottabad, which one could walk on and reach the police station without being stopped by any police guard at the Police Line. In August 2002, the police high command in Abbottabad ordered the women police station, Abbottabad, to stop registering any more cases. This issue will be discussed in chapter eight.

Following are the distinguishing characteristics of the two women police stations.

⁸⁷ Script of an interview through email by Benazir Bhutto with Guylaine Idoux of French magazine *Elle*. Downloaded in March, 2003 from the website <http://www.ppp.org.pk/articles/article4.html>

⁸⁸ Government of NWFP notification # SO(P-1)HD/5-1/94/2096-2135 dated 26 Feb. 1994.

⁸⁹ Government of NWFP notification # SO(P-1)HD/5-1/94/2096-2135 dated 26 Feb. 1994.

⁹⁰ An overpopulated residential-cum-commercial area in the heart of Peshawar city.

⁹¹ Totally male-dominated headquarters of the Peshawar police. Also the Police Line houses the top police bureaucracy/establishment, reserve police force NWFP, police officers' mess etc.

⁹² Abbottabad and the nearby cities of Mansehra, Haripur and Battagram. Together all them are known as Hazara

Characteristics	Women Police Station, Peshawar	Women Police Station, Abbottabad
FIRs	No	Yes (500) ⁹³
Telephone	No	Yes
Transport	No	Yes
Staff	86	30
Staff Observe <i>Purdah</i> (veiling) in public	Yes	No
Easily Accessible	No	Yes
Uniform	Navy blue <i>Shalwar</i> ⁹⁴ and <i>Dopatta</i> ⁹⁵ and gray <i>Qamez</i> ⁹⁶	Sky-blue <i>Qamez</i> and <i>Shalwar</i> and white <i>Dopatta</i>
Mobility of Policewomen	Restricted	Not Restricted

4.4) Benefits of the Women Police Stations to Women of Pakistan?

Are the women police stations fulfilling the objective-provision of justice to women - they are established for as ‘special provision’ under the Constitution of Pakistan? In order to answer this question I refer to the empirical data I collected during my fieldwork on the women police stations in Peshawar and Abbottabad. The data are described and discussed in the following chapters.

⁹³ Interview with the SHO women police station, Abbottabad, on 11 August 2003.

⁹⁴ Loose pant.

⁹⁵ A long length of clothe taken on shoulders.

⁹⁶ Knee-long shirt.

CHAPTER FIVE

5.0) WOMEN POLICE STATION, PESHAWAR: A *PURDA* GOTHIC

In this chapter I will describe and discuss the findings of my fieldwork in Peshawar.

5.1) Description of Findings

5.1.1) They Want FIRs

During the fieldwork I found that women in Peshawar want very much to register FIRs in the women police station, but the policewomen of the police station are not allowed by their senior police officers, obviously male⁹⁷, to register FIRs. This police station has been reduced to the status of a non-functioning police station in terms of practical police work, registration and investigation of cases etc, although it is a police station according to the Government of NWFP notification⁹⁸.

5.1.2) Inaccessible and Invisible

As mentioned before, the women police station, Peshawar, is located in the Police Line, which is a spacious building quarter surrounded by tall brick walls, with only one inlet/outlet, a huge iron gate, always under the watchful eyes of guards⁹⁹. The Police Line is surrounded by the Governor House¹⁰⁰ NWFP, High Court, Session Courts, Provincial Assembly, and Civil Secretariat¹⁰¹, all male-dominated. For security reasons, it is not easy to go inside the Police Line. Thus due to the location of the women police station, Peshawar, it is difficult for the common people to access it. During the fieldwork I myself had been stopped several times by the guards at the gate of the Police Line. They let me go inside when I showed them my ID card which says that I am a government servant working in the nearby civil secretariat¹⁰².

5.1.3) No Transport

Women police station, Peshawar, does not have its own transport. In the beginning it had a van, which was soon taken back and handed over to the traffic police in Peshawar.

⁹⁷ There is no female officer in the senior ranks (SSP and above ranks) in the police hierarchy in Peshawar.

⁹⁸ Notification # SO (P-1) HD|8-12|82|2153 dated 26.2.1994, issued for the establishment of women police station, Peshawar.

⁹⁹ Police Line (police headquarters) is the seat of police bureaucracy of Peshawar and is staffed by mostly male officers.

¹⁰⁰ The Governor House also houses an all-male bureaucracy working under the Governor NWFP.

¹⁰¹ A building complex where all ministries of Government of NWFP are housed.

5.1.4) No Telephone

Women police station, Peshawar, does not have its own telephone. Instead the policewomen are given a telephone extension line from the near by police club, which functions from 8 am to 2: 30 pm. During the rest of the day the policewomen receive messages, if any, through a constable working in the wireless room of the Police Line.

5.1.5) Weapons

The staff of the women police station, Peshawar, are not allowed to carry weapons. They have not been given any weapons, although a few of the policewomen are trained in use of firearms.

5.1.6) Staff of the Women Police Station, Peshawar

Total staff is eighty six, including seventy one constables, four Head Constables (HCs), eight Assistant Sub Inspectors (ASIs), one Sub-Inspector (SI, who is also Station House Master, SHO), one Inspector and one Deputy Superintendent Police (DSP). Only six of the policewomen, including the DSP, are trained and rest of the staff is without any formal training. Twenty of the constables are completely illiterate. The process of promotion of all policewomen is much slower than that for the policemen.

5.1.7) Problem of Jurisdiction

According to the government notification mentioned in the footnote 98 the jurisdiction of the women police station is the entire capital city of Peshawar. In terms of practical police work this means that the women police station would be interfering in the jurisdiction of all police stations of Peshawar¹⁰³. There are no specific rules as to how the women police station would exert authority over the jurisdiction of all police stations of Peshawar. In this regard it is pertinent to mention that every police station in Peshawar has a specific area assigned to it where it exerts police authority and takes care of everything pertaining to police involvement in this area. No other police station, therefore, must interfere into the area belonging to some other police station.

¹⁰² The government office where I work is in the civil secretariat.

¹⁰³ There are 23 police stations in Peshawar, including the women police station.

5.1.8) ASP(HQ) is Incharge Women Police Station, Peshawar

In Pakistan, each individual police station is managed and led by a police officer known as Station House Master, SHO, while a Deputy Superintendent Police, DSP, has several police stations under his command. For example DSP Cantt¹⁰⁴ has six police stations¹⁰⁵ of Peshawar under his control. All the SHOs of the six police stations are answerable to DSP Cantt. Contrary to this, the women police station, although having an SHO, still is managed by a DSP, the only woman DSP in NWFP, who has no other police station under her command. However, in practice, the women police station, Peshawar, is managed and controlled by a male police officer, the Assistant Superintendent Police at the Police Line or Police Headquarters, known as ASP (HQ)¹⁰⁶. DSP women police station is answerable to ASP (HQ) who is equal in rank with her. This is something very unusual with the women police station, Peshawar. No other police station of the city is under direct control of the ASP (HQ).

5.1.9) Restricted Mobility

The policewomen are not allowed to leave the premises of their police station unless allowed by the senior ranking male police officers in the Police Line. There is no such order for policemen of all police stations of Peshawar.

5.2) Discussion on Findings

The above-mentioned findings show that women police station, Peshawar, is not working as a police station, because it does not perform usual functions of a police station, i.e. registration and investigation of cases etc. The police station is kept deprived of usual infrastructure, e.g. telephone, transport etc. In terms of practical police work, the policewomen are subjected to Pathan cultural practices and norms (*purdah* and exclusion of women from public sphere) rather than the official police rules, which regulate the conduct of police officers. Moreover, the women police station, surrounded by layer after layer of male power structure, gives the impression of a tiny private space standing secluded and segregated in a large public space.

¹⁰⁴ Cantt, built by the British, is a famous locality of Peshawar.

¹⁰⁵ The six police stations are in the following localities of Peshawar: East Cantt, West Cantt, University Town, Hayatabad, Nasir Bagh, Tatara.

¹⁰⁶ Being in the police headquarters, the ASP headquarters, known as ASP (HQ), has no police station under his command, except the women police station which is located within police headquarters. The ASP (HQ) has to deal with a lot of bureaucratic work in the police headquarters.

Radical feminists believe that entry of women in workforce of male-dominated organization does not automatically eliminate the subordination of women: they continue to be exploited by these organizations¹⁰⁷. The male-dominated police organization of Peshawar is no exception in this regard and therefore, stands as a ‘skewed group’ under the theory of tokenism, with the one and only women police station and its policewomen as tokens and its 22 normal police stations, police headquarters and their policemen as dominants. According to the theory, in the ‘skewed group’ the interactions between the dominant and the token categories will be heavily influenced by the dominants’ perception of the tokens i.e. gender relationship or how men see women in a particular culture/society and the tokens are seen as representatives of women rather than individuals.

Among the Pathans of NWFP, the whole public arena exclusively belongs to men. Women are confined to the domestic sphere. Therefore, their mobility outside homes, which amounts to violation of *Purdah*, is extremely restricted. This restricted mobility is expressed in a famous Pushto proverb: woman is for house or grave. Also, the restricted mobility of Pathan women is reflected in a survey wherein of the families queried, only 16.2% allowed women to meet relatives, 10.4% to meet with friends and 8.13% to leave the house for recreation purpose¹⁰⁸. Even the official website of Government of NWFP declares without any hesitation that the land of Pathans is ‘a completely male-dominated society¹⁰⁹’.

As principle, the mobility of policemen is subject to the official police rules of Pakistan, but in practice, they, particularly, the SHOs, also known to the public as kings of the areas under their police stations, have unlimited mobility. Similarly, a DSP, who is boss of two or more SHOs, is like a king of kings and hence, the master of unlimited mobility, in practice. But the policewomen are even denied the mobility accorded to them under the police rules. While talking about the restricted mobility and lack of authority of the policewomen, the DSP women police station told me:

¹⁰⁷ ‘Policewomen in Malta’, a research article, authored by Jacqueline Azzopardi Cauchy, down loaded in December 2003 from the website www.anzsoc.ecel.uwa.edu.au/anzsoc/conference98/azzopardic.html

¹⁰⁸ DCHD Human Situation Report cited in Shaheen Sardar Ali’s book, *Gender and Human Rights in Islam and International Law*, p 179.

‘We (policewomen) are expected to behave like obedient wives. Stay indoors and have nothing to do with the world outside the four walls of our police station.’

Hence, it seems that restricted mobility and enforced exclusion of the policewomen from normal police work is a reflection of the restricted mobility and enforced exclusion of women from public sphere in the society at large. Thus women police station, Peshawar, becomes a very strong case of what Kanter calls ‘quarantining¹¹⁰’ of women in the male dominated institutions. Because not only are the policewomen excluded from normal police work (registration and investigation of cases, arrests etc), but they are kept untrained and their women police station is deliberately stripped of basic infrastructure, telephone, transport etc.

This quarantining of the policewomen is clearly in the violation of article 34 of Constitution of Pakistan which states that steps shall be taken(by the state) to ensure full participation of women in all spheres of national life. This is also a violation of article 2(e) of CEDAW which makes it obligatory upon the state of Pakistan to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation.

5.3) Policing in *Purdah*: More Findings

The following research findings are based upon the objective number two of my research: to explore what goes on within women police station, Peshawar. This objective is a consequence upon the first objective: if women don’t register complaints in the women police station, Peshawar, then what are the policewomen sitting for in this police station? Following are the findings in this regard.

5.3.1) Functions of the Policewomen of Women Police Station, Peshawar

- Escort Duty, i.e. escort of women arrested by the police to courts.
- Security Duty, i.e. to be on security duties at important public places, e.g. High Court, the provincial assembly, when in session, etc.

¹⁰⁹ First line in the second paragraph of ‘Welcome to NWFP-Islamic Republic of Pakistan’ on the official website of Government of NWFP, which is the following. <http://www.nwfp.gov.pk/provincialcapital.php>. The website was visited on 29, March 2004.

¹¹⁰ According to Kanter, one of the strategies adopted by the dominants in skewed group is to ‘quarantine’ the tokens, i.e. to keep women away from some occasions, for example, pre-meeting get together and discussions where preparation is made for decisions to be taken in the formal meetings.

- Raids, i.e. to accompany policemen for raiding houses or any other place with women inside it.
- VIP duties, i.e. to escort female members of VIPs visiting, Peshawar.
- Female Lock Up, i.e. according to the law in Pakistan, a woman may not be kept in police custody over night in the absence of female police staff. Therefore, women arrested by the police, not only in Peshawar, but also in the surrounding cities, who should be kept in police custody overnight, are brought to the women police station, Peshawar, and detained in its lock up. After keeping the arrested women in the lock up of the women police station, Peshawar, for a day or two, these women are taken to the court of law, from where they are either sent to jail or released on bail.

5.3.2) Women Police Office of the Past

Before the establishment of the women police station, there used to be a women police office in the police headquarters Peshawar. Policewomen of this office were to do tasks which were considered inappropriate for policemen according to the norms and values of the *purdah* society, e.g. to conduct body search of women in important public places or to accompany policemen for raiding houses with women inside. The policewomen of the women police station, Peshawar, now perform all these duties.

5.3.3) Sexual Harassment

Nearly all policewomen I talked to denied sexual harassment in the police department, except one policewoman. Her statement will be mentioned and discussed in section 5.4.1.6.

5.3.4) Incomplete Uniform

In the women police station Peshawar, I found that most of the policewomen were not in their proper uniform, i.e. without caps, stars, officially designated shoes etc. The DSP Women Police Station told me that they wear proper uniform when they have to attend VIP functions. Most of the policewomen were at times in slipper, instead of the officially prescribed shoes. This is unlike the policemen, whom I found in complete uniform during my fieldwork.

5.3.5) *Purdah* and Policewomen

Like ordinary women of Peshawar, the policewomen, especially, the young policewomen, observe *purdah* by veiling themselves in a long dark blue *chader*, when

they go out in public. They also observe *purdah* when they are on official duty in public places, e.g. to conduct body search of women in important public places. However, unlike the young policewomen of Peshawar, the elderly policewomen do not veil themselves when they go out in public. They are no more attractive for men.

5.3.6) Policewomen in the ‘Free Time’

Since the women police station is not allowed to function as a normal police station, the police women often have ‘free time’ during their duty hours in the women police station. Then, how do they ‘kill the free time’? By, knitting, sewing, chatting, sleeping and recitation from Holy Quran for religious merit.

5.3.7) Policewomen as Domestic Workers

Several policewomen pointed out senior illiterate constables (lower ranked police officers) of the women police station to me, who, they claim, regularly do domestic work (cleaning, cooking, baby sitting etc) at residences of the SHO and DSP women police station and several other senior-ranked male police officers of the Police Line.

Some policewomen showed me a room in the women police station, where a table and an electric iron were placed, and told me that it is the permanent duty of some constables to iron the clothes of SHO and DSP’s families. If these constables don’t do ironing, then they are given night duties which they don’t like for they too have families and children to look after, they told me.

5.3.8) Opinions of the Policewomen

The following opinions are expressed by the policewomen in their talks with me during my visits to the women police station, Peshawar.

5.3.8.1) No Recognition for Work of the Policewomen

The policewomen I talked to frequently complained that their efficiency or good work during their assistance to their male counterparts, for example in raids etc, are never given any credit or recognition by the police department. One policewoman told me:

‘Policewomen discover illegal weapon, narcotics in female corners of houses during police raids. But then no one even mentions the role of policewomen or women police station and all praise, prize and credit are given to the male police officers of the raiding party and to their police station’.

5.3.8.2) Policewomen's Praise for Some Senior Police Officers

Most of the policewomen expressed their praise for two senior ranking police officers of the Police Line: SSP Malik Saad and ASP Mohammad Ali. The former used to send teams of policewomen on patrol duty without male police and the latter got some policewomen trained in use of fire arms. One policewoman told me about SSP Malik Saad:

'He wanted us to do normal policing duties. Therefore, he used to send us on patrol. We were very enthusiastic about the duty he assigned to us. But then, he arrested Madam Gulzari¹¹¹. The arrest quickly led to his transfer from the Police Line as a punishment for him for daring to arrest the 'influential woman'. Immediately after his transfer, we (policewomen) have been asked to stop patrolling and henceforth we never have been sent on patrol'.

Similarly, another policewoman told me about ASP Mohammad Ali:

'He was ASP (HQ) and Incharge women police station. He too wanted us to do normal policing duties. He arranged for some of us a training in use of fire arms. But he had to leave us soon to join the UN police force in Bosnia'.

Most of the policewomen were of the opinion that if the above mentioned two officers had stayed longer in their offices, the women police station would have been a little better than what is it now.

5.3.8.3) Uniform as Sign of Authority

Most of the policewomen agreed that the uniform of male police is more a sign of authority to the public than the uniform of the female police.

5.3.8.4) Unhappy and Disappointed

Some policewomen told me they are unhappy and disappointed at their exclusion from the usual police work. Some young policewomen had already made up their minds to leave the police and were sending applications to other places for jobs. These policewomen told me they joined the police with great enthusiasm, but now they want to go to some other fields where they would have opportunities to make a good use of their talents.

5.4) Discussion on Findings

I will begin the discussion by making a reference to the nineteenth century British police when women were not officially accepted in the police force, but still the policemen had to depend on women, usually wives of the police officers, for tasks considered inappropriate or even impossible for policemen, for example, the intimate searching of women suspects (Radford, 1989:15). Also before forensic science, the ability to distinguish between menstrual bloodstains and those of a murder victim was beyond the power of men and hence the police needed women to distinguish between the two (ibid). Similarly, the policewomen in Peshawar are used for tasks deemed inappropriate for policemen according to the cultural norms and values of the Pathan society e.g. raids over women's corners in houses etc, although the main difference between the nineteenth century British police and the present day Pakistan police is that unlike the former women are the official members of the latter. Thus, the policewomen are confined to the tasks in which the policemen would need women even if there were no women in the ranks and files of the police. Besides, the policewomen are assigned stereotyped informal roles, which have nothing to do with official police work. For example, some of them are used as domestic workers in homes of the senior ranking police officers and some are perceived as sex objects. Therefore, the policewomen seem to be tokens representing their own category, i.e., women, rather than individuals or police officers.

5.4.1) Theory of Tokenism and Policewomen in Peshawar

According to Kanter one of the strategies adopted by the dominants in male-dominated organizations is to assimilate the token women in the organization by assigning them stereotyped informal roles, for example, the roles of mother, seducer, the pet or iron maiden (Kanter, 1993:233). Indeed, in these roles the token women get acceptance of the dominants, but they do not intervene with the interactional patterns in the organization and hence do not present any potential threat to the monopoly of the dominant men. Beside, token women could face sexual harassment at the hands of dominant men in an organization.

¹¹¹ An (in)famous woman in Peshawar, who has a well-known reputation of 'supplying' women and girls for sex services to influential men in Peshawar, including politicians, senior ranking government officials.

5.4.1.1) Mother

Many senior and illiterate policewomen in Peshawar work as domestic workers in the houses of high ranking male police officers and as well as the SHO and DSP women police station, Peshawar. One young policewoman told me:

‘The DSO and SHO (of women Police station) don’t like us (young policewomen with good educational background) because we have better educational qualifications and they can’t ask us to work in their houses like they ask the old, illiterate constable’.

Similarly, Rakhshanda Naz¹¹² also pointed out to me several senior policewomen in Peshawar who serve as domestic servants in the houses of senior ranking male police officers. Kanter views that a mother role is safe, less vulnerable to sexual pursuits, as men don’t compete for a token woman in this role and she is available to all (Kanter, 1993:234). This is also true of the Peshawar’s policewomen in mother’s role, who, unlike the young policewomen, don’t veil themselves when in public and mingle with policemen without generating ‘love scandals’.

5.4.1.2) Seducer and Pet

A seducer is a sex object in the organization and allies herself with a powerful man in the high-ranking management, who becomes her ‘protector’ (ibid). I can not say anything for sure about intimate personal lives of the policewomen, but among the police and other social circles¹¹³ in Peshawar several policewomen were perceived as seducers, some as ‘call girls’ and some as ‘suppliers of comfort girls’ to policemen and other influential men in and outside the government. On account of their perceived sexual connections with influential men, they were assumed to be rewarded by them in terms of postings at places of choice etc.

A token woman as a ‘pet’ is expected to join men to entertain them but not to ‘interfere’ with their work. In Peshawar most of the policewomen who were perceived as seducers were also perceived as pets, i.e. they were accepted as sex object to be a source of gossips and ‘juicy rumors’ but not welcomed as police officers performing normal police duties. Also, some policewomen who were not perceived as sex symbols were perceived as pets. For example, according to Kanter, the acts taken for granted in men are often unduly

¹¹² Interview with Rakhshanda Naz, Resident Director *Aurat* Foundation, Peshawar, a famous women’s NGO, on 21, August 2003.

‘fussed over ‘when done by a ‘pet’ (Kanter, 1993:235). Hence, once an arrested woman in the lock up of the women police station, Peshawar, ran away from the policewomen on duty. This incidence became a source of public ridicule. Even during my fieldwork several people mentioned to me this incidence, albeit the incidence was about a year old now. Certainly there are several cases of prisoners/detainees running away from policemen, but these cases are never as ridiculed by the public as the one and only case of this kind with the policewomen. At heart of the ridicule is the notion that women are not fit for policing. Similarly, the role of policewomen in discovering narcotics or illegal weapons in raids over houses is not given due recognition by the police department, as the policewomen complained to me. Besides, a policeman told me he would never salute a woman police officer even if she were much higher in rank than him¹¹⁴.

5.4.1.3) Iron Maiden

If a token woman did not fall into any of the roles of mother, seducer or pet, acting as somebody who would rather defeat the attempts to be taken into these roles, who would insist on full rights in the group and has displayed an outright professional competence, might consequently be labeled as iron maiden (Kanter, 1993:236). Women in this role are stereotyped as tougher than they are and might be taken away by a more militant stance than they might otherwise like (ibid). I cannot say if any woman in the women police station, Peshawar, fits into the role of iron maiden.

5.4.1.4) Lesbians

Lesbian is the category of token women, which is not mentioned by Kanter. But I found that some policewomen, who were good friends and not perceived to be close to any men, were perceived as lesbians in the police circles.

5.4.1.5) Like Obedient Wives

Once the D.S.P women police station, Peshawar told me:

‘We (policewomen) are expected to behave like obedient wives. Stay indoors and have nothing to do with the world outside the four walls of our police station.’

I think most policewomen in Peshawar fall under this category. They are not expected to ask for their rights and responsibilities as normal police officers. Unlike their male

¹¹³ For example, some circles of government officers, where I also come from and some journalistic circles I have been in contact with.

¹¹⁴ Interview with a police constable in Peshawar on 16, June 2003.

colleagues, they are ‘quarantined’ in their police station, just like wives in the *pardah* society of the patriarchal tribal culture of NWFP. Out of sheer helplessness, some policewomen have decided to leave the police and some have unwillingly accepted the status quo. Out of sheer frustration one policewoman told me:

‘I cannot speak (against the gender discrimination in the police) as long as I am in service. But I will speak out loudly against the injustices meted out to policewomen once I am retired from my job’.

Finally, as per theory of tokenism, the interactional patterns change in an organization as it moves from ‘skewed group’ (typological ratio 85:15) to ‘tilted group’ (typological ratio 65:35) (Kanter, 1993:209). The dominants become majorities and the tokens minorities with potential to form coalitions and affect the culture of the organization (ibid). Could the macho culture of the police be changed if there are more women police stations in Peshawar or if the typological ratio between policemen and policewomen in Peshawar were 65:35? Would the theory of tokenism be applicable if the police set up of Peshawar were a ‘tilted group’? It is hard to speculate about it given the misogynistic cultural practices, discriminatory laws of the state and religious conservatism in Pakistan. All this makes Peshawar a very different culture from the US industrial corporation on which Kanter researched and developed the theory of tokenism. I think that more research is needed to see how far the theory of tokenism could be applicable if the police in Peshawar become a ‘tilted group’ or even ‘balanced group’.

5.4.1.6) Sexual Harassment

MacKinnon regards sexual harassment as a term that encompasses sexist remarks, degrading comments, undesired fondling, requests for sexual favors, rape and sexual blackmail¹¹⁵. Sexual harassment creates an intimidating, hostile, or offensive working environment, which humiliates and marginalises those who are sexually harassed. After researching on Maltese policewomen, Jacqueline A. Cauchi found that the very nature of sexual harassment makes it too embarrassing for the policewomen, whom she interviewed, to report - even to a researcher¹¹⁶. My own research finding is no different from this: all the policewomen except one I talked to denied that sexual harassment ever

¹¹⁵ MacKinnon 1995 cited in Jacqueline A. Cauchi, page 6, down loaded from <http://www.anzsoc.ecel.uwa.edu.au/anzsoc/Conference98/azzopardic.html>

come their way. The one and only policewoman in Peshawar who admitted to an indecent sexual advancement towards her told me:

‘Once I was with a police party raiding a house temporarily converted into a ‘brothel’. I saw policemen were dragging women (supposedly prostitutes), lifting them and dumping into a police van. After all the women were dumped in the police van, one of the policeman lifted me and dumped me into the police van, but then immediately said that he was sorry for what he did but he did it because he said he mistook me for a prostitute.....I am sure he did it just for fun. I was very sad and wept a lot when I was back to home, but I could not complain to anyone for fear of landing into scandals’.

Police is the second most sexist organization in the world. The first one is navy¹¹⁷. Policewomen face sexual harassment in many countries. For example, in Malta (which is a very different culture from Pakistan) policewomen are constantly bombarded with sexist remarks by male colleagues and most policewomen view Malta Police Force as highly chauvinistic¹¹⁸. The police of Pakistan do not seem to be an exception. Given the patriarchal and gender-segregated nature of the *Purdah* society in Pakistan, all women who discard gender-segregation and mix up with men are very vulnerable to be viewed as sex objects and, therefore, may very easily slip into sex-related scandals.

According to the theory of tokenism, dominants put pressure on tokens through visibility, which means focus on characteristics distinguishing the tokens from the dominants, and contrast, which means exaggerating the gender differences between the dominants and the tokens by the former (Ryen, 2000:20&21). This leads to strategies to remind the women of their gender differences with men (Ryen, 2000:21). One strategy is to make jokes or other acts portraying women as sex objects (ibid). During my fieldwork I noted the following about the policewomen which are in tune with this strategy.

◆ A general perception about the policewomen who had their personal mobile telephones, was that of ‘call girls and prostitutes’. There were rumors about some policewomen as

¹¹⁶ Jacqueline A. Cauchi on page 6 in ‘Police Women in Malta’ down loaded from <http://www.anzsoc.ecel.uwa.edu.au/anzsoc/Conference98/azzopardic.html>

¹¹⁷ On page 2 in ‘Sexism and Racism in Law Enforcement’, down loaded in March 2004 from <http://faculty.nwc.edu/toconnor/205/205lect06.htm>

¹¹⁸ Jacqueline A. Cauchi on page 4 in ‘Policewomen in Malta’ down loaded in December 2003 from <http://www.anzsoc.ecel.uwa.edu.au/anzsoc/Conference98/azzopardic.html>

prostitutes and ‘suppliers’ of ‘comfort girls’ to senior police officers and other influential men in and outside the government. According to some gossips in police circles, some policewomen were having ‘close relations’ with senior ranking government officers and were, therefore, ‘blessed’ and ‘rewarded’ by the latter.

- ◆ According to some other rumors some policewomen were lesbians.

- ◆ In my presence ASP (QH) got a call in which the caller requested for deputing a police woman on the entry point of a public place. After he was finished with the call, he told me that the caller asked him to send a ‘presentable’ policewoman . The ASP(HQ) said:

‘This is a ‘normal’ request. Whenever we get a request for deputing a policewoman somewhere, the very next thing we listen to is that we should send a ‘presentable’ policewoman’.

5.4.2) Impact of Exclusion of the Policewomen from the Routine Police Work

The impact is demoralizing. The policewomen, especially the young policewomen, are frustrated at their exclusion from the routine police work. Some of them have already decided to quit the police for the good. In this regard one policewoman told me:

‘I could join any other profession. But I chose the police, because, I like it. For this, first of all I had to face a huge resistance in my family, which did not like my choice. However, I finally convinced my family to allow me join the police. Once, in the police I found that I am not allowed to work as normal police officer. This is very disappointing and I have decided to quit the police once I get a job elsewhere. I have already applied for a job.....’.

This is a clear lose to the police as institution which is losing young enthusiastic officers from its ranks and files. Besides, due to the confinement of the policewomen into the four walls of the women police station and the exclusion of the women police station from the activities of the mainstream police organization, many people in Peshawar don’t even know where the women police station is. For example, among the informants who filled in the structured questionnaires I made for this research, only 38% men, 34% housewives and 42% working women know the exact location of the only women police station of their city. Similarly, only 46% of the housewives know that there exists a women police station in Peshawar. Furthermore, due to the exclusion, many policewomen did not seem to be interested in wearing their full police uniform. Their uniform is not seen as a sign of

authority. In this regard a policeman told me that he would not even like to salute the female DSP of the women police station, although he admitted he was much junior in rank to the lady DSP¹¹⁹. Thus it is not a surprise that many policewomen remember with nostalgia the two police officers, SSP Malik Saad and ASP (QH) Mohammed Ali, who made some efforts to break the seclusion of the policewomen.

5.4.3) Women Police Station, Peshawar: an Interface of Statutory Law and Culture

The above mentioned research findings and discussion underscore that status and role of the policewomen are shaped, regulated, and judged by the gender-specific code of conduct of the Pathan culture, i.e. seclusion of women and their exclusion from public sphere. Nothing of this sort is sanctioned in the official police rules of Pakistan or the constitution of the country. But still right in the heart of a state institution (police) the lives of women of this institution are governed by discriminatory cultural codes of conduct and customary law. This makes the principle of non-discrimination on basis of sex enshrined in the Constitution of Pakistan a cry in wilderness. Similarly, Pakistan's commitments under CEDAW for equality between men and women seem lost to the robustness of the Pathan culture. Thus women police station, Peshawar, is a powerful manifestation of the interface of custom, culture and the state law of Pakistan.

5.5) Concluding Remarks on the Findings

The establishment of women police stations has been an insufficient and inappropriate response of the state to guarantee easy provision of legal rights to the women. As is proved from the research findings in Peshawar, the women police station is not only unable to protect women victims of violence but it has generated its own category of victims, the policewomen who are denied the right to work as police officers.

¹¹⁹ Interview with a police constable in Peshawar on 16, June 2003.

CHAPTER SIX

6.0) TALE OF TWO WOMEN

In this chapter I am going to present two case studies, which means a detailed description of and discussion on complaints of two women who came to the women police station, Peshawar, in my presence at the police station. I followed the cases to see how the police handled them.

6.1) Case Study One: Robina Versus Her Brother-in-law

This case study looks into the case of Robina¹²⁰, a school teacher, a co-wife estranged and separated from her husband and living in her mother's house with her two little children. She wanted to register FIR against her brother-in-law who happened to be a DSP in the Police Line Peshawar. Her complaint in her own word was:

'I went, along with a ten year old female neighbor, to my husband's house to collect toys and clothes of my children. My husband was not home but the brother-in-law was home. He was unhappy to see me and asked why had I come. We had a heated argument during which he hit me with his hands.'

At another point in her conversation with the policewomen she said:

'I did not go to my area's male-dominated police station, because I was afraid that they (policemen) would not lodge my FIR against their boss, my brother-in-law. Therefore, I came to the policewomen thinking that they would register my complaint against him.'

She was offered pieces of advice by the policewomen: be patient, compromise, in our society it's always woman who must compromise, otherwise she finds no respect, no support in the society. Robina disagreed completely and insisted on registering FIR against her Deputy Superintendent Police (headquarters), DSP (HQ), brother-in-law. Upon this the SHO and DSP told her that they would not lodge her FIR but would take

¹²⁰ This is the lady's fictitious name, which I gave her to protect her identity. A short time after her arrival in the women police station, the SHO, women police station, introduced me to her. Then I requested her if, for the purpose of my research, I could follow her case to see how the police settled it. She agreed. I went with her wherever she was taken by the SHO, and observed the process of 'settlement' of her case by the male police officers, the role of police women in this regard and meanwhile, kept on taking notes in my diary. After the 'settlement' of her case by the ASP (QH) in the Police Line, she gave me her telephone number and accepted my request for an appointment and an interview with her at her mother's home where she lived. A few weeks after this, I visited her in her mother's house, had a detailed informal interview with her, and met her beautiful children, mother, grandmother and a paternal aunt.

her to SSP (HQ) to discuss her problem with him and if he thinks appropriate he will direct her area police station to register her FIR. Then, the SSP (HQ) was sent to through a male peon¹²¹ for an appointment by the SHO, women police station. The SSP (QH) said he was busy but can see them after two hours. After two hours, the SSP (HQ) was again sent for, who replied he was still busy, but would see them after an hour. After an hour, Robina, the SHO and I were in the office of the SSP (HQ). The SHO told SSP (HQ) about Robina's complaint and her intention to register FIR against one of his subordinates officers, the complainant's DSP, brother-in-law. The SSP (HQ), a polite, decent-looking man, talked to Robina directly and carefully listened to her. He then referred the case to the ASP (HQ)¹²² for onwards proceedings. Next, Robina, the SHO and I were in the office of the ASP (QH), a young man, who got an early retirement from Pakistan Army and joined the police service of Pakistan. Again, the SHO introduced Robina, her complaint and her intention to the ASP (HQ), who then directly talked to Robina and decided to send for her bother-in-law to listen to his side of the issue. Robina's brother-in-law, DSP (HQ) Ihsan¹²³, came to the office of ASP (HQ) in full police uniform. He was a little surprised to see his sister-in-law with the lady SHO in the office of the ASP (HQ). He denied he had hit his sister-in-law and said she was a liar. In return, the sister-in-law alleged him being a liar and crook. Then, there was an outburst of yelling, screaming, and angry exchange of allegations, during which the Ihsan used some derogatory remarks against Robina. The ASP (HQ) quietened them by picking up his phone and almost 'ordering' them to be silent because he had to make a very important call. The ASP (HQ) was on phone for about five minutes, which made both the 'warring parties' cool down. Following is the talk between the ASP (HQ), Ihsan and Robina, when he was finished with the phone.

ASP (HQ): One of you is lying.

¹²¹ He is an employee in the police headquarters and carries to and from the policewomen messages to male officers in the police headquarters and vice versa.

¹²² Also Incharge women police station, Peshawar, as mentioned earlier.

¹²³ Fictitious name.

Ihsan: I am not lying. However, I admit that I threw just a shoe towards her when she misbehaved with me. But even the shoe did not hit her.

ASP (HQ): What? Did you throw shoe? This is completely unbecoming of a police officer. If nothing else, at least you should have some regard for the police uniform you are wearing.

Robina: No, he attacked and hit me with his hands.

Ihsan: This is a lie.

Robina: This is not a lie.

ASP (HQ): Stop! You both! Now, I am going to decide it on Holy Quran.

Then a copy of Holy Quran was brought in by one of the subordinates of the ASP (HQ). Robina put her hand on Quran and said that Ihsan had hit her. Ihsan put his hand on Quran and said he did not hit her. Then both accused each other of lying on the Holy Book. Soon the mutual accusation turned in to yelling and screaming at each other, which again made the ASP(HQ) to pick up phone and 'order' them both to be silent because he had to make an important call. Like before, this time too he was on phone for five or six minutes. When finished with the phone, he again addressed the 'warring parties'.

ASP (HQ): Robina Bibi¹²⁴, do you have any witness who had seen you when you were being hit by your brother-in-law?

Robina: Yes! This girl¹²⁵ was with me when he hit me. She is the witness.

ASP (HQ) (While addressing the girl): Did you see her being hit by this man (pointing towards Ihsan).

The girl: Yes, I saw him hitting her.

ASP (HQ): Do you know me? Who am I? I am a policeman! If you told lie, then I will arrest you, handcuff you and put you in jail.

The girl (who got scared): No, No. This man did not hit her.

¹²⁴ This is a word a woman is addressed with as a mark of respect towards her.

¹²⁵ Robina's neighbor whom she said was with her when she went to her husband's house, as mentioned in the above lines.

After this, the ASP(HQ) concluded that Robina did not have any witness and there seemed no injuries on her body. Therefore, the case could not be forwarded to the concerned area police station for registering FIR. However, he ‘settled’ the case by asking Ihsan to be polite with his sister-in-law in the future and let the family problem, if any, be between her and her husband, Ihsan’s brother. Seemingly satisfied and a little amused, Ihsan agreed. Then the ASP (HQ) asked him to go back to his duty. Similarly, he told Robina that the case was settled and she may go now. Upon this the SHO stood up and said she too would now go back to her duty place, the women police station. Almost all through the conversation among the ASP (QH), Ihsan, Robina and the girl, the SHO, women police station did not speak and kept on observing silently, like myself.

A few days after the ‘settlement’ of Robina’s case by the police, I went to Abbottabad for three weeks to conduct research on the women police station, Abbottabad. Following the three weeks I was back in Peshawar and went straight to the office of ASP (HQ)¹²⁶. To my utter surprise I found that the ASP (QH) was posted to some other city and the new ASP (HQ) was Ihsan, Robina’s brother-in-law! When he saw me, he smiled and said:

‘On that day you were taking on notes in your diary and you did not even introduce yourself to me and were all the time busy writing in your diary’.

I introduced myself to him and requested for his cooperation in my research. He promised to cooperate with me as much as possible for him. And I admit, he honored his words and cooperated with me in my work. In our meetings we talked about different aspects of the women police station and about his sister-in-law on one occasion. He was sorry for lack of equipment and training facilities for the women police station and wished to see it working as a normal police station, but he had no good words for his sister-in-law.

¹²⁶ It was indeed very kind and polite of the ASP(HQ) who had told me , after our first meeting, that I can visit his office any time I want and talk with him on any issue pertaining to the women police station. Therefore, I did not need to request for an appointment before meeting him. I would go straight to his office and meet him, if he was present in his office and not out of office for some meeting or outdoor/field duty. Each time he used to manage some time for me, even if he was very busy with his work.

A few days after my meeting with Ihsan as ASP(HQ) and Incharge women police station, Peshawar, I went to visit his sister-in-law in her mother's house, which was on the outskirts of Peshawar. She warmly welcomed me. But I was sorry, I had a bad news for her, the news that her brother-in-law was now Incharge women police station. She was already very disappointed with the manner the women police station dealt with her case and the news added up to her disappointment. The following is a part of the dialogue between her and me:

Robina: This is very bad. I went to the women police station with great hope, but returned with great disappointment. Now, my disappointment is compounded with the posting of my brother-in-law as ASP(HQ) and Incharge women police station.

Farhat: What made you attach great hope with the women police station?

Robina: *Pas-I-Aina*¹²⁷. Besides, the apprehension that policemen would not be willing to listen to me against their boss in police headquarters, and the hope that women police station, established with the sole objective to help women in need of police protection, would be ready to help, like it used to help in *Pas-I-Aina*.

6.2) Discussion on Case Study One

As mentioned in chapter three and four, there is no concept of domestic violence in the statutory law of Pakistan. However, the police can register cases of domestic violence against a women under various sections of PPC, related to various acts of violence, but only if there is a bone fracture or cuts with removed skin or any other clear mark of violence/torture on the women's bodies. This was the reason why the ASP (QH) concluded that Robina' case could not be registered because she did not have any injuries on her body. In this case Robina did not have clear injuries on her body. But usually the

¹²⁷ A famous TV drama, which Pakistan state TV repeatedly aired after the establishment of women police stations. In this drama, efficient, honest policewomen of a women police station used to save helpless women caught up in dangerous situations, by risking their own lives. Unlike women police station, Peshawar, the women police station in this TV drama was fully equipped, had trained staff and the authority to register FIRs, investigate cases, conduct raids, make arrests, if needed etc.

police would be very reluctant to register cases of domestic violence even if women are seriously injured¹²⁸. According to Mussarat Hilali:

‘In my professional career as a lawyer I have seen the police refusing to register cases of women who have sustained serious injuries in domestic violence and were carried to the police station in beds. As per provisions of PPC the police must register any case if there are injuries on the victim’s body, whether man or woman. The PPC does not say that the police must not register case if the accused is husband or in-laws. But the police never agree. They insist that domestic violence is a private family matter and does not invoke provisions of PPC¹²⁹’.

Why the police are reluctant to invoke relevant sections of PPC in cases of domestic violence against women, especially when these sections are equally applicable to all citizens of Pakistan regardless of sex? The answer lies in the extremely unequal gender relation in Pathan culture wherein woman is the property of man and a creature without a brain. This is manifested in the following famous Pushto proverb: ‘woman would have eaten human feces if she had no nose’. This means that woman is devoid of mental faculty and is run by sense. Thus, mental sufferings of women mean nothing in the Pathan culture. Robina was suffering a lot of mental torture at the hands of her husband and brother-in-law, which made her shift to her mother’s house¹³⁰. This annoyed her husband and brother-in-law¹³¹. If a woman does any thing that annoys her male family members, they are in their rights to use violence as a tool to remind the woman of her real status, i.e. that she is a not a sui juris but their property. This also sends a powerful message to other women to stay in ‘limits’. In this regard, some Quranic commandments are considered as a divine permission to keep women in perpetual obedience to men and inflict violence on them when they are perceived as disobedient by men. For example, Quran clearly allows men to scourge women if they disobey them:

¹²⁸ Interview with Mussarat Hilali, lawyer and Additional Advocate General of Government of NWFP on 8, September 2003, interview with Bushra Gohar, a Peshawar-based women rights activist on 25, June 2003, interview with Afrasiab Khattak, Chairperson Human Rights Commission of Pakistan on 10, June 2003, and interview with Rakhshanda Naz, Resident Director Aurat Foundation (a Women’s NGO), Peshawar, on 21, August 2003 in Peshawar.

¹²⁹ Interview with Mussarat Hilali, human rights activist and Additional Advocate General to government of NWFP on 8, September 2003.

¹³⁰ Interview with Robina. During the interview she repeatedly told me that she had been undergoing mental and physical torture at hands of her husband and in-laws.

¹³¹ *ibid*

‘Men are superior to women on account of the qualities with which God hath gifted the one above the other, and on account of the outlay they make for their substance for them. Virtuous women are obedient, careful, during the husband’s absence, because God hath of them been careful. But chide those for whose refractoriness ye have cause to fear; remove them into beds apart, and scourge them: but if they are obedient to you, then seek not occasion against them: verily, God is High, Great! (Chapter 4-, ‘Women’, in *Quran* translated from Arabic into English by J.M. Rodwell)’.

Many people in patriarchal Muslim societies, including Pakistan, understand the above mentioned verses of Quran as a ‘divine permission’ to beat women if ‘necessary’ as a ‘corrective measure’. According to a police constable in Peshawar:

‘There is a standing rule in Islam: eye for eye, hand for hand and head for head. But the rule is not applicable to a woman who gets beaten up by her husband when she disobeys him, because God has made man superior over woman.It must be enough to advise him to be kind with her in future¹³²’.

Moreover, there is no shortage of Islamic books, which favor beating of women, for example the Urdu¹³³ book of a Muslim cleric, Maulana Kamal-u-Din, which not only advocates beating of women but also declares that a wife should consider herself as a slave of her husband. Ironically, the name of the book is *Tufat-ul-Nisa* means ‘Gift to Women’. Likewise, on 24, July 2000 the website of BBC showed a report wherein some Spanish women’s groups had threatened to present a lawsuit against a Quranic scholar in Spain, Imam Muhammad Kamal Mustafa, whose book, *Women in Islam*, gives advice on wife beating. According to the website:

‘He (the writer) recommends verbal correction followed by a period of sexual abstinence as the best punishment for a wife, but does not rule out a beating as long as it is kept within strict guidelines.to avoid serious damage, a husband should never hit his wife in a state of extreme or blind anger. He should never hit sensitive parts of the body such as the face, head, breasts or stomach. He should only hit the hands or feet using a rod that is thin and light so that it does not leave scars or bruises on the body. The husband’s

¹³² Interview with a police constable in Peshawar on 16 June, 2003.

¹³³ National language of Pakistan.

aim, the writer said, should be to cause psychological suffering and not to humiliate or physically abuse his wife¹³⁴.’

The above-mentioned Quranic commandment and the pieces of advice by the Quranic scholars fall into the ambit of violence against women as defined¹³⁵ by UN Beijing Declaration and Platform for Action, 1995. Thus there is a legitimacy of domestic violence against women not only in Pathan culture but also in the popular understanding of Islam. Domestic violence against women, as explained in the above context, is a violation of article 25(1)¹³⁶ and 25(2)¹³⁷ of the Constitution of Pakistan. Similarly, it stands as a discrimination against women as defined¹³⁸ in CEDAW.

Robina expressed her profound disappointment at the manner the police dealt with her case¹³⁹. But this is how the police get rid of cases of domestic violence, even if they are much worse than Robina’s problem. In fact, the policemen of Pakistan, who share a patriarchal and Islamic worldview with their fellowmen in the society, consider that domestic violence against women, whether physical or psychological, have nothing to do with PPC or the police and must be dealt by the family. Thus the police collude with non-legal cultural and religious forces and apply the provision of PPC selectively to preserve the cultural and religious status quo. Consequently, the principle of equality before the law regardless of sex, enshrined in the Constitution of Pakistan, gets defeated.

6.3) Case Study Two: Hadia Versus Her Father-in-Law

This case study looks into the complaint of Hadia¹⁴⁰, 19, a beautiful woman who, accompanied by her mother, came to the women police station in my presence. She said due to sexual harassment by her father-in-law, she had to leave her husband’s house¹⁴¹,

¹³⁴ ‘Spanish Women’s Fury at Islamic Advice’, down loaded on 10 March, 2003 from <http://news.bbc.co.uk/2/hi/europe/849029.stm>

¹³⁵ ‘The term violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life’.

¹³⁶ ‘ All citizens are equal before law and are entitled to equal protection of law’.

¹³⁷ ‘There shall be no discrimination on the basis of sex alone’.

¹³⁸ ‘The term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.’

¹³⁹ Interview with Robina at her mother’s house on 26 August, 2003 in Peshawar.

¹⁴⁰ Fictitious name.

¹⁴¹ The father-in-law used to live with her and her husband in the same house.

but her ten months old baby boy was retained by her husband and the father-in-law on the ground that a child belongs to father and if she wants, she might go wherever she wants but can not take the child with her. She said she was living with her parents for one month without her child. She requested the policewomen in the following words:

‘I am not interested in FIR. I want my child back. You (policewomen) should guide me. If you think I can get my baby by lodging FIR, I am ready to lodge one. If you think I can get him without FIR, I will not ask for FIR’.

The policewomen introduced me to Hadia and her mother and I requested them if they would allow me to talk to them about their problem and follow their case in the police for my research. They agreed. Her mother, who was tearful almost all through her stay in the police station, told the policewomen and me:

‘My husband has already taken up the complaint to our area police station and has been visiting this police station for nine days, but to no avail. Sometimes they (policemen in her area police station) say their SHO is on patrol, and therefore they can not register our complaint. Sometimes, they say their SHO is too busy to listen to them. Yesterday, someone told my husband about the women police station. We did not even know where this police station is? But my husband found its location after asking some people about it. Now, we have come to the women police station with a hope’.

At another point during her conversation with the policewomen, Hadia’s mother said:

‘ It is so frustrating for my husband and me. Hadia, who is three months pregnant now, cries most of the time for her child and we can not get her child. We have no son but three daughters, two of them still unmarried. Hadia’s marriage has been such a terrible experience for me and my husband that sometimes I wish to kill my unmarried daughters with my own hands, instead of marrying them and watching them going into troubles like Hadia’s.’

Meanwhile, Hadia insisted on her allegations and told the policewomen and me some details about the sexual harassment that she had to face at hands of her father-in-law:

'This (sexual harassment) started right from the first day of my marriage. When as a bride I was being seated into *dolly*¹⁴², my father-in-law was touching my breast. I was feeling very embarrassed. But could not complain to anyone for fear that no one would believe me. He continued his indecent sexual advances whenever my husband was not home and my mother-in-law was busy in, for example, prayer. I talked to my husband about it. He admitted that his father was an adulterer, but he said it is ok. All men are adulterers. However, he did not believe that his father had 'bad intentions' on me. I am scared. He could rape me one day when my husband and mother-in-law both are not home'.

At one point during the conversation between the policewomen and Hadia and her mother, the SHO, women police station told Hadia:

'No matter what come may, you should not ask for divorce from your husband. Our holy prophet disliked divorce'.

Hadia said:

'I will not ask for divorce. I like my husband. It is only his father-in-law I am uneasy with. I will wait till the time he realizes the true character of his father and comes back to me.'

Finally, after a long discussion between the SHO and DSP, on one hand, and Hadia and her mother on the other hand, about how to get Hadia's child from the custody of her in-laws , the DSP said:

' We can not lodge FIR. This, if necessary, will be lodged by your area police station. However, you said that the area police station is not helping you. Therefore, we take you to the SSP (rural)¹⁴³ and request him to telephone the area police station for taking your complaint seriously. Once the SSP (rural) have telephoned your area police station, they (policemen in the area police station) will have to help you'.

After this the DSP and SHO sent for the SSP (rural) through a peon. The peon came back with the reply that the SSP (rural) was very busy now but would see them after an hour

¹⁴² Palanquin. In the traditional marriage ceremony in NWFP, a bride is taken away from natal family to the husband's house in a *dolly* or palanquin. A veiled palanquin, with a veiled bride inside, is taken away in a big procession of the bridegroom's extended family members, friends and neighbors, which, in words of Fredrik Barth (1998:39) 'displays all her (bride's) possessions' by the husband and his family. Normally, it is father, brother or uncle of the bride who seated her in a palanquin by holding her hands or shoulders.

¹⁴³ His office is in the Police Line.

from now. After an hour he was again sent for. Still he was busy and asked the SHO to come to his office after two hours from now. After two hours, the SHO, Hadia, her mother and I were in the office of the SSP (rural). The SHO introduced the mother and the daughter to the SSP (rural), who then asked them to tell him about their problem. Hadia's mother began to talk. When she was in the middle of her talk, a senior ranking police officer came into the office of the SSP (rural), who welcomed him warmly and began to talk with him while ignoring Hadia's mother, at least for the time being. From the tone and tenor of the talk between the two senior police officers it seemed that they were good friends. They talked about some issues concerning police and some personal issues for about forty minutes, during which we four women, the SHO, Hadia, her mother and me, remained seated silently. During the conversation between the two policemen, they also talked about a police case involving some women. Then the visiting police officer suddenly looked at the SHO women police station and said:

'This was your case, because it has women in it. But you are not taking it rather we are dealing with your case.

The SHO said:

'No sir. This is your case, because it happened in your area. Moreover, it happened in night time, when I am not on duty in my police station'.

The male police officer replied:

'An SHO is 24 hours on duty. Day or night does not matter'.

The SHO women Police station said:

'Yes, but it is a male SHO who is 24 hour on duty, whereas, we policewomen are mothers and wives. We have to give time to your houses as well. How can we be 24 hours on duty?'

After about forty minutes, the police officer left the office of SSP (rural), who then turned to Hadia's mother, who began to narrate her daughter's ordeal again. After hearing her, the SSP (rural) telephoned the police station in the area where Hadia's husband's home was located and ordered that he wanted the baby be given back to his mother as soon as possible. When finished with the phone, he addressed Hadia's mother.

'Now you must immediately go to your area police station, where some policemen will accompany you to your daughter's in-laws' house and get you the child'.

We left the office of SSP (rural). Now we were between the women police station and the office of SSP (rural) and the problem was that the mother and the daughter did not feel comfortable with the idea of going to the area police station without being accompanied by Hadia's father or at least a third person they would feel confident with. They had to rush to the police station quickly and Hadia's father could not join them so quickly because, as Hadia said, he was at his work place, which was very far away from the Police Line and the concerned police station. Therefore, her mother requested the SHO women police station:

'Would you accompany us to the concerned area police station and the house of Hadia's in-laws and be with us till the child is safely taken from the in-laws?'

The SHO said:

'I don't think it is necessary. Policemen will be with you when the child is being taken away from the in-laws. So don't worry. But don't waste time and reach the police station as soon as possible, where policemen will be waiting for you, because they have been ordered by the SSP (rural) to help you. Now, you must have trust in the words of SSP (rural)'.

After having said this, the SHO moved away quickly and entered inside the women police station. Hadia and her mother stood still and silently watched the SHO going into the women police station. They looked confused, even helpless. At this point, I told them I could join them to the police station and the house of Hadia's in-laws, if they like¹⁴⁴. Both mother and daughter happily agreed. The mother showered me with prayers, while we almost ran towards the road outside the Police Line to get a taxi, which we got pretty soon. In about twenty minutes, we were near the police station. We got off the taxi and found two policemen along with a police vehicle standing outside the police station. We went towards them. They also moved towards us. One of them asked if we were the ones sent by the SSP (rural). Hadia's mother answered in the affirmative. Then, he said that they were waiting for us and we should get into the police vehicle and guide them to the house where the child was kept. During the journey, Hadia looked very hopeful about

¹⁴⁴ Although I was feeling a lot of sympathy with Hadia and her mother, still I admit that one big reason which made me tell them I was ready to join them to the police station and Hadia's in-laws' place, was that I was very much interested to know how the police deal with this case for the purpose of my research.

getting her child. In about fifteen minutes, the police vehicle stopped near the house of Hadia's in-laws, which was in a thickly populated rural locality towards the east of Peshawar. Her in-laws' was a big house made of bricks, with a big iron gate. The gate was closed. We three women and the two policemen got off the vehicle. One of the policemen knocked at the gate. After some time a woman, without opening the door, asked from inside who was it. Hadia told me this was her mother-in-law. The policeman told the woman inside the house:

'We are police. We have come to get the child. The child's mother and grandmother are also with us. Therefore, please get us the child so that he is given to his mother.'

After a pause, the woman said:

'No man of my family is home now. I can not give you the child without their permission. Therefore, you must go away now and come back when the men are home'.

Meanwhile, Hadia jumped into the conversation:

'Open the door. I want to get my child. I will leave your house immediately after I got my child'.

The woman said:

'How come, you want the child now? You don't even care for him. If you had cared, you would not have left him in first place. You are a shameless woman. You have brought police on the door of your husband's house'.

After that there was an exchange of angry remarks, even derogatory words between Hadia and her mother on one side of the closed gate and the woman, whom Hadia said was her mother-in-law, on the other side of the gate. One of the policemen was trying to pacify the women by requesting them not to quarrel. Meanwhile, several people of the area, children and men, both young and old, came to the spot to see what was the matter. A few elderly men came near the policemen and requested them to talk with them about the issue. They took the policemen under the shade of a nearby mulberry tree. Hadia, her mother and I followed them. One of the elderly men turned back and asked us, the three

women, to stay away from men. Hadia and her mother immediately held their steps moving forward. However, I did not stop and kept on going until I joined the men under the shady tree. Meanwhile, Hadia and her mother stood at a certain distance from the men where the two could not hear the men.

Under the shade of the mulberry tree, one of the policemen told the elderly men of the area:

‘It is wrong from any point of view, human, legal, Islamic, to keep a ten months old baby away from her mother’.

One of the elderly men said:

‘You are absolutely right. But the problem is that no man is home now and you as stranger man can not force a *purdah* observing woman of the house to open the door. It is not acceptable in our culture. The men of this house come back from work at about 5 pm. Therefore, we suggest you should go back now. I promise, I will come to your police station today at 6 pm, along with the father and grandfather of the child. Then we will discuss the problem’.

Almost all people standing on the spot agreed with the above mentioned suggestion, including the policemen, who then came towards Hadia and her mother and one of them said to them:

‘You must go back home now. Ask any male member of your family to come to my office in the police station today at 6 pm. The child’s father and grandfather will also come. Then we will decide the issue. You may now get into our vehicle, if you want us to drop you at your place’.

We three women got into the vehicle. Both mother and the daughter looked very disappointed and sad. On the way, Hadia told me:

‘If the lady SHO had accompanied us, she could have gone inside the house and got me my child’.

I got off the police vehicle at the bus stop from where I had to catch transport to my home town, Kohat, 60 km south of Peshawar. Hadia and her mother also got off along with me. They said their house was still far away, but they did not like to be in the police vehicle without me. They said they were very thankful to me and invited me for a dinner with them in their house. I thanked them and politely expressed my inability to accept their invitation because of my onwards journey to my home town.

I certainly wanted to go to the police station at 6 pm and see what the men would decide on the custody of Hadia's child. But I did not go, because of the security reason. The police station was in the rural area of Peshawar. I was a stranger in this area. The meeting was at 6 pm. It could last for an hour or a couple of hours. Then, it would be too late, too dark for a lonely woman to walk in this rural area of Peshawar. So I decided not to go to the men's meeting. However, before departing from the policemen, I requested them to give me their contact number so that I might talk to them about the progress made on the case. They gave me the telephone number of their police station. Two days later, I rang up this number. Both of the policemen who gave me the number were out on duties, however, I talked to their colleague who picked up the phone. He told me he did not know what was decided in the meeting, but the child was still in the custody of the in-laws. This was the last week of August 2003. I had to go back to Norway on 15 September. On 12 September, I again rang up the phone to enquire about the status of the case. I was told there was no change in the status of the case. Still Status quo: Hadia was still living without her child. What happened after this? I don't know.

6.4) Discussion on Case Study Two

From a legal point of view the police have nothing to do with Hadia's problem. I discussed her problem with a Peshawar-based lawyer, who told me:

'This case belongs to a family court¹⁴⁵. If she (Hadia) moves it to a family court she will surely be given the custody of the child.It is not a police case at all. At times the police negotiate settlement between opposing parties, which they should not do by the law. But they do it, sometimes out of good will,

¹⁴⁵ A court constituted under the statutory law of Pakistan, which decides family issues pertaining to marriage, divorce, custody of children, inheritance etc under the Muslim Family law Ordinance, 1961. Muslim Family Law Ordinance gives some important protections to women's rights and is a target of criticism from conservative Islamists in Pakistan. It was promulgated in 1961. Before 1961 no civil leader of Pakistan could promulgate it due to opposition of the Islamists. It took the first military dictator of Pakistan, Mr. Ayub Khan, to promulgate it. Since its promulgation, the Islamists have been demanding to abolish it because it, according to them, is un-Islamic. Luckily the ordinance has survived till to date.

sometimes for other motives. Many a times people themselves request the police to sit in a *jirga* and help them reach an acceptable solution with the other party. This (Hadia's) case seems to be the one in which the police have jumped out of good will¹⁴⁶.

Upon the suggestion of elderly men in the neighborhood of Hadia's in-laws, the police agreed to resolve the issue of custody of her child on the pattern of the tribal justice system, i.e., by holding a *jirga* right in the police station. As mentioned in chapter three, law in Pakistan forbids the *jirga* justice system. In this regard the Constitution of Pakistan says:

'Any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter (chapter on Fundamental Rights), shall, to the extent of such inconsistency, be void¹⁴⁷.

But still the policemen, who share the tribal worldview with the society, have been instrumental in the process of *jirga* to settle the dispute according to the tribal justice mechanism. For example, senior police officers participated in a *jirga* in 1998, which was held between two warring tribes of Sindh province of Pakistan to settle a five year long dispute that had claimed 16 lives and a huge damage to property. The final verdict of the *jirga*, which included the imposition of heavy fines for each murder, was accepted by both parties. The police then asked the gathering to surrender their illegal weapons¹⁴⁸.

Why do people take recourse to tribal justice rather than formal courts of law in Pakistan? The answer to this question, according to Amnesty International, is located in the context of the official justice system of Pakistan which over time has become inefficient, slow, and expensive, is remote from people's understanding and, as currently operated, not always capable of delivering justice¹⁴⁹. Due to high illiteracy rate, people don't understand the law or its procedure¹⁵⁰. Most people cannot speak the language of judiciary-English. Due to poverty, they cannot afford to hire legal services of lawyers. In

¹⁴⁶ Informal talk with Khyzar Hayat , a lawyer in Peshawar on 7 September 2003.

¹⁴⁷ Article 8(1) Chapter 1: Fundamental Rights, Constitution of Pakistan.

¹⁴⁸ 'Pakistan, the Tribal Justice System', Amnesty International Report downloaded from the website <http://www.amnestypakistan.org/start.htm>

¹⁴⁹ *ibid*

¹⁵⁰ *ibid*

the case under consideration, Hadia, a primary school drop out, showed her lack of understanding of the law when she asked the policewomen to guide her if she could get her child with or without lodging FIR, whereas by the law the case does not even belong to the police but to an official family court. Moreover, her mother told me that they couldn't afford to hire a lawyer for her daughter to go to the court of law. Hence, people like Hadia have to take recourse in the *jirga* justice system. But the complication is that women are not even allowed to sit in a *jirga* as a complainant, accused or even spectator. If necessary they must be represented by male family members. This is the reason why the policemen told Hadia to send her male family members to the police station for further consultation. In this regard Afrasiab Khattak told me that only a few civil cases in Pakistan make their way to the official family courts, while most of them are decided on the lines of tribal justice system, which is very discriminatory against women¹⁵¹. For example, in a murder case a *jirga* in NWFP decided that the victim's family should be given two women in marriage from the offender's family as compensation deal. The justification for two women was that the victim was murdered by two bullets (Mehdi, 2001:171). Hence, given the gender-biased nature of a traditional process of justice in NWFP, I was not surprised when I came to know that even after a *jirga* in the police station, Hadia was still living without her child.

Moreover, Hadia's case is also a manifestation of the honor-*purdah* complex. In the patriarchal society of Pakistan, the conduct of women is regulated and judged by men. Men decide where a woman should go, where she should not go, whom should she meet or whom should she not meet. If a woman crosses the limits set by male family members, she dishonors them and must be punished by them. Any autonomous decision by a woman could be perceived as crossing of the limits set by male family members and hence an act of shame for the family. The decision to go to the police by a woman against her male family members is one of such autonomous decisions that are perceived as shameful. One of the questions in the structured questionnaire, which I distributed among 50 men in Peshawar, is the following: Would it be a shame for the family if a woman registers complaint against her husband/father/brother with a police station? 68%

¹⁵¹ Interview with Afrasiab Khattak, chairperson Human Rights Commission of Pakistan, in Peshawar on 10, June 2003.

of them said yes. In this regard, I think it is not a surprise when Hadia's mother-in-law accused her of being a shameless woman.

Further more, the perceived damage to family honor automatically leads to the perceived violation of *purdah*, i.e. woman's subservience to man and the rule of segregation of sexes. Therefore, Hadia stood in violation of her *purdah*: she defied her male family members by going to the police against them and broke the rule of gender segregation by 'mixing up' with the policemen. It seems that the elderly men outside the home of Hadia's in-laws were actually trying to enforce *purdah* on us (Hadia, her mother and me) when they asked us to stay away from them. They did not want us to be part of the 'man's talk' and did not want us to break the social norm of segregation of sexes. Hadia and her mother complied with what they said. This was their native area and they could not afford to be disrespectful to the cultural norms in their own city, no matter how misogynistic they might be. I did not listen to the men and joined them, although I could see on their faces that they did not like my 'disobedience'. Unlike Hadia and her mother, I could afford the 'disobedience', because I knew they did not know my family in Kohat, a far way city from Peshawar, and, hence couldn't reach my family to generate pressure on my family members by telling them how 'shameless' I was.

Finally, I would say that Hadia's problem is an example of how the informal customary law, social norms and values take precedence over the statutory law and sufferings of a mother and her baby. Moreover, although there is a fair legal recourse available for women like Hadia, illiteracy, poverty and the *purdah*-generated lack of exposure to the public life render them oblivious to their rights under the statutory law.

6.5) Role of Women Police Station, Peshawar, in Robina and Hadia's cases

In both cases the role of women police station has been insignificant and inconsequential. Policewomen of the women police station watched the proceedings of the cases as silent spectators or they were 'ordered from above' to do so. In the case of Hadia, the female SHO did not even like to accompany her to her in-laws' house, or probably she was not allowed to 'venture out in public'. But this, according to Hadia, could have made a big difference for her¹⁵².

¹⁵² Informal talk with Hadia after return from her in-laws' place. She told me if the lady SHO had been with us, she could have gone inside the home and got the child for her. But a policeman, who is stranger man,

One of the objectives of the establishment of the women police station was to provide police help to female complainants without any interaction with the policemen. This objective is clearly not achieved in both cases. Both Robina and Hadia's mother had to narrate their ordeal from one male police officer to another. Both Robina and Hadia were disappointed with the role of the women police station in dealing with their problems. In this regard it is pertinent to mention that people of Peshawar are also not satisfied with the performance of the women police station. 71% working women, 62% housewives and 66% men respondents to my structured questionnaires said that they are not satisfied at all with the performance of the women police station so far. Also, only 32% working women, 38% housewives and 38% men said that they hope that in next 10 year the women police station would become able to offer better services to women victims of violence. But both Robina and Hadia's mother are of the view that the government should abolish the women police stations, if they handle women's problems the way they have dealt with their problems¹⁵³.

could not go into the house due to cultural taboos of *purdah*. It should not have been a problem for a policewoman, who is also a woman, to go inside the house.

¹⁵³ Interview with Robina in her mother's house in Peshawar and informal talk with Hadia and her mother in the police vehicle on our way back from Hadia's in-laws' house.

CHAPTER SEVEN

7.0) BEHIND THE LOCK UP

This chapter is about the women who were arrested by policemen and brought in my presence to the women police station, Peshawar, to be kept in its lock up. As mentioned earlier, according to the law in Pakistan, a woman may not be kept in police custody overnight in the absence of female police staff. Therefore, women arrested by the police, not only in Peshawar, but also in the surrounding cities are brought to the women police station, Peshawar, and detained in its lock up. After keeping the arrested women in the lock up of the women police station for a day or two, these women are taken for court hearing, from where they are either sent to jail or released on bail.

7.1) Some Observations and Findings

Most of the women were apprehended under section 294¹⁵⁴ of Pakistan Penal Code, PPC. The police alleged them to be involved in prostitution. Many of them were Afghan refugees, and arrested from Faqirabad and Hayatabad, the localities of Peshawar with big Afghan refugee population. However, some women were arrested on charges pertaining to murder and smuggling of narcotics.

I talked to some of the arrested women. But sometimes talking to them would become difficult for me, because they were crying and saying that they were innocent. They even requested me to help them get rid of the police. This would create an emotionally difficult situation for me as a human being, as a researcher and as a helpless person who could do nothing for them. Therefore, I would have to stop talking to them.

Rakhshanda Naz, in her research study on ‘violence against women in police custody’ mentions some arrested women who had accused the policewomen of beating them up during the custody (Naz, 2003). However, I found that the policewomen were generally polite, at least in my presence, with the arrested women. I also noticed that the policewomen did not keep a ten years old girl¹⁵⁵ in the lock up but allowed her to stay

¹⁵⁴ ‘Obscene acts and songs: Whoever, to the annoyance of others, (a) does any obscene act in any public place, or (b) sings or recites or utters any obscene songs, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.’

¹⁵⁵ This was a lovely Afghan refugee girl. She was not charged with any crime by the police. But she was disputed between her father and a man who allegedly bought her from her father when she was a few months old baby. According to the policewomen, the father sold the girl for a price to the other man, also

with them in the place where they themselves used to sit, eat and sleep. However, on one occasion when two women, arrested under section 294 of PPC, were crying too much, a policewoman, who looked disgusted, gave some impolite remarks. She told me:

‘This is crocodile’s tears. If you (Farhat) want to see their real face, come tomorrow to the court of law where they will be taken. You will see several men willing to get them released from the police by becoming their guarantors. And these women will be laughing and happy. Don’t take pity on them.’

Similarly, at another time I observed that a policewoman was asking, even ordering, two arrested women, who were crying very much, to cover their heads with *dopatta* and observe proper *purdah* in front of the policemen who had brought them to the women police station. To me this ordering by the policewoman sounded very impolite and cruel. To ask the women, who are already overwhelmed by the grief of their arrest by the police, to observe *purdah* is like accusing them of violating *purdah*. Thus it seemed that if the policemen had accused the arrested women of violating a statutory law, the policewoman was accusing them of violating the customary law, i.e. *purdah*. This I think is an insult to the enormity of the grief the arrested women were passing through and hence added up to their misery.

Almost all of the arrested women whom I talked to alleged that the policemen had conducted their body search before getting them to the women police station. But the two policemen whom I interviewed denied they or their colleagues ever conducted body search of the arrested women. However, some of the policewomen agreed with the arrested women and confirmed that sometimes policemen conduct body search of the arrested women before they get them to the women police station.

Some of the arrested women told me they were beaten up by the policemen before they were taken to the women police station. Again, the policemen whom I interviewed,

an Afghan. The transaction was that when the girl attains puberty, the other man would marry her. However, the other man changed his mind after buying the girl. He decided to adopt the girl as his daughter and let her live like a sister of his own children. She had been living in the house of the other man for about ten years. When the real father of the girl came to know that the other man had no intention to marry the girl, he decided to get her back and sell her for a prize to a third man. The father first approached the adopted father to get the girl back, which he straightaway refused. Similarly, the girl also refused to go back to her real father. Upon this the father approached a court of law in Pakistan to get his daughter back. After hearing both sides, the court decided to send the girl to the lock up of the women police station, where she had to stay till next hearing of the case in the court.

although admitted having beaten up the arrested men, denied they or their colleagues, whom they knew, had ever beaten any arrested women. However, some of the policewomen confirmed the allegations of the arrested women by saying that sometimes the policemen do beat women, particularly those charged under section 294 of PPC, especially when they (women) try to run away from the police.

On one occasion I saw two policemen, who had brought two arrested women to the lock up of the women police station, Peshawar, arguing over which section of PPC to be invoked against them. Finally, they agreed upon section 294 of PPC, although they were arrested for theft. Likewise, Rakhshanda Naz, in her Peshawar-based research study on 'violence against women in police custody', also confirms that sometimes there is no relevance between the sections of PPC invoked and the crime the police accuse a woman to be involved in (ibid).

I also noted that the lock up of the women police station, Peshawar, was not in the hygienic condition. It was stinking. It was unclean. It was hot and suffocating inside it. The temperature was touching 40 degrees in July, but there was no arrangement of getting some cool air inside the lock up.

One high profile problem of the arrested women was that the policemen who had arrested them used to leave them in the lock up of the women police station without making any arrangement for their food during their stay in the lock up. The women used to pay themselves for their own food during the custody. In some cases, when the women had no money to pay for their food, the policewomen of the women police station used to share their own food with the detainee women. In this regard, one policewoman told me:

'We feel very bad when we eat but see a few women in our custody who are already under a lot of stress due to the arrest, go hungry. So we just share our own food with them'.

However, I also observed that some of the policemen used to give money (Rs 100 for food for the arrested women) to the policewomen at the time of handing them over to the latter. These police officers told me that they gave this money out of their own pockets just as a mark of sympathy with the arrested women. In this regard one policeman told me:

‘We don’t give any money for arrested men. In fact the government gives almost no money to the police for food for the people in the lock ups’.

According to the Police rules, made by the British in 1860, a certain amount of money is given by the government to the police for food of those taken in custody. With the onwards march of time and inflation, the Government of Pakistan, which inherited these police rules from the British Colonial did not increase the amount of money per detainee per day allocated by the British Indian Government under the police rules 1860. Consequently, this amount, which is Rs 0.6 per day per detainee, is so tiny that even a small piece of bread cannot be bought with this amount in today’s Pakistan¹⁵⁶. Thus although the government gives the police food expenditure for detainees, but the money is so insignificant that the police simply can not buy food with this amount¹⁵⁷. Therefore, in most cases the detainees have to pay for their food while in police custody.

7.2) Concluding Discussion on the Observations and Findings

One objective of the establishment of women police stations was to treat the female accused with respect and avoid the abuse of authority usually associated with policemen. In this regard it is mentioned that a woman in the lock up of women police station, Lahore, tried to commit suicide and thus seriously wounded herself. She later alleged that policewomen had tormented her and demanded money for her release (*Dawn*, 6, March 2002). This incidence, which also got media coverage in Pakistan, suggests that at least some of the policewomen are committing the same human rights violations that are associated with their male colleagues. But generally, while the sexual violence against women has decreased with the establishment of women police stations, the other forms of verbal abuse and milder forms of violence continue to harass women accused in the lock ups of these women police stations (*Report of the Commission of Inquiry for Women, Pakistan*, 1997: 83). Similarly, in the lock up of the women police station, Peshawar, the arrested women could stay away from the harassment by policemen, but as mentioned above I noted on a couple of occasion that the policewomen too were impolite with them. Similarly, the Inspector General Police, NWFP, specifically mentioned to me an

¹⁵⁶ US Dollar 1 = 57.4100 Pakistan Rupee. The conversion rate was checked on 24, April 2004 on ‘Universal Currency Converter’ at <http://www.xe.com/ucc/convert.cgi>

¹⁵⁷ In today’s Pakistan the price of one small bread is two rupees.

incidence in which the policewomen rather than policemen were very abusive and rude towards the accused women¹⁵⁸. Although in my presence the policewomen treated the accused women fairly, except on a couple of occasion mentioned earlier, still I believe the policewomen, who are mostly untrained, need a training on how to treat the accused according to the law. For example, they need to be told that they have no business on earth to ask the accused women to observe *purdah* this or that way.

Also, the physical upkeep of the lock up contributes to the sufferings of those arrested, i.e. the unhygienic conditions and the lack of arrangement to keep the temperature inside it bearable for human use in the peak summer and winter months. Further, the issue of food for detainees is not only the problem of the women police station, but every police station of Pakistan and must be seriously considered by the government with a view to fixing a reasonable amount of money for food of the detainees according to the current level of prices.

But the most important thing is that merely two female lock ups, one in Peshawar and one in Abbottabad are not enough for the arrested women all over the NWFP. Women arrested in the far-flung areas could not be sent to the lock ups at the women police stations in Abbottabad or Peshawar. Even if they are sent, it would be too much travelling and trouble for their families to meet and help them.

¹⁵⁸ Interview with Inspector General Police, IGP, NWFP, on 18, August 2003.

CHAPTER EIGHT

8.0) WOMEN POLICE STATION, ABBOTTABAD

Women police station, Abbottabad, was the first women police station to be established in NWFP. Prime minister Benazir herself inaugurated it in May 1994 under a big media coverage. With her government in place the police bureaucracy had no option but to show that the ‘new experiment’ (women police stations) was a success. Benazir’s Government was dismissed in 1996, however, by that time the women police station Abbottabad had already started registering and investigating cases. This seems to be one reason why the women police station, Abbottabad, could carry out the normal functions of a police station.

On the other hand, women police station, Peshawar, was made in 1996, a few months before Benazir’s government was dismissed in November 1996. The following governments did not take any interest in women police stations and therefore, this is one reason why women police station Peshawar could not take off.

In this regard it is interesting to note that according to the government notification # SO(P-1)/ HD/8-12/82/2153 dated 26 February, 1994, the women police station, Peshawar, is established in 1994. But the notification seems to be back-dated. Nearly everyone¹⁵⁹ I talked to among police circles in Peshawar and Abbottabad told me that women police station was made in 1996 rather than 1994. Moreover, some newspapers reports say that the women police station, Peshawar was established in 1996 (*The News*, 12, August 2002), but some say it was established in 1994 (*Dawn*, 22, December 2002).

8.1) Culture of Abbottabad

Another reason why women police station, Abbottabad, could manage to function seems to be the culture of Abbottabad. Abbottabad like Peshawar is a patriarchal society, but still when compared with the latter, the culture of the former stands fairly liberal. Unlike Peshawar, Abbottabad does not have a tribal culture and is not surrounded by a tribal belt of the Pathans. People of Abbottabad speak *Hindko*, which is different from *Pushto*, the main language spoken in Peshawar. In short, Pathan culture is not the culture of Abbottabad. When it comes to women, the culture of Abbottabad accords much more

¹⁵⁹ For example, DSP and SHO women police station, Peshawar, several policewomen in the women police station, Peshawar, SHO women police station, Abbottabad etc.

liberty to women than the culture of Peshawar. For example, women in Abbottabad have more mobility than women of Peshawar, i.e. one can find many more women, and that too without veils, in Abbottabad on streets, roads, market places and other public places than in Peshawar. Female literacy rate of Abbottabad is 39.11% (*Literacy Trends in Pakistan*, UNESCO 2002:65), which is better than Peshawar's 25.85 % (*ibid*). About the cultural difference between the two cities, Mussarat Hilali¹⁶⁰ says:

'In Abbottabad both men and women stand side-by-side in terms of getting education, joining various professions etc. But in Peshawar, men have gone far away in education, professions etc, whereas women are still constrained in homes. The Pathan men don't even bother to consider how deprived their women are of their basic rights. They are rather prone to take pride in confinement of women to homes. Because the more their women are confined to homes, the more they perceive themselves to be true Pathan. So and so Pathan women are not even encouraged to read Holy Quran with Urdu or Pushto translation, so that they know what rights they have in the holy book. This state of affairs leads to a crippling imbalance in the process of development. Therefore, in my view, the process of social development in Peshawar is highly imbalanced, while that of Abbottabad is more balanced'¹⁶¹.

Similarly, unlike Peshawar, policewomen in Abbottabad don't veil themselves in an all-encompassing *chader* when they go out in public. Their mobility is much less restricted than that of their female colleagues in Peshawar. During my stays in the women police station, Abbottabad, I observed that policewomen were coming to and going out of the police station without first obtaining permission to do so from the senior police officers in the nearby Police Line, Abbottabad. The women police station, Abbottabad, is not under the watchful eyes of guards and does not even have a boundary wall. Anyone who wishes to go to women police station, Abbottabad can do so without being stopped by walls, gates or guards.

During the fieldwork I found that some policewomen in Abbottabad have stepped on the path on which policemen of Pakistan are generally perceived by the public to have gone too far: corruption. For example, I observed that some policewomen in Abbottabad would go out on a road; stop a taxi; take a ride; get off the taxi at the their destination without paying fare to the taxi driver. This is a practice that is associated with policemen, i.e. policemen are famous for taking free rides in public transport. I observed the taxi drivers

¹⁶⁰ A famous human rights activist and lawyer in Peshawar.

¹⁶¹ Interview with Mussarat Hilali.

would not dare to ask the policewomen for fare. At least on this account, I felt that the uniform of the policewomen, like the uniform of male police, seems to be a sign of authority in Abbottabad. This is unlike Peshawar, where the uniform of policewomen nowhere seems to stand as a sign of authority, as has been admitted by several policewomen and policemen of the city in their talk sessions and interviews with me.

8.2) Women Police Station, Abbottabad, Can No More Register FIRs

When I visited women police station, Abbottabad, in August 2003, I found that this police station too had been ordered to stop registering any more FIRs. There are no written orders about stopping the women police station from registering any more FIRs, but just verbal orders, which came some time in August 2002. Following which no FIR had been lodged in the women police station, Abbottabad¹⁶². In this regard the following dialogue took place between me and the SSP Abbottabad when I talked to him about the issue:

SSP: ‘This (women police station, Abbottabad) is not a police station at all. This is just a lock up to keep women in police custody into’.

Farhat: ‘But it has been working as police station for about nine years’.

SSP: ‘This is because it was a piece of political publicity by a woman prime minister of the country. So it had to go on as long as that government was in place. But it went on even after that government, because sometimes in a government organization irrelevant things go on on the sidelines, but they are taken care of sooner or later.....And so did we when we stopped the women police station from taking any more FIRs’.

However, the SHO women police station, Abbottabad, did not agree with her boss and insisted that she herself requested her senior officers to allow her police station to stop registering FIRs for some time. She told me:

‘My police station is very short of staff now. Some of my colleagues are now posted elsewhere and some are on training. Total staff is 28 now. It used to be 35 before. I can not run a police station, with jurisdiction

¹⁶² Informal talk with policewomen of women police station, Abbottabad.

all over Hazara¹⁶³, with just 28 policewomen. If my staff is given back to me, our police station will start registering FIRs again'¹⁶⁴.

But some female constables consider the problem of jurisdiction of the women police station as the main cause leading to the stoppage of FIRs from it. One of them told me:

'In order to investigate any case the women police station needed cooperation (exchange of information etc) from the area police station in whose jurisdiction the case has happened. Since the local police station took it as encroachment into its jurisdiction, it would not cooperate or give wrong information about those involved in the case. Consequently, the women police station used to make cases based on wrong information. Obviously, the case would not stand in the court of law. It happened so many times and finally our senior officers had to stop us from registering any more FIRs'.

The above statement shows that in terms of practical police work the women police station, with jurisdiction all over Abbottabad, encroaches into the jurisdiction and authority of all police station of the city. Here I use mathematics to explain the problem of jurisdiction of the women police stations of Pakistan. In this regard I will consider all police stations in Abbottabad.

8.3) Problem of Jurisdiction of Women Police Stations in Light of Sets in Mathematics

In order to illustrate the problem, I consider all police stations of Abbottabad, including the one and only women police station of the city. There are twelve police stations in Abbottabad, including the women police station. Consider every police station of Abbottabad is a set in terms of two things: territorial jurisdiction and the authority to exert police power over this jurisdiction. Therefore, I proceed like this.

$$P(c) = \{ J(c), A(c) \}$$

¹⁶³ The whole region comprising Abbottabad and the neighboring cities of Haripur, Mansehra and Battagram is known as Hazara. In her interview with me the SHO women police station, Abbottabad, claimed that her police station has been registering cases, which involved women, from all over Hazara, rather than just Abbottabad.

¹⁶⁴ Interview with SHO women police station, Abbottabad.

Where $P(c)$ is police station at Cantt, which is a locality of Abbottabad. $J(c)$ is the territorial jurisdiction of the police station, Cantt. $A(c)$ is the police authority, which the police station, Cantt, exerts in the Cantt locality of Abbottabad.

Similarly,

$$P(m) = \{ J(m), A(m) \}$$

Where $P(m)$ is police station at Mirpur, which is a locality of Abbottabad. $J(m)$ is the territorial jurisdiction of the police station, Mirpur. $A(m)$ is the police authority which the police station, Mirpur exerts in the Mirpur locality of Abbottabad.

Similarly

$$P(s) = \{ J(s), A(s) \}$$

Where $P(s)$ is the police station at Sherwan, which is a locality of Abbottabad. $J(s)$ is the territorial jurisdiction of the police station, Sherwan. $A(s)$ is the police authority which the police station, Sherwan, exerts in the Sherwan locality of Abbottabad.

Similarly,

$$P(h) = \{ J(h), A(h) \}$$

Where $P(h)$ is the police station at Havellian, which is a locality of Abbottabad. $J(h)$ is the territorial jurisdiction of the police station, Havellian. $A(h)$ is the police authority which the police station, Havellian exerts in the Havellian locality of Abbottabad.

In a similar manner, each police station of Abbottabad can be represented in the similar mathematical manner. Finally comes the turn of the women police station, Abbottabad.

$$P(a/abad) = \{ J(a/abad), A(a/abad) \}$$

Where $P(a/abad)$ is the women police station, Abbottabad. $J(a/abad)$ is the territorial jurisdiction of the women police station, Abbottabad, which extends over the entire territory/area of Abbottabad. $A(a/abad)$ is the police authority which the women police station, Abbottabad exerts over entire Abbottabad.

Now I apply a set operation called 'intersection' on the sets mentioned above.

$P(c)$ Intersection $P(m)=\{ \}$ or empty set or both police stations do not share any territorial jurisdiction or any police authority which they exert in their respective territorial jurisdiction.

Similarly,

$P(c)$ Intersection $P(s)=\{ \}$ or empty set or both police stations do not share any territorial jurisdiction or any police authority which they exert in their respective territorial jurisdiction.

Similarly,

$P(h)$ Intersection $P(m)=\{ \}$ or empty set or both police stations do not share any territorial jurisdiction or any police authority which they exert in their respective territorial jurisdiction.

And so on. This implies that intersection between sets of any two regular police stations of Abbottabad is $\{ \}$ or empty set. This implies that any regular police station of Abbottabad has its own independent jurisdiction where it exerts police authority, and hence, does not interfere into the jurisdiction and authority of any other police station of Abbottabad and vice versa.

Now, consider the intersection of the women police station, Abbottabad, with some of the regular police stations of Abbottabad.

$P_{(a/abad)}$ Intersection $P_{(c)}$

$= \{ J_{(a/abad)}, A_{(a/abad)} \}$ Intersection $\{ J_{(c)}, A_{(c)} \}$

$= \{ J_{(c)}, A_{(c)} \}$

This implies that the women police station, Abbottabad, shares jurisdiction and authority with police station, Cantt. In other words, the jurisdiction and authority of the police station, Cantt, are parts of jurisdiction and authority of the women police station, Abbottabad. In terms of practical police work, this means that the women police station, Abbottabad, interferes into the jurisdiction and authority of the police station, Cantt.

Similarly,

$P_{(a/abad)}$ Intersection $P_{(m)}$

$= \{ J_{(a/abad)}, A_{(a/abad)} \}$ Intersection $\{ J_{(m)}, A_{(m)} \}$

$= \{ J_{(m)}, A_{(m)} \}$

This implies that the women police station shares jurisdiction and authority with police station, Mirpur. In other words, the jurisdiction and authority of the police station, Mirpur, are parts of jurisdiction and authority of the women police station, Abbottabad. In terms of practical police work, this means that the women police station, Abbottabad interferes into the jurisdiction and authority of the police station, Mirpur.

Similarly, it can be easily shown that the women police station shares jurisdiction and authority with each and every regular police station of Abbottabad. In terms of practical police work, this means that the women police station interferes into the jurisdiction and authority of each and every police station of the city. There are no police rules explaining how the women police station would exert authority on the whole of Abbottabad without interfering into the jurisdiction of all other police stations of the city. In this regard it is pertinent to mention that women police station, Peshawar, would have faced the same problem of encroachment if it had been registering FIRs. Hence, this could be one reason why women police station Abbottabad was stopped from registering any more FIRs.

Similarly, by using the same operation of sets in mathematics, it can be easily proved that all women police stations interfere into the jurisdiction and authority of all police stations of the cities they are located in.

8.4) Conclusion

Summing up, I would say that despite my curiosity I could not research thoroughly the causes of stoppage of FIRs from the women police station, Abbottabad. The reason is shortage of time and also this was not the objective of my research. But still the very fact that the police station has been ordered to stop lodging cases after nine years of lodging and investigating cases highlights the main argument of this thesis: women police stations are misfits in the male-dominated police organization of Pakistan. If a women police station cannot work (for any reason) in a liberal city like Abbottabad, its chances of success in a conservative Peshawar seem even bleaker.

CHAPTER NINE

9.0) CONCLUDING REMARKS AND RECOMMENDATIONS

9.1) Concluding Remarks

Women police stations were never meant by the Government of Pakistan and all those who supported their establishment to segregate men and women in the criminal justice system of the country or the police force of Pakistan. Instead, they were intended to be an integral part of both. The eventual aim was to integrate women in these male-dominated state institutions of Pakistan.

However, standing out as they are now in actual reality, the women police stations are miles away from the intended objectives and aims. They do not function independently (*Report of the Commission of Inquiry for Women, Pakistan, 1997:105*). In Peshawar, the women police station was never even allowed to work under any condition. In Abbottabad, it was first allowed and then forbidden to work. Hence, the women police stations of NWFP are not a relief at all to those women victims of violence who might prefer to report to these police stations. Moreover, the staff, office accommodation, equipment and stationary are generally inadequate in all women police stations (*ibid*). Most of the staff in Peshawar are untrained. Both in Peshawar and Abbottabad, some policewomen are not only untrained but also illiterate. Office accommodation and equipments allocated for women police station, Peshawar, were never handed over to its staff¹⁶⁵. Above all, in Peshawar the conduct of the policewomen is subjected to the Pathan cultural norms and values rather than the official police rules of Pakistan. As regard the custodial abuse of women, this problem can not be stopped by making a few women police stations, nor would it be financially possible to have these police stations all over Pakistan, a developing country with 130.6 million People¹⁶⁶. Moreover, professional discrimination against women is manifested in the fact that the policewomen are promoted much later than their male counterparts. Similarly, the policewomen are deliberately kept untrained while their male colleagues in the same ranks are sent for trainings. Furthermore, there is no police case that exclusively deals with women,

¹⁶⁵ Building and transport of the women police station, Peshawar, were given to the traffic police in Peshawar.

¹⁶⁶ This figure is taken in April 2004 form the official website of Government of Pakistan, which is the following. <http://www.pakistan.gov.pk/>

complainants or accused. Therefore, women police stations will have to deal with men, complainants or accused. This might necessitate some kind of involvement from policemen. Thus, the very concept of segregated women police stations, exclusively handling women's complaints is questionable.

Women police stations were established about a decade ago. One decade is long time enough time to critically evaluate the performance of these police stations and make a judgment accordingly¹⁶⁷. Most of my informants¹⁶⁸ were highly critical of the performance of the women police stations. They suggested the government should abolish them altogether and have policewomen in each and every regular police station of the country. For example, Bushra Gohar said:

'The establishment of women police stations is not an appropriate state response to address the issue of human rights violation of women.....We don't need separate women police stations but trained policewomen in every police station of the country¹⁶⁹.

Similarly, Afrasiab Khattak said:

'In Pakistan, lives of women are impaired by two main problems: segregation and discrimination..... Women police stations have reinforced the notion of segregation and discrimination. These police stations can not make women's access to justice easier.....Better to abolish them completely and recruit and integrate more women in the police force¹⁷⁰.

Likewise, a police officer¹⁷¹ told me:

I think most of our female staff is honest and intelligent. But they have little opportunity to integrate in the police force as long as they are in the women police station. They could work much better if they are posted along with their male colleagues in various police stations. I believe this is the best way to integrate the policewomen in the police force¹⁷².

¹⁶⁷ Interview with Bushra Gohar in Peshawar on 25, June 2003.

¹⁶⁸ Human Rights Activists, Women Rights Activists, Policemen, Policewomen, ordinary men and women of Peshawar.

¹⁶⁹ Interview with Bushra Gohar in Peshawar on 25, June 2003.

¹⁷⁰ Interview with Afrasiab Khattak on 10, June 2003.

¹⁷¹ Assistant Sub-Inspector, ASI, Hameed.

¹⁷² Interview with Assistant Sub-Inspector, ASI, Hameed, in Peshawar on 15, July 2003.

In this regard, it is relevant to mention that next door in India, the government had already abolished two women police stations in the state of Andhra Pradesh. Shamim Aleem in her book *Women Police and Social Change*, highlights the conditions of these women police stations. Consider the following paragraph from her book, which shows that these abolished women police stations of India look alike the women police stations of Pakistan, particularly, the women police station in Peshawar:

'By no yard-stick could they (the two abolished women police stations) be classified as police stations, as they did not perform the usual functions of a police station, namely, registration of cases, handling of suspects, arrest of offenders, etc. It was more appropriate to call them women's lock up cells. Apart from their limited functions, these police stations failed to create any good impression on the citizens. They were neither housed in proper buildings nor equipped adequately. They did not provide even the basic amenities like telephone, vehicle or even toilet for ladies. Many of them (women police) did not receive any training at all.... Many of them (women police) did not even wear the official dress prescribed for them. It is not surprising therefore that the two police stations created with so much enthusiasm were abolished after some time (Shamim Aleem, 1991:31&32).

After having completed my research project, I have come to the conclusion that there are three important issues, which need to be adequately addressed.

- ◆ Provision of police protection/ help to women victims of violence
- ◆ Prevention of custodial abuse of women in police stations.
- ◆ Integration of policewomen in the police force.

As this research shows, the establishment of women police stations is not an adequate or appropriate state response to address the above mentioned issues. In the light of article 25(3) of the Constitution of Pakistan, these police stations were intended to be a special provision for protection of women. According to article 4(1) of CEDAW special measures (or special provisions) shall in no way entail as a consequence the maintenance of unequal or separate standards. Women police stations have entailed as consequence not only the maintenance of unequal standards (e.g. police reluctance to lodge FIR of a woman complainant) but also professional discrimination against women as members of the police force. As per article 4(1) of CEDAW, the special measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved. The women police stations have not only failed to achieve the objective of

equality of opportunity and treatment between men and women but have also contributed to the gender segregation and discrimination against women.

Now the question is what should be done with these women police stations? Given their performance they stand as a fit case to be abolished. Most of my informants suggested that the government should abolish them altogether. However, I suggest that before abolishing them we should see if there could be any good use of these police stations for the benefit of women victims of violence. In this regard, I recommend a way to use these women police station for the benefit of those women and children who are not accused of any crime by the police but are in need to be kept in the state protection during court trials.

9.2) Women Police Stations as Temporary Shelter Houses?

I would, therefore, recommend that the government should seriously consider the possibility of converting these women police stations into temporary shelter houses, where some policewomen should be retained while the rest should be posted in various regular male-dominated police stations. I recommend this because these police stations are not working as normal police stations, as the research shows, but have worked as temporary shelter houses on at least two occasions according to my knowledge.

◆ One, as mentioned in the footnote 155 in chapter seven that a ten years old Afghan refugee girl was sent by a family court in Peshawar to the lock up of the women police station, Peshawar, to be kept there until the next hearing of the court trial.

◆ Two, in case of Shaista Almani¹⁷³, who was kept in the women police station, Karachi, by the judiciary and government of Pakistan, while her high profile court trial was under process. Since Shaista Almani's case was also a high profiled media case, she was

¹⁷³ A young woman from the southern Sindh province of Pakistan, who married a man from a rival tribe and the leaders of her tribe threatened to kill her for violation of tribal honor. Her husband was kidnapped and forced to divorce her, which he did, according to press reports. Shaista managed to come to Karachi, the largest city of Pakistan, after being declared *Kari*, liable to be killed for honor by her tribe. Her trouble attracted a lot of media coverage and attention of the women's NGOs in Pakistan. Meanwhile, the President of Pakistan directed the police to give the woman full protection. Upon the intervention of the judiciary and Government of Pakistan, Shaista was kept in the women police station, Karachi for her security, while the courts were busy with the court trial of her case. Finally, the kidnappers released her husband who joined his wife in Karachi under the police protection and declared to the press that he never divorced his wife. The Sindh High Court ruled that Shaista and her husband are 'sui juris' and can decide for themselves about their marriage. During the court proceeding, Shaista was residing in the women police station, Karachi. This event happened in the initial months of 2004 and got a huge media coverage in Pakistan for months.

allowed to stay in the women police station till the final resolution of her problem by the court/government, but the poor little Afghan girl was not fortunate in this regard because her ordeal was unknown to media. Therefore, she suffered silently. Policewomen of the women police station, Peshawar, told me that she was sent to jail after the second hearing of her case. The reason is that there is no place in Pakistan where the courts could keep people like this little girl till the final disposal of their cases by the courts. Consequently, the courts send such people to jails, although they are neither criminal nor even charged with any crime by the police. In the case of this Afghan girl, I believe it is extremely unfortunate and unfair that an innocent minor is made to live with convicted criminals in jails. She could be kept in the women police station till the final decision by the family court. But, as the policewomen told me the women police stations do not keep such people (like the Afghan girl) for more than two or three days. However, Shaista Almani was allowed to stay in the women police station until her security elsewhere was taken care of by the government and the court of law. The reason: unlike the little Afghan girl, Shaista's was a high profiled media case that attracted the attention of the superior judiciary and Government of Pakistan.

In this regard, it is pertinent to mention that there are just a few temporary shelter houses (usually called crisis centers¹⁷⁴) in Pakistan, a country with 130.6 million¹⁷⁵ people. All of them are established by NGOs. Almost all of them are controversial, as many people in Pakistan think that these centers are threatening the social fabric of the society. This seems to be one reason why the Government of Pakistan did not take an interest in making official crisis centers and the task is left to NGOs. However, in the case of Shaista Almani the women police station in Karachi and to some extent in case of the Afghan girl the women police station in Peshawar were used as crisis centers or temporary shelter houses with the permission of the judiciary and the Government of Pakistan. Hence, I believe that these women police stations have the potential to be used as official temporary shelter houses, at least for innocent females, like Shaista and the

¹⁷⁴ For example, one called *Dastak* in Lahore and the other in Peshawar. The one in Peshawar is established by *Aurat* Foundation, a women's NGO. It is kept hidden and being shifted from one place to another by the NGO for fear of attacks from those who oppose the establishment of crisis centers in Pakistan (Interview with Rakhshanda Naz, Resident Director of *Aurat* Foundation in Peshawar).

¹⁷⁵ This figure is taken from the official website of Government of Pakistan. <http://www.pakistan.gov.pk/>

Afghan girl, who are not charged with any crime by the police, but who are in need of police protection during the court trial.

In this connection, it is also pertinent to mention that with the help of various international donor agencies Nepal has established crisis centers, which are staffed by three or four policewomen¹⁷⁶. These policewomen are receiving special training on providing police services to women and children victims of violence by the donor agencies, including UNICEF, DFID (British donor), Planete Enfants (French donor)¹⁷⁷ etc.

Finally, while coming back to the issue of the policewomen, I think more policewomen should be recruited in the police force and ultimately, there should be policewomen in every police station of the country. In this regard, I will refer to the data collected through the structured questionnaires I distributed in Peshawar. 74% men, 52% housewives and 60% working women said that a policewoman is more suitable to help a woman in need of police intervention. Similarly, 66% men, 42% housewives and 60% working women said that police is a suitable profession for women. I think these data and the gender-segregated nature of the society in Pakistan, where many female victims of violence might prefer to be listened to by policewomen, strengthen the case for appointment of more women in the police force and their posting in all police stations of Pakistan. Moreover, once there are policewomen in every police station, the problem of custodial abuse of women can be addressed by making policewomen incharge of the lock ups with female detainees. Beside the issue of integration of women in the police force, the problem of the police reluctance to register FIRs of domestic violence against women should be seriously addressed. As a point of departure in this regard, domestic violence should be specifically made a crime under PPC.

9.3) Recommendations

9.3.1) All the existing women police stations should be converted into official temporary shelter houses where those women and children should be kept who are not charged with any crime by the police but whose cases are under trial in the courts of law and who are

¹⁷⁶ This information is given to me through email by Mr. Richard Miles, a British consultant who works as police advisor in the Nepal Police Development Project for establishment of crisis centers, which are staffed by policewomen in Nepal.

¹⁷⁷ *ibid*

in need of police protection during the course of the court trials. A few policewomen should be posted at these shelter houses and they should be given special trainings on how to provide police services to the women and children victims of crimes.

Meanwhile, the women police station should also keep on serving as female lock ups, as they are serving now. A few policewomen should be posted to take care of the female detainees. All the remaining staff of the women police stations should be posted to various regular police stations, where they should be allowed to take part in the routine law enforcement activities like their male colleagues. A regular male-dominated police station with female staff may not need to send its female detainees to the lock up of the women police stations and the female staff should be deputed at the lock ups of these police stations if there are women in these lock ups. Once there are policewomen in all police stations of Pakistan the roles of the women police stations as female lock ups would not be required.

9.3.2) All the policewomen who are not yet trained should be immediately sent for training in a phased programme. They should be given equal opportunities along with their male colleagues to go for advance training both in Pakistan and abroad.

9.3.3) The present ratio of women in the police should be gradually increased. Law enforcement as profession should be completely open to women. Women should be promoted in all levels of the police hierarchy and in the due course of time Pakistan should have women IGPs¹⁷⁸. Meritorious policewomen should be rewarded like their male colleagues, e.g. by quick promotions, monetary rewards etc. No policewomen should be kept untrained.

9.3.4) Gender sensitization should be undertaken all through the police force in connection with the behavior of policemen towards policewomen and female complainants and accused and of policewomen towards policemen and female complainants and accused. Gender sensitization should be a part of all training courses in all police training schools of Pakistan.

9.3.5) As a first step to discourage the police reluctance to register cases of domestic

¹⁷⁸ Inspector General Police, IGP, is the chief of all police force in a federating unit of Pakistan. Since Pakistan has four federating units, there used to be four IGPs all over Pakistan.

violence against women, it (domestic violence) should be specifically made a crime under PPC. There should be legislation in this regard. Also, specific penalties should be included in the police rules for those police officers who refuse to register cases of domestic violence against women. After making domestic violence a crime under PPC, there should be a long and sustained media campaign to make people aware of the law and the responsibility of the police in this regard.

9.3.6) In order to withdraw the legal sanction accorded to the subordinate status of women, the discriminatory *Haddood* laws should be abolished.

9.3.7) CEDAW should be part of the training courses in the police training schools of Pakistan.

9.3.8) There should be a long and sustained media debate on CEDAW in relation to Pakistan in order to introduce CEDAW to the common people of Pakistan and to get suggestions from people in various walks of life on how the Government should implement it in Pakistan.

9.3.9) There should be a long and sustained media campaign to make people aware of the rights of women in marriage, divorce, custody of children, inheritance etc, which are protected under the Muslim Family Law Ordinance of Pakistan.

9.3.10) The NGOs and members of local bodies (local councils) should help find and then give publicity to the those lawyers who would be willing to defend free of charge some women in family courts, who are too poor to hire the services of lawyers¹⁷⁹.

9.3.11) And finally, NORAD is requested to especially take into consideration the extremely patriarchal and gender unequal nature of the society in Pakistan, where women are segregated, secluded and discriminated against from birth to death. Therefore, the NORAD is further requested to have a certain number of fellowships for women of Pakistan under the NORAD Fellowship programme. This would be a great contribution to improve the status of women in this *pardah* society.

¹⁷⁹ I have included this recommendation on the basis of my interaction and informal talk with several lawyers in Peshawar during my fieldwork. Some of them, including a female lawyer, told me they would be willing to defend some poor women in the family courts free of any charges.

Glossary

Abbottabad	Summer capital of NWFP
<i>Adal Badal</i>	Exchange marriage in which a man acquires wife for himself by giving away a woman (daughter or sister) who belongs to him to another man as his wife.
ASI	Assistant Sub Inspector
ASP	Assistant Superintendent Police
ASP (HQ)	Assistant Superintendent Police (Headquarters)
<i>Aurat</i> Foundation	A women's NGO in Pakistan
<i>Bibi</i>	This is a <i>Pushto</i> and <i>Urdu</i> word a woman is addressed with as a mark of respect towards her.
<i>Burka</i>	A kind of veiling encompassing woman's body from head to toe.
Cantt	A locality of Abbottabad
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
<i>Chader</i>	A kind of veiling
DSP	Deputy Superintendent Police
DSP (HQ)	Deputy Superintendent Police (Headquarters)
<i>Dopatta</i>	A long length of cloth taken on shoulders
FATA	Federally Administered Tribal Area
FIR	First Information Report
Gulbahar	An overpopulated residential-cum-commercial area in the heart of Peshawar city.
HC	Head Constable
Havellian	A locality of Abbottabad
<i>Hindko</i>	A language spoken in some parts of NWFP
<i>Jirga</i>	Tribal Jury
<i>Kada</i>	Belonging or Commodity
Kohat	A town 60 KM south of Peshawar

Mirpur	A locality of Abbottabad
<i>Mastoi</i> Tribe	A tribe in the south of Pakistan
NWFP	North-West Frontier Province of Pakistan
<i>Pas-I-Aina</i> .	A word of <i>Urdu</i> language, which means behind the mirror. It was a famous TV drama aired by the Pakistan state-controlled TV.
Pathan	People of NWFP
Police Line	Police Headquarters
PPC	Pakistan Penal Code
<i>Pushto</i>	The language of Pathan
<i>Purdah</i>	Seclusion and segregation of women, confinement of women to private spaces and their exclusion from public spaces and the concealment of women's bodies in <i>burka</i> or <i>chader</i> when in public places.
<i>Qamez</i>	Knee-long shirt
<i>Saritoob</i>	Honor\ Manhood
<i>Shalwar</i>	Loose pant
Sherwan	A locality of Abbottabad
SHO	Station House Master
SSP	Senior Superintendent Police
SSP (HQ)	Senior Superintendent Police (Headquarters)
SSP (rural)	Senior Superintendent Police (rural)
<i>Swara</i>	The Pathan tribal practice of giving away a girl in marriage to an aggrieved family as compensation for a murder perpetrated by her male family member(s).
<i>Urdu</i>	National language of Pakistan
<i>Valver</i>	Bride-Price
<i>Zagh</i>	The Pathan tradition in which a man who wishes to marry a woman, shoots arial fire in front of her house, after which her family is bound to give her in marriage to that man. If the family does not agree, then she must stay unmarried in her father's house her whole life. In such a situation no other person would be willing

to marry her, because that would trigger enmity between his family and the family of the man who had fired shots in front of her house.

Zamaka

land

Zar

Gold or Wealth

Zen

Woman

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Introduction of Some Interviewees

1) Afrasiab Khattak

Afrasiab Khattak, an intellectual and a lawyer by profession, is a famous human rights activist of Pakistan. He joined Human Rights Commission of Pakistan (HRCP), one of the biggest human rights NGOs in Pakistan, in 1989, following which he pleaded several cases of human rights violation in the courts of law. He is known as a liberal supporter for rights of women and ethnic and religious minorities in Pakistan. In 1999, he was unanimously elected as chairperson HRCP. I interviewed him in the HRCP office at Peshawar on 10 June, 2003. At the time of the interview, he was chairperson of HRCP. But soon afterwards, he left his position in HRCP, because he joined a political party of Pakistan.

Afrasiab Khattak belongs to NWFP. He has been an active leftist politician during 70s and 80s and was sent to jail for his opposition to the military dictatorship of General Zia in Pakistan. Then he went in exile to Afghanistan. He came back to Pakistan after Gen. Zia's death in 1988. For his struggle for democracy and promotion of human rights in Pakistan, he has been labelled as a communist, an enemy of Islam, a traitor of the country and an agent of the west. Also, he is a firm supporter of peace between India and Pakistan and is chairperson of Pakistan –India People's Forum for Peace and Democracy, an NGO, which works both in Pakistan and India

2) Mussarat Hilali

She is a well-known lawyer and a human rights activist in NWFP. She is vice-chairperson of All Pakistan Women's Association, APWA, one of the oldest and famous women's NGO in Pakistan. During my fieldwork when I interviewed her, she was working as Additional Advocate General to the Government of NWFP. I interviewed her in her office at the High Court Building, Peshawar, on 8, September 2003.

3) Bushra Gohar

Bushra Gohar is the Director, Human Resources Management and Development Centre (HRMDC) in Peshawar. Her main areas of work include institutional development and capacity building of governmental and non-governmental organizations through training, community development, networking and research. She is a member of Pakistan's

National Advisory Board on Women Development and National Commission on Status of Women. She is a well-known women's rights activist in Pakistan. She belongs to NWFP. I interviewed her in HRMDC office in Peshawar on 25, June 2003.

4) Rakhshanda Naz

She is the Peshawar-based Resident Director of *Aurat* Foundation, a famous women's rights NGO in Pakistan. During her interview she specifically told me about the hardships she and her NGO have to face when they tried to open, what she called, the first ever crisis center for women in NWFP. I interviewed her in the office of *Aurat* Foundation in Peshawar on 21, August 2003.

Interview Guide

The following list contains most of the questions which I asked the two human rights activists and two women's rights activists whom I interviewed in Peshawar during the fieldwork. The order of the questions was changed according to flow of the conversation. Also, I asked many additional questions whenever deemed necessary.

- 1) What is the situation of human rights of women in NWFP?
- 2) What factors/ conditions are responsible for keeping women of NWFP in a persistent subjugation to men?
- 3) Why, in your view, do women in Peshawar prefer to suffer in silence rather than seeking formal police help?
- 4) Why do some women come to the women police station to discuss their problems with the police women but refrain from registering a formal complaint with the police station?
- 5) Do you think that women police station is sufficiently equipped and the policewomen sufficiently empowered and trained to help women victims of violence?
- 6) Some people allege that constables, lower-ranked police officers, in the women police station, Peshawar, serve as 'comfort girls' for high-ranking policemen. Please your comments on the allegation?
- 7) How do you think this allegation affects the reputation of the women police station and hence influences the accessibility of women from respectable families to the police station, in case they decide to seek police help?
- 8) Right or wrong, but there is a perception that police in the Punjab are brutal, while the police in NWFP are relatively mild. Please, your comments on the perception.

- 9) Why, in your view, do men in general and women in particular avoid police, even if they need police intervention?
- 10) How are women treated in the male-dominated police stations in NWFP?
- 11) Do you think that the police tend to side with men who inflict violence on women, e.g. those who kill women for honor, wife batters etc and try to belittle the seriousness of the crime against women?
- 12) Do you think that in next 10 years the women police station will come in a position to help women in need of police help?
- 13) Do you think the making of a women police station is a feasible idea in a society as conservative as Peshawar?
- 14) Do you expect any change for betterment in the lives of women in NWFP, owing to the fact that a right-winger Islamic government is in place in the province?
- 15) How Gen. Zia's Islamization of laws in Pakistan has strengthened the male bias against women in our society in general and in the police stations in particular?

STRUCTURED QUESTIONNAIRE

1) Do you know that there is a women police station in Peshawar?

- i) Yes ii) No

2) Do you know where the women police station in Peshawar is?

- i) Cantt ii) Old Peshawar City iii) Hayatabad iv) Don't Know

3) Do you think there should be a women police station in Peshawar?

- i) Yes ii) No iii) No Opinion

4) In case of domestic violence, whom do you think a woman should ask for help?

- i) Women Police Station ii) Regular Police Station iii) Family iv) Friends
v) None of Them

5) Will it be a shame for the family if a woman registers a complaint against husband/father/brother with a police station?

- i) Yes ii) No iii) Don't Know

6) If your female relative meets a problem warranting police intervention, where would you advise her to register complaint?

- i) Women Police Station ii) Nearest Police Station iii) None of Them

7) Is police a suitable profession for women?

- i) Yes ii) No iii) Don't Know

8) Would you allow your daughter/sister become a policewoman?

- i) Yes ii) No iii) Don't Know

9) Who do you think is more suitable to help a woman in need of police intervention?

- i) Policewoman ii) Policeman iii) None of Them

10) Are you satisfied with the performance of the women police station, Peshawar, so far?

- i) Very Much ii) Not Much iii) Not At All

11) Do you hope that in the next 10 years the women police station, Peshawar, will be able to provide better services to women victims of violence?

i) Yes ii) No iii) Don't Know

12) Do you think that the women police station, Peshawar, is too far away to be in reach of most women of Peshawar?

i) Yes ii) No iii) Don't Know

13) How many women police stations do you think there should be in Peshawar?

i) Many ii) A Few iii) One is Enough iv) None is Needed

14) Do you think policemen tend to side with men and try to belittle the seriousness of crime against women, in case the woman's complaint is against a man?

i) Yes ii) No iii) Don't Know

15) Which of the following do you agree with?

i) Man and Woman are Equal ii) Man is Superior to Woman iii) Woman is Superior to Man

Data Generated by the Structured Questionnaire

1) Do you know that there is a Women Police Station in Peshawar?

Table 1

Respondents	yes	No
Working Women	32 or 64%	18 or 36%
House Wives	23 or 46%	27 or 54%
Men	33 or 66%	17 or 34%
Total Responses	88 or 59%	62 or 41%

2) Do you know where the Women Police Station in Peshawar is?

Table 2

Responses	Cantt	Old Peshawar City	Hayatabad	Don't Know
Working Women	21 or 42%	9 or 18%	9 or 18%	11 or 22%
House Wives	17 or 34%	9 or 18%	4 or 8%	20 or 40%
Men	19 or 38%	12 or 24%	8 or 16%	11 or 22%
Total Responses	57 or 38%	30 or 20%	21 or 14%	42 or 28%

3) Do you think there should be a women police station in Peshawar?

Table 3

Responses	Yes	No	No Opinion
Working Women	10 or 20%	34 or 68%	6 or 12%
House Wives	12 or 24%	20 or 40%	18 or 36%
Men	25 or 50%	21 or 42%	4 or 8%
Total Responses	101 or 67%	21 or 14%	28 or 19%

4) In case of domestic violence, who do you think a woman should ask for help?

Table 4

Responses	Women Police Station	Regular Police Station	Family	Friends	None of Them
Working Women	17 or 34%	8 or 16%	21 or 42%	2 or 4%	2 or 4%
House Wives	15 or 30%	3 or 6%	26 or 52%	0 or 0%	6 or 12%
Men	22 or 44%	5 or 10%	19 or 38%	1 or 2%	3 or 6%
Total Responses	54 or 36%	16 or 11%	66 or 44%	3 or 2%	11 or 7%

5) Will it be a shame for the family if a woman registers complaint against her husband/father/brother with a police station?

Table 5

Responses	Yes	No	Don't Know
Working Women	20 or 40%	28 or 56%	2 or 4%
House Wives	23 or 46%	17 or 34%	10 or 20%
Men	34 or 68%	12 or 24%	4 or 8%
Total Responses	77 or 51%	57 or 38%	16 or 11%

6) If one of your female relatives meets a problem requiring police intervention, where would you advice her to register complaint?

Table 6

Responses	Women Police Station	Nearest Police Station	None of Them
Working Women	19 or 38%	21 or 42%	10 or 20%
House Wives	17 or 34%	17 or 34%	16 or 32%
Men	30 or 60%	12 or 24%	8 or 16%
Total Responses	66 or 44%	50 or 33%	34 or 23%

7) Is police a suitable profession for women?

Table 7

Responses	Yes	No	Don't Know
Working Women	30 or 60%	12 or 24%	8 or 16%
House Wives	21 or 42%	15 or 30%	14 or 28%
Men	33 or 66%	15 or 30%	2 or 4%
Total Responses	84 or 56%	42 or 28%	24 or 16%

8) Would you allow your daughter/sister to become a policewoman?

Table 8

Responses	Yes	No	Don't Know
Working Women	26 or 52%	16 or 32%	8 or 16%
House Wives	15 or 30%	26 or 52%	9 or 18%
Men	19 or 38%	27 or 54%	4 or 8%
Total Responses	60 or 40%	69 or 46%	21 or 14%

9) Who do think is more suitable to help a woman in need of police intervention?

Table 9

Responses	Policewomen	Policeman	None of Them
Working Women	30 or 60%	4 or 8%	16 or 32%
House Wives	26 or 52%	15 or 30%	9 or 18%
Men	37 or 74%	6 or 12%	7 or 14%
Total Responses	93 or 62%	25 or 17%	32 or 21

10) Are you satisfied with the performance of the women police station, Peshawar so far?

Table 10

Responses	Very Much	Not Much	Not at All
Working Women	2 or 4%	13 or 26	35 or 71%
House Wives	4 or 8%	15 or 30%	31 or 62%
Men	1 or 2%	16 or 32%	33 or 66%
Total responses	7 or 5%	44 or 29%	99 or 66%

11) Do you hope that in next 10 years the women police station, Peshawar will be able to provide better services to women victims of violence?

Table 11

Responses	Yes	No	Don't Know
Working Women	16 or 32%	13 or 26%	21 or 42%
House Wives	19 or 38%	5 or 10%	26 or 52%
Men	19 or 38%	13 or 26%	18 or 36%
Total Responses	54 or 36%	31 or 21%	65 or 43%

12) Do you think that the women police station in Peshawar is too far away to be in reach of the most women of Peshawar?

Table 12

Responses	Yes	No	Don't Know
Working Women	19 or 38%	6 or 12%	25 or 50%
House Wives	15 or 30%	5 or 10%	30 or 60%
Men	27 or 54%	9 or 18%	14 or 28%
Total Responses	61 or 41%	20 or 13%	69 or 46%

13) How many women police stations do you think there should be in Peshawar?

Table 13

Responses	Many	A Few	One is Enough	None is Needed
Working Women	19 or 38%	20 or 40%	4 or 8%	7 or 14%
House Wives	21 or 42%	10 or 20%	9 or 18%	10 or 20%
Men	16 or 32%	19 or 38%	9 or 18%	6 or 12%
Total Responses	56 or 37%	49 or 33%	22 or 15%	23 or 15%

14) Do you think policemen tend to side with men and try to belittle the seriousness of violence against women, in case the woman's complaint is against a man?

Table 15

Responses	Yes	No	Don't Know
Working Women	24 or 48%	8 or 16%	18 or 36%
House Wives	15 or 30%	7 or 14%	28 or 56%
Men	14 or 28%	19 or 38%	17 or 34%
Total Responses	53 or 35%	34 or 23%	63 or 42%

16) Which of the following do you agree with?

Table 16

Responses	Man and Woman are Equal	Man is Superior to Woman	Woman is Superior to Man
Working Women	33 or 66%	13 or 26%	4 or 8%
House Wives	22 or 44%	19 or 38%	9 or 18%
Men	23 or 46%	24 or 48%	3 or 6%
Total Responses	78 or 52%	56 or 37%	16 or 11%

