



Research Article



Comparative Analysis of Formal and Informal Dispute Resolution Council in Tehsil Razzar, District Swabi

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Abstract

Jirga is a non-official but restricted institution that exists in Pashtun social structures.. Jirga is defined as the group of members of exact subgroup of Pashtun, considering a matter of universal interests. Particularly in tribal communities adhering to Pashtun traditional standards, it is viewed as a cover of safety and protection for the underprivileged. Jirga is used to settle conflicts over public and private space. Jirga upholds democratic principles and maintains an impartial stance when mediating and arbitrating disputes between plaintiffs. Jirga is a representation of a democratic system where each person has the freedom to voice their opinions in front of other Jirga members. The rule of behaviour that is being upheld at the Jirga aims to foster moral and spiritual ties. Jirga is the primary institution in the tribal region's political system for resolving conflicts and advancing justice. Since the Dispute Resolution Council (DRC) was established, numerous disputes and conflicts have been settled more successfully, and as a result, particularly in the Pashtun Society, it has benefited. The basic vision and goal of the Dispute Resolution Council is conflict resolution and how to foster a beneficial atmosphere between disputing and conflicting parties for societal progress (DRC).

Key Words

Dispute Resolution, Tehsil Razzar, Swabi, KP, Pakistan, Pashtun, Jirga

Introduction

Conflicts have existed for as long as there have been people, and men have a history of battling over and gaining control of various resources and goods (Zaman, Khan, & Naz, 2018). However, informal dispute resolution (ADR) refers to methods of settling disputes outside of the legal channels, such as through conversations, talks, or any other type of settlement that shouldn't be time-consuming, expensive, or lengthy. Although the main goal is to resolve disputes through such processes, public involvement can play a significant role in achieving this goal (Hörnle, 2009). These processes should be pleasant, amiable, less expensive, and unofficial procedures (out of court dispute resolution).

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In Pashtun social order, the Jirga is an informal but exclusive institution. Jirga is a Pashto word that means "circle" (Faqir & Atta, 2013). It is difficult to pinpoint the origins of Jirga System practice in Pashtun history. Jirga, on the other hand, is as old as the Pashtun people. Various researchers have provided their own interpretations of the term "Jirga." Jirga is defined as a group of Pashtuns from a specific subgroup debating a topic of general interest (M. Ullah, Saeed, & Ali, 2021). It is viewed as a safety net and a shield for the underprivileged, particularly in tribal areas where Pashtun cultural standards apply. Disputes over public and private space are settled by Jirga. Jirga adheres to democratic principles and maintains a neutral posture in mediating and arbitrating disputes between litigants. Jirga is a democratic organization in which everyone has the right to express themselves in front of Jirga members. The Jirga's code of conduct encourages moral and spiritual commitments. Jirga can be described as a mechanism where disagreements are resolved by awarding benefits or imposing penalties based on the judgment. As a result, Jirga is not only confined to big or minor criminal-public or private problems, but also to resolving individual, group, and tribe conflicts. Jirga is the key political framework in the tribal area for resolving disputes and promoting justice (M. Ullah et al., 2021).

Furthermore, the Jirga is a traditional Afghani organization that is closely related to the social and economic activities of everyday life. The Pashtun civilization has a highly rigid Jirga system. The traditional Pashtun model is a more specific and illustrative model with non-Pashtun gradation. Jirga, it is claimed, is an informal organization where problems concerning not just indigenous tribal matters but also national issues are settled more efficiently. It's also worth noting that Jirga is primarily used as a power structure in Pashtun civilizations. As a result, the Jirga not only strengthens social unity among the people, but it also contributes to the maintenance of the Pashtun tribe's social order. The usefulness of the Jirga as a source of conflict persistence, however, is dependent on the extent to which it is legally alleged by various Pashtun populations (Carter & Connor, 1989; Glatzer, 1998). To ascertain the facts of the issue, the Jirga hears from and examines the parties. The Jirga members examine the disagreement after having a lengthy discussion with the parties while taking into account the traditional, religious, socioeconomic, and geopolitical contexts. The Jirga investigates the situation carefully and makes every attempt to come up with an impartial and suitable solution. The Jirga's decision is typically based on regional customs and/or Shariat (I. Ullah, ud Din, & Ali)

Objectives of the study

1. To know the demographic profile and affiliation of the respondents.
2. To inspect the structure and functions of both disputes settlement institutions in the study area.
3. To sort out the discrepancy at operationalization level in both of the social institutions
4. To find out the causative factors of amplifications in criminal tendencies in the study area
5. To put forward policy recommendations on the basis of findings in the study area

Literature Review

However, Radford (1999), urged that long-term viability of the solutions is contingent on the use of a sophisticated methodology and vision by the conflict resolution practitioner. To identify, assess, and evaluate challenges, and frame skills and techniques by practitioner, a long-term agreement must be formed to handle all aspects of the problem. The practitioner should be able

to persuade either side in a conflict to change their opinions in a constructive way. A temporary stop to hostility does not always imply a long-term solution.

Furthermore, [Folger and Bush \(1994\)](#), urged that long-term resolution necessitates knowledge and a wide range of talents. That is why it is a difficult task. The parties must be aware of the long-term animosity and its consequences. The mediator should make them aware of the benefits of long-term conflict resolution; this will necessitate a significant amount of preparation on the mediator's part.

According to [Kaminskiené et al. \(2014\)](#), sustainable resolution refers to ensuring that not only current but also future concerns of resolutions are taken in the process of conflict resolution. Only via sustainable conflict resolution may emotional and rational parts of the issue be addressed during the conflict resolution process. This reconciliation provides a win-win situation. Sustainable resolutions relieve the parties of their dissatisfaction and anger while providing them with a meaningful feeling of fairness. This study was created using Marx (1818–1883) and his follower C.W Mill's culturally related conflict viewpoints (1956). Conflicts in human civilizations, according to this viewpoint, are an unavoidable, universal, and never-ending process. Individuals, organizations, sects, and even larger disagreements over means of production, such as property, land, money, and even power fights, have happened throughout the history of human evolution and transformation. One party must rule and defeat the other in order to gain control of economic resources. However, if a conflict has happened on both ideas and economic resources, the dialectical method used by the conflict school of thought always results in a settlement of conflict in the form of synthesis, which evolves the society into a new evolved phase (but have the seeds of conflict as well). Similarly, dispute resolution mechanisms vary from one group to the next and from one community to the next, with diverse procedural components. A body of literature has confirmed that there are mechanisms for conflict resolution woven into the relative cultural set-up in each of the world's societies ([Wardak, 2003](#)). According to [George Vincentnathan \(1992\)](#), the importance of Panchayat in the Indian setting is a crucial component of dispute resolution. It discovered Mediation Committees active in China to resolve local and regional problems in his study.

Many researchers, including Zaman et al. (2018), have explored the significance of the Jirga system in Pashtun localities in Afghanistan, Baluchistan, and current Khyber Pakhtunkhwa. This system is an important informal conflict resolution technique that, more crucially, adheres to conventional normative orders. The culturally accepted relative authorized theoretical approach has been used in the current study, which also supports the scholars' philosophical perspective as stated above. However, the social phenomena and conflicts must be understood and resolved in a culturally appropriate pattern in order for the locals to accept the result. However, as a result of modernity and globalization, the nature of conflict and the mechanisms for resolving it have changed dramatically, and the role of the Jirga has also changed dramatically. Although the Jirga is a traditional method of justice, it has been the topic of controversy at key points. The most serious charge leveled against the Jirga system is that it discriminates against women while making decisions and enforcing its rules and regulations ([Shah, 2012](#)). People's attitudes regarding the conventional process of conflict resolution have shifted as a result of the changing pattern of life, with a greater emphasis on the formal justice system ([Gul, 2021](#)). The role of the Jirga will remain crucial due to changes in life patterns and the need for the FATA to be merged into Khyber Pakhtunkhwa. After the FATA is merged into Khyber Pakhtunkhwa, the people would have access to the formal judicial system. This study looks on local people's perceptions of Jirga in during this moment of transition. In compared to the formal court system, the study also aims to answer the question of Jirga's relevance and currency. It also emphasizes the potential for a conflict in the popular attractiveness of the two systems. The research is based on a culturally

appropriate conflict viewpoint that promotes a localized method for dispute settlement that is acceptable to the local population. Any system that jeopardizes a society's indigenous identity by imposing an alien or foreign process will fail in the long term.

Humans lived a wandering existence in pre-civilized times. In ancient Egypt and Iraq, domestication of animals and plants led to agriculture and human settlements. In some areas, nomadic life remained, with two distinct forms of dispute resolution emerging among nomadic and settled people. The nomads retained their traditional ways of dispute settlement through tribal elders, whilst established tribes evolved a new and more formal mode of dispute resolution through an official forum (court) presided over by an official adjudicator (judge) ([Hassan, 2020](#)). Elderly conflict resolution seems to have persisted during the early stages of agricultural villages, but as centralised authority and powerful kings like the Egyptian pharaohs emerged, a more formal process through courts developed. It makes sense to assume that both systems initially ran in parallel. (Source: Khan Academy) For instance, the Ur Nammu Code, which was enacted in Mesopotamia between 2100 and 2050 BC, defined certain offences and gave courts the authority to hear cases involving the Code. Therefore, it is reasonable to assume that disputes that were not caused by the code were settled through extrajudicial channels. In Egypt throughout the third millennium BC, the legal system was founded on a blend of both of these systems. Civil disputes, particularly trivial problems, were resolved by the rural council of elders, but more serious disputes involving murders were resolved by the king and later by his Wazir, who also had the authority to hear appeals against village council judgments. Understanding the benefits of informal conflict settlement and promoting it in the Islamic World are crucial since it not only preserves interpersonal relationships but also provides a quick, affordable, and amicable dispute resolution process with a lesser emphasis on formality.

Dispute Resolution in Islamic Countries

Jordan

In Jordan, the scope of Intellectual Property Rights is territorial. Islam does not support litigation, hence a contractual provision favouring ADR requires that, in the event of a dispute involving patent matters in Jordan, the parties submit their dispute to it for resolution. This is because ADR processes are quicker and less expensive than litigation ([Bradley, 1996](#)). The opportunity to adopt informal conflict settlement procedures is valued by the parties. Jordan has a large number of instances that have been resolved by ADR ([Lemley, 2004](#)). Things that have a middle ground become difficult. Some people believe that practically all disputes in Jordan are resolved through arbitration. The proof for infringement and validity, however, is not arbitrary. The parties' legal issues, whether civil or commercial, contractual or non-contractual, are subject to arbitration ([Daradkeh & Kasawneh, 2011](#)). If mediation is unsuccessful, arbitration is not permitted. The majority of Jordanians prefer to use court litigation because they have the ability to appeal during that process, whereas the Arbitration Law forbids parties from appealing an arbitral ruling unless there are egregious errors. In the ADR process, parties choose the impartial persons who will listen to their conflicts on their own. By establishing a centre to educate staff judges and arbitrators on complex infringement matters, Jordan could try to solve this knowledge gap. To resolve IP conflicts, the Arab Intellectual Property Mediation and Arbitration Society was founded in Jordan in 2003. There was no such institution prior to this. An emerging organisation, the Arab Intellectual Property Mediation and Arbitration Society, has to be established. ADR procedures call for the appointment of a qualified individual from a schedule ([Frey, 2000](#)). The statutes governing Jordan's membership in the World Trade Organization were revised and framed in 2000. (WTO). Jordan requires that it be publicly validated and imposes intellectual property

rights. It has been widely reported that the Jordanian government attempted to defend foreign intellectual property interests ([Wu, 2010](#)).

The ability of arbitration and mediation to resolve legal and business issues is the impartiality of ADR. In the Arab world, arbitration is the most common form of ADR. Western arbitrators rendered judgments in Saudi Arabia and the United Arab Emirates that shamefully invalidated those nations' legal systems. Participants in ADR in the Arab world consent to the control of the Arab arbitrators and mediators by the Western arbitrators and mediators ([Alexander & Stokoe, 2019](#)).

Saudi Arabia

Saudi Arabia is governed by Islamic law, which is founded on the Holy Quran and Sunnah, Ijmah (Islamic scholars' consensus), and Qiyas (or analogy). Saudi courts relied on the Hanbali School of Islamic Thought in 1928, and in reality, the Saudi courts use Shari'a in personal relations, criminal problems, property disputes, and contract disputes in general. The Saudi Council of Ministers and different government ministries issue "Regulations" and "Implementing Rules" that control commercial operations such as distributorship agreements, company concerns, trademarks and patents, and government contracts. Because Shari'a courts handle matters governed only by Shari'a, the numerous commercial norms and regulations are less relevant and rarely used in these courts. All Saudi Arabian courts, whether Shari'a, secular business courts, or arbitration tribunals, are required to follow Shari'a rules and procedures. Some commercial courts have distinct procedural and evidentiary procedures, which are outlined in ministerial rules and regulations, yet they are ostensibly governed by Shari'a. Shari'a courts at various levels with broad authority (including civil matters); and specialized judicial committees for commercial matters with jurisdiction established by their separate establishing orders (Shalakany, 2000). The decision can be appealed within 15 days of the party receiving notification of the decision. Appeals from the Western Province are heard in Makkah, while those from the Central and Eastern Provinces are heard in Riyadh ([Saleh, 2019](#)). According to Saudi legislation, all panels must be composed of Saudi Shari'a-experienced judges, who are often aided by non-Saudi Arab legal advisers with appropriate expertise of administrative law. The Board also obtains help and reports from local university technical experts and the Saudi House for Consulting Services, a quasi-governmental consulting entity, at its own initiative or at the request of one or both parties to a dispute ([Berry, 2005](#)). On a request, labour dispute proceedings are considered in the location where the worker is employed. If a dispute cannot be resolved peacefully, it is forwarded to the Primary Commission, which has the authority to demand evidence and call witnesses. When a defendant fails to respond to a Primary Commission award and a Supreme Commission appeal is filed within 30 days of that judgement, the Commission also has the authority to issue an award. The Supreme Commission's decisions are binding and enforceable ([Brunet, 1987](#)).

Egypt

Egypt plays a significant role in support of alternative dispute resolution as the largest Arab nation in the Middle East. The Egyptian authorities encourage Western corporations to establish businesses in the region. ADR is preferred in Egypt by the private sectors, including those in banking, insurance, and information technology. The major goal is to employ private mediation institutions, like the Centre for Effective Dispute Resolution (CEDR), to train lawyers in the fundamentals of mediation and to spread awareness of mediation in Egypt through conferences, workshops, the media, and public awareness campaigns. The Egyptian courts experienced very

sluggish enforcement of foreign business contracts as a result of the inefficiencies. Therefore, Egypt needs to build the institutional capacity for ADR services. Some knowledgeable or educated judges already provide ADR services. Religion was crucial to the success of ADR in Egypt, where it was presented with a focus on its compatibility with Islam to raise public awareness ([Chamisa, 2013](#)). Alternatives to litigation include dispute resolution procedures utilised in local and international commercial practises, such as facilitated discussions, conciliation, mediation, and expressions of similar import. The employment of such dispute resolution procedures has various benefits, including fewer chances of business relationships and less expensive resolutions ([Elziny, Mohamadien, Ibrahim, & Fattah, 2016](#)).

Pakistan

Pakistan's panchayat (Council of Elders) system is well-established on a social level. The Panchayat system has been popular in India since 500 BC, but it fell out of favor when official courts were formed by Muslims and later by British rulers, and it took decades for it to resurface. The Punjab Panchayat Act, 1929 (PPA) provided legal protection for this resurgence in Punjab, creating a firm foundation for informal dispute resolution, which has remained popular through various local government laws to this day. Traditional institutions (Panchayat & Jirga) in Pakistan regulate community matters. A council of persons who have amassed riches and power deals with the issues. Rival parties are afraid of social censure and boycott if they defy the specified body's decision. Alternative Dispute Resolution (ADR) is ingrained in history as a means of resolving disputes, and it is increasingly used in numerous communities, including Pakistan's traditional society. This technique is unquestionably more convenient because of the desire to keep disagreements private, and because of complaints about the Jirga and Panchayat systems, there is a need to provide legal protection to them and integrate them into the legal system. The Punjab Local Government Act (2013), establishes conciliation courts in the form of panchayats (Elders' Councils) in rural areas and Musalahati Anjumans in urban areas. Civil and compoundable criminal cases can also be referred to these panchayats by the courts. The Khyber Pakhtunkhwa Local Government Act, (2013) (KPLGA) establishes a Jirga institution. Prior to colonial authority, Jirga was held by the clan leader or a council of elders to uphold traditional law. It has the ability to rule on both civil and criminal disputes. They were, in some ways, like courts. With the purpose of placing feudal lords and tribal leaders at the helm of affairs, the Kardars mechanism was founded, with the duty of amassing yields and curbing transgressions. The tribal arbitration was fused with English regulations. A modification included section 89-A for Alternative Dispute Resolution in 2002. KP Police, (2017) reported that the Deputes Resolution Council in the province effectively settled 7179 minor disputes in the previous year, with 1465 cases being sent to other relevant and legal venues for further processing, and 1742 cases still pending a final judgement. DRC settled 1308 cases in Peshawar, 561 cases in Mardan, 235 cases in Nowshera, 251 cases in Charsada, 1133 cases in Swabi District, 778 cases in Kohat, 301 cases in Karak, 659 cases in Hangu, and 224 cases in Lakki Marwat. 16 cases have been settled in Tank, 261 in Swat, 150 in Buner, 73 in Upper Dir, 148 in Lower Dir, 421 in Chitral, 40 in Shangla, 18 in Torghar, and only 3 in Kohistan, while 107 cases have been resolved in Abbottabad, 127 in Mansehra, 24 in Battagram, 199 cases in Bannu, and 142 cases in Di Khan ([Khan, 2021](#)).

Research Methodology

The study entitled "Comparative analysis of formal and informal dispute resolution council in tehsil Razzar, District Swabi" was confined to Tehsil Razzar, District Swabi Khyber Pakhtunkhwa, Pakistan. The current study was focused on the comparison and efficiency of Jirga mechanism (informal dispute resolution council) having a profound association with Pashtun history, and

dispute resolution council (DRC), initiated few years ago by provincial police department of Khyber Pakhtunkhwa. A well through open ended interview schedule was used for the collection of data in the study area.

A sample of ten respondents comprised of five members from each stratum i.e. Jirga (Islahi Jirga Yarhussain) and DRC Razzar, district Swabi, were selected through simple random sampling techniques for the purpose of data collection. The study area for the current research study was based on tehsil Razzar, District Swabi, Khyber Pakhtunkhwa, Pakistan. The collected data through interviews was analyzed through thematic analysis.

Results and Discussion

Jirga

Respondents:

Theme 1: Structure and function of Islahi Jirga/DRC

Respondent No. 1 of the Jirga

When I was quite young, Islahi Jirga come into existence in our locality i.e. Yarhussain, which was formed by Haji Hashim khan, Nisar khan chairman, Mulana Mukhtiar gul and other prominent elders of the village. At that time in our village there were a lot quarrels and clashes among different families which created lot of threats to the lives of young generations. To end this evil practices and create peaceful environment in the community, the elders began their struggle and they launched it successfully.

Respondent No. 2 of Jirga

Jirga to a well-known tradition come into being about 2000 years ago. Shortly there is no proper structure or platform for a Jirga. There are various institutions in a country but being a member of the Jirga, one must be very honest from easily stage. However, he must be true, honest, and have respect inside as well as outside the family.

Respondent No. 3 of Jirga

It came into being since the time of immemorial-Nabat kaka and other prominent elders of the area played their role in the formation of the Jirga for the wellbeing of the Jirga.

Respondent No. 4 of Jirga

The structure of the Jirga was 2000 years ago even before the arrival of Islam. Although Jirga have historical, cultural and Islamic association with Pashtun community and culture.

Respondent No. 5 of Jirga

The structure of the Jirga was 2000 years ago, even since the advent of Islam.

Respondent No. 1 of DRC

Dispute resolution council was formed by ex-Inspector General of Khyber Pakhtunkhwa Police, "Nasir Durrani", where people get relief from them, however in the case of disagreement of both parties, then cases were sent to high court and supreme court for resolution. Furthermore, DRC

played a significant role in the resolution of chronic disputes among the people. It is an organized panel, where office has been allotted and manage our financial needs on self-help basis.

Respondent No. 2 of DRC

The first Dispute Resolution Council (DRC) was established in Police Station Gulbahar, district Peshawar, in 2014, on orders from the Inspector General of Police, Mr. Nasir Khan Durrani (PSP).

Respondent No. 3 of DRC

The first Dispute Resolution Council (DRC) was established as a pilot project in Police Station Gulbahar, District Peshawar on the directions of the Inspector General of Police Mr. Nasir Khan Durrani (PSP) in 2014, where they resolve disputes of the people in the locality to minimize the criminal tendencies.

Respondent No. 4 of DRC

DRC was formed by ex IGP KPK Nasir Durrani, where people can get relief due to DRC. Basically disputes are settled by DRC but in case any disagreement, then case is sent to the civil court for settlement. Congruently, DRC played a significant role to solving the different matters between the both parties. Similarly, it is an organized panel, where office is allotted to us.

Respondent No. 5 of DRC

DRC was formed by Nasir Khan Durrani in 2014 for the resolution of conflicts in particular areas.

Theme 2: Cooperation among Jirga member's/DRC members

Respondent No. 1 of Jirga

Jirga is composed of numerous members having liaison with different political parties, but at the time of settlement of any dispute among people, no political inclination is taken into consideration, in short there is complete cooperation and coordination among the Jirga members.

Respondent No. 2 of Jirga

First of all, a team or a group of members came into existence, in which every member of the Jirga is well aware of the issues which has been aroused in their locality. He keeps inform his team regarding the dilemma, then they make collective efforts to solve it.

Respondent No. 3 of Jirga

We have exemplary cooperation and collaboration among all of our Jirga members.

Respondent No. 4 of Jirga

We have positive relation and cooperation among all of Jirga members. Where everyone has given respect and have equal opportunity to express his views regarding any matter.

Respondent No. 5 of Jirga

We have very constructive collaboration and teamwork amongst all of our Jirga members, where they give respect to everyone, and everybody have a chance to speak and express their opinion regarding any conflict between both parties.

Respondent No. 1 of DRC

The meetings of DRC are holding five days in a week for resolution of different kind of disputes marked by Police department. Then the proceedings could be done through discussion of DRC member by their mutual cooperation.

Respondent No. 2 of DRC

There is an effective cooperation and teamwork between DRC members.

Respondent No. 3 of DRC

It is pertinent to mention that DRC of tehsil Razzar has a prominence in whole district Swabi, due to efficiency and dire members comprised of us. Even, we try to listen the problems of all of those peoples who came over here for the resolution of their respective disputes and problems, and we give respects to everyone opinion. However, we try to work five days in a week thoroughly from the core of heart.

Respondent No. 4 of DRC

Meetings of the DRC are held five days in a week for general problems in a proper way by mutual cooperation and consensus.

Respondent No. 5 of DRC

There is strong cooperation and consensus between DRC members for the resolution of any sort of disputes for settlement.

Theme 3: Your reaction in case of any disagreement from any party

Respondent No. 1 of Jirga

We go again to the injured party and try to compel and convince them for settlement, and then the decision should be made on purely merit basis, irrespective of any biasness and partiality.

Respondent No. 2 of Jirga

Almost everywhere in Pashtun society decisions of the Jirga are respected and esteemed, because it is made on merit.

Respondent No. 3 of Jirga

We take an alternate step and compel them in the case of disagreement of any party with the decision taken by the Islahi Jirga.

Respondent No. 4 of Jirga

We have not any judicial or executive powers, but try to make settlement among both parties for getting blessings and mercy of God, and also due to dignity of Jirga in Pashtun society, majority of decisions are accepted by both parties.

Respondent No. 5 of Jirga

If someone don't accept Jirga's decision, first we try to convince both parties for resolution, if any of them don't accept the decision of Jirga, then Jirga cut their relation with them in the form of social boycott.

Respondent No. 1 of DRC

In such case of disagreement, then the issue has sent to the civil court for further proceeding's, and a letter is attached against the wrong doer, afterwards the importance is given by the civil court to said letter.

Respondent No. 2 of DRC

In case of rejection our decision the we put forward the case in the civil court for further proceedings.

Respondent No. 3 of DRC

If DRC, make a decision and one party don't accept the concerned decision, then we direct them to the court, and the court preference will always with the decision of DRC as attached along with respectively.

Respondent No. 4 of DRC

In such case the issue is sent to the civil court for settlement. A letter is attached against the guilty party; however, the importance is given by the civil court to the said letter.

Respondent No. 5 of DRC

A letter is attached against the guilty one, and significance is given by the civil court to said letter against them.

Theme 4: Any political or other infiltration in this regard

Respondent No. 1 of Jirga

There is no political interference has been done since 2013, as I am working as an active member of Jirga, but no such practiced was seen yet, however the aim and motive is to solve the problems between the opponents.

Respondent No. 2 of Jirga

There is no political interference or biasness recorded in Jirga system of our region. Although

almost every Jirga member has political affiliation with parties, but that has been kept as personnel not affected the decision made by them.

Respondent No. 3 of Jirga

No there is no such political or religious influence on Jirga member or mechanism.

Respondent No. 4 of Jirga

No, not at all even every strata of locality have given representation in Islahi Jirga, but cases are decided on the merit basis, irrespective of any political or religious based groups attachment.

Respondent No. 5 of Jirga

There is no political interference or biasness in Islahi Jirga Allhmdullellah.

Respondent No. 1 of DRC

DRC is free of political interference and influence since its formation.

Respondent No. 2 of DRC

There is no interference from political party or any sort of religious group.

Respondent No. 3 of DRC

There is no politics involves in DRC mechanism since beginning, if any kind of complaint has been received against any member, then all the members try to get rid of it in a good manner.

Respondent No. 4 of DRC

I can state confidently that mechanism of DRC is free of any political interference and influence.

Respondent No. 5 of DRC

I haven't seen any political intervention in the mechanism of DRC.

Theme 5: Which is better one? Islahi Jirga or DRC.

Respondent No. 1 of Jirga

DRC is comprised on tehsil level i.e. Razzar, while Islahi Jirga is working on village level i.e. Yarhussain. In my opinion majority of population declared that Islahi Jirga works in a tremendous way, and deliver with an efficient way irrespective of political or religious infiltration.

Respondent No. 2 of Jirga

Recently, DRC was formed by the provincial government recently by passing an Act from provincial assembly of KPK. Moreover, it is playing a vital a role in disputes settlements with the support of government, but as well as Islahi Jirga hasn't any assistance from any side in this regard. They decide cases and make settlement among people on own behalf, so in this

perspective Islahi Jirga is better than DRC, because there no involvement of political and all of their do work from the core of heart without any personal well or need.

Respondent No. 3 of Jirga

I think Islahi Jirga carries its proceeding in a better way, and they decide cases rapidly, while no such speed is seen in the mechanism of DRC.

Respondent No. 4 of Jirga

It is important to mention that DRC has its own structure, having support from government and police department, but on the other end Islahi Jirga hasn't any such sort of assistance. Even though Jirga system still work better than DRC due to dire work and loyalty.

Respondent No. 5 of Jirga

Jirga is a dire need of Pashtun society, it is preferred and been observed as a source of low-cost, quick and speedy justice as well. However, in mechanism of the Jirga both parties have equal opportunity to put forward their points of view, after hearing both sides by Jirga members, then the decision is made on sharia law and local customs and traditions. Similarly, Jirga promotes peace, social integration, preserves social order, and restores community harmony through the rule of law. Furthermore, Jirga have easy access to all members of the community, and its members accept Waak (Authority) from the plaintiffs; its rulings are accepted by all parties.

Respondent No. 1 of DRC

DRC is an organized body comprising of socially accepted members, having office with police squad, having structured meetings as well, while on the other end Jirga hasn't any facility to provide justice to people at their door step.

Respondent No. 2 of DRC

In my opinion both of the resolution councils have the same job to do, members of both don't work for personal reputation, but only to help people and get pleasure along with blessing of our greater almighty ALLAH. In short both are trying at their best to settle disputes among the people.

Respondent No. 3 of DRC

As I noted that DRC is more applicable than Islahi Jirga, due to backing and supporting of police. However, DRC have an organized platform with a proper office, where people directly approach them and then they solve their problem in a week. It gives immense pleasure, hope, optimism and satisfaction to witness after settlement of their problems.

Respondent No. 4 of DRC

It is much clear that DRC is better than Jirga due to backing and supporting of police.

Respondent No. 5 of DRC

Due to organized and defined structure, constitutional status, and backing of government institutions, DRC is better than Jirga.

Theme 6: What should to be adopt to bring positive change in our society?

Respondent No. 1 of Jirga

In my opinion education is considered to be a topmost weapon to bring positive change in society.

Respondent No. 2 of Jirga

Society is like a living organ, it's not easy to bring rapid changes in society, but realistically education is only way to bring positive change in society.

Respondent No. 3 of Jirga

According to my opinion everyone should play his own part for bringing positive change in society.

Respondent No. 4 of Jirga

It is pertinent to mention that lack of education is the key issue of this negligence. Hence it is duty of parents to keep a close eye on their children's, and also provide a healthy environment them.

Respondent No. 5 of Jirga

Through proper education and socialization of children can get rid of this dilemma.

Respondent No. 1 of DRC

In my opinion parents should give proper time to socialize their children and they should check and keep an eye on their activities as well.

Respondent No. 2 of DRC

Socialization and proper education are the components to bring positive changes in society.

Respondent No. 3 of DRC

Education and supervision on children are escalating agents for bringing positive changes in society.

Respondent No. 4 of DRC

Education, proper socialization, Job opportunities, healthy environment for children etc. are the key components to bring positive changes in society.

Respondent No. 5 of DRC

There are many things which can bring changes in society, i.e. education particularly religious education, socialization, schooling and manners etc.

Theme 7: Despite of playing role by Jirga/DRC, what is the main cause of bloodshed and drugs in our community?

Respondent No. 1 of Jirga

There are numerous people involved in supplying drugs, even they have chain of supply in the community, also they hired sell men for divergence to end users. Therefore, to overcome this chronic issue police, Islahi Jirga, DRC and even government should take initiatives to control this on priority basis.

Respondent No. 2 Jirga

Unemployment and lack of education are the basic reasons in the rise of criminal tendencies. Education is the most powerful tool of bringing positive changes in society. Hence, both of the resolution councils i.e. Jirga and DRC should focus on education through advocacy amongst community.

Respondent No. 3 Jirga

There is a prominent proverb that “Charity begins at home”, so we should start from our own surroundings to fight against social evils. Furthermore, governmental institutions should do perform their responsibility on time, then it would be easy to cover many discrepancies accordingly.

Respondent No. 4 Jirga

It is the duty of police department and other law enforcement agencies to keep close check on drugs or other related social issues.

Respondent No. 5 Jirga

If there are the problems of illiteracy, unemployment and poverty then the society would produce bad people.

Respondent No. 1 of DRC

It is necessary for everyone to avoid company of criminals. Furthermore, everyone should play their own role to eradicate evil from society. We should follow Islamic teachings, and to keep in practice lessons of Holy Prophet (P.B.U.H) as well.

Respondent No. 2 of DRC

Unemployment and lack of education are the basic reasons behind the augmentation of criminal tendencies. Education is the most powerful toll of bringing positive changes in society. Every child should be equipped with education, and socialize properly. However, government should also give importance to education, then we would be able to get rid of the social evils.

Respondent No. 3 of DRC

DRC is just for the provision of quick justice, there are many institutions which can reduce crime

ratio i.e. police and other law enforcement agencies, if they work on time there would be no crime in society.

Respondent No. 4 of DRC

We should follow Islamic teachings and the practice of Holy Prophet (P.B.U.H).

Respondent No. 5 of DRC

It is the duty of police and other government instructions to keep eye and try to minimize the crime ratio in society.

Conclusions

Jirga is much respected legislative institution of the Pashtun society. There is no proper platform for a Jirga, which is composed of prominent, honest, and dutiful members, who have bright and clean social background as well aware of the issues related to local community. In numerous cases, many minor disputes have been settled on the spot, while long rivalries take time in the settlement. Jirga is preferred and considered to be source of cheap, speedy and door step justice, which gives chance to both parties to present their viewpoint, and then judgment made by Jirga on the basis of sharia law and local traditions of Pakhtunwali. Jirga is also considered to be the source of social integration, bringing social order, rule of law, harmony and peace in the community. The platform of Jirga is easily accessible to all community members, where members of them take Waak (Authority) from plaintiffs; though decisions of the Jirga members are acceptable to all parties. Because Jirga is based on the wisdom of the local populace and provides immediate justice through its decision-making process, it may be claimed that it functions as a judicial institution more effectively at the local level. Jirga is also more affordable and convenient for the inhabitants. Jirga's function spares the villagers the need to visit the courts and waste a lot of time trying to solve their trivial issues. On the other hand, DRC runs its processes in a straightforward manner. Each side is patiently heard, and enough time is allowed for them to make their case. In order to ascertain the facts of the case, DRC also conducts interviews with various witnesses. So, following a thorough and careful hearing, the DRC seeks to make a decision that is fair and provides a workable solution to the issue. They both do the same job, yet neither works to advance their own careers or gain the favour of our bigger, all-powerful Allah.

Recommendations

- Jirga is a dire need of the day, which should be constituted of socially neat and clean members, although they shouldn't be biased and neither involved in political activities.
- The general masses of local communities should help and cooperate with Jirga members, for bringing peace, tranquility and integrity in community.
- It has been recommended from the findings that members of the Jirga should be well-educated and well-aware from the local issues across the community.
- Correspondingly Jirga system must be assisted and supported by the government, because the available services are not sufficient for the creating peaceful environment.
- It is pertinent to address that members of DRC should not confine themselves to the office they should go into the field to less and solve the difficulties faced by the people.

- It is necessary for the competent authorities that DRC's members should be selected on merit. However, their services for the community should be kept in mind rather than their political inclination and social status.
- Furthermore, it is mandatory for efficiency and productivity that structure of DRC should be comprised on educated and well aware class from the community.

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