Pakistan Journal of Criminology
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The Pakistan Journal of Criminology is an official publication of the Pakistan Society of Criminology. It aims to advance the study of criminology and criminal justice; to promote empirically-based public policy in crime management; and to encourage comparative studies of crime and criminal justice in Pakistan for having implications for Pakistan. It further aims to develop and establish an indigenous criminological scholarship on issues pertaining to Pakistan. It publishes high quality original research and articles using varied approaches, including discussion of theory, analysis of quantitative data, comparative studies, systematic evaluation of interventions, and study of institutions and political process. It will also be acknowledged as a leading academic journal specializing in the study of policing institutions and their practices, in addition to use of evidence generated by sound social science methods to evaluate criminological ideas and policy. The journal will bring into light the gap between practice and theory through strengthening the role of indigenous research in the development of relationship between criminal justice policy and practice. Such evidence-based research will focus on any aspect of crime and the justice system and can feature local, provincial, national or International concerns vis-a-vis Pakistan. Both quantitative and qualitative studies are encouraged. The journal encourages the submission of articles, research notes, commentaries and comprehensive essays that focus on crime and broadly defined justice-related topics in Pakistan context. The journal is an interdisciplinary and an innovative idea in Pakistan. The journal is issued quarterly.

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The Politics of Police Administration in Sindh, Pakistan

This editorial is divided in two parts. In the first part I write a brief note on the current political fray between Sindh’s provincial government and its Inspector General of Police. In the second part I introduce the articles in this issue.

I

On July 10, 2017 the Inspector General (IG) of Sindh police, Allah Dino Khowaja, wrote an official letter to the Chief Minister. In this letter the IG sent a distress call to the Chief Minister requesting him to “intervene to save the department from drifting into complete mal-administration.” The political context of this letter is a year-long fray between the provincial government, which sought to remove Khowaja from the office, and the office of IG that wants to retain administrative control over the provincial police as provided in the Police Act, 1861. While the provincial government failed to remove Khowaja, it removed his core subordinate team members by way of a number of transfers, especially the transfer of AIG Operations and DIG Finance. Thus protesting against these transfers, the Khowaja wrote in the letter to the Chief Minister that the political interference of Home Department was “undermin[ing] the administrative control of the IGP” and resulting in “complete breakdown of daily routine work in Central Police Office paralyzing police as an organization.”

The fray between the provincial government and the office of the IG has not stopped at the transfers. The provincial government has proposed to introduce a legislation for reforming the provincial police service. According to the Provincial Law Minister, Zia ul Hassan Lanjar, the legislation is being designed on the pattern of KP’s Police Ordinance, 2016. However, it will vest much of the administrative powers (i.e., high level postings, transfers, promotions, and procurement) in the office of the Chief Minister and especially Secretary of Home Department, rather than in the office of the IG as it is under the Police Act, 1861 (Daily Pakistan Observer 2017). For the purpose of drafting this new legislation the provincial government has set up a Police Reforms Committee.
What is interesting to note about the committee, is the fact of matter that although a wide range of stakeholders, including serving members of the provincial police, were invited to take part in its deliberations, the IG Police was neither invited to take part nor kept informed about the proposals of reforms. By the end of July 2017, the committee has organized three sessions and prepared its recommendations for the potential new legislation. The provincial government is said to have accepted almost all of the recommendations, but it has also showed intention to introduce certain provisions of its own in the bill. Again, the final draft of the bill, which is ready for submission to the cabinet and the Provincial Assembly’s standing committee, has not been shared with the police department. This is leading the provincial police department to suspect that government wants to retain its administrative control on the police (Ali 2017).

From the point of view of public administration, in this fray between the Home Department and the Office of IG, what we see at stake is the question of how to balance democratic accountability with the organizational principle of (unity of) command and control. In other words, how far and in what ways a democratically elected government can/should exercise administrative control over the police such that its organizational dynamics, especially the functional and financial autonomy, are not weakened. Theoretically speaking, a number of models can be presented that answer to this problem. In Pakistan, however, for over four decades now since the 1985 Police Reforms Commission, this relationship between a democratically elected government and the police is not settled. It is also interesting, rather ironic, to notice that Sindh was the first province to have proposed a bill (February 1948) in the Assembly to reform the police system in Karachi, which though could not materialize. A major change came with the Police Order 2002, when the principle of democratic accountability was introduced in the policing system. However, the Order could not be implemented or experimented in its letter and spirit. By 2004 it stood reformed, later on Sindh and Baluchistan chose to abandon it and revert to the earlier Police Act of 1861.

Interestingly, Sindh is once again considering to introducing a new police Act on democratic lines. However, the real test of its democratic spirit will be how it settles the question of democratic
accountability of the IG. Since the proposed law act is designed on the pattern of KP’s Police Ordinance 2016, it seems that Sindh’s response to the question of democratic accountability will be more or less like it. In KP, the Ordinance 2016 guarantees institutional autonomy to the police service. For instance, the Provincial Police Officer, PPO, (new designation for the IG) is now an ex-officio secretary and enjoys autonomous powers in matters of administration and finance. He makes all postings and transfers up to the rank of Additional Inspector General. Earlier, the Chief Minister made these appointments. He also has the power to divide the police jurisdiction into one or more territorial regions with their own commanding officers. However, these increased powers of the PPO have come with a peculiar arrangement of the principle of democratic accountability: The PPO is made accountable to the Provincial Public Safety Commission and to the elected provincial government. The provincial government can prematurely remove him after hearing his defense in person. Now if Sindh is going to have similar provisions in the new legislation then on the one hand the IG will get to choose his team of subordinate officers, and on the other, the provincial government could remove him prematurely. Given the poor democratic culture in the province of Sindh, the Office of the IG will effectively become subservient to the Home Department, which may result in serious implications for the police department and law and order situation in the province.

II

Now I would like to introduce the articles in this issue. Our first article by James Albretch gives a detailed overview of different policing strategies adopted by the NYPD since 1960s. Albretch argues that the NYPD’s strategy has come a full circle starting with soft version of right realism in 1960s and 1970s, then adopting and experimenting with different models of community policing over the new two decades, and eventually readopting right realism with proactive zero tolerance tactics. At the end of his essay Albretch draws lessons from the experience of NYPD for policing in Pakistan.

Prit Kuar carries out an empirical research on the modes of dispute settlement in the contemporary American society. She demonstrates that while the majority of disputes are resolved through the regular state institutions, there are other non-state
modes that are also engaged. She also investigates as to what makes people choose a specific mode of dispute settlement.

Petter Gottschalk investigates the low visibility of involvement of women in white-collar crimes in the West. Taking the case of a Norwegian woman’s involvement in corruption, Gottschalk argues that although women are involved in white-collar crimes, their visibility is low because they are least suspected.

One of the critical issues faced by law enforcement in Pakistan is human trafficking. Muhammad Munir explores this issue and argues that the reason for its exacerbation is the lack of and/or loopholes in the existing laws. He further argues that those agencies assigned with the task of coping with the issue are themselves in one way or another involved in it.

Apart from human trafficking there are a number of other practices that make women vulnerable in our society. Maliha Gull Tarar, Sarah Safdar, and Syeda Mahnaz Hassan interview a number of women victims of violence at a government Dar-ul-Aman in the province of Punjab. They focus on how violence is rationalized and normalized through cultural and religious discourse on the status and role of women in our society.

The issue of tax evasion is another foremost challenge faced by the fledgling economy in Pakistan. Muhammad Atique Khan and Babak Mahmood examine secondary data from 1992 to 2008 and argue that certain loopholes in taxation laws make tax evasion possible. They further argue that government directly and/or indirectly allows the incidence of this white-collar crime instead of taking action against the criminals.

The Federally Administered Tribal Areas of Pakistan have their own peculiar criminal issues. One of such issues relates to honor killing. In their article Arshad Khan Bangash and Niaz Muhammad argue that Kurram Agency has faced the menace of honor killing for long time, but now the society is in the stage of socio-cultural transition. Therefore, the nature and incidence of honor killing is also changing.

Punishment is one of the crucial parts of our criminal justice system. Capital punishment is also awarded in the country, and after the Peshawar Army Public School attack moratorium on executing death sentences was removed. Now death sentences are regularly given. Iram Amjad and Dr Muhammad Shaban Rafi focus on what
death row inmates write as their last words for their families. They focus on the text of letters to understand how death row inmates reflect on their crimes and what advice they have for others.

Training of law enforcement agencies, especially the police, is crucial to the study of criminology. In Pakistan there is need for specialized research on improving police training courses. Farhat Ullah takes up the study of problems faced by KP's police training program. Carrying out empirical and ethnographic research, he writes that the police-training program that started in colonial times continues in its almost original form to the present time without enough reforms. He argues for introducing modern policing techniques and establishing new training colleges, courses, and manuals.

Syed Mukarram Shah Gillani takes up the security issue in Balochistan. He traces the different phases of insurgency in the province and throws critical light on the role of the state and local nationalist leadership. He also critiques the counter-insurgency strategy of the state. He suggests that there has been crisis of political legitimacy of elected and non-elected types of government in the province, which needs to be addressed in the first place if the state wants to bring peace there.

Due to the long-standing crisis of law and order in the province (Balochistan), young men and adolescents have become susceptible to insurgency, crime, and violence. In their research Samreena Rose, Saima Ambreen, and Waseem Fayyaz explore the growing rate of juvenile delinquency and its conditioning factors. Carrying out focus group discussions in Quetta city with a number of stakeholders in the society they find out that both the crisis of politics and dearth of financial resources and employment are causing the cycle of juvenile delinquency to go on.

Notes
1. Earlier efforts on reforming the police in Pakistan were made in 1951 and 1961 under the leadership of Sir Oliver Gilbert Grace and Justice JB Constantine respectively. Later efforts were made in 1985, 1997, and 2002. Overall about two-dozen committees and commissions have been formed since 1951 throughout Pakistan.
Editorial

References


Syed Sami Raza (PhD, Hawaii)
Associate Editor
Analyzing the Application of competing Theories of Justice into American and Pakistani Policing Strategies

James F. Albrecht*

Abstract

Law enforcement agencies across the United States have implemented a number of enforcement philosophies since 1960 in an effort to counter rising crime rates, violence, and prolific victimization. The primarily reactive deployment of police resources in the 1960s and 1970s had proved to be ineffective. With drug related violence escalating, frustrated American police administrators opted to implement community policing with its proactive crime reduction and problem solving approaches. Crime control results were limited before showing signs of improved effectiveness in the mid-1990s. Many government and police leaders, as early as 1994, often instituted a ‘zero tolerance’ enforcement mandate, which directed that the police universally address both serious crime and quality of life infractions. Combined with timely crime analysis, the proactive arrest-oriented strategies quickly drew the attention of government and police leadership across the United States and internationally as crime rates in America continued to plummet. As a result, the ‘get tough on crime’ mindset rapidly replaced the neighborhood and public oriented approaches fostered by the traditional models of community policing. American state, regional, and local police agencies had thus shifted their enforcement strategy from one supporting the ‘left realism’ community focused theory of justice to one that has firmly grasped the ‘right realism’ crime and disorder control based ideology. However, with occasional allegations of racial profiling and police brutality following rare but dramatically sensationalized incidents, the reported successes of American crime control tactics may need to be re-evaluated. The potential impact of this transformation as it has affected the perceptions of the citizens of the United States will be comprehensively analyzed. The experiences of the New York City Police Department will be specifically highlighted as an example of American policing practices at the municipal level. In addition, the relevance of this evaluation as it relates to criminal

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justice and law enforcement policies and practices within the Islamic Republic of Pakistan will be noted.

**Key Words:** Left realism; right realism; community policing; policing; United States; critical criminology; Islamic Republic of Pakistan; theory of justice

**Introduction**

Once city crime statistics began to be collected by the FBI on a national level in the United States in the 1960s, it became easier for the public to make note of the generally increasing crime rates. At the same time, the movement for social justice had not only taken form, but was moving at full speed. In addition, through the 1970s, criminological explanations for crime had emphasized the examination of the individual offender in attempting to explain contributing and motivating factors behind deviant conduct and criminal actions. In the 1980s, new perspectives arose that again questioned the role of society itself as a principal influence in clarifying criminality. This new form of radical criminology resulted in a number of new theories. Two competing paradigms included critical criminology and the ‘left realism’ theory of justice, both of which follow the leftist, socialist and neo-Marxist traditions (Tierney, 1996).

**Critical Criminology**

The critical criminological theory maintains a number of recurrent concepts, which include:

a) Crime must be viewed in the context of capitalist society,

b) Capitalism supports an atmosphere of class conflict,

c) Social control and law are related to materialism,

d) Effective societal change must involve a move away from capitalism to socialism, and

e) Individualized explanations for criminal theory should be eliminated (Tierney, 1996).

As such, individuals who are called ‘criminals’ are actually considered victims of capitalist society’s tendency to maintain power, wealth and comfort within the elitist class. And this upper class has created a mechanism called the criminal justice system, with its repressive laws, to preserve their control. Ultimately, the solution would be to create an egalitarian society where justice is applicable equally to all (Quinney, 1974).
The ‘Left Realism’ Theory of Justice

In contrast to the declaration by critical criminologists for America to transform from a capitalist society into a Marxist ‘utopia’ (Quinney, 1974), the “left realism” theory of justice retained the socialist perspective, yet promoted that crime and crime prevention be taken seriously, and that a practical approach had to be considered in an effort to correct the injustices imposed by society. This therefore creates the need for an answer to the question: “If the elitist class is being blamed for the definition of criminal acts, then why is much of the crime committed by working class and impoverished males?” It should also be highlighted that with property and predatory crime, there are true victims, and they are mainly from the middle and more often from the lower classes. At the same time, the criminal justice system has continued to move its emphasis to the offender and the general effect of crime on society at large, but has overwhelmingly eliminated the role and input of the victim, and has reduced the attention previously granted to the individual victimization. On the other hand, criminologists who support the left realism perspective believe that both the offender and the victim are significant factors within the crime problem, and that any sociological analysis must incorporate both parties, in addition to other issues (Tierney, 1996).

Those who promote the left realism theory of justice have advocated that Marxist criminologists must take crime and crime prevention seriously, but at the same time challenge the ‘right realism’ emphasis on stringent crime and disorder control. In summary, Tierney (1996) noted that the ‘left realism’ theory of justice makes an attempt to:

1) Build an accurate picture of crime and its impact on victims;
2) Develop causal explanations of criminality;
3) Trace the relationship between offenders, victims, and formal and informal controls; and
4) Develop ‘progressive’ yet realistic policies aimed at the reduction of victimization rates, especially among vulnerable, lower socio-economic groups.

Without a concerted effort from the liberally oriented to stress the victimization of the working and impoverished classes, it has been proposed that the conservatively oriented will control the issue in the public and political arenas, and the ‘get tough on crime’
approach, which reportedly has devastatingly targeted racial minorities and lower class individuals, will receive the enhanced attention of government and law enforcement administrators (Schwartz and DeKeseredy, 2010).

The theory of left realism highlights the social interactions involved in crime control endeavors by portraying the complex relationships between the significant actors within the ‘square of crime.’ These four critical variables include the offender, the victim, the police (and the entire criminal justice mechanism), and the community (Young, 1992).

Under the proposal by Young (1992), there are four primary elements necessary for the development of criminality. On one side are the agents for social control and on the other side is the criminal act. Social control agents include the police and criminal justice actors and the public/community. The criminal act, particularly as it relates to predatory crime, involves the offender(s) and the victim(s). Altogether, the offender must engage in deviant behavior that harms/hurts a victim and these actions would elicit a formal response by the criminal justice mechanism to enforce the law. And finally, the act itself must be acknowledged as a legal transgression by the informal contributor to the square of crime, the community. As such, all of the elements must be present and all must collectively interact to produce crime (Young, 1992).
From the left realism perspective, the critical actor within the square of crime is the public. Since the victims belong to the community, the responses to crime should be undertaken at the local level (Matthews, 1992). As such, advocates of left realism recommend some form of cooperative community network be implemented to counter crime, but at the least, there should be public input into the management and philosophical practices of the police. This mandate is apparently in line with the community policing practices that promote community involvement, interaction and feedback. Other initiatives proposed to enhance community input have included restorative justice practices, victim-offender mediation processes, target hardening, and youth, family and victim support mechanisms (Matthews, 1992). Ultimately, primary crime prevention and rehabilitation should take priority to avoid the need for restitution and punishment.

The 'Right Realism' Theory of Justice

In contrast, the right realism theory of justice, advocated most commonly by the politically conservative, is oriented toward crime prevention and punishment, with little credibility and support granted toward seeking the root causes of crime and deviance (Wilson, 1975). As a result, crime control, arrest and incarceration are the preferred options to ensure a safe society. Preventing contact between an offender and a potential victim is a clear path to crime deterrence. For the supporters of the right realism theory, the arrest and high volume police-suspect interaction oriented approaches commonly observed in proactive police agencies across the United States, Canada and the United Kingdom is the proposed and preferred tactic for effective crime control. A closer examination of the policies and practices of the New York City Police Department, as an example of American municipal law enforcement practices, will be undertaken to evaluate the variety of policing deployment strategies that have been implemented in the United States and other western nations over the last five decades.

The New York City Police Department

The New York City Police Department is a municipal law enforcement agency tasked with serving the metropolitan area of New York City, which encompasses more than 350 square miles (i.e. 907 square kilometers) of terrain. With a residential population
approaching 9 million, and a cadre of NYPD enforcement personnel close to 36,000, the primary functions of the NYPD emphasize public safety and security. Over the last 50 years, the NYPD has continued to revise its crime control and public service models, with the ultimate goal of reducing serious and violent crime. To better comprehend the role that the left and right realism ideologies have played in the NYPD's deployment strategies, the different stages of these crime control models and the evolution of law enforcement practices within New York City will be thoroughly examined from the 1960s through the present era.

The NYPD in the 1960s

From a law enforcement perspective, the 1960s were notable for a number of critical events, most notably the civil rights movement; seminal US Supreme Court cases that definitively revised and somewhat restricted law enforcement authority; and finally a demand by the public to deal with increasing crime rates. In order to gain control of crime, President Lyndon Johnson presented the United States Congress in 1965 with a specific request which was called “Special Message to the Congress on Law Enforcement and the Administration of Justice” (Johnson, 1965). As a result of the President’s request, the Office of Law Enforcement Assistance was developed. A number of initiatives resulted including developing strategies on the federal and local level to address the growing organized crime threat, maintaining universal crime statistics at the national level, conducting victimization surveys, imposing drug control measures, and developing strategies to reduce juvenile delinquency (Katzenbach, 1967). As part of these many recommendations, the Commission also called for enhanced training for police personnel. Traditionally police officers had previously served in the military and were deployed with only limited police academy exposure, and were merely presented with a brief list of agency rules and regulations. As a result, most police

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1 In 2017, the NYPD consisted of more than 36,000 police officers and an additional 9,000 unarmed traffic enforcement and school safety officers.

2 Examples include Terry v. Ohio (392 U.S. 1 [1968]); Miranda v. Arizona (384 U.S. 436 [1966]); Elkins v. United States (364 U.S. 206 [1960]); and Rios v. United States (364 U.S. 253 [1960]). Each one of these cases (among others) redefined the authority of police officers and created concrete direction to ensure that law enforcement actions were in line with constitutional guidelines.
officers were left to learn their trade on the streets. The Commission recommended not only enhanced training, but also college education for law enforcement personnel and provided funding to universities for these purposes (Katzenbach, 1967).

In summary, the 1960s left a notable impression on the New York City Police Department, which implemented formalized police academy training measures and distributed detailed rules, regulations and directives, often based on legal doctrine and policy resulting from significant United States Supreme Court decisions (e.g. Miranda v. Arizona, 1965 and Terry v. Ohio, 1968). However, the enforcement protocols remained primarily reactionary with randomly deployed patrol resources, which relied upon limited, if any, community input or participation.

The NYPD in the 1970s

New York City and other large American municipalities were faced with dramatically increasing serious and violent crime rates throughout the 1970s, much of it revolving around a growing organized crime and street level illicit drug distribution threat. Two major events radically influenced policing in New York City during the 1970s. The first was the uncovering of a corruption scandal in 1971 that essentially reached through all levels of the New York City Police Department (Maas, 1973). The final half of the 1970s was defined by overwhelming budgetary problems in New York City, with the Mayor coming close to publically declaring bankruptcy. As a result and in an effort to reduce budgetary costs, the New York City Police Department laid off thousands of police officers. With a limited number of patrol officers, NYPD personnel were moved from traditional foot patrol to police vehicles equipped with new two way radios (Kavanaugh, 2010). The belief thereafter was that this would permit law enforcement officers to respond quickly to calls for police service and crimes in progress, and quickly apprehend the majority of criminal suspects in the commission of or shortly after the criminal act. This never came to fruition and the only thing that clearly resulted was the transition of police officers away from close contact with the community. At the same time, there continued to be no change to the reactionary random deployment protocol.
The NYPD in the 1980s

With the start of the 1980s came national and local political and financial stability. The New York City Police Department commenced an eight year trend of hiring a minimum of four thousand police students each year. While this may sound unbelievable, New York City was attempting to bring the complement of police personnel back up to pre-1975 levels, while also addressing the escalating crime and violence rates. With the emergence of crack cocaine, drug related murders quickly and unfortunately became routine occurrences. And crime committed by drug abusers to feed their addictive habits resulted in notable increases in theft, robbery and assault complaints.

With such a quick and dramatic increase in the number of patrol personnel, the New York City Police Department implemented the Community Patrol Officer Program in 1983 in one police station, and reported initial successes resulted in department wide implementation to all 75 police stations throughout New York City. As a direct result of this initiative, each police station was tasked with deploying 10 police officers in large fixed area foot patrol ‘beats.’ These officers, called community policing ‘beat cops,’ were to personally evaluate crime problems, look for underlying causes, and recommend strategies for correcting them in partnership with community members and government and private agencies (Vera Institute of Justice, 1984). The program was essentially a combination of the foot patrol program promoted by Trojanowicz (Trojanwicz and Bucqueroux, 1998) and the problem solving concept made popular by Goldstein (1990). Although the uniformed police patrol presence continued to increase throughout the decade, the deployment mode remained reactionary, regardless of the directive for community policing officers to proactively resolve neighborhood crime and disorder complaints and trends. Other than attendance at community meetings, there was no overwhelming input by the community into law enforcement matters. Ultimately, this endeavor had no significant impact on crime trends, as the murder rate exceeded two thousand annually.

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3 The author was hired by the NYPD in January 1984 in a class with more than 2,200 other police officers.
during the final years of this decade (United States Department of Justice, 1989 and United States Department of Justice, 1990).

The NYPD in the 1990s (1990 – 1993)

The 1990s as it relates to the New York City Police Department must be divided into two periods. From 1990 through 1993, the NYPD embarked on a comprehensive overhaul of the agency’s philosophy with the implementation of community policing as the organization wide strategy and ideology. Violent crime rates had risen to unforeseen levels and the citizens of New York City had actually agreed to pay increased taxes in order to pay for the hiring of thousands of additional police officers. In exchange for this tax and budgetary increase, both the Mayor of New York City and the Governor of New York State mandated that the new police officers be placed on neighborhood foot patrol in every community throughout the city. Over three years, this deployment greatly increased the visibility of uniformed police officers who were assigned to fixed foot patrol beats (ranging between 30 and 70 in every police station) and who were required to utilize long term problem solving approaches (New York City Police Department, 1990). The enhanced police presence had an immediate and striking result in that crime rates across all categories, including murder, began to stabilize and actually declined slightly by the end of 1993 (Albrecht, 2012).

The NYPD also instituted a dramatic change in their police station level management practices by directing all precinct (i.e. police station) commanders to coordinate and personally chair monthly “community council meetings” that were held directly in each police station and that would be open to all precinct residents and business persons. The purpose of these gatherings was to allow

4 The author acknowledges that other factors may have played a contributing role in the stabilization of crime including: stable economic conditions in NYC and nationally; decline in the juvenile population in NYC and nationally; observed reduction in crack cocaine dealing and usage; rising incarceration rate; etc.

5 From a practical perspective, the author noted difficulties in newly hired foot patrol officers in their ability to develop long term crime control strategies within their beats; it is therefore highly likely that a large proportion of the crime stabilization and ultimate decline could be attributed to the overwhelming increase in uniformed police personnel throughout every neighborhood in NYC, and not to specific crime prevention strategies.
all members of the public to relay their concerns and complaints directly to the local police commander, who had been given the new responsibility as problem-solving coordinator for the jurisdiction. In addition, the NYPD, in an effort to strengthen police-community cooperation, mandated that a locally elected panel of community representatives from that specific police station would identify and designate the five priority problems to be addressed by precinct patrol personnel and would evaluate the progress of the efforts and improvement in these conditions each month (Albrecht, 2012).  

This undoubtedly had established the community as an equal participant in the proposed community - police partnership.

Another important agency development was the imposition of steady shifts for all NYPD police stations. This brought an end to a rotating work schedule which resulted in patrol personnel moving from a five day work week of midnight shifts (from 11 PM to 7 AM), to a five day work week of day shifts (7 AM to 3 PM), to a five day work week of evening shifts (3 PM to 11 PM), and so on. Since 1990, NYPD patrol personnel have worked steady day shifts, or steady evening shifts, or steady night shifts and the rotating schedule was eliminated since it was believed to cause undue health and stress risks to employees (Cosgrove and McElroy, 1986). Another significant intent was to permit police station personnel assigned to vehicle patrol to work steady assignments in the same neighborhood during the same time frames each day to better understand the concerns of the community residents in their patrol sectors. The goal was for coordinated problem solving involving both community policing foot patrol and vehicle sector patrol personnel (Albrecht, 2012).

A critical outcome that resulted from public outcry following two isolated but substantial NYPD corruption scandals in 1992

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6 The author was a community policing unit commander in a police station in Queens, New York from 1994 to 1996 and participated with the precinct commander in the monthly community council meetings.

7 Within the NYPD, each police station is divided into a number of defined areas that are patrolled by vehicle; these areas are called sectors and many times align to the foot patrol beats of community policing officers.

8 In 1993, the Mollen Commission prepared a report for the NYC Mayor that examined two separate corruption scandals in the 30th and the 73rd Precincts that reportedly involved the theft of drugs and money by local police personnel and allegations of courtroom perjury.
was that the New York City Mayor in 1993 moved the Civilian Complaint Review Board and its investigators from NYPD supervision to an independent agency under civilian oversight (NYC Civilian Complaint Review Board, 2012). This clearly permitted the citizens of New York City to directly impact the investigation and findings of internal investigations dealing with abusive conduct allegedly involving NYPD personnel.

**The NYPD in the 1990s (1994 to 2000)**

In January 1994, Republican (i.e. Conservative) party candidate Rudolph W. Giuliani was sworn in as New York City’s Mayor. His platform promoted a hard stance against crime and a promise to improve the quality of life throughout the city. New enforcement strategies were immediately implemented by the NYPD. One of the most significant strategies included the ‘Zero Tolerance’ proactive policing model combined with the use of timely crime statistics to permit the strategic deployment of police resources to crime plagued locations (Albrecht, 2012).

In 1994, NYPD crime reduction strategists had theorized that individuals who committed lower level offenses are often the same perpetrators responsible for participating in more violent criminal activity. As such, by targeting and detaining offenders for less serious infractions, the police could potentially be preventing a more tragic incident from occurring (Albrecht, 2012). Quite interestingly, while this concept may sound like a novel innovation, it was first introduced by Patrick Colquhoun (1795) in the 1790s, when he advocated targeting non-violent unlawful activity, e.g., gambling, public intoxication, etc., in an effort to deter more serious illegal actions. The NYPD quickly initiated a ‘zero tolerance’ policy and began proactively enforcing lower level offenses including panhandling, public intoxication, excessive noise and disorderly conduct. A significant goal of this strategy was clearly to improve the quality of life in public areas (Albrecht, 2012). In line with

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9 The author was a supervisory analyst within NYPD research and planning units from 1990 through 1994 and his first hand exposure to the various elements of community policing from its inception in the early 1980s through his promotion to police station commander at the turn of the millennium make it difficult to academically reference many aspects since programmatic elements and statistics were obtained while in service and were common knowledge to NYPD practitioners, particularly those in the executive ranks.
George Kelling’s and James Q. Wilson’s ‘Broken Windows,’ a number of sociologists and practitioners believed that addressing the quality of life concerns of the community would improve public confidence in the police and reduce the level of fear in the traditionally higher crime neighborhoods within a city’s boundaries (Wilson and Kelling, 1982).

Since its inception in January 1994, this initiative has been highly effective and has greatly contributed to the impressive -87% decrease in FBI Index Crime levels in New York City through 2017. 10 As a result, New York City is now regarded as the safest city in the United States of America with a population exceeding one million residents (Albrecht, 2012).

The other half of the corporate management model was the implementation of a new agency mindset that would hold police command executives completely accountable for all operations within their respective police stations and units. Police Commanders were granted the discretion to assign and re-deploy their personnel as they deemed necessary and no longer as per pre-designated staffing percentage guidelines. In order to be best informed and to appropriately deploy manpower, it is clear that police commanders must have information regarding current (i.e. real time) crime trends and productivity indicators readily available. Due to the archaic hand written fashion in which criminal incidents had been recorded by the NYPD in the past, statistical information regarding index crimes, arrests and summary activity (i.e. arrests, suspect encounters, court and traffic summonses, etc.) had been routinely available 90 days to six months after the fact. In order to remedy this situation, the NYPD undertook the task of inputting all crime incident reports and arrest information into a computerized database. As a direct outcome, police commanders and police executives have since received a weekly report that

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10 The author again recognizes that there may be other contributing factors that have supported the dramatic drop in crime in New York City and across the USA since 1993, which include: relative economic stability and low unemployment rate; decrease in the American juvenile and adolescent populations; increased incarceration and lengthened prison terms; notable decline in crack cocaine usage and addiction; more effective treatment in the correctional and probationary environments; enhanced use of technology (e.g. DNA analysis, video surveillance, etc.) to prevent and solve crime; etc.
outlines summary statistics involving command demographics, precinct/unit staffing levels, civilian complaints (made against the police), overtime, summons activity, sick rate, calls for police service, and police response time with comparisons to prior year and city-wide data. Of even more importance is the weekly comparison report that documents criminal incident, arrest and summons activity on a week-, 28 day-, and year-to-date basis. Each NYPD commander has also been required to prepare a weekly report for the organizational executive staff delineating efforts being made by their respective personnel to further improve police service and to reduce serious crime (Albrecht, 2012).

Since 1994, in order to ensure that police commanders are constantly analyzing this information and addressing necessary concerns, they are summoned to unannounced ‘COMPSTAT’ (i.e. Computer Statistic) meetings at police headquarters at least once each month. These commanders are subjected to direct questioning by the police commissioner, the police chief, and the highest ranking executives regarding the efforts being made to address recent violent crimes in their respective jurisdictions and to ensure that crime reduction strategies, as instituted, have been effective. Police commanders are also commonly asked about their most recent contacts with community leaders and groups, and about civilian complaints made against personnel under their supervision (Albrecht, 2012).

Ultimately what has been revealed is that by closely analyzing crime and crime trends, and by strategically deploying police resources to crime prone locations in an effort to remove the criminal element from the streets, and through the implementation of a proactive ‘zero tolerance’ enforcement oriented philosophy for crime and disorder, serious offences and violence could be tackled and the quality of life can be markedly improved.

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11 The author was a NYPD police station commander or deputy police station commander from 1999 through 2003.

12 As a tenured police commander or deputy police commander in different police stations, the author personally experienced positive results in drops in crime and increased arrests of criminal suspects by strategically deploying police resources to areas where crime patterns and trends had developed. Although refuted by some, the author believes that there is a direct relationship between the crime analysis/proactive enforcement model of policing and the sharp reduction in index crime rate.
Unfortunately, the community policing concept, which promoted community participation and involvement, has become the unforeseen ‘victim’ of the success of the proactive strategic deployment model. Community policing foot patrol officers were slowly transferred to enforcement teams such as those within the Narcotics Division and Street Crime Unit. The practice of the precinct community council selecting the five priority problems slowly came to an end, and direct community involvement into agency decision making has essentially been eliminated (Albrecht, 2012).

It is strongly believed that Mayor Giuliani’s ‘get tough on crime’ stance had a significant impact on illegal and violent conduct and improved the quality of life on New York City’s streets. Thorough analysis of crime has resulted in the strategic deployment of NYPD resources into and throughout the neighborhoods with the highest crime rates. However, in New York City, these areas tend to be predominantly minority (i.e., African-American and Hispanic) communities at the lower end of the socio-economic scale. The dramatic increase in uniformed police presence initially drew cries of a “police state” in these neighborhoods, but once violent crime subsided, most community leaders quickly supported the new initiatives. It is now relatively safe to walk on the streets again, even in communities that traditionally had higher street crime rates (Albrecht, 2012).

Unfortunately, two incidents in New York City drew public and media criticism upon the proactive police practices that have been credited with dramatically decreasing crime rates. One incident in 1997 concerned a brutal attack upon an arrested suspect by a police

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13 In 1990, all NYPD police station commanders were tasked with chairing the monthly “Community Council Meetings” that were held directly in each police station and that were open to all precinct residents and business persons. The purpose of these gatherings was to allow all members of the public to relay their concerns and complaints directly to the police station commander, who in 1994 was given the new responsibility as problem-solving coordinator for the jurisdiction. Three members of each Precinct Community Council would sit with the police station commander and the community policing unit commander and identify the five primary “problems” that police personnel would address over the next 30 day period.
The second incident in 1999 involved the shooting of a rape suspect in the Bronx who was shot and killed by police but who was later found to be unarmed. In both cases, the suspects were black males and the NYPD officers involved were white males. Allegations of racial profiling and outright racism were made by minority group advocates, and protest and unrest within minority communities across New York City followed both incidents (Albrecht, 2012).

In direct response to community concerns, the NYPD released an intra-agency strategy aimed at improving the professional image of the police by emphasizing increased courtesy and respectful interaction with the public, criminal suspects, and even among NYPD supervisors and peers. A copy of the report, entitled “Courtesy - Professionalism - Respect” (New York City Police Department, 1997) was distributed to each of the 40 thousand police officers and 9 thousand civilian employees of the NYPD. The ultimate goal of this strategy, nicknamed ‘CPR,’ was to ‘breathe new life’ into police-community relations and to increase public trust and confidence in the police (Albrecht, 2012).

The ‘CPR’ directive emphasized positive interaction with the public and noted that if “crime levels decline, but members of the community are reluctant to approach police for fear of a negative encounter, then the police have not met their obligations to the public” (New York City Police Department, 1997). The document continued that “negative perceptions of police behavior toward the public” may emanate “not only from incidents of actual misconduct, but also from situations where proper police actions were mistakenly viewed by the public as inappropriate” (New York City Police Department, 1997). What has to be acknowledged is that not only actual acts of police deviance, but also perceived acts of

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14 This incident involved arrested suspect Abner Louima and the brutal attack perpetrated upon him in the 70th Precinct police station in Brooklyn in 1997.
15 This incident involved the shooting of rape suspect Amadou Diallo in the Soundview section of the Bronx in 1999. In this case, when directed by police officers to not move, the suspect moved backwards into a dark building entrance and immediately reached into his back pocket. He was shot by the 4 police officers, who were all white. No weapon was later recovered. It appears that the suspect was removing his wallet from his back pocket, and the police officers had mistaken that furtive action for an attempt to retrieve a weapon.
16 Based on 1997 NYPD staffing levels.
inappropriate police conduct, will cause the public to reduce their trust in that law enforcement agency.

In addition to directing attendance at community meetings with representatives from the respective neighborhoods that they serve, all police officers have obtained and will continue to receive both in service ethical and cultural awareness training, and continue to have the opportunity to obtain language instruction to overcome barriers and to better communicate with neighborhood residents (New York City Police Department, 1997).

In general, the New York City Police Department has been looked upon positively due to successful efforts to dramatically reduce crime throughout the 1990s and into the new millennium, but others may say that the isolated yet sensational incidents involving police corruption and abuse throughout the decade have negatively affected the overall reputation of the NYPD. In addition, the first half of the 1990s was notable due to direct community participation into local NYPD enforcement initiatives, however, the emphasis on this practice had essentially been eliminated by the end of the last century.

The NYPD from 2001 to the Present

Clearly the most significant event that has impacted law enforcement in the United States and internationally since the start of the new millennium involves the terrorist attacks that occurred on September 11, 2001. Considerable resources have been redeployed to counter-terrorism related responsibilities since that tragic day. This has included a dramatic expansion of intelligence gathering resources and a more visible police presence at potential terrorism target sites (e.g. City Hall, Grand Central Station, Brooklyn Bridge, etc.). The New York City Police Department however has continued its effective proactive zero tolerance deployment protocol which continues to coincide with decreasing serious crime rates. Ultimately since crime levels have declined to levels not seen since before the collection of crime statistics was initiated in the early 1960s, federal, state and local governments have considerably reduced budgetary financing for law enforcement endeavors (other than counter-terrorism). As mentioned earlier,

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17 The FBI national uniformed crime reporting system was first established in the early 1960s.
law enforcement agencies in America have essentially become the victims of their own success. The police manpower of the NYPD has declined from a high exceeding 41 thousand in 2001 to the present level of approximately 33 thousand in 2015. Even with the drastic reduction in the number of NYPD personnel since 2001, there has been a continuous push to maintain the amount of enforcement activity, i.e. arrests, traffic tickets, criminal court summonses, ‘Terry’ stops,\(^{18}\) etc., to maintain the positive affects of the highly respected proactive police strategy. However, these efforts continue to be conducted with little if any input or feedback from the residents of New York City, particularly from the minority and non-white communities. As a result, the strong community-police partnership promoted by earlier agency mandates has virtually been eliminated.

**Left Realism, Right Realism and the NYPD**

The New York City Police Department has implemented a number of enforcement philosophies since 1960 in an effort to counter rising crime, violence, and victimization rates. The reactionary deployment of police resources in the 1960s and 1970s had proved to be ineffective. The randomized nature of vehicle patrol failed to deter crime or lead to increased arrest rates. The NYPD had no distinct (or effective) crime reduction policy in place until the early 1980s. One could conclude that the NYPD had implemented a ‘soft’ version of the right realist perspective in the 1960s and 1970s, which generally had incorporated the law and order mandate.

With drug related violence escalating in the 1980s, the NYPD initiated community policing as a proactive crime reduction, problem solving strategy. Initially limited to 10 police officers in each police station, this evolved into the agency wide deployment protocol in 1990. Initially, crime control results were limited before showing signs of nominal effectiveness in the mid-1990s. Of greater importance, the community policing concept permitted community residents (i.e. police station community council) to designate the priority problems to be addressed by the local police commander, and therefore had a direct impact on the deployment of local police station resources. These initiatives had commenced a transition

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\(^{18}\) A “Terry” stop is based on the constitutional right for police officers to stop persons who they reasonably suspect is engaging in criminal behavior.
toward a stronger left realist organizational ideology. As such, although NYPD investigative efforts into serious crime cases were not overwhelmingly affected, street level enforcement and deployment were in the control (albeit limited) of neighborhood representatives. In addition, it was the police station community council that gauged the effectiveness of the local NYPD performance each month. In addition, each community policing beat officer was directed to contact each person who filed a NYPD criminal complaint or incident report to determine if more information about the event could be discerned and to see if the victim wanted any further specific action taken. Both victim and community feedback and input (and the left realist concept) had become essential aspects of NYPD endeavors through the mid-1990s.

A new development involved the ‘get tough on crime’ mandate, which commenced in 1994 as the result of the strong demand by New York City’s residents for the police to aggressively address community complaints involving ‘quality of life’ infractions. The resulting ‘zero tolerance’ directive authorized the arrest of all offenders regardless of the seriousness of the crime or offence. This initially was the responsibility of community policing personnel, but with a significant and clear reduction in serious and violent crime by the end of 1994, all patrol and investigative personnel were directed to engage in increased enforcement activity (i.e. arrests and court and traffic summonses). The responsibility for coordinating long term problem solution to crime and disorder complaints moved from the front line police officer (under the traditional community policing approach) to the local police station commander. Timely crime analysis permitted police resources to be mobilized to crime and disorder ‘hot spots’ (as highlighted on crime maps). At the same time, however, precinct level priorities were designated by the police station commander, and community participation became superficial at best. With steeply declining

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19 Quality of life issues included begging, public intoxication, loud noise, street level drug dealing and usage, graffiti, etc.
20 It was noted that front line patrol and community police officers had difficulty in developing lasting solutions to reported problems and crime trends due to their general levels of police inexperience. In addition, it was clearly much easier for the tenured police station commander to re-deploy resources and develop long term strategies.
crime rates, this enforcement oriented ideology had become the organizational philosophical norm, which continues to the present date. One could easily conclude that the NYPD has since 1994 undertaken an enforcement strategy that grasps the right realist philosophy.

Following the tragic World Trade Center events of September 11, 2001, the NYPD developed similar zero tolerance strategies to counter the threat of future terrorist attack. Intelligence gathering efforts that targeted members of the Muslim community throughout the New York City tri-state area were quickly commenced and had since been enhanced. Once again, the counter-terrorism deployment protocol did not seek input from Muslim, Middle Eastern or other community representatives. The right realist approach continues to be the predominant factor in the terrorism fighting initiatives of the NYPD and most American state and local law enforcement organizations.

**Conclusion**

In summary, the NYPD and most American metropolitan police departments over the last 50 years have transitioned from a soft version of right realism with their clearly ineffective law and order reactive deployment strategy observed in the 1960s and 1970s; then slowly but dramatically had transformed into a community participation model that incorporated aspects of the left realism perspective in the 1980s and first half of the 1990s; and finally they have returned to and have generally maintained a proactive zero tolerance approach involving crime control and counter-terrorism endeavors since 1994 and continuing to the current day. With minimal community input or feedback and little interaction with victims (other than recording police incident reports), contemporary American state, regional and local police departments remain deeply entrenched in the right realism perspective of justice. Given the reported successes of the ‘get tough on crime’ approach as it relates to crime control in the USA, the United Kingdom, and other nations, it is highly unlikely that the philosophical ‘realism’ pendulum will dramatically swing in the ‘left’ (i.e. liberally oriented) direction in the near future. Given the

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21 The tri-state area includes New York City and the New York, New Jersey and Connecticut commuter regions.
criticism placed on the police over the last decade, particularly as it relates to allegations of racial discrimination directed at Blacks and other ethnic minorities, and given the reduction in the public trust and confidence in the police over the same time frame, it may be appropriate for police administrators and policy makers to strongly consider the application of relevant aspects of the left realism perspective into operational police practices.

**Lessons for the Police in the Islamic Republic of Pakistan**

Today the Islamic Republic of Pakistan exhibits a clear need for the development of more effective crime control and counter-terrorism measures. The terrorism threats posed by the Taliban, Al-Qaeda, ISIS, and separatist groups, and the organized crime challenges facing Pakistan’s large cities and border regions, evidently justify renewed shifts in law enforcement and paramilitary organizational philosophy and a comprehensive reevaluation of agency priorities. All of the law enforcement organizations in Pakistan, as well as other government agencies including the military and intelligence services, must reassess institutional missions, goals and strategies in a comprehensive effort to increase overall effectiveness and efficiency, while enhancing public trust and confidence. This can be accomplished through a dramatic organizational paradigm shift. The maintenance of a ‘right realism’ approach through proactive and strategic deployment and investigation in order to tackle terror and organized crime threats must be balanced with the obvious need for public input and insight into organizational priorities, policies and practices, a requisite of the ‘left realism’ perspective. But, as has been highlighted by the inconsistent and routinely fluctuating successes of many American law enforcement agencies, including the New York City Police Department, any significant revision to law enforcement protocol and practices in Pakistan must be accompanied by serious philosophical and budgetary commitment from government leaders, and more importantly should rely on the input of tribal leaders and community members to identify agency priorities in an effort to ensure enhanced public support.

Effective crime prevention and counter-terrorism measures can only be achieved through dialogue and concurrence with the plethora of tribes, clans, religious groups, ethnicities, nationalities,
and genders that populate the nation. Community policing must undoubtedly play a predominant role in law enforcement practice and in establishing agency priorities across Pakistan. An intelligence-led approach must align with proactive deployment strategies and the direct participation of the public to prevent crime in an effort to regain the cooperation, compliance and confidence of the communities being served.

Engagement and dialogue with all parties across the nation will be the key to success and to regional stability and peace, particularly in the fight against terrorism and organized crime. Government leaders and police administrators in Pakistan should take note of the lessons learned in the United States and elsewhere, so as not to repeat similar mistakes when considering comprehensive revision to rule of law and public security policy and practices. There is therefore clear evidence that policy makers in Pakistan should strongly contemplate incorporating the positive aspects of the community-oriented ‘left realism’ theory of justice into future policy and practice reform efforts being considered for criminal justice and law enforcement organizations within Pakistan. After all, the police are public servants and must strive to serve the public.

References


Changing Patterns of Dispute Settlement in an American City

Prit Kaur*

Abstract
The objective of the sociology of law is to investigate the dialectical interaction between the formal state legal system and the social structure and culture. One specific area suited for this type of investigation is dispute settlement as undertaken by individuals in different socio-legal cultural contexts. Do people, for instance, prefer to settle disputes within or outside the state legal system, and why? The current study, based on data collected from 100 research participants, shows that 56% of disputes are settled through the state legal system, 20% of disputes are settled through socially recognized non-state methods and 24% of disputes are settled through ‘extra-dispute settlement methods’ recognized neither socially nor by the state. The investigation further reveals that disputants’ preferences for resolution method are primarily determined by the nature and meaning of the disputes as embedded in their socio-cultural situational contexts and having established connection(s) within the formal legal system.

Keywords: Legal Pluralism, Dispute Settlement, Procedural Justice, Omniculturalism

Introduction
American society today is more characterized by socio-cultural legal variety and diversity than ever before. A high migration and immigration rate of individuals from Latin America and Asia over the past four decades has significantly changed the demographic profile of many cities in the USA. The traditional divide between the two races of ‘White and Black’ has become more complicated as the proportion of Blacks in the minority population has declined from 65% to 37%, while the proportion of Hispanic and Asian Americans has increased steadily to 30%. Additionally, the presence of almost

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two-thirds foreign-born Asians and 40% Hispanics among these populations has raised the number of foreign-born citizens to 12.9% of the entire United States population (Grieco 2010; American Immigration Council 2013). These foreign-born individuals have brought with them not only professional skills but also new sets of socio-cultural legal norms and practices. They have added many non-state, informal and non-standard legal norms, including customary laws, religious laws and traditions, to the existing sets of state laws that consist of constitutional laws required or ordained by the state.

However, this emerging legal plurality in American society is part of a larger global trend. Legal pluralism has already been accepted theoretically and practically to a certain extent in many European countries. Scholars describing the inevitable intermingling of the normative systems that emerged in the international and transnational realms have interchangeably used terms such as global legal pluralism, judicial pluralism, dichotomous systems of law and justice, transnational pluralism, normative pluralism, normative transfer, and empirical pluralism (Berman 2007; Griffiths 2015; Teubner 1996; Zumbansen 2010). Researchers have also developed parallels and analogies of the emerging pluralism of the non-colonial world to the indigenous unifying systems and the state (formal) legal systems of post-colonial societies. For instance, Tamanaha (2008) called legal pluralism a ‘historic condition’. He described how the numerous pluralistic co-existing, conflicting and overlapping norms and institutions of medieval times were incorporated into state law in Western European societies, while at the same time a wave of legal pluralism was being produced elsewhere through colonization. Over the years, post-colonial societies have slowly moved toward a more unified system of law, while at the end of the 20th Century in Western societies a new wave of pluralism emerged under globalization. The mass migration of people across national borders and the creation of global societies has led to an intermingling of normative orders, consequently confusing individuals and groups that could not be certain which legal regime applied to their situation and providing opportunities for individuals and groups to strategically invoke or oppose one legal order against another. This new situation demands a review of the emerging normative orders
and their repercussions for justice delivery to different constituents in any society, including American society. Only by studying the local settings in which the norms of multiple communities become operative can scholars gain a deeper and more thorough understanding of the international and transnational legal terrain (Berman 2007). Thus, this study has sought to explore the prevalence of state and non-state legal systems and interconnections among them from a subaltern perspective by studying dispute settlement mechanisms. The specific objectives of the study are: (i) to identify peoples’ problems/disputes; (ii) to understand and describe how the state and non-state legal systems are perceived and used in terms of their efficacy in resolving disputes among community members; and (iii) to examine situations or cases where disputes are resolved outside any approved settlement method and the reasons the external methods are used.

**Literature Review**

For this study, it was necessary to examine the studies related to (I) legal plurality; (II) dispute settlement; and (III) diversity inclusion.

**I) Legal Plurality**

Like most multi-ethnic societies, American society is characterized by legal pluralism implying the co-presence of alternate systems of law and justice. For example, a state legal system exists consisting of the constitutional law and various subsets of official laws required or ordained by the state and additionally, a great variety of non-official, informal and non-standard legal systems exist including customary laws, religious laws and traditions of the different communities operating at different levels. This type of legal pluralism has presumably always existed in most multi-ethnic societies. However, according to Berman (2007), Zumbansen (2010), Perez (2011), Paul (2013), and Griffiths (2015) among others, the notion of legal pluralism has been complicated and intensified by the apparent multiplicity of legal orders, from the local to the global level. Globalization brought different nations together to be called a ‘global village’, it paradoxically also spawns the rise of plurality, diversity and complexity at the micro level, i.e., the towns and cities of any of the
countries. This new situation demands a review of the emerging normative orders and their repercussions for justice delivery in the society. Following the same line, this study will evaluate the following:

**Assumption 1:** The changing demographic profile of the city of Montgomery has impacted its normative along with its socio-cultural structure.

**(II) Dispute Settlement**

The primary focus of the studies of dispute settlement is the identification of reasons for selecting state or non-state methods of dispute settlement and the characteristics of the disputants making those selections. The first group of scholars consisting of Matthews (1988), and Warner et. al. (2015), believed that people attach more importance to and consider it more convenient to use non-state laws. Meanwhile, studies by Corsale (1987) and Gessner (1988) focused on the effectiveness of the formal system, and Starr (1978), and Zumbansen (2010) examined the intermingle and interrelation between formal and informal legal systems.

A second group of scholars, Xie and Goyette (2003), Bobo and Tuan (2006), Wu (2014) and Piatkowska (2015), recognized race/ethnicity, age, gender, class along connectedness and visibility of the police, as critical factors influencing public perceptions, different levels of alienation and ultimately disputants’ decisions concerning whether to turn to the formal legal system for assistance.

To summarize, one can contend that in any changing society continuous micro-level analysis of the nature of disputes, disputants and dispute settlement methods is required for the efficacy of the state legal system. Thus, this study will examine:

**Assumption 2:** The changing demographic profile of the city of Montgomery has generated new dispute situations and provided the options of dispute settlement outside the accepted norms of the state and society by bringing disputants with diverse backgrounds and experiences together.

**(III) Diversity Inclusion**

Throughout American history, to integrate different cultural norms, mores, customs, heritages, and religions, two approaches-
assimilation and multiculturalism have received the most attention in the scholarly literature.

Assimilation was a melting-pot philosophy based on the assumption that immigrants and migrants must shed their dysfunctional behaviors and cultures to become part of the broader American culture (Dinnerstein and Reimers 2009). On the other, multiculturalism, which was based on the retention of strong ethnic identities and cultural concepts along with becoming a part of the melting pot and was discussed in the study of Marger (2005).

However, with the continuous growth of ethnic minorities, the third and most recent approach of omni culturalism with strong emphasis on tolerance, patience and assimilation (wherever possible) was developed by Moghaddam and Breckenridge (2010). Many criminal justice agencies of the highly diverse cities have adopted approach of omni culturalism, and added various training modules concerning diverse cultures and religions into their training curricula, recruited professional from minority communities and established connections with schools, community groups and cultural bodies of minorities and divers groups. Working on the same lines, this concept leads us to the following:

**Assumption 3:** The changing demographic profile of the city of Montgomery demands additional efforts and resources to effectively address increasing diversity and plurality.

In sum, in spite of a rich diversity of studies, the questions of how the state legal systems and non-state systems function in American society, how they are interrelated, and finally, how they are viewed by the people themselves is still open, unsettled and in need of more intensive systematic and subaltern investigation. This study attempts to strengthen the existing research in this area.
Methodology

The site for this study is the city of Montgomery—the capital of the State of Alabama. With a population of 205,786, Montgomery is ranked eighth among cities with the highest percentage of Blacks or African Americans. Montgomery is 56.6% Black or African American, 36.1% Caucasian American, 3.9% Hispanic, 2.2% Asian American, 1.3% persons of two or more races, 0.2% Native American and 0.1% native Hawaiian and other Pacific Islander (US Census 2010: Facts about Montgomery).

Although members of all these races share a common city culture and are bound by the same state legal norms and laws, each group is also deeply rooted in its own cultural laws and ethnic and community traditions due to its unique historical relations and migration history.

The phrase ‘rule of law’ is reserved for the unified formal, state systems of law and justice, whereas the non-state, informal systems are widely varied, ethnic and customary. The state legal system has formalized procedures of dispute settlements such as police procedures, courts and other adjudicative bodies where decisions are arrived at by a third party—a judge who imposes decisions on the disputing parties according to a set of rules that are usually codified. In contrast, non-state procedures are negotiated by the disputants with the help of elders of the family, associates, friends or divine authority, and usually the disputing parties arrive at an agreement through bargaining. In the present study, efforts were made to explore the interaction between the two normative systems (i.e., state and non-state) and the popular perceptions leading to their use by people of different ethnicities. The study also identifies the circumstances under which disputes are settled outside any established method, along with studying which state laws govern disputes that by definition are not easily situated under the law and necessarily involve affiliations with multiple communities originating outside the United States.

For the present study, “dispute” refers to a situation in which one or more persons have a grievance against another party and communicate that grievance to the other. A dispute processing technique can be defined as a method or institution known to other members of the disputants’ group that is specifically resorted to or involved because of the dispute. State legal systems include the
police, courts, detectives and forums, while non-state methods include family, relatives, friends, associates, community elders, and divine authority. Extra-methods include methods used by the disputants outside the accepted methods of society and law, which may include anti-socio-legal groups or methods outside the United States.

A total of 100 respondents were selected to participate in the research by using snowball and convenient sampling with the following demographics: race (White 46%, Black 38%, Asian 10%, Hispanic 5%, and Native American 1%); gender (women 50% and men 50%); education (BHS 8%, HS 32%, BS 21%, MA 26%, PHD 8% and professional training 5%); age (21-30 22%, 31-40 15%, 41-50 22%, 51-60 24%, 61-70 8% and 71+ 9%); and class (upper 17.4%, middle 78.3% and lower 4.3).

A three-pronged interview schedule was used to collect information from the research participants concerning: (i) the demographic profiles of the disputants and their connections with the criminal justice system, (ii) perceptions of the nature of disputes and actual involvement in the disputes, and (iii) perceptions and actual usage of the dispute settlement mechanisms.

**Analysis**

It was found during the study that almost all the participants in the White and Black communities had long-standing relationships with each other. Some had lived in Montgomery all their lives, while others had lived in the city for more than 20 years. It was also observed that most lived in areas that could easily be branded Black or White due to the majority of their population. Other facts that the study revealed were not only that the city was divided into four precincts for policing but also that the divisions are associated with the races and classes of the residents in the different areas.

In 1950, Alabama was ranked as having a larger immigrant population than California. However, over the years, the state has not experienced steady growth in the numbers of immigrants. However, for the past few years, the numbers of Asians and especially of Hispanics in Alabama have been increasing. In 2002, Hyundai Motor manufacturing began in Montgomery and brought a large number of Asian people to the city. Additionally, the size of the state’s Hispanic population (i.e., a mixture of people from 15
different countries) more than doubled from 75,830 in 2000 to 185,602 in 2010.

The majority of the Asian and Hispanic populations are concentrated in particular cities in Alabama and in certain sub-areas within the cities. This type of settlement trend not only segregates the new migrants but also contributes to and strengthens the traditional residential segregation of the races. This, in turn, leads to a disconnect among different ethnicities and hinders understanding of each other’s cultures, traditions and practices. However, the large number of Asian and Mexican restaurants, places of worship, body shops, grocery stores, markets, and presence in the work force are not only indicative of the presence of the rising numbers of members of those ethnicities in Montgomery, but it assists the migrants in connecting with others. Additionally, this city is an educational hub with large Air Force and military bases that attract a large number of international students and professionals on short- and long-term bases.

The change in Montgomery’s demographic profile has subsequently led to efforts to accommodate & assimilate the recent and not-so-recent immigrants. For instance, most of the churches in the city have special services for Asians & Hispanic and have even begun dedicated ministries. The majority of the educational institutions have included Spanish and/or Chinese in their regular or summer schedules. The criminal justice agencies have created neighborhood groups and have begun hiring Asians and Hispanics to reach out to the diverse populations. As a result, the impact of the presence, rising numbers of diverse populations and efforts for diversity inclusion can be felt in the normative & socio-cultural environment of the city.

**Changing Nature of Disputes**

Nearly all the participants in this study considered disputes an unhealthy but permanent feature of the culture of Montgomery. Participants noted a variety of disputes, such as over matters involving property, inheritance, cultural values, teenage dating, child rearing practices, trespassing, stealing, theft, discrimination, drugs, mugging, extortion, fear of retaliation, gangs, power, honor crimes, shame, breach of trust, money laundering, malpractice, and maltreatment. Additionally, new types of crimes such as identity
theft, stalking, bomb threats, sexting, scams, online elder abuse, Facebook harassment, and Twitter threats were reported.

As shown in Table 1, below, the majority of the participants classified disputes on the basis of the settlement mechanisms used by others and themselves. A clear difference was found between the perceptions and actual nature of crime in the city. While as many as 66.6% of the participants thought most disputes in the city were of a criminal nature, in reality only 14 (27.4%) of the disputes among the research participants were of a criminal nature.

**Table 1**

<table>
<thead>
<tr>
<th>Perceptions about Disputes</th>
<th>Actual Disputes</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Familial</td>
<td>Civil</td>
</tr>
<tr>
<td>Familial</td>
<td>Count</td>
<td>1</td>
</tr>
<tr>
<td>% Within disputes</td>
<td>14.3</td>
<td>14.3</td>
</tr>
<tr>
<td>Civil</td>
<td>Count</td>
<td>2</td>
</tr>
<tr>
<td>% Within disputes</td>
<td>25.0</td>
<td>62.5</td>
</tr>
<tr>
<td>Criminal</td>
<td>Count</td>
<td>7</td>
</tr>
<tr>
<td>% Within disputes</td>
<td>20.6</td>
<td>38.2</td>
</tr>
<tr>
<td>Other</td>
<td>Count</td>
<td>1</td>
</tr>
<tr>
<td>% Within disputes</td>
<td>50.0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>Count</td>
<td>11</td>
</tr>
<tr>
<td>% Within disputes</td>
<td>21.6</td>
<td>37.3</td>
</tr>
</tbody>
</table>

It was found that Montgomery as a city does not have any unique disputes, but the occurrence of the disputes makes them unique. For instance, the city’s west side has more violence, homicide, drug related crimes and prostitution. In this section of the city most residents do not willingly contact the formal legal system unless they are mandated to do so by the nature of the disputes and/or crimes. The majority of the research participants expressed concerns over the violence in this high-risk most disadvantaged west side of the city. However, others have not shown much interest and called it ‘Black-on-Black crime’.

It is also noted that there is under-reporting of disputes and crimes in the city. Some of the participants shared the reasons they or members of their races remain hesitant to report crimes or conflicts. Participants from all four races (i.e., Caucasian, Black, Hispanic and Asian) gave fear of retaliation or further victimization
as the primary cause of non-reporting or not seeking assistance from the state legal system. Additionally, especially for Asian and Hispanic participants, lack of understanding of their culture and cultural values, conflict between their cultural values and state laws, poor language skills, non-familiarity with the system, fear of deportation, and experiences with criminal justice systems in their home countries were given as reasons for not contacting the state authorities. Participants also stated that people do not report crimes when any illegal transactions particularly related to drugs, weaponry, prostitution and money laundering have a poor result.

In nutshell, migration of Asians and Hispanic populations to the city of Montgomery has added more complexity to the historical socio-cultural normative set-up of the city. City is experiencing more variety of disputes and related challenges not only due to the fast changing technology but also socio-legal diversity.

**Dispute Settlement Practices**

Disputes abound in every society and a wide variety of mechanisms are in place for their settlement. Montgomery is no exception in this regard, and our data reveal the availability of a wide range of methods for dispute settlement. The legally and socially approved mechanisms range from formal state (through police, courts, organizations and/or tribunals) to relatively informal non-state (through family, friends, associates and/or divine authority) methods. Different mechanisms were used either individually or in combination, depending on the nature and situational context of the dispute and the consequent form it assumed.

The data in Table 2 revealed that 56% of the disputants presented their disputes to state systems and 20% used non-state methods. A significant portion of the disputes (24%) were settled by using non-conventional extra-mechanisms, i.e., outside the recognized and established state and non-state mechanisms.

**Table 2**

Dispute Settlement: Perceptions and Practices
The data analysis showed a clear difference in the perceptions and practices related to dispute settlement in the city. Most of the research participants mentioned during data collection that non-state systems have easy access and are affordable in comparison to cumbersome, out of reach, time-consuming, and esoteric state law. Thus, they perceived that most of the disputants will prefer non-state intervention in their disputes. However, in reality, the majority of disputants (i.e., 56%) preferred formal interventions to resolve their issues. The reasons provided by disputants for their preference were authority vested in the formal legal system by law and its power to resolve disputes, legal sentences and protection from violence. The majority of the disputes concerning criminal acts (i.e., robbery and theft), employer-employee relations, non-adherence to state regulations, and property issues were usually resolved through state mechanisms. Participants also noted that they sought help from formal systems more easily if they knew someone within the criminal justice system.

In contrast, the majority of the disputes arising over domestic issues, such as the use of abusive language and misunderstandings among closely related people, were presented to non-state agencies for resolution.

Two categories of disputes were settled outside state and non-state established systems. In the first, the disputants believed that state law and local social norms have no or unclear answers to the issues involved, and the second involved illegal transactions or ego-related issues. For instance, due to conflict between cultural values and state law, the matters or disputes emerging from domestic violence, child rearing practices, teenage dating, arranged marriages, and abortions to avoid female children remain under or
unreported and are settled outside of the state or non-state methods, or even outside the country. Similarly, disputes involving trading of illegal drugs and weapons and prostitution were settled outside any state and non-state established procedures. These disputes over illegal matters are either settled through fights or by negotiation, primarily because of the fear of police.

The above analysis shows that most of the disputants preferred state interventions in their disputes. A settlement of the significant portion of the disputes outside the established state and non-state methods by using extra-mechanisms indicates rising socio-cultural diversity, plurality, divisiveness and its consequences for the city.

During the study, an effort is also made to understand the influence of demographic characteristics of the disputants on their selection of dispute resolution method. Data presented in the table 3 below.

**Table 3**
Dispute Settlement Method, Race, Education, Established Connection within the State Legal System, Sex and Class of Disputants

<table>
<thead>
<tr>
<th></th>
<th>Dispute Settlement Method</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State</td>
<td>Non-state</td>
</tr>
<tr>
<td><strong>Race</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>5(55.6)</td>
<td>2(22.2)</td>
</tr>
<tr>
<td>White</td>
<td>15(71.4)</td>
<td>2(9.5)</td>
</tr>
<tr>
<td>Black</td>
<td>8(40)</td>
<td>6(30)</td>
</tr>
<tr>
<td>Total</td>
<td>28(56)</td>
<td>10(20)</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BHS/HS</td>
<td>9(50)</td>
<td>3(16.7)</td>
</tr>
<tr>
<td>BA/BS</td>
<td>4(50)</td>
<td>1(12.5)</td>
</tr>
<tr>
<td>MA and above</td>
<td>15(62.5)</td>
<td>6(25)</td>
</tr>
<tr>
<td>Total</td>
<td>28(56)</td>
<td>10(20)</td>
</tr>
<tr>
<td><strong>Connection within the State Legal System</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>20(71.4)</td>
<td>3(10.7)</td>
</tr>
<tr>
<td>No</td>
<td>8(36.4)</td>
<td>7(31.8)</td>
</tr>
<tr>
<td>Total</td>
<td>28(56)</td>
<td>10(20)</td>
</tr>
<tr>
<td><strong>Sex</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>21(51.2)</td>
<td>9(22)</td>
</tr>
<tr>
<td>Male</td>
<td>7(77.8)</td>
<td>1(11.1)</td>
</tr>
<tr>
<td>Total</td>
<td>28(56)</td>
<td>10(20)</td>
</tr>
<tr>
<td><strong>Class</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lower</td>
<td>2(100)</td>
<td>0</td>
</tr>
<tr>
<td>Middle</td>
<td>20(55.6)</td>
<td>6(16.7)</td>
</tr>
<tr>
<td>High</td>
<td>5(62.5)</td>
<td>2(25)</td>
</tr>
<tr>
<td>Total</td>
<td>27(58.7)</td>
<td>8(17.4)</td>
</tr>
</tbody>
</table>
As expected, analysis of the responses based on individual characteristics of the disputants show that majority of the respondents those contacted formal system are white followed by Asians and Hispanics, and then Blacks. This finding concurs with the earlier studies of Bobo & Tuan 2006), Wu (2014) and Piatkowska (2015). The most interesting revelation from the data is that disputants those have connections in the formal state system preferred formal intervention.

Discussion and Conclusion

From the above, it can be concluded that Montgomery has not remained unaffected by the diversity explosion that has transformed other cities in the USA. Globalization has penetrated deep into American society, affecting citizens’ lives, and its impact can be felt everywhere. As assumed, the traditional socio-legal divide between the two main races is complicated by the multiplicity of ethnicities and consequent rise in plurality and diversity. We find evidence that changes in the demographic profile have brought changes in the normative and socio-cultural structure of the city.

In the melting pot of diverse cultures and ethnicities, the concept of the dispute itself has become more complex and global in nature. Technologies and globalization have provided breeding grounds for new types of crimes and changed the nature of crime from localized to international and transnational by reducing the distances and bringing the people of different ethnicities and nationalities together. People make selective use of state and non-state methods of dispute resolution. The majority of the participants believe that non-state dispute resolution methods are popular, but in reality, most people prefer formal interventions to resolve their disputes. Disputant’s race, connection within the state system, and education level strongly influence their choice for state intervention. However, when people did not find any concrete solutions to their problems in existing state or non-state laws, they took their problems outside the systems to obtain the best results for themselves. Rarely did they remain silent, but most problems were resolved with the assistance of extra-legal mechanisms. These results support our assumption that globalization has led to new disputes, disputing situations and settlement mechanisms.
Ultimately, to view our findings from the proper perspective, we return to Durkheim (1960), and Teubner (1996). Durkheim noted that as societies become more complex, shared norms and common purposes decline as the primary basis of law. Our findings clearly show that although participants perceive non-state systems as popular, disputing parties in reality prefer the state legal systems. It is also noted that when disputants do not find solutions to all of their problems in the local laws, they seek solutions outside the existing local laws. This finding aligns with Teubner that in the globalized world laws are weakly embedded in the local communities and transnational people make use of laws outside the state and at times the laws of their countries of origin.

This is exactly the situation that is emerging in Montgomery, a city at the threshold of globalization. With the changing demographic profile and increasing complexity and diversity, controls based on shared norms are diminished and state laws are evolving to provide answers to new sets of problems. City residents have come to accept the authority of formal state laws without disassociation from their cultural norms. The state legal system and diverse alternatives to legal mechanisms co-exist and coalesce with each other. The following question then arises: how can a compatible relationship be developed among all these diverse legal practices and systems to bring them together under a state legal system? In a pluralistic society such as the USA, it is a daunting task. However, the first step must be to realize that national legal values can only become effective through a comprehensive understanding of the particular legal norms and community cultures and their interactions with the state legal system at local and micro levels. Thus, more in-depth studies of different communities/ethnicities to determine their motivations to contact the state legal system of justice versus what hinders people from doing so must be the focus of future research to incorporate plurality into the national legal values.

Additionally, it is equally important to understand that it is primarily the responsibility of the city’s authorities to take adequate steps to handle the demographic changes and their impact on the normative order and social structure and culture of the city as a whole. The city’s authorities are responsible for integration of the ‘new arrivals’, managing stresses on city systems and services,
promoting social cohesion and maintaining law and order. Cities must become pro-active and plan ahead of time to deal with the new situations and emerging scenarios. An unsympathetic handling of the problems, not based on a comprehensive understanding of the impact of changing city profiles by the city authorities, may alienate different ethnic groups and affect the cohesiveness of the city. No society can afford to end up in such a situation. For obvious reasons, we must be more cautious in this respect.

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A Gender Perspective on Corruption: The Case of Building Permits

Petter Gottschalk*

Abstract
The dominance of males in virtually all forms of crime is one of the most well established empirical regularities in criminology. The gender gap in crime, however, is not uniform, that is, it varies over offense type. Men dominate in the commission of direct contact predatory street crime involving violence, such as murder and robbery, while women commit a somewhat larger share of minor property crime types such as shoplifting. The gender gap in crime extends to white-collar crime. Proposed reasons for gender differences in white-collar crime include lack of opportunity and risk aversion among women. As it does with street crime, the gender gap in white collar crime varies over different types of It came as a surprise that a female officer in the building permits department in the city of Drammen in Norway was detected for corruption. She confessed having received bribes from a number of builders. When applying convenience theory, gender theory as well at the gender model, however, it comes as no surprise that also women are involved in corruption. The lack of detection is linked to the lack of suspicion against female managers.

Keywords: Opportunity theory; gender theory; white-collar crime; corruption; detection.

Biography
Petter Gottschalk is Professor in the Department of Leadership and Organizational Behavior at BI Norwegian Business School in Oslo, Norway. Dr. Gottschalk has published extensively on knowledge management, fraud examinations, police investigations, financial crime, and white-collar crime.

Introduction
Out of 405 convicted white-collar criminals in Norway from 2009 to 2015, only 8 percent were women. The female offenders were convicted of bank fraud, employee embezzlement, tax evasion,

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and other kinds of financial crime. None of them were convicted of corruption (Benson and Gottschalk, 2015).

In a variety of audiences, we have frequently asked the following question: If you want a building permit for your new house in an area regulated for recreation – such as a public beach – who would you bribe: A female or male executive officer with the same powers and in the same positions in your municipality? More than ninety percent respond the man, less than ten percent respond the woman.

Therefore, it came as quite a surprise when a female executive officer in the City of Drammen in Norway was detected for corruption in 2016. Deloitte (2017) – a global professional service provider – was hired by the city to conduct a private internal investigation of the building permit department by the municipality’s control committee.

In this article we address the following research question: What is the risk of detection for female offenders in corruption? Based on the case study, we are unable to come up with a clear answer. But we are able to discuss gender differences that are important to understand when studying occurrences of financial crime by white-collar criminals by means of gender theory, opportunity theory, and convenience theory (Gottschalk, 2017). And we are able to conclude that the risk of detection is far less for women compared to men.

**Deloitte Investigation**

Mette Cranner (58) was in charge of building permits in the municipality of Drammen. She was an architect and ran her own architecture firm that went bankrupt, before she joined public service. Her expenditure in private life far exceeded her income, and she started to accept bribes from construction firms, land owners and home owners. She confessed to corruption (Tommelstad and Quist, 2016).

Deloitte’s review was based on the control committee’s mandate, which essentially deals with organizational conditions. Deloitte had to take into account that there was a police investigation going on in parallel. Fraud examiners from Deloitte collected data through document analysis, interviews and review of 58 building cases, which had been processed in the municipality’s building permit department.
The building permit department is part of city planning, building regulations and development projects, including architectural and historical heritage, urban regeneration, the City’s real estate holdings and environmental protection related to urban development. Climate-friendly urban development is a key issue in many municipalities.

All the investigated 58 building construction cases were disputes discovered by the municipality in connection with the corruption case and cases reported to Deloitte in connection with the investigation. Thus, no random selection was made from the building permit department’s portfolio. The violations of legal rules, routines and guidelines that Deloitte (2017) detected, are based on review of building permit cases, verified information through interviews and document analysis.

The background for the review is that two employees at the building permit department in the winter of 2016 were arrested and charged with corruption after the municipality discovered serious deviations and reported the two executive officers to the police. The Deloitte (2017) investigation focused on organizational issues. Investigators revealed no additional criminal offenses in their review. Three incidents that were notified directly to Deloitte were handed over to the police for their investigation.

According to the report of investigation by Deloitte (2017), significant weaknesses over several years can be found in management, leadership, control mechanisms, quality assurance and internal audits in the department responsible for building regulations and permits. These weaknesses and shortcomings have led to violations of legal rules and internal procedures that should ensure sound case handling work in the municipality of Drammen. Several aspects revealed by Deloitte regarding permit applications represent acts that cause speculation concerning misconduct.

A Gender Perspective

The dominance of males in virtually all forms of crime is one of the most well established empirical regularities in criminology. The gender gap in crime, however, is not uniform, that is, it varies over offense type. Men dominate in the commission of direct contact predatory street crime involving violence, such as murder and robbery, while women commit a somewhat larger share of minor
property crime types such as shoplifting (Benson and Gottschalk, 2015).

The gender gap in crime extends to white-collar crime. Proposed reasons for gender differences in white-collar crime include lack of opportunity and risk aversion among women. As it does with street crime, the gender gap in white collar crime varies over different types of offenses. In the Norwegian sample, women were involved in fraud, manipulation and theft, but no corruption.

Steffensmeier and Allan (1996) suggested a gendered theory of female offending. The theory focuses on the following elements and interactions between them:

1. Organization of gender: Gender norms, moral development and social control.
2. Biological factors: Physical, sexual and affiliate differences.
3. Criminal opportunities: Sexism in the criminal underworld, access to skills, crime associates and settings.
4. Gender differences in crime: Women avoid more serious white-collar crime, such as insider trading, price-fixing, restraint of trade, dumping of toxic waste, fraudulent product commerce, bribery, and official corruption, as well as large-scale governmental crime.
5. Context of offending: Many of the most profound differences between the offenses committed by men and women involve the context of offending, where context refers to the characteristics of a particular offense. It might be the setting, whether the offense is committed with the assistance of others, the offender's role in initiating and committing the offense, the type of victim, the victim-offender relationship, whether a weapon is used, the extent of injury, the value or type of property destroyed or stolen, and the purpose of the offense.
6. Motivation for the crime: Tastes regarding risk, likelihood of shame or embarrassment, self-control, and assessment of costs versus rewards of crime.

Some white-collar criminals suffer from personality disorders such as psychopathy. Psychopathy can be characterized by fearlessness, antisocial behavior combined with high social attention seeking, immunity to stress, egoism, and self-centered impulsivity (Blickle and Schütte, 2017).
Gender theory allows for interactions among these six factors. For example, criminal motivation will be influenced by both gender organization and criminal preference (Steffensmeier and Allan, 1996: 478):

Gender norms, social control, lack of physical strength, and moral and relational concerns also limit female willingness to participate in crime at the subjective level – by contributing to gender differences in tastes for risk, likelihood of shame or embarrassment, self-control, and assessment of costs versus rewards of crime. Motivation is distinct from opportunity, but the two often intertwine, as when opportunity enhances temptation. As in legitimate enterprise, being able tends to make one more willing, just as being willing increases the prospects for being able. Like male offenders, female offenders gravitate to those activities that are easily available, are within their skills, provide a satisfactory return, and carry the fewest risks.

One important message from gender theory is that white-collar crime among women is strongly linked to opportunity. If, for example, nobody is offering bribes to women in public office, then the opportunity structure is deficient.

**An Opportunity Perspective**

Organizational opportunity is a distinct characteristic of white-collar crime that varies with the persons who are involved in crime (Michel, 2008). An opportunity is attractive as a way to respond to needs (Bucy et al., 2008). It is the organizational dimension that gives white-collar criminals the opportunity to commit economic crime and hide it in seemingly legal activities in the business. White-collar crime is an offense based on specialized access.

The opportunity perspective holds that opportunity is a fundamental cause of crime. The perspective assumes that individuals make choices to engage or not engage in crime based on the availability and attractiveness of criminal opportunities. Situational crime prevention theory seeks to identify the factors that influence the distribution and attractiveness of criminal opportunities, and then to suggest ways in which attractiveness might be reduced. The theory predicts that reducing the attractiveness of criminal opportunities will lead to reductions in crime (Ceccato and Benson, 2016).
Persons at the pinnacle of a corporate hierarchy (or just about any hierarchy, for that matter) who have considerable authority, are not often challenged, insist upon results, and are accustomed to getting their way. Therefore, various forms of dishonest and illegal behavior that elite members are engaged in seem to be convenient for the offenders. They believe they can ignore various reservations they would have if they were lower down in the power structure, and if they were expected to demonstrate leadership and achieve ethical results. Greed, self-importance, immunity from criticism, getting one’s way, and fear of falling all contribute to the convenience of white-collar crime in the organizational setting. An offender is in a position of pointing to the importance of one’s place in an organizational hierarchy, one’s ability to cover one’s tracks, blame others, or insist on deniability, and the pressure to achieve results. White-collar criminals tend to engage in various rhetorical strategies to make it sound to their subordinates as though they have done nothing wrong.

Aguilera and Vadera (2008: 434) describe a criminal opportunity as “the presence of a favorable combination of circumstances that renders a possible course of action relevant”. Opportunities for crime occur when individuals and groups can engage in illegal and unethical behavior and expect, with a certain confidence (Haines, 2014), that they will avoid detection and punishment. Opportunity to commit white-collar crime can be found at the community level, the business level, and the individual level. At the community level, control regimes might be absent, and entire industries may be available for financial crime. An example here could be the construction industry, where one can find instances of both cartels and undeclared work. Another example could be tax collection authorities that are unable to trace and control accounting figures from businesses, thereby opening up for tax evasion with minimal risk of detection and punishment.

Huisman and Erp (2013) argue that a criminal opportunity has the following five characteristics: (i) the effort required to carry out the offence; (ii) the perceived risks of detection; (iii) the rewards to be gained from the offense; (iv) the situational conditions that may encourage criminal action; and (v) the excuse and neutralization of the offense.
At the business level, ethics and rules can be absent, while economic crime is a straightforward business practice. An example here is subsidy fraud, where ferry companies report lower traffic number to ensure greater government transfers. Another example is internal invoice fraud, where the accounting department lacks overview over who is allowed to approve what invoices.

At the individual level, greed can dominate, where the business does not have any relevant reaction to economic crime. An example here might be law firms where partners abuse money in client accounts. Another example is corruption, where the bribed person receives money from the bribing person, without anybody noticing on either side.

Benson and Simpson (2015) write that the organizational opportunity to commit white-collar manifests itself through the following three characteristics: (1) the offender has lawful and legitimate access to the premises and systems where crime is committed, (2) the offender is geographically separated from his victim, and (3) criminal acts appear to be legitimate business.

This is very different from street crime such as violence and burglary, where the offender has no legal access, the offender is at the same place as his victim, and the offense does not appear to be legal. A fundamental difference between white-collar crime and street crime is that while white-collar people conceal their crime but do not hide themselves, street criminals do not conceal their crime but hide themselves. Street crime is easily detected, while street criminals are not always easy to find. White-collar crime is hardly detected, but white-collar criminals are easy to find.

White-collar crime does not take place privately, it takes place on the job. The organization is the venue for crime. McKenndall and Wagner (1997) describe the opportunity by context and environmental conditions that facilitate rather than prevent the carrying out of criminal activities. For example in the case of corruption, both the briber and the bribed are linked to a job context. The briber typically uses company money to pay, while the bribed receives the money personally because his organization is attractive to the bribing company.

The organizational dimension through work represents the offender's scope for crime. By virtue of employment, ownership, position, relations and knowledge, the offender can explore and
exploit his association with the organization to commit financial crime. As sales executive, the person can pay bribes, and as procurement executive, the person can receive bribes. As finance executive, the person may safely commit embezzlement by fixing accounting figures, and as chief accountant, the person can manipulate accounting to provide tax evasion. As chief executive, the person can sign fake contracts or order fraudulent appraisals that open up for bank fraud by asking the bank to finance future income to be expected from contract partners and sale of real estate. There are ample opportunities for economic crime by executives and others linked to enterprises. Examples of others include administrative managers, attorneys, auditors, bank managers, board members, boat dealers, car dealers, concert organizers, councilmen, management consultants, district managers, entrepreneurs, investors, mayors, medical doctors, members of parliament, nursery owners, property developers, real estate agents, shipbrokers, stockbrokers and surveyors.

White-collar crime opportunities occur through the three characteristics described by Benson and Simpson (2015). The opportunities are greatest for top executives and other members of the elite in society. In relation to convenience theory, the three characteristics make it comfortable, easy and convenient to commit financial crime to solve a problem or answer to a challenge. It may be relatively simple and thus convenient for white-collar elite members to hide criminal activities in the stream of legal activities, and thus give crime an outer semblance of credibility in a respectable business (Pickett and Pickett, 2002).

Opportunity makes a thief, it is sometimes stated. If the availability of legal opportunities to solve problems and exploit possibilities deteriorates, while illegal opportunities flourish and are considered convenient, then white-collar individuals will become less law-abiding. If fraud, theft, manipulation and corruption are easily docked in the enterprise, while law-abiding alternatives are invisible or hard to implement, then opportunity makes an offender.

Organizational opportunity for economic crime depends on intellectual and social capital that is available to the potential white-collar criminal. Intellectual capital is knowledge in terms of understanding, insight, reflection, ability and skill. Social capital is
relations in hierarchical and transactional exchanges. Social capital is the sum of actual and potential resources available for white-collar individuals by virtue of his or her position in formal and informal hierarchies, networks, and matrices (Adler and Kwon, 2002). Formal as well as informal power means influence over resources that can be used for crime.

White-collar offenders are often not alone when committing financial crime. They may cooperate with people internally as well as with people externally. If there is internal crime cooperation, then it may be more convenient for each individual to participate. An environment where crime is accepted strengthens the organizational opportunity. If there is external crime cooperation, then it may again be more convenient for each individual to participate. External actors who, for example, submit fake invoices or receive bribes, enter into a relationship with the internal actor(s) with a code of silence.

The organizational dimension of white-collar offenses is particularly evident when crime is committed on behalf of the business. A distinction is often made between white-collar criminals who commit financial crime for personal gain and white-collar criminals who do it for their employer (Trahan, 2011). The first is labelled occupational crime, while the second is labelled corporate crime. Examples of corporate crime include manipulation of financial figures for tax evasion and unjustified government subsidies, bribery to obtain contracts, false loan applications to obtain credit in banks, and money laundering in tax havens to recruit securities clients. The organizational anchoring of crime is evident in corporate offenses as crime takes place within the business and to the benefit of business (Bradshaw, 2015).

While occupational crime is often hidden by the individual to enrich himself by abusing corporate resources (Hansen, 2009), corporate crime is often hidden by a group of individuals to improve business conditions. In both cases, crime is committed by virtue of position and trust in the organization, which prevents monitoring, control, and accountability.

**A Gender Model**

Gottschalk (2014) has suggested a stage model to study gender differences in white-collar crime. The stage model is illustrated in
Figure 1. There are a total of five stages, which are discussed in the following. The purpose of the model is to illustrate and explain how common opinions documented in theoretical thoughts can predict the decreasing female fraction from general population fraction to imprisonment fraction. The common opinion in society is that men represent the large majority within all kinds of crime, including white-collar crime (Friedrichs, 2009). The model supports Messerschmidt’s (1997) suggestion that gender is an important predictor of criminal involvement – males dominate criminal activity in society. Both Friedrichs (2009) and Messerschmidt (1997) receive support from Steffensmeier and Allen (1996), who list a number of empirical studies in different countries where men commit far more crimes than women. Additionally, Blickle et al. (2006) show that men were the dominant majority among white-collar criminals in Germany.

The relevant stage for this article is concerned with relative detection, where the relative detection risk is estimated at 30 percent from crime stage to prosecution stage in Figure 1. This means, for example, that when the detection rate for men is 10%, then the detection rate for women is 3%. Out of 100 white-collar criminals among men, 10 men will be brought to justice. Out of 100 pink-collar criminals, 3 women will be brought to justice. Theories and studies are used in the following to argue the case of relatively lower detection likelihood for women.

The environment is generally less suspicious of women than men. The environment tends to decriminalize women. To the extent crime is detected, a woman is not considered or treated as the main suspect. She is either treated as a criminal follower or as a criminal victim in a typical criminal investigation when there are more people involved in the crime. Detection risk is linked to general reasons why women, to a far lesser extent than men, are convicted of white-collar crime, namely that women generally are not convicted of crime, when compared to men.

A simple experiment we have often performed in different audiences is the question who you would bribe. You would like to build a new home on a property that is regulated for recreation. You have the choice of bribing a female or male official in the municipality. Considering all the audiences, a large majority vote
almost exclusively men. Almost no-one would bribe a female official.

![Diagram of Female Fraction in White-Collar Crime](image)

There are two learning points here. First, very few people think that a woman is corrupt, thereby reducing the detection rate. Second, since almost no-one would bribe a woman, then a woman has less opportunity to be a criminal, which is relevant in the crime star discussed above.

Possibly women are smarter criminals than men. Again, when an experiment is carried out in an audience, most agree with this statement. One reason for relative smartness is that women may tend to stop criminal activities before it is too late. They are smart and manipulating, and often get their will through indirect ways. Women are usually brought up and thought of as the weaker sex in society, and thus have to resort to other ways to accomplish things. It may seem that they only do work and carry out tasks that are
indeed important for the company to get done, while men only do what they would like to do. Women monopolize areas where they seem innocent, such as care, health and environment. Women tend to talk most strongly about ethics, morale and social responsibility. It is almost impossible for others to think, at the same time, that they are criminals. Thus, the detection fraction for women will be lower than men’s. That women talk most often about ethics, is confirmed by a study carried out by Dodge (2007). She refers to her Canadian study where 94 percent of all companies with an executive board with three or more female members, had established guidelines for conflict-of-interest. In companies with only male board members, the fraction was 68 percent. Studies such as this can help confirm that women, to a larger extent than men, are concerned that the company should follow rules and policy lines to develop and maintain a good reputation.

Some make a distinction between ethics and being ethical. Research by O’Fallon and Butterfield (2005) shows no difference between women and men when it comes to making ethical and unethical decisions. Dollar et al. (2001) found, nevertheless, that a greater fraction of women in parliament is associated with a lower extent of corruption. But here, detection rate can play a role. Research findings that woman are more occupied with ethics and demonstrate stronger ethical attitudes than men is also confirmed in earlier studies as well.

Lower relative detection rate can also be explained by the tendency that white-collar crime only captures financial crime of a large magnitude. This leads to a smaller female fraction, since the average amount in female crime tends to be lower than the average amount in male crime. In addition, women may be cleverer in avoiding the radar and attention, to keep quiet and to stop crime at an earlier stage. Relative low detection rate might also be explained because investigators and detectives misunderstand female roles in crime and tend to perceive women as a victim of crime. Women typically present themselves as victims by claiming to be abused by men.

On the other hand, men have a reputation to be the gender that takes initiatives at high risk, and therefore are more easily detected. They are also detected because they like to show their material success. The police also contribute to the low detection fraction for
women. We can here compare with other kinds of crime. When the police come home to a family because of home disorder, the main suspect is always the man, and the man is typically removed from the situation. If the police find documents in the home, it is assumed that they belong to the man.

In a historical perspective, we may find that society has accepted a gender culture where it is more normal for men to be criminals. This can be explained by the confirmation trap, where humans tend to try to confirm what they already think they know. When there are so few convicted women, then there must be fewer female criminals. When there are fewer female criminals, the police will hunt male criminals. When female criminals are not hunted, then fewer women will be convicted.

Yet another reason for a relatively lower detection fraction is that organizations internally treat suspicion as well as detection differently for women. Maybe it is because it is more normal for the board, management and auditor to hand cases of male misconduct and crime over to the police. One might be more afraid of stepping wrong in terms of discrimination by accusing female employees of crime. It can be most convenient to forget about female misconduct and concentrate on male misconduct in internal investigations. It can be argued that traditional investigations are more suited to male suspects than to female suspects.

While some women may stop in time and not to be detected, men typically have a longer criminal career than women (Cauffman 2008: 126):

On average, males tend to have longer criminal careers than females. Because it is difficult to assess when a criminal career is “finished”, convincing evidence about the duration of criminal careers is sparse. A long-term study by Roger Tarling followed a sample of male and female offenders who were born in 1958 through age thirty-one, finding that the average duration of offending was 4.9 years for females, and 7.4 years for males.

In our model, crime detection leads to prosecution. However, sometimes this is not the case. Therefore, it is not only the detection rate that is gender dependent, but also the prosecution rate in court. If detection occurs within a business enterprise, the enterprise may decide not to go ahead with prosecution. Maybe they want to protect their reputation, keep it internal, and not have the public
lose confidence in the company. Anecdotal evidence suggests that only three out of ten serious financial crime cases are reported to the police by companies. This number is probably even lower for female crime in the enterprise.

**Conclusion**

It came as a surprise that a female officer in the building permits department in the city of Drammen in Norway was detected for corruption. She confessed having received bribes from a number of builders. When applying convenience theory, gender theory as well as the gender model, however, it comes as no surprise that also women are involved in corruption. The lack of detection is linked to the lack of suspicion against female managers.

**References**


Trafficking in Persons: Faulty Regulations, Pervasive Corruption and Flawed Prevention in Pakistan

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Abstract
Trafficking in persons is rampant in Pakistan. It results in many crimes such as prostitution, begging, forced labor, organ transplantation and bonded labor. The findings of this paper are that trafficking in persons is one of the most serious issues in Pakistan; that the current legal regime is not enough to combat this menace; that police and other officials are often themselves involved in this organized crime; that Pakistan could overcome this problem by strengthening legal regime and enhance punishments for offenders of this crime; that Pakistan must accede to the UN TIP Protocol and implement the same to overcome this problem.

Key Words: Trafficking in persons, smuggling, migration, bonded labor, legal regulations, Pakistan.

Introduction
Trafficking in persons is one of the serious issues in Pakistan. According to Bales et al. (2008), socio-economic inequalities and inadequate legislation as well as unwillingness of law enforcement agencies of existing laws are the major contributing factors to this menace. According to the US State Department Report (2013), the Government of Pakistan has been ignoring trafficking in persons. According to the latest Report of the US Department of State (2016) regarding the state of human rights in Pakistan, “Widespread human trafficking, including, forced and bonded labor, continued.” According to a Report by Child Workers in Asia (CWA, 2007), people in bondage suffer a range of abuses and violations of their rights and dignity. Problems of sex trafficking, forced labor, bonded labor and begging are happening at an alarming rate in Pakistan. This paper focuses on what is the current situation of trafficking in

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persons in Pakistan? What legal regime exists to combat human trafficking? How can the Government of Pakistan (GOP) protect the victims of human trafficking? What can the GOP do to prevent human trafficking? These questions are very complex rather than simple.

**Current Situation of Trafficking in Persons in Pakistan and Constitutional Framework**

Trafficking in Persons Protocol, known formally as the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, signed in Palermo, Italy in December 2000 contains a definition of trafficking in persons that has been agreed by the international community. According Article 3 of this Protocol,

"trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."

Trafficking in persons and bonded labor in Pakistan lead to forced labor. As a matter of fact the Constitution of Pakistan of 1973 mentions in Article 11 (1) that “Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form” (Constitution, 2015). Article 11(2) of the Constitution prohibits “all forms of forced labor and trafficking in human beings.” Under Article 11(3) “No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment”. In addition, under Article 37(e) of the Constitution the State shall “make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women and employment”. Furthermore under Article 4(2)(C) of the Constitution, which is the most fundamental article, “no person shall be compelled to do that which the law does not require him to do”. Furthermore, Article 3 of the Constitution states that “the State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental
principle, from each according to his ability to each according to his work”. These articles are very clear and do not need explanation. Article 11 is within the chapter on Fundamental Rights but how can the informal sector of Pakistan labor market be subjected to it is another issue. Article 37 is in Chapter III and is within the Principles of Policy and thereby not justiciable and practically ineffective. Finally, Article 4 is in the introductory part of the Constitution and as such can never be suspended even in case of an emergency.

In *Mian Abdur Razzaq v. Federal Government* (PLD 2001 FSC: 1) the Federal Shariat Court in Pakistan has described human trafficking as a *hadd*. The then Chief Justice of the Federal Shariat Court opined that any proceeding regarding this offence shall be entertained only by the Federal Shariat Court. However, the case is appealed to the Shariat Appellate Bench of the Supreme Court where it is pending till the writing of this work and the decision of the FSC is suspended. This is very interesting; however, no school of Islamic jurisprudence or even a single jurisprudent has considered trafficking in persons as a *hadd* offence in any manual of Islamic law. Under Islamic law *Hudud* (singular, *hadd*) offences are punishable by a *hadd* which means that the penalty for them is fixed by the Qur’an or by the *Sunnah*. The Hanafi school of thought consider only five offences, that is, *shorb al-khamar* (drinking alcohol), *sariqa* (theft), *haraba* (highway robbery), *zina* (adultery/fornication), and *qadhaf* (slander), as *hudud*. The rest of the Sunni schools consider fixed penalty offences to be seven. They consider *ridda* (apostasy) and *baghi* (transgression) also to be *hudud* (Munir, 2011: 95).

In practice trafficking in persons, bonded labor and forced labor continue in various forms in Pakistan. In order to curb such practices, a number of significant reforms are needed which range from socio-economic uplift, appreciation of international human rights practices, rule of law reforms and the like (International Dalit Solidarity Network, 2014). In addition, existing legislation must be strictly implemented and the responsible government institutions and agencies must tighten their role. Judiciary has taken a pro-active role in terms of human rights protections by ensuring respect for law and requiring that governance structure and administrative machinery function efficiently. However, judiciary is not responsible for non-implementation of its decisions. According to the United Nations Fact Sheet, (1991) slavery refers in addition “to traditional
slavery and the slave trade” and such abuses include the “sale of children, child prostitution, child pornography, the exploitation of child labor, the sexual mutilation of female children [female genital mutilation], the use of children in armed conflicts, debt bondage, the traffic in persons and the sale of human organs, the exploitation of prostitution, and certain practices under apartheid and colonial regimes”. According to the latest Global Index Slavery Report, (2016) Pakistan ranks amongst the countries where some of these practices are still taking place. The Report stated that Pakistan ranked number six out of 167 countries in the global ranking with an estimated 2,134,900 of people living in modern slavery. The Report also mentioned that 58% of those living in slavery are in five countries, that is, India, China, Pakistan, Bangladesh, and Uzbekistan respectively out of the estimated 45.8 million enslaved persons world-wide. As per the said Report 1.13% of the population of Pakistan is living in modern slavery.

Pakistan has been generous in ratifying many international conventions. The most relevant for the purpose of this work are: the International Convention on the Elimination of All Forms of Racial Discrimination or the ICCPR ratified on 23 June 2010; Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery ratified on 20 March 1958; Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others ratified on 11 July 1952; United Nations Convention on the Rights of the Child (CRC) ratified on 12 November 1990; Convention concerning Forced or Compulsory Labor ratified on 23 December 1957; Abolition of Forced Labor Convention ratified on 15 February 1960; and many others as well. Perhaps one of the main reasons for this is the feudal system in Pakistan which is still practiced in various parts of the country. In 1976, The Abolition of Sardari System, 1976 Act became law in Baluchistan but the practice still takes place.

PACHTO or The Prevention and Control of Human Trafficking Ordinance, 2002 deals with the issue of trafficking in persons. The government agency directly responsible for curbing the menace of trafficking in persons is the Interior Ministry which has given powers to the Federal Investigation Agency or FIA to handle the issue. However, trafficking in persons cannot be controlled by legislation and definitions only such legislation must be
implemented in its true spirit. It is very interesting to know that the main problem facing Pakistan is trafficking in persons inside the country which is not even discussed in the said Ordinance. Therefore, Pakistan badly needs an all-encompassing law designed to tackle the different facets associated with trafficking in persons inside the country.

In Pakistan one of the problems associated with trafficking is that even experts and government agencies dealing with it are confused between trafficking in persons within the country and trafficking of migrants or smuggling of migrants. Smuggling of migrants is the act of assisting with an illegal border crossing and illegal entry into a country. Smuggling, therefore, always has a transnational element, and is primarily directed against the interests of a state, and not against an individual. Smuggling of persons is considered a crime against the state by violating the country’s immigration laws. ‘Trafficking in persons’ is considered a serious crime violating individual’s human rights, and is therefore a crime committed against the individual.

As explained above, Pakistan is a destination, source and transit state for men, women and children. Pakistan is a destination for women, children and men from Afghanistan, Iran and Bangladesh. Currently around a million Bangladeshi live in Karachi. Children and women are trafficked for sex industry and bonded labor whereas, men are trafficked mainly for bonded labor. According to the Aurat Foundation Report, (2012) the flow of girls to South Punjab and Baluchistan mainly for sex is from Karachi, Lahore and Faisalabad. Since policing is not enough such practices will only thrive.

The way trafficking works is that actors are most often known to the victims as they are either relatives, or friends, or colleagues, or neighbours. Actors force the victims into trafficking through their criminal networks. At the final destinations victims might be forced into some kind of labor activity or sexual activity. Trafficking in persons is one of the most lucrative criminal activities. The principles of demand and supply are used to determine how much victims have to be supplied to which market.

The crime of international human trafficking functions because three key elements come together at the same time: First, victims are continuously supplied from the states of origin; secondly, there is continuous demand for the services the victims could provide
within the states of destination; and finally, international criminal gangs criminally exploit the demand and supply factors.

Bonded labor is the equivalent of modern day slavery and is the largest problem in trafficking in persons. Victims receive a debt from the traffickers under the promise that the former will do some labor work to pay off the debt. Bonded labor exists throughout Pakistan but is mainly in Sindh and Punjab in private brick-making industry. In some cases escapees are returned by police who are then chained in private jails. Young boys and girls are sold, bought, hired, and even kidnapped and placed in domestic servitude, begging rings, factories and prostitution. Young boys are in more peril to be used as sex worker in hotels, bus or truck stations. Women and girls are forced into prostitution after they are trafficked by labor agents. In some cases they are sold into marriages. In few cases young boys were kidnapped by non-state actors and were used as suicide bombers in Pakistan and Afghanistan.

Bonded labor is interlinked with trafficking in persons. Bonded laborers are trafficked from one region of Pakistan to another region. Writing about India, Devin Finn (n.d.) argues that debt bondage in the form of bonded labor is one of the known forms of modern slavery. The situation in Pakistan is not much different. According to the Labor Watch, (2011) bonded labor is “prevalent in Pakistan in various sectors of the economy, most notably agriculture, but also brick kilns, carpet weaving, fisheries, mining and probably others”. Bonded labor exists in 78% of country's labor force which is neither formalized nor organized. In addition, these workers are very vulnerable to any type of exploitation by their employers as there are no written contracts between the workers and their employees (Jacobs and White, 1996: 44). Despite the fact that there is an oral contract with the consent of the workers but in the absence of equality of bargaining powers between such workers and their employers such consent has no meaning.

Some of the special laws in Pakistan to tackle the problem of bonded labor are end of the pipe solutions with little or no lasting impact. For instance, the Bonded Labor System (Abolition) Act, 1992 was enacted to tackle bonded labor after the Supreme Court had given its decision in Darshan Masih case (PLD 1990 SC: 513) but the legislation is not sufficient to eliminate this gigantic problem.
Punishment for bonded labor is only two to five years. In addition, the Act cannot change the attitude of law enforcing agencies who can be bribed by the feudal lords and owners of brick-kilns to arrest and return the fleeing workers to pay their initial debt. A requirement under section 15 of the said Act is the establishment of Vigilance Committees in districts in Pakistan. In practice no such Committees exist. The constitutional 18th amendment transferred the responsibility of labor inspection from the Federal to the Provincial governments but it will take some time to implement the changes made under the 18th Amendment. Punjab and KPK governments succeeded in legislating their own laws on bonded labor, but only with the replacement of words “Federal government” to “Punjab and KPK Governments.” Rest of the Act is the same but the change is yet to materialize in practice.

**Legal Regime to Combat Trafficking in Persons in Pakistan**

The Government of Pakistan (GOP) does not comply with the minimum standards for elimination of human trafficking. The GOP is not signatory to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Federal Investigation Agency (FIA) has an Anti-trafficking wing but it is most of the time accused of facilitating the crime itself and covering up any investigation later. Police are not doing enough to combat the crime. They are accused of aiding and abetting in the crime. The Pakistan Penal Code (PPC) criminalizes procuration of minor girls under section 366A and it carried imprisonment which may extend to 10 years and fine. Similarly, under section 365B of the Pakistan Penal Code “kidnapping, abducting or inducing woman to compel for marriage” is prohibited and the offence carries imprisonment for life and fine. Furthermore, selling a person for prostitution, etc under section 371A of the PPC is punishable with imprisonment which may extend to 25 years and fine. Finally, buying a person for prostitution, etc under section 371B of the PPC also carries imprisonment which may extend to 25 years and fine.

However, according to the Aurat Foundation Report (2012), “law enforcers and judicial officers do not appear to have an understanding of the phenomenon of trafficking in persons. They appear to make no distinction between trafficking and the trafficked”. Transnational trafficking in persons, people smuggling
and fraudulent adoption are prohibited through the (PACHTO) Prevention and Control of Human Trafficking Ordinance 2002. Imprisonment for violation ranges from 14 years to life. Bonded labor is prohibited by the Bonded Labor System (Abolition) Act. The offence carries jail sentence of two to five years and fine or both. This law is devolved under the constitutional 18th amendment in 2010 to provinces that have to make corresponding legislations. Cases are brought in the courts but conviction rate is rare. Poverty takes the main blame for bonded labor in Pakistan.

According to the ILO Report (2012), those who are involved in bonded labor do it with impunity. The Report alleges that some officials receive bribes to ignore trafficking activities from brothel owners, landowners, and factory owners whereas others solicited bribes from deported Pakistanis to avoid charges against them.

**How can the Victims be protected?**

The GOP does not have systematic methods to identify victims of human trafficking and refer them to protective services. Unfortunately, there are no protective services as such. Private entrepreneurs as well as the state should take steps to tackle this issue. Some shelters are available for women only but services are not good. Victims are often detained and fined. Police often return ‘runaway’ bonded laborers to brick kiln and landowners on the ground that they avoid debt payment. Trafficked victims are detained on returning despite the fact that they were trafficked.

Another way to stop trafficking in persons is prevention. The GOP has made little efforts in the past to prevent human smuggling. The FIA has put posters at the airports and international crossings for awareness. Prevention under the devolution process 2010 is now a provincial matter and provinces lack resources and technical capacity to deal with it.

**What should the GOP do to Combat Trafficking in Human?**

Some important recommendations are given below to combat the problem.

1) The GOP should make sure to vigorously investigate and prosecute suspected human trafficking offenders. 2) Due process of law should be respected. 3) The GOP should punish government officials involved in trafficking of persons. 4) The GOP should identify trafficking victims, including street children, women in
prostitution, laborers in brick kilns and agriculture. 5) The GOP should make sure that victims of HT are not penalized. 6) Distinguish between human smuggling and trafficking in persons in training, policies, and programs. 7) Strengthen the capacity of provincial governments. 8) Address human trafficking and bonded labor through trainings and policies. 9) The GOP should encourage provincial governments in anti-trafficking action plan. 10) Undertake awareness programs in local languages. 11) The GOP should improve efforts to collect, analyse, and accurately report counter-trafficking data. 12) And finally, the GOP should accede to the UN TIP Protocol. Modern slavery, through the lens of forced labor, is a big challenge for Pakistan. It is, basically, the outcome of socio-economic inequalities and legal lacunas. Since regimes in Pakistan are mostly indifferent to contemporary human rights practices and welfare approach of good governance, they, resultantly have ignored to combat such menace, thereby establishing the vicious cycle of modern slavery in the informal sector of Pakistan.

References


Violence against Women in Pakistan: Prevalence, Legislation, Interventions & Realities

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Abstract
Violence against women is a global human rights issue and irrespective of economic, social, religious or cultural groups; it is widespread in all countries. In Pakistan, high-profile cases and the staggering statistics of violence against women present a bleak picture for women. Like other developing and developed countries, in last few decades, Pakistan has adopted many legislative measures and intervention strategies to combat violence against women and to ensure women’s rights. This paper is based on a cross-sectional study conducted in the Punjab, Pakistan to explore the voices of women victims of violence. Semi-structured interview schedule was developed to conduct in-depth interviews of women victims of violence residing in Dar-ul-Aman, established by the Directorate of Social Welfare, Government of Punjab, Pakistan. The research concluded that Pakistani women are facing direct, indirect or structural and cultural violence, but violence against women is considered a private matter and tends to be underreported. Due to the religious and cultural notions of honour, fate and patience; violence against women is rationalized/normalized and women were often ignorant of the fact that such violence is a crime. To provide real intervention, it is direly needed to enact new laws and properly implement the existing laws. Moreover, strict measures should be taken against the informal criminal justice system like Jirga and Panchayat; involved in gender-biased practices in Pakistan.

Key Words: Women Rights, Violence, Laws, Implementation, Violation, Feminist Analysis

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Introduction

Violence against women has serious effects on women’s basic rights to life, security and health and women victims of violence are among the most vulnerable members of our societies. Specially, in the cases of domestic violence, the victims are often economically dependent and emotionally involved with the individuals who abuse them. This fact has major implications for the approaches for dealing with it and the dynamics of abuse (Heise, Ellsberg, & Gottomoeller, 1999; Sen, 1996).

The United Nations Declaration on the Elimination of Violence Against Women—Article 1 (1993) defined violence against women as, “an 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”. World Health Organization (WHO)(1997) defined the term violence against women as, “the range of sexually, psychologically, and physically coercive acts used against women”.

In Pakistan, gender-based violence has a variety of forms, some are more culturally specific as exchange marriage, child marriage, forced marriage, honour killings, selling women in marriage, acid attacks, stove deaths, nose cutting, trafficking of women and abuse that perpetrates in police custody. Other forms of violence are common across cultures as rape, emotional and economic abuse, marital violence, slapping, murder, kicking, hitting, and psychological or verbal abuse (Human Rights Commission Pakistan, 2016; Amnesty International, 2002; Jilani & Ahmed, 2004; Coomaraswamy, 2005). Khan (2006) also reported that Pakistani women have to face biases, prejudices and discrimination against them, these pre-birth and post birth gender biases includes: the preference of son, protection and coercion of female sexuality, a lax attitude towards male sexuality, an obsession with girl’s virginity (not for sons) at the time of marriage, the desire for daughter to marry at an early age, intra-family marriages, parental control over daughter’s marital rights, custom for heavy dowry for girls, an obsession with chastity and fidelity of wife (and not for husband) etc.

The preponderance of the cases of violence against women are not reported in Pakistan due to the concept of honour and other
multiple factors, hence, it is very difficult to estimate the exact figures (Burney, 1999; Khan & Hussain, 2008). Research studies confirmed that gender violence is widespread in Pakistan but the government usually does not collect data about these incidents. Even the incidents of most of stove burnings, murder and acid throwing are not recorded at all by the authorities or recorded as accidents. The victims of gender violence do not seek help; therefore, it is difficult to collect data about violence against women. However, non-governmental organizations are trying to maintain their record to fill this void (Andersson et al., 2009; Cooraswamy, 2005). Some studies estimated that gender-based violence is prevailing in as many as 80% to 90% of Pakistani household and violence is not restricted to illiterate and poor (Burney, 1999; Jilani& Ahmed, 2004; Critelli, 2012).

Like other South Asian cultures, in Pakistan, gender-prejudiced criminal justice system, fear of stigmatization in the community, fear of damaging the family honour, fear of losing family support and children, lack of institutional and legal support and gender-prejudiced criminal justice system are the main reasons for the under-reporting of domestic abuse (Garcia-Moreno et al 2006; Ellsberg et al., 2008; Andersson et. al., 2010; Pillai, 2001; Khan & Hussain, 2008; Perveen, 2010a; The Express Tribune, 2016; Pakistani Women’s Human Rights Organization, 2017).

**Literature Review**

Over the last few decades, many preventive and curative measures have been adopted by developing and developed countries to address violence against women, especially intimate partner or domestic violence. Some countries have introduced legal and judicial reforms to criminalize sexual, physical and psychological abuse against women, either within the family or in society more generally. Some countries have experimented with supporting their legal system by establishing domestic courts and training police officers, lawyers, court officials and advisors (World Health Organization, 2005).

Human rights activists, researchers, policy makers and feminist organizations are also primarily concerned to violence against women and have developed consensus in the form of Beijing conferences and Convention on the Elimination of all Forms of
Discrimination Against Women (CEDAW) to describe the causes and effects of physical, psycho-social and sexual violence against women and their efforts are increasingly having results. They also provided shelter, lobbies for legal reforms for battered women and have challenged the extensive beliefs and attitudes that maintain violence against women in societies (Khan, 2000; Levy, 2008).

Pakistan government has also established shelter homes in all provinces for relief of distressed and disadvantaged women to provide immediate psycho-social counseling, medical, lodging and boarding facilities with marketable skill training. In Pakistan, shelter homes are also called Dar-ul-Aman, “house of peace” and first shelter home was established in 1973 (Eshraghi, 2006). Ministry of Social Welfare and Bait-ul-Mall (Directorate of Social Welfare, 2005, p.1) defined shelter home as, “a place where we provide temporary shelter, free legal aid, medical relief and psycho-social counseling services to women in distress”.

Reform in police practice is the most frequent form of intervention against domestic violence. Many countries introduced police training and concluded that only police training was found ineffective to address violence against women so they changed their emphasis to change polices and laws. However, obligatory arrest laws were having different impact of arrest in different communities, specially the areas with intense poverty, which raised questions about the wisdom of such laws (World Health Organization, 2005).

In Pakistan, the cases of violence against women are frequent and go unpunished. Pakistan’s police officers are known to exploit and rape women victims of violence in their custody. Furthermore, women also face illegal detention and torture in police stations so women victims of violence hesitate to go to all male police stations. To address such issues, the government has established women police stations in some cities (Burney, 1999; Patel, 2010).

Another approach to deter violence against women is the civil law approach. Some communities are using this approach in which the court issues orders to prohibit a man to abuse or contact the victim, to get treatment for substance abuse, to leave home or to pay maintenance or child support. Many researchers also supported these findings and said that court orders can be helpful to improve a victim’s self-esteem level but cannot effect on the perpetrators with
serious criminal record (Littel, Malefyt, & Walker, 1998). According to Ouattara, Sen and Thomson (1998), for effective women’s rights provision, a review of existing traditional laws should be carried out and the assessment should monitor the positive and negative effects of traditional practices and customs by involving girls and women who are affected by these laws. They also emphasized to abandon archaic laws by adopting practices according to the needs of modern society and by facilitating the process of radical change.

Pakistan is the signatory of Convention on Elimination of all Form of Discrimination against women (CEDAW) and is required to submit regular progress reports to United Nation’s Committee about National Plan of Action’s progress. Constitution of Pakistan (1973) also ensures women rights and it has been recognized that in all societies, women’s development is determined by their legal status. Pakistan has legislation about age of marriage, consent to marriage, right to select marital partner, right to divorce and marital dissolution. Government has done amendments in old laws and enacted new laws but Jirga and Panchayat system is serving as a parallel legal system and heinous cultural practices of Sawara, Karokari and Vani are rampant. Women have to face religious extremism and violence against them due to patriarchal understanding of culture and religion. Hashmi (2009) also reported that the National Assembly has passed bill to address violence against women and some women friendly laws already exist but legal enactments can only be effective through its implementation.

development in Pakistan’s legal system is the adoption of Protection against Sexual Harassment at Workplace Act 2009 and amendment of Pakistan Penal Code (Human Rights Commission Pakistan, 2016; Sustainable Development Policy Institute, 2017; Pakistani Women’s Human Rights Organization, 2017).

Health care setting is an important place for intervention of women victims of violence as it can identify the victims and can provide necessary services. According to the United Kingdom Country Information and Guidance Report for women (2016), Pakistan has limited treatment facilities for the victims of acid violence. Patel (2010) reported, “domestic violence is a health care problem of epidemic proportions”. She also reported that medical report is required to file an FIR (First Investigation Report) with the police but this takes at least a week.

Methodology

The research data was collected from women residing in Dar-ul-Aman (Shelter Homes) established by the Social Welfare and Bait-ul-Mal Department, Government of the Punjab. The Punjab is administratively divided in nine divisions and thirty six districts (Government of Punjab, 2014) and Dar-ul-Aman (Shelter Homes) have been established in all districts. The proportionate stratified sampling technique was adopted in this study to have a more representative sample. The information about the population of all DarulAman was obtained from the Directorate of Social Welfare &Bait-ul-Mal, Punjab. The sample size was 500 and the respondents (residents) were selected by using simple random sampling techniques during the interview process in different shelter homes of the Punjab. Primary data was generated through one-to-one interaction with research respondents. The nature of data was quantitative and qualitative. To gain an overview of the whole of the culture and context under study, semi-structured interview schedule was developed to conduct face-to-face in-depth interviews. The data were then interpreted through descriptive statistics to draw the accurate findings. Moreover, narrative analysis technique was also utilized to generalize social explanations.

Results & Discussion

In this research, in-depth interviews explored the stories of extraordinary physical, emotional and cultural violence which were
difficult to hear and painful to speak. As far as the demographic information is concerned, the majority of the respondents were below thirty years of age. All the respondents were Pakistani nationals. The majority of the respondents (99.6%) were Muslim. Three fourth of the respondents (75.8%) were married and only 13.0% were unmarried. Majority of the respondents (61.8%) were illiterate while only 21.6 % had primary level education. Almost three fourth (74 %) of the respondents were from rural areas. More than half (58.4%) respondents had joint family system and 56.2% respondents preferred nuclear family system for females. All the respondents were having patriarchal family system. Moreover, 70.8 % of the respondents were from the lower class and more than one fourth (28.4%) were from the middle class.

This study shows high prevalence of violence in Pakistani society. According to the findings 90.2% of the respondents experienced violence before joining shelter homes. The respondents were asked about the perpetrators of violence and the results indicated that 80.6% of the respondents did not experience violence by their fathers and 15.8% of the respondents experienced physical violence perpetrated by their fathers. It was also alarming that 0.4% of the respondents experienced physical, psychological and sexual violence by their father. The majority (94 %) of the respondents did not experience violence by their mothers while the rest of them experienced physical and psychological violence perpetrated by their mothers.

More than three fourth (76%) of the respondents did not experience violence by their brothers while 18% of the respondents experienced physical violence and 3.4% experienced physical and psychological violence perpetrated by a brother. Some respondents (0.8%) experienced a brother’s sexual violence and 0.6% of the respondents experienced a brother’s physical, psychological and sexual violence. Majority of the respondents (96.2%) did not experience violence perpetrated by a sister and rest of them experienced a sister’s physical and psychological violence.

The main perpetrators of violence were the victims’ husbands. The study findings indicated that only 32.6% of the respondents did not experience their husband’s violence and among them 13% were unmarried. So it can be concluded that only 19.6% of the married respondents did not experience their husbands’ violence. According
to the results, more than one fourth (30%) of the respondents experienced physical and psychological violence, 22.8% experienced husbands’ physical violence and 11.6% of the respondents reported physical, psychological and sexual violence perpetrated by their husbands while 0.4% experienced sexual violence only. There was also a burnt respondent who was a victim of acid attack and many women with severe marks and injuries from physical violence.

Some respondent (3.2%) experienced their father in law’s physical violence and 2.6% experienced psychological violence only. There were also 0.4% of the respondents who experienced their father in law’s psychological and sexual violence. Only 5.2% of the respondents experienced their mother in law’s psychological violence, 1% experienced physical violence and only 0.8% of the respondents experienced physical and psychological violence. Furthermore, only 0.2% respondents experienced psychological violence perpetrated by their children and 0.4% of the respondents experienced their neighbour’s psychological violence.

Majority of the respondents were aware of women’s legal rights as about three fourth (71.8%) of the respondents were to some extent aware of women’s legal rights, 17.8% were unaware of women’s rights. It is important to point out that the women in shelters are those who were courageous enough to resist negative societal values and most of them have knowledge of their legal rights. Their presence in shelters was a proof that they tried to access their legal rights and most of the women use shelters to get safe access to legal rights which is not possible while being fully in society. The research findings indicated that three fourth (77.4%) of the respondents tried to access their legal rights and they used shelters to get divorced, to have a love marriage and to protect themselves from the consequences of a love marriage while only 4.8% (24) of the respondents did not try to access their legal rights.

According to the research findings, 92.4% of the respondents shared that women’s problems within the family were not reported to the authorities. Among them 34% claimed that it was due to our concept of ‘honour’. More than one fourth (28.8%) of the respondents shared that it was considered a private matter, 21.8% said it was due to the culture, which restricts women in the home and discourages women’s reporting of family issues. Some
respondents (5.4%) pointed out that the problem is with police culture and the response of other authorities. They also shared that the police department is there to enforce the law but the staff and location are not helpful for women so women avoid reporting abuse. Some respondents pointed out that in some cases the policemen sexually exploited the women because they thought that the woman had no family support. Some respondents also shared that when they used to attend their court proceedings with policemen, who were supposed to provide the residents a safe transit from the shelter to the court but the behaviour of policemen was exploitive.

Some respondents who were in the shelters after their forced marriage shared that they resisted a lot to avoid forced marriage but were not succeed due to social and family pressure. There were also seven divorced women who left their homes after forced marriage and were able to get divorced by court order. They were completing their Iddat to remarry. Until this period expires, it is not permissible for her to go elsewhere or to remarry. The act of passing this period is called Iddat. The women who were passing their Iddat were fearful about the family's reaction after leaving the shelters and they explained that they may have to face honour killing or any other type of violence from their family as a reaction of their divorce because they got their religious and legal right of divorce through court which was insulting for their families. Some respondents also emphasized to make people aware about legal and religious rights and pointed out that Islam gives the right to select the life partner but our culture resisted to access such rights.

A thirty eight years old respondent quoted:
"I tried at my level best to tolerate a violent husband but when his violence reached at extreme level I told my parents and relatives but unfortunately no one helped me and all the people just advised me to compromise for the future of children and parent's honour. Due to negative image of Punjab Police; I was not able to get legal aid...for my parents societal values were important then my sufferings and marks of domestic violence.....I left them all".

A thirty eight years old acid victim shared that her husband tried to kill her to remarry. She filed an FIR against her husband but
due to non-cooperative behavior of judicial machinery and absence of social and financial support, she had to withdraw.

Some respondents (twenty one) faced violence because of “Watta Satta” (exchange marriage) related issues. Among them, five married respondents were in the shelter due to “Wata Satta” related family clashes and they were demanding divorce to remarry and there were four respondents (three married and one divorced) who were having forced marriage as an exchange of their brother’s marriage so they were in shelter to get divorce to remarry.

Thirteen respondents were having love marriage against the consent of their families and were have to get shelter to protect themselves from honour killing and fake police cases. A twenty three years old respondent was having court marriage but her family filed fake police cases against groom’s family. As the result, the groom and some male members of his family were in jail and the girl was in shelter to protect herself.

Some women were in shelter due to rampant cultural practices of “Vani”. Plett (2005) described “Vani” as; “Vani is a tribal custom in which blood feuds are settled with forced marriages. The bride spends her life paying for the crime of her male relatives”. The respondents emphasized to stop such practices by implementing the laws enacted to stop such practices.

**Conclusions**

Pakistan is a patriarchal Muslim society with a high prevalence of violence against women. Although women do participate in national development, yet many are deprived of their rights and are vulnerable to domestic violence, lack of authority, and limited access to public resources, religious and legal rights, education and employment due to the conservative attitudes of the people and their seclusion due to the purdah (veil) system. Pakistani women face direct, indirect or structural and cultural violence, but domestic violence against women is considered a private matter and tends to be under-reported. Due to the religious and cultural notions of honour, fate and patience, violence against women is rationalized and women are often ignorant of the fact that such violence is a crime. Women victims of violence are generally advised to maintain harmony in family relations at any cost. The state has enacted laws to combat violence against women and has also established shelter homes
in all provinces for the relief of distressed and disadvantaged women but legal protection after leaving a shelter to prevent honour killing is missing. The police department is there to enforce the laws but the staff and location of the police stations are not helpful, hence, women avoid reporting abuse. Moreover, due to non-cooperative behaviour of judicial machinery and negative image of Punjab Police, the women victims of violence are unable to access their legal rights.

**Recommendations**

- It is recommended that people be made aware of their religious and legal rights related to the selection of a life partner. The government and law enforcement agencies should ensure that persons involved in marriage registration are working in accordance with the state laws. *Mullahs* and *Khateebs* (religious leaders) should also highlight the teachings of Islam and the Prophet Muhammad (Peace be upon him) about women’s rights in their sermons and addresses to *Jumma* congregations.

- It is direly needed that the rampant cultural practices of "Vani", "Watta Satta" and honour killing be stopped by enacting new laws and properly implementing the existing laws.

- Strict measures should be taken against the informal criminal justice system, such as *Jirga* and *Panchayat*; involved in gender-biased practices.

- All stakeholders, including police, the judiciary and policy makers, should be sensitized about gender issues, specifically about violence against women, in order to provide real interventions.

- The media, government and NGOs should launch awareness campaigns about women's legal and political rights, employment, education, marriage consent and participation in household decisions.

**References**


Globalization and White Collar Crimes

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Abstract

The present study focuses on the question how globalization through mass media and provision of opportunities by the governments of Pakistan affects tax evasion frauds in Pakistan. The secondary data of tax evasion frauds has been analyzed with effect from 1992 to 2008. In Pakistan, the amount of tax as shown by secondary data is decreasing day by day due to the impacts of globalization. White collar crime is a very important element of the globalization because crime is a social phenomenon and affects the whole world. Globalization influences people to save money for the periods of economic recessions. Stimulation of savings increases the chances of tax evasion fraud among personnel. Tax evasion fraud is one of the important types of white collar crime which has been focused in the present research. Tax evasion fraud is the fraud committed by the officials, wealthy personnel and corporations by misrepresenting the amount of taxes. The objective of the study is to explore the role of mass media and the provision of opportunities by the governments of Pakistan to commit the acts of tax evasion frauds. Misuse of print and electronic media and inability of the state of Pakistan to legislate good laws are promoting the tax evasion frauds in Pakistan.

Keywords: White collar crimes; globalization; Pakistan; media; role of state; frauds; Tax evasion frauds.

Introduction

Many important insights show that white collar crimes have become the important phenomenon all over the world. Along with other important things, one is the non-presence of violence in the acts of white collar crimes. It was observed that during eighteen hundred A.D. the phenomenon of white-collar crimes started in the United States of America. Mostly, affluent people were defrauded by the poor and sometimes the rich people victimized the poorer during their occupation. Individuals, groups, communities and

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societies are affected by this evil all over the world. Several important observations: "respectable" individuals of middle- and upper-class commit acts which are costly both economically and in terms of damage to life and limb. Tax frauds should thus be considered as "crime"; Businesses are occupations which are very necessary for the commission of these acts. This curse of white collar crimes prevails more in some institutions of manufacturers of goods and providers of the services as compared to the other institutions. In the same types of institutions, some are more involved in white collar crimes than others. The factors which are responsible for the working class crimes are similar as that of the white collar crimes. Term white collar crime was first coined by Edwin Suther Land in the United States of America. Tax frauds are committed by an individual citizen, government official or corporation to deceive the government through the misrepresentation of income in order to evade from the amount of taxes (Edwin Sutherland 1940). In the present study, the tax fraud evasions have been focused on their relation to globalization. Term globalization is defined precisely in the following words:

One person is affected at cities of Pakistan namely Islamabad or Rawalpindi from the acts of white collar crime. No person can say that damage took place to the citizen of Pakistan but on the other hand it will affect the global economy. Similarly, if someone has been deceived by swindlers of white collar crime at Washington no one can say that the white collar criminal had deceived the citizen of America. It will be said that a victim of the world community or global community has been deceived by the white collar criminals (Giddens 1990 and Stromquist 2002).

The variables can be organized usefully by employing the concepts and explanatory linkages of crime-as-choice theory which states that everyone has a free will in order to commit the deviant acts or the acts of compliances with the societal norms and values. The dominant interpretive approach which emphasizes upon matters of making the policy about street crimes, remained dominant for more than three decades. Interpretations of white-collar crime in which the fundamental importance of criminal opportunities has been stressed are basically choice theories. Opportunities are much stressed in the acts of white collar crimes and other crimes. The deviant personnel of the societies takes full
advantage of these opportunities in the commission of crimes. On the other hand, the personnel who consider themselves as conformist will not engage in the acts of white collar crimes. The conformist decision of any person will not cause the loss of wealth through illegal acts in any society as the conformist decision will be based on pleasure and pain principle of committing any crime. The conformist is less likely to have taken a bad decision to commit the crimes even if presented with the opportunities to do so.

The cause of crime-as-choice theory stresses the importance of five fundamental variables:

(1) The size of the group of tempted/criminially inclined individuals and criminally prone organizations. (2) The supply of attraction means how much someone is forced to commit the crime. (3) Existing thinking about the reliability of outside misunderstanding (4) How broadly and effectively internal misunderstanding and self-control are deployed and (5) The supply of criminal opportunities. The arrangement to neutralize these five variables is necessary to prevent the people from committing irrational decisions of committing the white collar crimes (Benson and Simpson 2009).

The dealing agencies with tax frauds in Pakistan are as under:-

Federal taxes or central taxes: These taxes are levied in Pakistan with the help of the fourth schedule of the federal legislative list of the constitution of Pakistan. Major federal taxes such as income tax, sales tax, customs duties and excise duties are levied. The detail of these taxes is as under:-

1. Income Tax: It is called direct tax and is imposed under the income tax ordinance of 2001.
2. Sales Tax: Sales tax is indirect tax and is imposed under the sales tax act 1990.
3. Customs Duties: It is also indirect tax and is imposed under the customs act 1969.
4. Excise Duties: It is also indirect tax and imposed upon the citizen of Pakistan under Federal Excise Act 2005.

The tax evasion fraud may be caused due to under mentioned triangle at a broad level. In fact, all cases of fraudsters of white collar criminals use these three elements in the commission of the white collar crimes and especially the acts of tax evasion fraud.
Purpose of Study

This study may offer a remarkable benefit to law enforcement agencies, government officials, policy makers and other factions of society who want to curb the menace of tax frauds and rehabilitate the offenders. It may help in eradicating the wave of terror in Pakistani society by making effective strategies to deal with this curse of white collar crimes. It may further encourage different researchers for the betterment of the society in order to promote a culture of peaceful co-existence of different ethnic groups of the society. It may also help in the process of criminal justice system by strengthening it and making it more directional and purposeful. Previous research done on white collar crimes apparently does not suffice all the barriers and challenges which may be faced by a victim and perpetrators of white collar crimes, whereas this study will focus on all the aspects of this issue. Different fraud prevention agencies exist but their efficiency is a question mark in the prevention of tax evasion and such frauds in Pakistan.

Statement of the Problem

The wave of white collar crimes is prevailing in our society at a large scale. Different national and international manufacturers of goods and providers of the services are not only promoting white collar crimes but at the same time will provide the opportunities to commit the white collar crimes in Pakistan. White collar crimes always remained a major issue faced by organizations as such type of crimes have given birth to many issues. The situation
worsens when even governments are deceived from white collar criminals through firms and on individual basis by evading taxes. So there evidently is a need to study the white collar crimes in Pakistan.

**Objectives of the Study**

- To explore the role of mass media and white collar crimes in Pakistan.
- To explore the role of Pakistani governments in offering opportunities to commit white collar crimes due to their lack of efforts to upgrade the legislations accordingly.

**Research Methodologies**

The methods are necessary to formulate the procedures throughout the research. In this research secondary data was used to see the impacts of globalization on white collar crimes in Pakistan. The study of globalization changed the procedures in order to analyze these strategies. Auto ethnography and secondary data of tax evasion fraud with effect from 1992 to 2008 were used to analyze the impacts of globalization on tax evasion frauds in Pakistan. Auto ethnography and autobiographical experiences were used to take help from the personal experiences of the researcher. Since white collar crime is the crime which is committed by the individuals of occupation it is considered to be the social phenomenon in any country of the world (Maréchal 2010). Vast personal experiences, secondary data, and theories were critically evaluated to elaborate the occurrences of tax evasion fraud in Pakistan. Critical discourse analysis was used here in the context of Pakistani society. It was indicated that firstly it was impossible to trace the acts of white collar crimes and secondly it had affected a larger population of the country. The attitude of policy making in Pakistan was also punitive which had created oppression or inequality in the Pakistani society. Same oppression was identified by critical discourse analysis studies, the way social power abuse, dominance, and inequality are enacted, reproduced, and resisted by content and discourse in the socio-economic and political contexts. The white collar crime was such a heinous deed which was mostly committed by affluent people of the country as such people usually possessed impactful political power in the community. It became much difficult to trace the acts of white collar crimes all over the
world and especially in the Pakistani society as the rich exploited the poor in every society. Developing countries like Pakistan where per capita income of the people was low and the majority of the population was poor the scenario was making the situation worse in every of life. There was discrimination between rich and poor in the process of implementation of law. The white collar crime was really deteriorating the condition of citizens of Pakistan (Van Dijk 2008).

Data from tax revenue of Pakistan from 1992 to 2008 shows as under:

![Graph of Pakistan tax revenue](source:tradingeconomics.com)

Data clearly states that with the invention of new techniques of mass media (print and electronic media), new technologies, new ways of doing the things, advanced means of communications and the role of the existing governments to provide opportunities to white collar criminals has clearly enhanced the acts of tax evasion frauds in Pakistan.

**Mass Media and White Collar Crimes**

Mass media is mostly represented by the print media having newspapers as major source as well as electronic media with television and radio as primary medium. Some attraction is an integral component of the natural world; large expanses of unoccupied geography are attractive to citizens and organizations with rubbish or deadly materials to arrange quickly and cheaply. The regions of Pakistan which are less developed are promoting a great number of victims of white collar crimes due to prevailing illiteracy and low income of the undeveloped areas of Pakistan. Undeveloped areas cater the citizens who are even unaware of their rights as a citizen of Pakistan. For example, as far as the federal
board of revenues, FIA officials and national accountability institutions are concerned the people of backward areas are unaware even about the location of the courts. The phenomenon of unawareness is considered the paradise of the white collar crimes. When the people of less developed commit the acts of white collar crimes they even do not bother much about such crimes due to their ignorance. This phenomenon also encourages the perpetrators of white collar crimes. Media is a powerful source of globalization and is promoting mostly deceptive advertisements. The deceptive advertisements are such a factor of media which promotes the acts of white collar crimes on all over the world. The people of Pakistan are also being affected by such deceptive advertisements. Similarly, the media disseminates different techniques to commit the acts of tax fraud. The inculcation of techniques regarding tax fraud by the people of Pakistan will definitely increase the acts of tax evasion fraud. On the other hand, media can play a responsible role in preventing the acts of white collar crimes as mass media may promote the enthusiasm of patriotism among the people all over the world including Pakistan and positive use of mass media will abstain everyone from committing the acts of tax evasion and fraud. The governments of the world can be guided by the techniques of the tax evaders on all over the world and sometimes the evidence of perpetrators of tax evaders to bring them before justice. So, misuse of mass media is such a factor of globalization which is increasing the acts of white collar crimes (tax evasion fraud). Pakistan is one developing country among those developing countries of the world where most of the population is illiterate. This phenomenon may lead to the world economic recession. The media must play a reasonable role in order to overcome the acts of tax evasion from all over the world including Pakistan (Gibbs, McGarrell and Axelrod 2010).

Deception of tax takes place when an accused communicates some statements which are not true as the chain of tax evasion fraud is common all over the world. Either it is a developing or developed country no one is safe from the evil of tax evasion and fraud. Pakistan comprises of the majority of the Muslim community and Islam forbids telling a lie in the context of tax fraud as Islam holds that the major sin in the world is being deceitful. Instead of the religious teachings, the act of tax frauds continues in all over the
world including Pakistan. This act is creating restlessness in the societies and promotes the restlessness on the sphere of the world. Techniques of tax evasion frauds are disseminated very easily through the invention of print and electronic media. The perpetrator did not receive any punishment. Due to the dissemination of this news on mass media, the people will more likely be prone to commit the acts of tax evasion fraud. It is the media which will create a positive or negative role for the people of any country to indulge in the acts of white collar crimes on all over the world including Pakistan (Vasiu and Vasiu 2004).

A reputable and noble person could motivate themselves in unscrupulous and major activities of deception with special reference to managers in the construction firms of Netherlands. These famous companies were involved in the deception. These firms were involved in black marketing and rigging of tenders. False information of nobility increases the acts of white collar crimes especially the tax evasion frauds in Pakistan (Van 2005).

**Role of Pakistani governments to create opportunities for white collar crimes**

The government is the sole body which can legislate good or bad laws for the people. Good governance takes place when all the activities are done with the sole purpose of betterment of the society. Criminal justice system requires under mentioned elements: - prison, courts and law enforcement officials. All these three categories come under the control of the government. It is the government which can constitute laws for the betterment of the society. It is the government which can train the law enforcement officials, judges, and tax collecting agencies in a better manner. Training is the prerequisite for detection of every type of crime. All aspects have been connected with the efficiency of the governments. White collar criminals will be unable to victimize the government officials and it creates a good gesture on the global development. Globalization deals with all the areas of the world. In Pakistan, tax amnesty scheme was introduced by the government. Tax amnesty scheme was aimed at to legalize the black money in the tax structure. Globally, European Union interferes in the punishment of death in developing countries like Pakistan which is a major factor to promote the acts of crimes on all over the world including
Pakistan. So, less severe punishments legislated by the states including Pakistan is contributing the acts of white collar crimes especially the tax evasion or fraud in Pakistan (McClean and Elkind 2003).

The growth of attraction has not been consistent internationally, despite the label “global economic crisis,” not all nations have been affected to the same degree. Some managed to avoid the worst excesses of the outbreak and variation in some states. Policies of the states are one of the most important reasons as it reminds us that Canada did not experience the problems that developed in the United States during periods of economic recession. Imitation of global culture by the government of Pakistan is providing the opportunities for the criminals of white collar crimes (tax fraud) to repeat the acts of tax evasion or fraud in Pakistan. The medium of transmission of information is necessary to be in the national tongue which will be easily understood by the majority of people of Pakistan. Once China’s prime minister was talking to a news conference and he was asked to speak in English but the prime minister insisted that China is not without language. China has its own language and is progressing due to strict adherence to the mother tongue. Pakistan and many developing countries are following the ways of West as this imitation of the West is apparently hindering country’s progress. Victims of tax evasion frauds usually government officials and at large the government may come to know easily about their rights and duties in the native tongue. The native tongue may lead the people to patriotism as well and to a great extent, patriotism instills hate about crimes in the minds of people keeping them abstained from such acts of belligerence.

The government policy of not providing the opportunity to be aware of their rights and duties as its citizens is promoting the acts of tax fraud in Pakistan. Governments may get the people of their country through print and electronic media regarding the key factors of global economic crisis in national tongues. So, the people may shall be aware of the salient features of the concept of economic crisis. Unfortunately, the government of Pakistan is not paying any attention to translate the global terms and communicate the same concepts in mother tongue i.e. Urdu in Pakistan all because of the intentions of the manufacturers and other potential white
collar criminals regarding the tax evasion or frauds. This is occurring due to the reluctance of the government of Pakistan to follow the global culture instead of the culture of Pakistan. The tax collectors are also committing the tax fraud due to the attraction of good standing in the social system. The government of Pakistan should train modern techniques to tax collector agencies. Currently the tax collecting agencies are not fully trained and equipped with required skills to collect or reclaim the amount of tax. Proper training of tax collecting agencies can overcome on this issue of tax fraud. Proper training of tax collecting officials may deter the unscrupulous people to avoid tax fraud. Proper training of judges may increase the efficiency of judges to deal with criminal laws.

The lack of training of tax collecting agencies and judges regarding globalized procedures by the government of Pakistan is creating opportunities for tax fraudsters to commit more and more crimes. Governments of Pakistan may train officials so that no person should dare to commit tax fraud in society. Criminal law must be effective to deter the people from committing tax frauds in society. Modern training of officials and instilling the sense of national responsibility within officials can increase the amount of tax in Pakistan. The government of Pakistan should advertise the punishment of criminals publicly. The inability of the governments of Pakistan to advertise public punishment is promoting the acts of tax evasion in Pakistan. Public and exemplary punishments of tax fraudsters will hinder the potential fraudsters from committing the acts of tax evasion frauds in Pakistan. Neither any person will commit a crime during his or her occupation nor in the population of Pakistan due to exemplary and effective punishment for committing the crimes of tax evasion fraud (J. Braithwaite 2010). The phenomena of savings and loan will inspire the tax evaders to accumulate the wealth for their adverse time period. The intention of people to accumulate the wealth within days will be increased. The intention of accumulation of the wealth inspired by the government of Pakistan is such a factor which will increase the acts of white collar crimes in Pakistan. The people must be advised by the government of Pakistan to be prudent in their needs and wants (Black 2005).

A violator of white collar crimes may be internally or externally related to any victimized firm or company or organization. The
providers of services and manufacturers of goods affect the
government officials in order to escape from the amount of taxes
through their companies and other institutions. Some organizations
are promoting the acts of tax evasion through their influence with the
tax collecting agencies. Further, with examples, the deception in
white collar crimes committed by insiders is alarmingly prevalent
and on rise. To a large extent (eighty-five to ninety percent) of
information technology deceptions of white collar crimes are
committed by the violators who are internal to the firms and
companies and its quite appalling that it is happening all over the
world.

Pakistan is also not safe from the deceptive acts of white collar
crimes of the highly ranked tax evaders despite the clear
instructions of not violating the rights of others. Top position
holders in any organization can play the negative or positive role in
the field of white collar crimes in any society yet the top position
holders of any organization commit the acts of white collar crimes.
Such scenario influences the international community as well as the
local countries. Every individual is not only the member of the
native country but at the same time will share the profit and loss
with the international community. This is a much detrimental
condition in every state of the world. States should formulate the
policies in a balanced way regarding tax frauds. It would facilitate
the aggrieved parties rather than frustration. Although, the
invention of the internet is creating some problems in the cases of
tax frauds. The fraudsters learn a lot of things about the acts of
white collar crimes through the internet. Balanced policies of the
government of Pakistan may control the people of Pakistan from
learning the new ways to commit the acts of white collar crimes
through the internet. Federal Board of Revenues and other officials
may be trained in this regard. Some friendly policies may control
the acts of white collar crimes in Pakistan.

Individuals are pressurized by some of the government
elements in the process of bribes and other financial commission in
the developing countries like Pakistan. The prices of goods
are soaring as the medical treatments, education and other
necessities of life are now precious and rare through capitalists in
Pakistan. The poor people get frustrated and commit the acts of
white collar crimes at a high rate. This frustration can be overcome
by making the policies moderate and creating the healthy opportunities for the people of the country. The centralized authority in this regard is a government of any country. The government can do all these activities to overcome the acts of white collar crimes in the society (Haugen & Sellin 1999).

**Conclusion**

Globalization is considered an important factor for the progress of any country. Tax evasion frauds are such a type of white collar crimes which results in the deterioration of the economic system of any country. The crime is a social phenomenon of any society as tax evasion or frauds affect the majority of the population of any country. Tax evasion or frauds are committed by individuals and corporations of the country. Data of tax evasion frauds of Pakistan was analyzed with effect from 1992 to 2008 and showed that with the effects of globalization annual rate of revenues in the form of taxes had gone down with the passage of time.

Accumulation of wealth was considered a good symbol in the society of Pakistan but it was the evasion of taxes which could provide an important milestone to commit these acts as the white collar crimes were increasing day by day. The increase in tax fraud can be because of the advanced role of media and inability of the government to formulate the laws. Languid laws of the government of Pakistan were providing opportunities to the fraudsters to commit the crime. Opportunities provided by the government of Pakistan stimulated elite class and corrupt officials to commit the acts of tax evasion or frauds.

Strict laws will hold back elite class and corrupt officials from committing tax evasion or frauds. Although, there were several extraneous variables of globalization in the promotion of white collar crimes in Pakistan, in this research two variables like mass media and role of governments to provide opportunities had been explained in order to understand in detail regarding the impacts of globalization on white collar crimes. Media was such a powerful instrument which could guide or misguide the people of any country in the commission of white collar crimes. Similarly, the states of developing countries like Pakistan were providing opportunities for the commission of white collar crimes in Pakistan.
The state can eradicate the acts of white collar crimes or promote the acts of white collar crimes by formulating a strong criminal justice system in the society. If the state will not provide the opportunities of good legislation then definitely the acts of white collar crimes will rise in developing countries like Pakistan. Neither any person should be above the law nor should any be inferior in the eyes of the justice. Media can also play an important role in the process of white collar crimes. Justification to take the media and government as an explanatory variable was that these two variables namely media and government possess the three components of any type of fraud namely rationalization, pressure and opportunity in the commission of tax evasion frauds.

References
Honour Killing In Federally Administered Tribal Areas of Pakistan: A Perceptual Study in Kurram Agency

Arshad Khan Bangash*
Niaz Muhammad**

Abstract
This paper explores cultural and functional dynamics of honour killing in Kurram Agency. A sample size of 377 respondents, comprising ‘Malik’ was randomly selected to assess the cultural endorsement of honour killing. A conceptual frame work, based on cultural aspect of honour killing and honour killing (Dependent Variable) was developed and crossed tabulated to get inferences through the application of Chi-Square statistics at bi-variate and multi-variate levels (Controlling Marital Status). The study found that a strong belief pertaining to virginity of a woman has significant association with honour killing. Moreover, strict adherence to customary ways of life, restoration of honour with blood, rumors about dishonouring, presenting act of dishonour in media, and practices of honour killing by all tribes and sects residing in the study universe had significant association with honour killing. At multi-variate level, the study found that married people had no room of developing incest relationship and violation of their honour had to meet with ultimate end. The study concluded that honour killing had a strong cultural and social endorsement in the prevalent Pakhtun tribal social order as it was practiced in all tribes and sects in letter and spirit. Educating all stakeholders, pertaining to human loss through honour killing, interpretation of virginity on scientific grounds were presented some of the recommendation in light of the study findings.

Key Words: Maliks, Jirga, Kurram Agency, FATA, Pakhtunwali, and Hamasaya.

Introduction
Honour killing is deliberate murder of a woman either for actual or perceived illegitimate sexual relationships and behaviours (Hassan, 1999; and Roberts, Campbell and Lloyd, 2013) mostly

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targeted by male family members (Gill, 2008; and Onal, 2008) or relatives due to their denial of an arranged marriage, fallen victim to a sexual assault (Human Rights Watch, 2004) and extra marital affairs (Joseph and Nagmabadi, 2003). Moreover, desires for seeking employment, forced marriage looking for divorce or disobedience towards family patriarch is also considered as killing of honour.

Structural composition and cultural acceptance are considered the most important determining factors of honour killing worldwide. In many societies, these factors mainly contribute to the promotion of honour-based violence. Cultural violence means that any aspect of culture which could be used in the justification and legitimization of structural violence largely supported by ideology, religion, language and arts; which acceptable in a society (Galtung, 1990). He further deduces that such violent structures leave marks on the human body, mind, and spirit. Along with others, honour killing is also considered a form of violence within the domain of culture as mentioned by Bennett (2007). He further opines that honour killing is projected in the dominant discourses in the form of cultural violence. Furthermore, Kogacioglu (2004) extracts that several related actors like media, activist circles, political parties, state institutions and international governing bodies associate honour crimes with traditions, which are termed as “codes of honour” or in broader context called culture. Cultural norms related to violence are not only evoked at individual level but re-enforced by family and community within the broader social context including media as well (Ullah, 2010).

In contrast to cultural components that enhance the rate of honour killing, structural aspects of society can also perpetuate violence against women, which are socially constructed and are the product of the historical processes (Coomarswamy and Kois, 1999). Baker, Gregware, & Cassidy (1999) contend that honour killing is a complex social phenomenon, having close relevance to patriarchal structure with special emphasis on controlling and dominating women. Gill (2008) elaborates that honour killing is a long standing cultural practice in terms of women subordination and controlling them through necessary means by men segment of society.

Moreover, honour killing in Pakistan is the outcome of socio-cultural values. Jafri (2008) argues that the practice of women
killing in Pakistan is often associated with the restoration of honour usually carried out on the demand of cultural and historical reasons. Smartt (2006) depicts that honour killing is legally and culturally accepted phenomenon in Pakistan. Moreover, honour based killing cannot be subjected and examined from the human rights perspective in Pakistan, as their defenders claims that these customs and traditions are the accepted discourse of country instead of regular laws (Agosin, 2002). The persistence of such killing is immensely supported, practiced, continued and sanctioned by customs under the tribal codes of conduct in Pakistan (Ali, 2001). Chesler and Bloom (2012) argue that honour killing is mostly the product of general disobedience, especially moral and sexual purity of women.

This research study is based on the sole objective to revisit the structural and functional dynamics in the FATA with regards to honour killing by redefining the customary practices, practiced in the study area.

**Theoretical Framework**

Patriarchy is a social system consisting of social structures and practices based on men domination over women followed by women oppression and exploitation (Walby, 1990). Such sort of societies gives an excessive powers and authority to men over women in a systematic manner to control their social and sexual behaviours within a given social system (Anderson, 2000). Various feminist thinkers linked women subordinate status with patriarchy. Khan (2006) stated that women oppression could be traced back in light of history regarding the creation of patriarchal structure of human societies. Walby (1990) elaborated the concept with the help of a number of classical feminist theories about patriarchy in her book namely 'Theorizing Patriarchy', including Marxist feminism, radical feminism, dual-system theory and liberalism. Marxist feminists considered women subordination because of the domination of capital over labour as a central feature of the social structure. She added that this central feature determine the nature of gender based relations within the social structure. Radical feminist thinkers believed that men as a collectivity dominate and exploited women collectivity and men are the main advantageous group of women exploitation. Moreover, they considered sexualities
as a source of male domination and believed that patriarchy is mainly the outcome of sexuality and reproduction. Dual-system theory theorizes that both Marxist and Radical feminist system of power relations are equally important for the structure of gender roles within a society. Furthermore, inequalities on the basis of genders could be analyzed is the result of patriarchy and capitalism. Liberalists viewed that patriarchy is the result of women denial in different spheres of life. Inconsonance to these explanations, Schneider (1971) linked the concept of honour with social relations and that could be understood as "the ideology of the power holding group which struggles to define, enlarge and protect its patrimony in a competitive arena". Moreover, Kandiyoti (1987) believed that women in traditional societies are responsible for family honour and any violation in this regard can bring dire consequences to them under the normative order of the patriarchal structure.

**Methods and Procedures**

This research study was carried out in Kurram Agency, Federally Administered Tribal Areas (FATA) of Pakistan under the quantitative methodology. Therefore, the most appropriate statistical test and tools were used by covering all the possible logical explanation pertaining to study at hand.

Sample random sampling approach was adopted to make the procedure easier and to increase the efficiency of the researcher in the fieldwork. The data was collected from ‘Maliks’ (Tribal Leaders) of the study universe. The selected category of the respondents had an extensive knowledge about the issue and victims of honour killing by virtue of their professional wisdom as members of the ‘Jirga’.

For the collection of the relevant information’s from respondents an appropriate sample size of 377 respondents out of the 1612 were randomly selected through proportional allocation method by using the criteria for sample size determination given by (Sekaran and Bougie, 2010).

A comprehensive likert scale based interview schedule was developed, encompassed all the aspects of the inquiry for the collection of the data. The interview schedule was framed with a dependent variable (honour killing) and independent variable (cultural aspect of honour killing). The collected data was
interpreted at uni-variate level, to display the layout of the data. At bi-variate level, the dependent variable was indexed and crossed tabulated with the independent variable to measure the effects of dependent variable upon independent variable through the application of Chi-Square test statistics.

Moreover, to establish spurious or non-spurious association between variables, multivariate analyses were carried out. The most important variable in the study namely marital status was kept controlled and dependent and independent variables were cross tabulated to find out the relationship that either it is spurious or non-spurious. Chi-Square test was used for comparison and the respective values secured after multivariate analysis were compared with the values at bi-variate level and thus, spurious or non-spurious association was ascertained with the following procedure. If the value of a multivariate table is identical or closer to the maximum values of that variable in any aspect of study at bi-variate level; the association is said to be non-spurious; otherwise, the relationship was identified as spurious.

### 1.4 Uni-variate and Bi-variate Analysis

<table>
<thead>
<tr>
<th>Attributes</th>
<th>ylgnotS Agree</th>
<th>eergA</th>
<th>Undecided</th>
<th>Disagree</th>
<th>ylgnotS</th>
<th>Bi-Variate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beliefs in chastity and virginity of a woman</td>
<td>79.1</td>
<td>16.2</td>
<td>11.9</td>
<td>00</td>
<td>00</td>
<td>$\chi^2=24.34$ $P=0.0$</td>
</tr>
<tr>
<td>Strict adherence to customary laws and traditions</td>
<td>72.4</td>
<td>15.6</td>
<td>10.6</td>
<td>1.3</td>
<td>00</td>
<td>$\chi^2=11.00$ $P=0.027$</td>
</tr>
<tr>
<td>Restoration of honour with blood</td>
<td>65.0</td>
<td>17</td>
<td>8.5</td>
<td>6.6</td>
<td>2.9</td>
<td>$\chi^2=14.388$ $P=0.006$</td>
</tr>
<tr>
<td>Rumors about dishonouring</td>
<td>9.3</td>
<td>22.8</td>
<td>12.5</td>
<td>22</td>
<td>33.4</td>
<td>$\chi^2=14.186$ $P=0.007$</td>
</tr>
<tr>
<td>Presentation of dishonouring in the media</td>
<td>70.6</td>
<td>20.4</td>
<td>9.0</td>
<td>00</td>
<td>00</td>
<td>$\chi^2=15.207$ $P=0.0$</td>
</tr>
<tr>
<td>Practicing norms of honour by all castes</td>
<td>73.5</td>
<td>13.8</td>
<td>5.6</td>
<td>7.2</td>
<td>00</td>
<td>$\chi^2=16.310$ $P=0.001$</td>
</tr>
</tbody>
</table>
Explanation

The above table illustrates the explanation regarding socio-cultural aspect of honour killing through the following statement both at uni-variate and bi-variate levels. The study found that majority of the respondents 79.1% strongly agreed with the beliefs in chastity and virginity of a woman. Moreover, 72.4% respondents showed strong agreement towards strict adherence to customary laws and traditions. In contrast, 33.4% respondents strongly opposed the role of rumors regarding dishonouring. Furthermore, 70.6% respondents strongly recognized the presentation of dishonouring in the media and its role in honour killing. Similarly, 73.5% respondents strongly endorsed the practicing of honour norms by all castes of the study universe.

Furthermore, the above table reflects the association between socio-cultural aspect and honour killing. A highly significant relationship (P=0.000) found between the beliefs in chastity and virginity of a woman and honour killing. It could be deduced from the results that women deviation from protecting chastity, modesty and virginity may invite the elimination of violators. Maintaining these virtues has a sound and deep embodiment in cultural and religious perspectives and deviations to these are often met with negative social sanctions. These results are in consonance with Reimers (2007) who concludes that chastity and modesty of a woman is one of the basic and essential components of the family honour. It could also be the result of strong patriarchal structure which deliberately sustains the subjugation of women through discriminatory practices and in return male segment of tribal society always manipulates women virginity, chastity and modesty according to their own andocentric feelings. This male chauvinism further undermines women in decision making process, denial from her legitimate rights and over all freedom. It could be further deduced that in tribal social structure, the concept of honour was believed in the chastity, modesty and virginity of a woman. However, loss of virginity of a woman could not be proved lethal unless it is made public amongst the masses. Confidentiality of woman virginity leaks embodies the male social disgrace. Killing of a woman devoid of virginity on part of male partner often leads to his social defamation and thwarting of his social standing as well.
Moreover, a significant relationship (P=0.027) existed between strict adherence to customary laws, traditions and honour killing. Strict adherence to the prevalent customary practices could be adjudged to the social cohesion and integration of the social structure. Failing to adopt, may lead towards the emergence of fissures in the mirror of social structure. These findings had close similarities to Pope (2004) who elaborates that cultural and customary practices have great impact on individual attitudes and their perception about the world. These findings suggest that tribal people followed their own customs and traditions according to the defined codes of ‘Pakhtunwali’ (Pakhtun code of conduct). It further indicated that tribal people kept their customary laws and traditions even above their religion and formal laws of the state which are prevalent in the settled parts of the country. The strong observance of customary practices might be the result of long standing history of honour killing in the area, which is also evident from ‘Turizuna’ (written consensuses customary codes of the study universe for tehsils Lower and Upper Kurram Agency). ‘Turizuna’ clearly defines both the act and its punishment by stating that “whoever is found committing sexual intercourse with any married women or a widow or a virgin, both the man and woman ought to be killed on the spot” (Turizuna, Section-50). The aforementioned text of ‘Turizuna’ clearly shows that honour killing is not only considered an accepted act by the local people but endorsed by the British government of that time were also endorsed the same by giving it a legal cover in the form of ‘Turizuna’ as well. Structural violence in a society owes its justification in the cultural aspect supported by ideology, customary laws and traditions (Galtung, 1990; and Ali, 2001).

Similarly, a significant relationship (P=0.006) observed between the restoration of honour with blood and honour killing. ‘Pakhtun’ social order is maintained in a religious procedure, although it lacks a central authority to lead. However, honour related violations have been considered to be met with severe punishment. It could be attributed to maintaining the prevalent social order by providing consistency to the existing culture. Any ignorance or lenience to such act leads to unabated war within the affected families and their respective lineages system as well. These results showed that honour is the top most priority of tribal people and it is not
compromised in any case or at any cost. However, if honour is compromised by any member of the family, his or her death is certain. Such punishment takes place in order to restore honour against shame. Restoration of honour may be possible through washing the stains of dishonour which are faced by the woman family members and her husband. Honour restoration in tribal areas is only possible through slaughter of both the offenders. If they leave the offenders alive, it definitely creates room for taunt to the woman family through successive generations. In this respect, the social pressure of taunt compels the woman family to take severe steps for purifying their honour through the act of killing. These results were in consonance to the findings of Mansur et.al (2009) who claim that restoration of honour is possible through a woman blood. However, the present study reflects that the killings of both the offenders were observed in the study universe.

Notwithstanding, a significant relationship (P=0.007) observed between rumors about dishonouring and honour killing. It could be attributed to strong and rigid cultural dynamics, where rumors pertaining to honour are often socially unbearable. Whispering about a woman is almost tantamount to bringing shameful situation for a woman family. The strong homogeneous structure of tribal society never encourage the rumors to creep in as even a person found of guilty has to meet with dire consequences. Any rumor must have some circumstantial evidences to prove it. Rumors in other words may counter produce social pressure which will definitely tarnish the image and social status of that particular family. For removing this stigma from the family threshold, the family members often kill the woman along with her alleged partner. But if the issue is confined only to the false rumors then the spreader of rumor will alone face the cost in terms of punishment. The rumors may also project dishonouring of the family in public and the matter has not been restricted to the four walls of the home. In this case, such stigma can further activate the family members to restore the lost honour by killing both the offenders. The strong patriarchal structure of tribal society does not tolerate any misconduct of women which threatens the reputation of the family and its members. In this patriarchal disposition the woman is sanctified and all the burden of honour lies at her shoulders. Whenever she deviates from the defined norms of expected customary ways and if
someone spread rumor about her, then her sacredness may become questionable and she will alone face the brunt. The present results were in line with Sen (2001) who concludes that rumors and hearsay evidence has significant contribution in instigating honour crimes. The above contention is visualizing rumors in a generalized way and contextualizing the manifestation of honour killing in congruence with rumors and hearsays (Arnold, 2001). To the contrary, while in tribal social organization it is imperative that rumors must be based on facts.

Similarly, a highly significant relationship (P=0.000) extracted between presentation of dishonouring in the media and honour killing. Firstly, access of print and electronic media in comparison to other settled parts of the country was very limited in Federally Administered Tribal Areas (FATA). Secondly, family honour related issues were not in the lime light of the media due to the extreme sensitivity of the matter. It was because of the rigid ‘Pakhtun’ culture, amounted such propagation which is highly shameful for the social survival. But if the media reports such incident, it will no doubt pave the way for honour killing of the offenders. Moreover, these results suggest that the respondents still foresee the force and capacity of media in instigating and persuading parties to restore honour by killing the alleged offenders and deviants of honour norms violations. Similarly, it is generally observed that media has great impact on socio-cultural values of the area and vice versa. Therefore, presentation of dishonouring in media enhances the rate of honour based murders. Similar conclusion was also derived by Kogacioglu (2004) who states that media is an influencing source of honour crimes in a society.

Moreover, a significant association (P=0.001) observed between practicing norms of honour by all castes and honour killing. These findings attributed towards the prevalence of honour killing as phenomenal in their very social fabrics. Social systems dynamism is dependent on the operational capabilities of these social fabrics. Damage or negativity to any of these social patterns may threaten the very existence of the existing social order. It was evident from the results that there was no exception of castes or clans in observing customary laws about honour. These findings suggested that honour related norms were equally followed in tribal areas. Such equal observance of practicing honour norms reflected that
informal laws of the area had a collective ownership from all the inhabitants irrespective of their caste, creed or even religion. The practice of honour killing was more keenly observed in the local landholding and indigenous tribal population. Irrespective of the above explanation, the practice of honour killing by making sexual contact with the outsider clan or caste were less observable because of their relatively low position as ‘Hamasya’ (renter caste, occupational caste or artisan caste). “If anyone is found committing sexual intercourse with his ‘hamasya’s’ wife and killed with the woman on the spot, the murderer will be given the benefit of heat of passion. The whole procedure of punishment in such case as explicitly explained in Para-50 of ‘Turizuna’, but the accused person has to prove his innocence by his own oath together with nine others” (Turizuna, Section-51). Amnesty International Report (2008) has also thrown light by concluding that the practice of honour killing prevails in all castes and ethnic groups of Iran.

**Multivariate Analysis**

<table>
<thead>
<tr>
<th>Marital Status</th>
<th>Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married</td>
<td>$\chi^2=12.7$</td>
</tr>
<tr>
<td></td>
<td>$P=0.016$</td>
</tr>
<tr>
<td>Unmarried</td>
<td>$\chi^2=0.714$</td>
</tr>
<tr>
<td></td>
<td>$P=0.398$</td>
</tr>
</tbody>
</table>

Controlling marital status, the relationship between honour killing and cultural aspect was significant ($P<0.016$) in married people. However, such relationship between the variables was non-significant ($P>0.398$) in unmarried people. These results indicated that honour related crimes had severe and proactive outcomes for married men and women. It could be attributed to the patriarchal norms of the universe that had earned enshrinement from religious mode of punishment for both married persons involved in honour violation issues. Moreover, it could further disseminate that married men access to women were easy in patterns of social relationship. However, young and unmarried men and women were closely observed through phenomena of rights and wrong. Involvements of unmarried young couples were always kept in tight social milieu with no tolerance for their interaction. It could be further attributed to the maintenance of the norms of chastity and modesty of a girl, not be violated by any man. These findings supported the inferences
of Murugananthum (2014) that family prefer to kill both daughter and son involved in honour violated acts just to maintain their family honour. Honour killing is an obligatory act within alignment to cultural endorsement for the only purpose of male dominance. It could be extended to both genders without taking into consideration the family and tribe affiliation (Bhatti et. al., 2011; and Phulpoto et. al., 2012).

**Conclusion and Recommendations**

The present study discovered various socio-cultural factors leading to the phenomena of honour killing. The study found that cultural traits of the Pakhtun social order were vividly enshrined with the prevalence to the adherence, to the operational customary laws and traditions. Moreover, taking revenge pertaining to honour violated acts were internalized in the local culture from the offenders, had given more imputes of its disposition as making public any family’s honour and establishment of incest relationships were to be meet with severe outcomes culminating at the dealt of the offender. Honour killing was so practicing that it had a permanent place of social and cultural practice in all sects and tribes, residing in the study area. In addition, violation of honour by any of the married person of either gender had to meet with ultimate ends. Educating all stakeholders with regards to human loss, interpretation of virginity by revisiting in cultural and physical milieu was presented some of the recommendations in light of the study.

**References**


A Phenomenological Analysis of Death Row Inmates’ Last Words

Iram Amjad*
Muhammad Shaban Rafi**

Abstract
The study examines the lived experiences of the death row inmates to trace their traumas, fears and pain of the inflicted punishment of execution. Husserl's (1970) notion of intentionality and Heidegger's (1975) concept of existentialism under the umbrella of phenomenological constructivism were used to explore the post-penalty feelings of the death row inmates. A sample of 20 letters written by the death row inmates was selected to address the research questions. It was found that the last words do not simply reflect expressions and feelings of remorse, guilt, fear and repentance but also document that crime mainly belonged to the marginalized section of society. This study suggests preservation of the last words in the form of an official document for prisoner’s education system that would eventually help reduce ideation of crimes.

Keywords: Last words, death row experiences, phenomenological constructivism and criminology.

Introduction
The last words of the dead prisoners have gained a global significance as many researchers of the world showed interest in studying the discourse of final statements of the condemned prisoners (e.g., Crawford, 2008; Elder, 2010; Hirschmuller & Egloff, 2016; Human Rights Clinic, 2017; Johnson et al. 2014; La Chance, 2007 & Vollum, 2007). A handful of pamphlets and magazine versions of last words of the ones moving towards the gallows were published and then analyzed. Malone and Swindle (1999) and Brahms (2010) are of view that such words carry psychological weight and connote closure or goodbye to others. Sometimes the words were uttered at public place of execution and sometimes

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inside the prison (O’Neill, 2001). Jenkins (2017) described the deadliest Pakistani serial killer Javed Iqbal Mughal’s public execution “in a manner similar to that in which he had tortured and killed his victims.” At the time of his death sentence his narration “I would like to give my love to my family and friends” were not a result of guilt or regret but out of mere satisfaction for what he did to the innocent children. Since the lifting of the death penalty moratorium, a number of prisoners were sentenced to death in Pakistan. Only a few of them left their last words. In Pakistan, there is no official documentation of the last words of death row inmates as far as private execution is concerned. In spite of this, the last words are still set as record with family, relatives and lawyers and a few are lost to silence (Cornell Centre on Death Penalty Worldwide, 2011).

Several researches (cf. Brahms, 2010; Fung et al., 2001; Johnson et al., 2014; Mehl, 2006; Pyszczynski et al., 2004; Rizza, 2015 and Tausczik & Pennebaker, 2010) were conducted on the prisoner’s final statements in the west. Some of the studies focused on the anthology of final words according to the execution method and others explored the actual content of the prisoners’ statements through comparative analysis. There is a little literature available on the last words of death row inmates in Pakistan. This study provides insight into their lived experience by reflecting on the essential themes which characterize the discourse of the death row phenomenon. It further uncovers the linguistic features describing post-penalty feelings of the death row inmates.

**Methods and Materials**

**Theoretical Underpinnings**

The present study used phenomenological constructivism both as a philosophy and a method to investigate the lived experiences of death row inmates. According to Smith (2011), phenomenological constructivism is “concerned with the detailed examination of personal lived experience, the meaning of experience to participants and how participants make sense of that experience” (p. 9). Thus, this phenomenological study collected data in form of death row individual experience and then gives a thorough description of their experiential meaning. Husserl (1970) called this description of death row experience as “transcendental phenomenology” that
involved “what and how they experienced it”. This study moved beyond this mere description to Heidegger’s (1975 & 1962) “existential phenomenology” in order to understand “Being” in relation to conscious structures that made human experience more meaningful.

![Figure 1: Theoretical Model for Phenomenological Constructivism](image)

As indicated in figure 1, phenomenological constructivism was applied at three stages. At the first stage, the death row inmates’ own standpoints were related with how they detached their views, memories, verdicts, expectations, and beliefs about death sentence phenomenon into “one unified, meaningful experience” (Husserl, 1970). At the second stage, we explored commonly emerging themes based on the subjects’ experiences while waiting for the death sentence. At the final stage, the interpretative stance is adopted within phenomenology. This is inherent in the notion of dual hermeneutics: (a) The first layer in which the death row inmates try to understand their experience, and (b) the second layer in which the researchers construct interpretation or decodes meaning grounded in the death row emotional experiences.
Data Collection
The sample of 20 letters written by the death row inmates was collected from the main cities’ jails of Punjab: Lahore, Multan, Sheikhupura, Peshawar and Faisalabad. The demographic detail such as age, education, social background and financial status were not exactly known to the researchers. However there was some indication of these variables in their letters. For example; one of the subjects admitted in his letter that he murdered some person for money as he was financially a wreck. The letters were written in two languages: Urdu and English. Fifteen letters were written in the Urdu language and five were written in the English language. There were also some sentences in mixed Urdu and English e.g., \textit{ab regret kernay se kuch change nahi honay wala} (nothing will change because of regret). As many as 1432 words trace their traumas, fears and pain of the inflicted punishment of execution.

Ethical Considerations
Gordon (2016) guidelines were followed while collecting and handling the data. A permission was obtained from the Secretary Prison, Home Department to get access to the letters written by the death row prisoners. Some of the letters were obtained from the lawyers and a few of them from the superintendents of the concerned jails. The names of the volunteers as well as persons belonging to legal institutions were kept anonymous in order to avoid any kind of legal confrontation or adverse circumstances. Similarly, names and home addresses of the subjects were concealed so as to avoid unanticipated complications. Hence there was no unauthorized access to the data.

Analysis
The structural framework analysis and the phenomenological meaning-making of the death row inmates’ last words were deemed central to the present study.

Structural Framework Analysis of Death Row Last Words
The death row inmates’ last words followed a structural pattern based on typical sequence as is given in figure 3.
The common structural patterns which appeared in almost all the last words generated several meanings. The micro-level analysis manifested that the letters began with self-reference such as “Mai” (I) and then immediately followed by their particular intention “Mai chahta hun keh” (I want that) and “meri khwahish hai kh” (I wish to/ would like to). Beginning with personal salutation and right from the start of their last statements, they try to gain full control over their communicative intent. This is pertinent to the prison context where that situation results in loss of self-control.

Afterwards, the death row inmates address their social relationships. In other words, they define their identities in relation to the social world outside the prison world. In order to come out of the state of loneliness, they describe their connections to others. For example “My beloved wife and my lovely little children” and “I would thank my mother for bearing all this”. These references to personal relations lead towards showing a positive image of the inmates as loving son, brother or friend. It is usually observed in the inmates’ last words that the personal relationships are addressed in the first part of the letters and that the victimized families are spoken and form last part of the letters. In this way, this sequence threatens the positive self-image of the death row inmates: “I wanted to thank my lawyers and family who supported me for the last twelve years” and “I ask for forgiveness from the victim’s family for the miseries I delivered onto them and I know your intense hatred.” This effort is reminiscent
of the way to resolve the inner conflict which is manifested through alternative meaning attached to hurtful associations.

The inner feelings are based on two simultaneous structural patterns that is love or hate and gratitude or sorrow or regret. For example “I am apologetic for the things I have committed” and “Mai ne apni zindagi ki sab sey bharia ur gandi bhool ki hai” (I have committed the biggest and the worst mistake in my whole life). It actually serves to contextualize the prison situation or the moments of execution that the death row inmates are faced with. It is also suggestive of the awareness of uncertainty so that more references to past are quoted than the future instances in order to settle with their present situation.

Followed by the inner feelings, a pattern which defined the inmates’ letters was the expression of defining the situation in terms of acceptance or refusal of the responsibility of the crime committed. For instance “ye mera gunnah hai, iss key liyae mai kisi ko zimadaar nae tehrah sakta” (I know it is my sin or blunder and that I can blame no one for this) was self-centered and such phrases featured in the overall texts of the last words. Some of the last words included a complete denial of the crime committed and manifested themselves as innocent beings by declaring death penalty as a partial practice of punishment.

The inmates’ attitude or their behavioral dealing with the situation forms the next structural stage of the last words. For instance addressing the higher being “Allah” provides assurance and comfort in a completely powerless situation they are in. Moreover, recourse is sought through religion for the sake of meaning-making out of their loneliness. This might function as a sort of relief to an accused one and understanding with God might promise them forgiveness or an ease to handle the situation. The “Supreme Court” is also referred to as a second chance or as an appeal which these death row inmates would then have lost hopes in.

The ending of all the last words was significant in form of closure. It usually comprised of a simple sentence (e.g., “That’s all from my side”), a religious reference (e.g., “May Allah help me”) or expressing gratitude (“Love you all, my parents and little children”) etc. All the last words of the death row inmates concluded with a closure statement. This actually signified self-comfort and led towards self-control over the worst situation they were in. In fact,
the death row inmates determined the point where the words were put to silence as a result of death sentence.

**Phenomenological Meaning-making of Death Row Last Words**

Several patterns emerged in the last words which strike key relevance to the death row phenomenon as is given in figure 4.

![Phenomenological Meaning-making of Death Row Last Words](image)

**Expression of Love and Appreciation for others**

The predominant coded category in the last words was the manifestation of affection and solidarity with the social relationships outside the prison world. The emotion related words were present in 75 percent of all the last words. For example, “meri piyari waalda” (my dear mother), “meray moh tara mabbajaan, ab aap key siwa koi nahi hai mera” (my respected father there is no one for me except you) and “To my dear wife, I am really thankful to you... I love you so much and take care of yourself”. Such gratitude expressed was a clear indication of gaining control over their helpless state of execution. In addition to that, the words were opposing to the condition for which he was himself responsible. Furthermore, as a result of Terror mortality salience theory, it is observed that death row try to seek refuge by establishing ties with their closed ones as is evident from the aforementioned examples (see also Rizza, 2015, p. 106 and Schuck& Ward, 2008, p. 49).
Wish / Hope for Seeking Forgiveness

The feelings of repentance and guilt do not just relate to the victim’s relatives but were even dedicated to their own family members or friends. The repetition of words and formal patterning in the last words revealed their desire that such an event might have never happened. Thus, “I wish that I had not killed him with my hands. I cannot tell you how sorry I was”, “I am extremely sorry for the agony I cause you and I wished I could bring the time back for the victim’s family.” The urge for the reversal of time is actually a helpless effort to bring back the original temporal state for the victim’s family. It is a kind strategy adopted in the letters to lessen the pain that one feels after regretting for what he once did in his life-time. Eaton and Theuer (2009) examined the element of regret and compunction in the final words of the Texas prisoners and noted that the non-capital offenders adopted such kind of strategy as a way of motivation so as to receive leniency in their punishment (p. 328).

Religious Reference

Religion played a dynamic part in the last words of the death row inmates. The last words comprised of explicitly religious proclamations such as avowals, prayers and references to Allah and His last prophet Muhammad (P.B.U.H). About 85 percent of the last words contained religious inclination for the sake of motivation, forgiveness and to come out of such disappointed prison state. The examples “Mujhe pata hai keh Allah pak mujhe maaf, zaroor maaf ker dein gay” (I know that Allah will forgive me, will definitely forgive me), “Allah will be my real judge and shall atone me for what I have not done”, “Allah is the greatest and the most merciful” and “O Allah, please forgive me. Please lessen my pain I am going through” attach meaning to their situation in the prison as well as their moments of last breath. The presence of alternating realities abounds the last words with particular references to the life hereafter. These words were not just restricted to prayers but also dealt with speaker’s death; moments after execution: “Allah is everything and today I will be with Him from now on” and “Allah watches everybody from above. Please don’t throw anger on me. I have murdered a man but now I am guilty of my crime. I know I have committed the worst sin but Allah is the most beneficial, He will forgive me, I know.”
At another occasion, the death row inmates’ wished to “die more than once” revealed his sense of being guilty and at the same time full of remorse. The feelings of compunction, shame, regret was usually noted in the linguistic structures: “meri piyaari ammi jaan, madayion kay paon may apni chaader rakh ker maafi maagein. Un ko quran-e-paak ka waasta dein aur mujhe iss takleef se bahar nikalein” (My dear mother, please go to the victims and lay your shawl in their feet. Refer to the Holy Quran and please ask them to forgive me and take me out of this miserable life or pain). The peculiar allusions to Hazrat Muhammad’s (P.B.U.H) kind attitude to prisoners at the time of conquest of Mecca and Ameer Hamza’s (A.S) murderer Wahesh Bin Harab was also forgiven by the last Prophet Muhammad (P.B.U.H) reveal the inmates’ religious knowledge who are well aware of the wrong they have committed in their life. Such references were incorporated as a form of stress alleviation from the pain of being executed. It shows their readiness to amend the harms they have done to the victim’s families: “If I am given a chance to go back and change the reality, I mean reverse the pain I would. But there is nothing in my hands and some realities are so cruel that they cannot be altered”. It is, therefore, evident that this is a contrite acceptance of social semantics, pervasive impassiveness, religious sentiments and a yearning for mercy and pardon. It would be more accurate to say that such sentimentalities are not insincere but they possess much deeper significance. The last words clearly show the people are conscious of their crimes which in a way promote remorse and the related hope of refurbishment.

**Blame game or Accusation**

The death row inmates have the tendency to act over sensitively due to the brutal punishment as well as the encroaching death time. Consequently, this leads to expected excuses and blaming others instead of apologetic behavior. 46 percent of the last words contained phrases like “mera waqeel meray pass nae ata. Aik hee raasta bacha tha kh meri saza kum ho sakti thi” (my lawyer does not pay visits to me. It was the only way through which I could have got leniency in my punishment) and “paison ka intezaam karein ta keh meray case ki waqalat ho sakay” (arrange for some money so that my case can be proceeded and pleaded) which revealed accusation on their part. Here repentant and ashamed attitude is entitled to
represent a positive image of them as decent civilians before they are hanged. But Johnson (2013) pointed out that the demographic features were responsible for the “presence or absence of such apologies”. Hodgins and Liebeskind (2003) reported offenders’ excuses in place of regrets in the last statements after “capital trials” and during solitary confinement in death cell. In contrast to these views, Eaton and Theuer (2009) noted lack of evidence for such defensiveness and analyzed the apologetic comments directed for the victim’s relatives. Furthermore, the death row used words “ab maat he milnay per jail khana kay azaab se chuth kaara naseeb ho ga” (now death will cure the pain of prison life). This according to the system justification theory acts a way of getting out of trouble and finally the only way of relief from the prison world. They rationalize the level of their pain with actual execution process. They are guilty but not of committing crime and hence a ready acceptance to undergo the pain of execution is noted for the sake of evading the depression caused by the solitary confinement.

Acceptance of responsibility or guilt

The last words covered death row inmates’ open confession of crime: “Mai apnay jurm kaeht taraf kerta hu. Mujhse ye qatal huwa hai” (I accept the responsibility of my crime and that I have committed murder). These words show the inmates acceptance of responsibility of their crime and their willingness to yield to the severity of punishment. 93 percent of the last words contains the acceptance of crime. Some instances of acceptance of guilt were used for persuading the victim’s family like “mujhe khuda key waastey maaf kerdein. Aap pjo bi kahain gay, mai wo sab kuch kerna kay liyae ready hun” (In the name of Allah, please forgive me. Whatever you will say or demand, I am ready to do it). Such expressions are also reminiscent of recognition of the enormity of the crime committed by the inmates. Their preparedness to do anything and their inclination to go for any sort of rectification all point towards their guilt. One example clearly manifests the frame of mind of the death row inmates: “Na mujhe koi ghum hai aur nahee kisi se koi gila. Aap key baitay ko mai ne maara hai aur isska result bi mujhe hee face kerna hai jis key liyae mai tayyar bi hun” (I am not sad and even don’t have any grudge against anyone. I have killed your son and now I am the one who has to bear the consequences of it. I
am ready for this). It is evident that the person who is guilty is not hesitant to accept his mistake. The inmates’ personal sacrifice is the price they would pay in order to achieve revelation. It is observed that spending a long time in solitary confinement on death row usually transforms men but how the change occurs is not specified. But Mann (2010) explored the various dimensions of solitary confinement which results in the insanity of the Texas prisoners. Contrary to this Vollum (2007) noted that transformation into reformed men is resultant to the death row experience which is the most difficult period in the prisoner’s lives.

**Declaration of innocence**

On the other hand, there is a complete denial of accepting one’s guilt. “Mera koi kasoor nahai. Mujhe phasaya ja rahai” (It is not my fault. I am just involved in it) is a complete rejection of responsibility which is used as a strategy for compensation in the punishment. It is pointing to the flaw of the unjust system where people had bribed the other party and involved this inmate in dire consequences. In fact, the words expose his intentions of being terrorized by the thought of execution. He laid all the responsibility on the system and presented himself as a man of worth so refer to the terror management theoretical grounds (see also Johnson et al., 2014). Furthermore, in the phrase “mai ne apna gunnah qabool kerlia hai lekin uss waqt mai majboor tha”, (I have accepted my crime but I was helpless) the second line accounts to McKendy’s (2006) narrative debris as it false. Something that is prohibited in Islam cannot be used to justify the criminal act. Also, the prisoner was a Muslim and for him talking of being helpless was an absurd excuse.

**Conclusion**

The last words mostly depicted pain, misery, remorse and repentance which showed that crime mainly belonged to the marginalized section of society. The phenomenological construct showed slight indications of personal transformation during the solitary confinement on the death row. In this rendering, significant chances are missed out to yoke the reformation process experienced by the inmates and offer them the opportunity of not been executed. The writing of last words is crucial as it leave a final meaningful mark in the lives of the condemned as well as for those
living outside the prison world. It is hoped that the last words may be used to educate the prisoners who are captured on short term basis for committing juvenile crimes and this would eventually lead to reduction of crime rate in Pakistan.

References


Critical Assessment: Reforms and Significance of effective Police Training to Counter Terrorism in Khyber Pakhtunkhwa Pakistan

Farhat Ullah*

Abstract

Maintenance of peace in the society by improving law and order situation is the responsibility of police. Police training is one of the critical problems of the world including Pakistan. The routine application of police training is outdated now, as, in past the role of police was restricted to ordinary crime prevention only. Police responsibilities increased many fold in the shape of countering terrorism after the terrorist incident of 9/11. The rationale for this was that, in past police in Pakistan did not face such issue of terrorism. This situation significantly increases the need for new and modern training for law enforcement personnel at all levels. Every aspect of police training has a role in improving police efficiency. There is a need to reorganize the whole structure of police training. This paper serves as a focal point for law enforcement and policymakers at all levels of government to know about the constraints in police training and to see the benefits of regular training and the opening of new specialized police training schools in Khyber Pakhtunkhwa (KP), Pakistan and the need of further advance training and education.

Keywords: Change, significance, police, Training, Education, Reforms, Pakistan

Introduction

Training of an individual is of key importance in every filed. It may be of short term, task oriented and target oriented to achieve and improve a change in skills and knowledge in a specific area. Usually in professional sense we use it for job related training. Similarly education is a lifetime investment and education needs to be have in an area of his/her interest. Actual training and education

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depends on to know what is required by a person for personal, departmental and organizational needs.

Training and education both play an important role in the field of law enforcement. Training provides directions and guidance to an officer on how to perform certain tasks and duties. Haberfeld (2002) argued, well trained police officers have proven techniques and respond more consistently. In contrast, education helps train officers to resolve various problems independently as well as to communicate effectively (Haberfeld, 2002).

Policing are extremely complex and structure organization, having a multiple optional responsibilities and duties. There is a difference between training and education in policing science. For a further broad views in order to differentiate between police training and education, two police scholars Gail Dantzker and Stan Shernock quoted (2007).

“When educated people are faced with a novel situation, they should be able to analyze, interpret, and make judgments about the situation themselves rather than relying on others to tell them what to do......A person who has been merely trained, on the other hand, is more likely to rely on others to tell him or her what to do in a particular situation and is less likely to understand the reasons for doing what he or she is directed to.” (Quoted in Birzer and Roberson, 2007).

In police organizational hierarchy, various strata demand a separate system of human recourse management. Initial and easy ground work will need normal skills and a lower educational level, whereas highly and complex situation demand more broad education and a specialized training. According to Roos (2000), police personnel are appropriately trained at the time of their entry into police force. Subjects like basic laws, especially PPC, CRPC and Qanoon-e-Shahadat are taught to them. Besides this, they also get proper physical training. Ortmeier (2006) stated that multiple in-service trainings are also offered to police personnel, which are also mandatory for their promotion. However, each of these trainings are related to dealing with ordinary crimes, such as theft, robbery and murder etc. Police in general are not appropriately trained to tackle the problem of terrorism. Balzacq and Carrera (2006) points out that the terrorist attacks of 2001, 2007 and 2008 in USA, Iraq and India, provided a strong impulse for a broad strategy against
terrorism. For this reason what needs to be properly investigated is that whether the police is trained and equipped efficiently to counter terrorism or not.

Dahl (2010) found various constraints in the police training. Constraints are also found in forensic science tools of inquiry which is particularly essential in law enforcement (Fasihuddin, 2009). Constraints are also found in crime scene preservation. In Pakistan policing sciences or criminology has never been the focus of studies and research, in any police training colleges or educational institutions. Trainers’ lack essential skills and qualifications. Policy makers in Pakistan have so far failed to generate an agreement on a state level policy for training the police personnel (Fasihuddin, Hussain and Sajid, 2012). In Khyber Pakhtunkhwa (KP), police seemingly lacks proper training to fight against the terrorists and same is the situation of police personnel in other provinces of Pakistan.

Significance of the Study

The present study is designed to be of enormous significance not only for the trainers, policy makers, practitioners and common people to the strength of the problem; but to some extent some national strategies and rules may well be improved, revised and amended based upon the recommendations of the study. This study focus upon what new changes had been brought in police training and what need more to be done in police training in Pakistan, Especially in Khyber Pakhtunkhwa. Moreover, this study also analyzes the influences of training practices on police performance.

Objectives of the study

The study aims to analyze various aspects of police training and to investigate significance of effective police training. The study will also put forward study based recommendations on basis observation, literature review of various police training contents and its effectiveness in the practical field.

Methodology

The study is based on secondary analysis of data relate to police training and education. Systematic review of the relevant literature was carried out with the help of books, articles and journals. Online internet searches were carried out to find out relevant material
regarding the issue. In addition, the researcher also visits to PTC Hangu many times as a guest speaker on various policing topics so this helps in clear observation of police training. Various police training module were studied in Police Training College (PTC) Hangu, KP and Six Specialized Police Training Schools, established after 2014 in KP, Pakistan. The researcher also visits to PTC Hangu many times as a guest speaker on various policing topics. Detail of training course in PTC Hangu and all the other specialized training schools are given in detail. Every aspect of the training was closely analyzed.

**Police Training Initiatives**

**Police Training Schools**

The strength of police force increased manifold but the capacity of training institute remained the same. In addition to Police training center Hangu, two training schools i.e. Police training school, Swabi, established in December, 2014 and police training school, Swat, established in December, 2014 on the directions of IG of police Mr. Nisir Khan Durrani (PSP). This increased the training capacity of police constables.

**Police Training College (PTC), Hangu**

Police training college Hangu was established in 1935. At PTC Hangu, training programme is divided into four layers.

i. Basic Recruit Training Programme for Constable at police training college includes theory/written subjects of Pakistan Penal Code (PPC), Criminal Procedure Code (CrPC), Islamiyat (Islamic Studies)/ Human Rights, Police Practical Work/General Police duty, Local & Special Laws/ Qanoon-e-Shahdat (Evidence Act), Police Rules, 1934, Security/General Knowledge/Finger Prints/ Wireless Telegraphy/ Attitudinal change. Besides this physical and ground work includes i.e. Squad Drill, Rifle Musketery, Extend Order Drill, Mob Dispersal, Bayonet Fighting, Traffic Control, Physical Training, Unarmed Combat and Assault Combat (kpptchangu, 2017). Training Programme for Head Constable includes theory/written subjects of Pakistan Penal Code, Police Rules of 1934, Criminal Procedure Code (CrPC), Local & Special Laws, Police Practical Work (PPW), Medical Jurisprudence/ Finger Prints, Islamiyat, Qanoon-e-shahadat (Evidence Act). Besides these, physical courses include, squad

ii. Training programme for intermediate course includes theory/written subjects of Islamiat, Pakistan Panel Code, Criminal Procedure Code, Order Qanoon-e-Shahadat, Police Rules, Scientific Aid, Medical Juries, Attitudinal Change and Finger Print. Besides these, Physical courses include Parade, Raid, Field Craft, Ambush, Mob Dispersal, Naka Bandi, Weapon Handling, Assault Firing SMG and Pistol Firing 7.62 bore (kpptchangu, 2017). Upper Course (for Upper Subordinate) includes theory/written subjects of Pakistan Penal Code, Criminal Procedure Code (CrPC), Police Rule of 1934, Local & Special Laws, Police Practical Work (Theory), police Practical Work (Practical), Scientific Aid, Plan Drawing, Medical Jurisprudence, Qanoon-e-shahadat (Evidence Act) and Islamiat. Besides these, physical courses include squad Drill, physical Exercise, Mob Dispersal, Unarmed Combat and Raid on Proclaimed offenders (kpptchangu, 2017).

iii. Training Programme for Probationers ASI (Selected by PPSC) course include theory/written subjects of Pakistan Penal Code, Criminal Procedure Code (CrPC), Police Rule- 1934, Police Practical Work/General Police Duty, Local & Special Laws/ Qanoon-e-Shahadat (Evidence Act), Security/General Knowledge/ Finger Prints/ Wireless Telegraphy and Islamiat/ Human Rights. Besides these, physical courses include squad Drill, Rifle Musketry, Extend Order Drill, Mob Dispersal, Bayonet Fighting, Traffic Control, Unarmed Combat and Assault Course (kpptchangu, 2017).

events, obstacle 12 Events, Drill 5 Events, Firing with different weapons and Commandants Assessments (kpptchangu, 2017).

**Establishment of specialized Schools**

The Khyber Pakhtunkhwa police have faced numerous challenges since after the event of 9/11 increased militancy and terrorism in the province. Initially, the province in general and the police in particular were not prepared to effectively tackle and defeat the terrorists. Subsequently, there was a need to focus the police training on countering terrorism.

Keeping in view this situation, six specialized schools have been established in KP province on the directions of the IG of Police Mr. Nasir Khan Durrani (PSP). These include: Police school of Investigation, Peshawar (May, 2014), Police School of Intelligence, Abbotabad (June, 2014), Police School of Explosive Handlings, Nowshera (Feb. 2015), Police School of Public Disorder and Riot Management, Mardan (April, 2014), Police school of Information Technology, Peshawar (Sept. 2014) and Police school of Tactics, Peshawar (August 2015).

These schools have been established with a few to impart specialized training of various skills to the police personnel in order to effectively counter the emerging challenges. These schools have been established by improvising the existing infrastructure. Training in these schools has been linked with promotion.

i. **Police School of Investigation**

Police school of investigation is located in Hayatabad, Peshawar. It was established in May, 2014. The school has started functioning in June 2014. This was the first specialized school initiated by IGP KP, Mr. Nasir Khan Durrani for the professional training of KP Police. It is headed by a Director. Group captain Sohail Akhtar (Sitara-e-Imtiaz) is the first Director of this school. The school for the training purposes has been divided into three sections.

a. Crime Scene Investigation Section (CSIS)
b. Cellular Forensic Section (SFS)
c. File Management Section (FMS)

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<td>Intelligence Orientation Workshop</td>
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### ii. Police School of Intelligence

Police School of Intelligence is located in Abbotabad. It was established in June, 2014. It starts working in July 2014. It is headed by a Director. Col. (Rtd.) Ishtiaq Sohail Warraich, Sitara-e-Imtiaz (Military) was the first director of this school. Modern teaching methodology is adopted for teaching in this school.

**List of Courses taught in the School**

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### iii. Police School of Explosive Handling

Police School of Explosive Handling was established in Nowshera District of KP in February 2015. It is the first of its kind in Pakistan, established by a civilian law enforcement organization for the capacity building of Police Bomb disposal unit. Asst. IGP Shafqat Malik was the first Director of this school.

**List of Courses taught in the School**

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<td>Awareness Orientation Workshop</td>
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### iv. Police School of Public Disorder and Riot Management

Police School of Public Disorder and Riot Management was established in Mardan, District of KP in April 2014. This is the first specialized training school of the country dedicated to training in
Public Disorder & Riot Management. Col (Retd) Zafar Gul was the first Director of this school.

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<td>Use of Anti-riot Equipment</td>
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<td></td>
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<td>Mob Dispersal Methods</td>
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<td>First Aid &amp; Evacuation Procedure</td>
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v. Police School of Information Technology

Police school of information technology was established in Peshawar in September 2014. This is the first specialized school for the professional IT training of Khyber Pakhtunkhwa Police. Mr. Naveed Gul was the first Director of this school.

List of Courses taught in the School

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Course Title</th>
<th>Duration</th>
<th>Participants</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Basic Computer Course</td>
<td>2 Weeks</td>
<td>Recruits</td>
</tr>
<tr>
<td>2</td>
<td>Advance Computer Course</td>
<td>01 Week</td>
<td>Police Officers/Officials</td>
</tr>
<tr>
<td>3</td>
<td>Professional Computer Course</td>
<td>01 Week</td>
<td>Computer operators</td>
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<tr>
<td>4</td>
<td>Hardware Maintenance &amp;</td>
<td>01 Week</td>
<td>Hardware/LAN Technicians</td>
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<tr>
<td></td>
<td>Troubleshooting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>E-Learning (Audio/Visual)</td>
<td>01 Week</td>
<td>Watch &amp; Ward/Invest/SB/CTD Unit</td>
</tr>
<tr>
<td>6</td>
<td>Workshop/Seminars</td>
<td>01 Day</td>
<td>RPOs/DPOs/SDPOs</td>
</tr>
<tr>
<td>7</td>
<td>Application Software Training</td>
<td>02 Days</td>
<td>Data Entry Operators</td>
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</table>

vi. Police school of Tactics

Police School of Tactics was established in Peshawar in August 2015. Col (R) Waqar Burhan, Sitar-e-Basalat (military) was the first Director of this school. A library is also established where trainees are given full opportunity to consult crime scene investigation books, stories, old police cases & CDs.
List of Courses taught in the School

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<th>S.No.</th>
<th>Title</th>
<th>Duration</th>
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<tbody>
<tr>
<td>1</td>
<td>Core Investigation Skill Course</td>
<td>2 Weeks</td>
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<tr>
<td>2</td>
<td>Medico Legal Reporting &amp; Orientation Workshop</td>
<td>3 Weeks</td>
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<td>3</td>
<td>Cellular Forensic Course</td>
<td>1 Week</td>
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<tr>
<td>4</td>
<td>HotSpot Policing &amp; IT Based Investigation Skills</td>
<td>1 Week</td>
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<tr>
<td>5</td>
<td>Case File Management Course</td>
<td>1 Week</td>
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1. **Critical Assessment of the Various Training Programmes**

   As it can be seen from the above section, basic police training and education are unrealistic and not according with the modern day demands and challenges of the new policing in the new era. There is greater emphasis on bookish or legal subjects throughout the training, but policing is a practical subject and it needs practical training. Although establishment of six new specialized schools is a positive step but it will take time and resources to flourish further.

2. In PTC Hangu, there is repetition of law subjects at all level, mostly taught by an old law instructor. The young filed officers are not satisfied of these law instructors and mostly unsatisfied from these officers.

3. Design of the present curriculum is not unsatisfactory and is awfully fails to tackle the new threats and challenges of the recent crime market in the world. Investigation is usually given little consideration in comparison to control and prevention. Modern policing is totally shifted to scientific investigation, profiling and forensic psychology, etc which are not on priority in police training in Pakistan. One of the reasons might be shortage of resources and technical know-how but the other is awareness and commitment.

4. According to the Commandant PTC Hangu (KP), Dr. Fasihuddin “Modern concepts, strategies and styles of policing and latest literature on criminology, criminal theories, criminal research, studies and reports are not included in the respective curricula and are not available at the respective police college and schools. Not a single international or peer-reviewed journal on policing, criminology or criminal justice is received in any of our Police College or NPA. This is how a knowledge gap is widening between us and the rest of the world”.
The Need for Effective and Responsive Training to Counter Terrorism

Policing is a challenging and a very difficult occupation as it requires continuous professional development. Every police officer must have diverse knowledge of investigative skills, knowledge of criminal law and risk of effective decision making. Increase in terrorism throughout the world increases the significance of effective police training that can counter the terrorism more effectively.

The capacity of Pakistan police and their training is inadequate to deliver and counter the terrorism. The training syllabus and training practices in Pakistan is outdated to face the current challenges. Course books used in lower and upper level courses in police training colleges require major improvements. Abbas (2009) pointed out that trainers in police training colleges are also not fully trained and equip keeping in view the new challenges in the face of terrorism. The training colleges for police lack proper facilities available to the trainees. In Pakistan there is greater emphasis on theoretical, legal and academic work on police training. There is repetition in most of the topics in police training from lower to upper level of training.

Fasihuddin (2009) argued that Police training should be revised in Pakistan. Police training should consist of experimental learning, tutorial discussions, individual and group presentations, practical psychological tests, physical exercises, scientific investigation and specialized training for various situations. For induction and recruitment into police service, the level of education should be increased. Birzer and Roberson (2007) stated that a police officer should be more interested in providing community service than mere a crime fighter. The technology of crime prevention should also be introduced in police training.

There is no universally applicable police training policy for counterterrorism in the world (Rineheart, 2010). Lack of proper training to counter terrorism could have serious consequences. Curriculum at all levels of police training fails to address the core problem of terrorism. For service oriented policing, the training at all levels of police training must be updated, improved and revised. New courses, related to organized crimes, suicide bombings, counter terrorism strategies, bomb blasts, suicide bombings,
conflict resolution, target killings, stress management and restorative justice should also be introduced in police training colleges. In order to respond to terrorist accidents effectively, police must be fully equipped and trained.

**Conclusion**

Police system in Pakistan is a colonial legacy that exists during British rule over Indian sub-continent. Several attempts have been made to restructure and reorganize police system in Pakistan. Police Order 2002 was the main among other efforts. It was implemented successfully but still police in Pakistan is not improved to win the war on terror. It is argued that police training system is Pakistan is outdated and old. Police personnel are facing several problems in fighting against terrorism. Terrorism is a real threat faced by police personnel since September 11, 2001. Police training in Pakistan is not so praise worthy in order to tackle the menace of terrorism. There are a lot of weaknesses and shortcomings in every aspect of police training.

**Recommendations**

Every aspect in police training has a significant contribution in responding to terrorism. Government needs to realize the importance of modern training to respond the terrorists more effectively. Police training needed to be improved from lower to top level. Government should allocate more and more budget to the police training colleges. Terrorism is one of the most serious challenges and threats to the police. Hundreds of police officers as well as the civilians embraced death in terrorists’ incidents. So it is the need of the hour to train the recruits on the subject of terrorism from every angle. Preventive measures against terrorism, effective investigation should become the major concern of police department. For this purpose intelligence led policing (ILP) module should be introduced in police training colleges.

The curriculum of police training colleges needed to be revised and improved. Specialized subjects related to countering terrorism should be included in the training. Subjects related to criminal justice, causes of terrorism and counter terrorism strategies, human rights, intelligence, data analysis, women studies, suicide terrorism, stress management, human trafficking, human behavior and law adjudication should be included in basic police training.
References
Counterinsurgency in Balochistan in the Long View

Syed Mukarram Shah Gilani*

Abstract
The security situation in Balochistan has been critical over the past two decades. The separatist movement (insurgency) initiated by Baloch tribal Sardars keeps the Pakistan Armed forces engaged in a prolonged operation. The Army and the para-military forces (FC, Levis) were originally deployed in Balochistan for the maintenance of law and order. The forces presence, however, in the due course of time, began to undermine the interests of local political leaders as well as of other state’s institutions. The pre-dominant role of the army along with intelligence agencies has restricted the role of the civil administration and human rights activists in the province. On the other hand, some external forces have been interfering to exploit the insurgency in Balochistan. The trust deficit between the state of Pakistan and the Baloch tribesmen has mostly resulted in creating tension on the power relations between the center and the province. The tensed relations between the province and the center are prone to conspiracy theories. Particularly the Baloch Nationalists are very much concerned about the alleged misuse of state authority by the para-military forces.

Insurgency and Counterinsurgency in Balochistan: Its Legitimacy and Legal Status in Global Perspective

Introduction
According to Steven Metz, “Insurgency has existed as long as people have used violence to resist states and empires but its strategic significance has ebbed and flowed throughout history (Rich & Duyvesteyn, 2012).” A numbers of factors contribute to the growth of insurgency. In our own time, social media for instance has become a powerful tool for propagating an insurgent movement. Through social media powerful propaganda campaign can be launched, which can attract large following. Thus interconnectedness and IT data innovation afford new strategies, which have for instance been successfully deployed lately in the Middle-East. Similarly, in Iraq, Afghanistan, Sri Lanka and Pakistan

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insurgent groups have also used these and a number of other strategies in the course of their insurgency movements.

Balochistan has experienced a number of violent insurgencies since early 1970s. So far; the state has managed to bring the situation under control through negotiations or by deploying its troops from time to time. Historically speaking, the law and order situation in the province has been a daunting challenge for the fledging state of Pakistan. Balochistan has witnessed at least five back-to-back insurgencies and situations of unrest since independence. Poor handling, coupled with non-institutionalized approach by successive governments was the main driver of unrest (Mirza, 2013). The state had to counter these insurgencies to safeguard against erosion of territorial sovereignty. This article focuses on different aspects of insurgencies and counterinsurgency operations in Balochistan. The article is divided in four parts.

A. What is an Insurgency?

Insurgency is an organized rebellion aimed at overthrowing a constituted government through the use of subversion and armed conflict. In the conventional form of insurgency, separatists confront the state. An ethnic group or those suffering from socio-economic or religio-political challenges usually launch such a separatist movement. Over time the alienated segment turns violent and resists the state authority. The state calls its armed forces to suppress the alienated segment engaged in running a separatist movement.

There may be a disagreement in assessing the kind and gauging the magnitude of insurgencies around the world. Therefore, a number of definitions are presented to clarify the term. The official definitions of insurgency used by Western nations are based in broader political conceptualization. They normally define insurgency as a kind of war executed by insurrectionists in quest of political targets, often to snatch state power and become the state (and thus achieve the license to carry out violence). According to a study conducted by David Gompert and John Gordon, insurgency is ‘war by other means’ consisted of ‘organized campaigns to bring down existing government by a combination of force and mass support and approval (Gompert & Gordon, 2008). This definition also pervades and reflects official thinking in the West.
It is pertinent to mention that insurgency and freedom fight are two different terminologies. Freedom fight or struggle to get freedom from the clutches of an occupied force is justified and recognized by the world community, while insurgency is mostly suppressed as a right of the concerned state. However, voices of concern and support for insurgents are often raised by rival states. They even sponsor terror and insurgency to achieve their strategic and political objectives.

The mainstream conceptualization presents insurgency as a fierce contest for mass following in a political arena. According to a research analysis supporting the British school of thought regarding counterinsurgency, deep down any counterinsurgency (COIN) drive lies one fundamental necessity that the population of the concerned land should entertain the idea or feeling or expectation that the government presents better opportunities than do insurgents (Crawshaw, 2009). As befits the Western tradition, it was all a matter of rational choice and optimizing outcomes, reflecting the idea that politics, like economy, should reflect a moderated but open market scheme. The French have the doctrine that states that triumph in counterinsurgency is possible through the strong backup of the population. Trinquier asserts that such an unconditional and overwhelming support is only ideal, but it has never been enjoyed by any government (Trinquier, 2006).

The US government defines insurgency as ‘the organized use of subversion and vehemence by a front or movement that attempt to overturn or impel change of a ruling body or government (US Army, 2009). Australian doctrine defines it as an “organized, violent and politically prompted activity carried out by a rebel, insurgent or separatist group and keeps on for a long period of time that typically employ subversion, insurrection and terrorism, in a bid to bring about change within a state (Australian Army, 2008). The Indian military defines insurgency more specifically adding something which is not mentioned by others. It describes insurgency with a different perspective or the Indian might have regionalized or contextualized the definition of insurgency. According to the Indian definition insurgency is a coordinated armed combat initiated and executed by a section of local people or ethnic group against their State. Moreover, such armed combat is usually launched and continued with foreign help and funding
(Indian Army, 2004). In the context of Balochistan, the Indian version of the definition of insurgency is quite significant for a number of reasons. The crisis of Balochistan is not clear in their understanding and handling of the issues with their neighboring countries. India is very relevant in the discussion on insurgency and COIN as it is directly and indirectly interested in Balochistan. Moreover, India also seeks justifications for a number of separatist movements going on in it.

On the other hand, while fighting insurgency in Balochistan for decades, Pakistan does not have a counterinsurgency doctrine (Major, Iqbal. 2009). Markey for instance says, "The Pakistan army is poorly structured, equipped and trained for counterinsurgency (Markey, D. 2008)." In conventional war boundaries are usually violated, but insurgency on the other hand often results in opening new frontiers and borders. Insurgency is a trouble inside; it is fought inside by insiders both from inside and outside with foreign support. Insurgency is devastating due to its piercing nature. It erodes the state from within. This is the most horrible and catastrophic characteristic of insurgency. The commonly accepted assessment and formulation of insurgency, pertaining to the Western political concepts, portrays a number of premises, which will certainly help in understanding the insurgency in Balochistan province. Some of the important assumptions are as under:

a. Insurgents require mass support, as they are weaker than the state.

b. Insurgents target the state and use violence to divide the existing state and create a new state by establishing their writ in some regions.

c. Insurgency is carried out by some alienated and down-trodden people of the state. Such elements are eager to achieve their political objectives at any cost, even outside the present political and legal system (Rich & Duyvesteyn, 2012).

The first provincial government in Balochistan was not permitted to work due to mistrust of the central government. After dismissing the provincial government, the central government apprehended all the major Baloch and Pakhtun leaders under treason charges and tried them in special courts. In the words of Selig Harrison, "such high handedness provoked the first major
Baloch insurrection that lasted about four years taking a heavy toll of the Baloch guerrillas and the Pakistan Army (Harrison, 1978).

Besides analyzing its different aspects, it is significant to assess the status of current spate of insurgency in Balochistan. Two schools of thought prevail about the nature and level of the present uprising in Balochistan. According to the first school of thought, in the words of Amir Mateen, it is a savage rebellion (violent anarchism) rather than traditional revolt (classical insurgency). It holds that the current separatist movement lacks charismatic leadership on the one hand and on the other hand infightings among the Baloch tribes are damaging their cause. The Baloch revolt in 1958 was led by Nawab Nauroz Khan, who was much venerated by his supporters. Also, the second revolt from 1963-69 was led by Sher Muhammad Marri. The Parari guerrilla movement of the 1970s was driven by Nawab Khair Bux Marri, who carried the support of outstanding Baloch leaders like Sher Muhammad Marri, Nawab Akbar Bugti, and Sardar Ataullah Mengal. The present insurgency is different from the past ones. The exile leadership is busy in conspiracies. For instance, Nawab Akbar Bugti’s grandson Brahmndagh Bugti is hiding away in Afghanistan, while Baloch Nationalist leader Khair Bux Marri’s son Harbiyar Marri is residing in London (Mateen, 2010).

The second school of thought calls the rebellion as a sign of the legitimate cause of disappointed Baloch population, which has the potential and support of young educated middle class. They think that the support for the Baloch cause is expanding rapidly. Defenders of this view trust that baffled and unemployed youthful Baloch, who feel generally denied, left out and ignored, are joining the agitators and separatists regardless of tribal divisions and internal rifts (Sial & Basit, 2010).

B. Counterinsurgency by the State

Counterinsurgency in simple words means an armed action taken by a state or government to defeat insurgency (insurrection/separatist movement). It is all about a policy employed to tackle or handle insurgency. It is also a kind of pacification or mollification to incline the separatists or insurgents. It can be a treaty to cease hostilities through use of force besides employing some peaceful means. It is a counter act by the state to
thwart insurgents. It is a strategy to antagonize activities of separatists or insurgents. U.S military’s first post-Vietnam counterinsurgency developed a different school of thought regarding insurgency. They perceived insurgency as a coordinated, armed political campaign whose aim may be capturing of power through subversive coup and change of the sitting regime (US Manual, 1990).

However, the U.S amended their counterinsurgency doctrine during Iraq War. The doctrine of U.S Army’s counterinsurgency written in response to the conflict in Iraq was: Political power is the central issue in insurgencies and counterinsurgencies; each side aims to get the people to accept its governance or authority as legitimate (US Manual, 2006). It is state’s countermove or counter strike against the rebels. It is a counter attack to push insurgents backward. Fighting insurgency is a herculean job. It is like performing a surgery where margin for error is zero. A small negligence can cause death or impotency to the entire body. Similarly, while fighting insurgency, any single step in wrong direction can become devastating for the state.

Pakistan’s counterinsurgency in Balochistan has so many flaws. The military establishment and the civilian government lack co-ordination and the will to resolve the issue of Balochistan through peaceful means. Poor counterinsurgency measures taken by law enforcing agencies with hardly any co-ordination between military establishment and civil bureaucracy have yielded no good results so far. The anti-terrorism and counterinsurgency measures adopted cast no significant impact on the separatists. Rather they have stiffened their resolve to fight the state by employing a number of modern means of sabotage and destruction.

Counterinsurgency is different from fighting a war against an enemy. It is basically a question of organizational form. After 9/11, the U.S and its allies came to the conclusion that the enemy they face is not a unitary sovereign nation-state, but rather a network (Negri, 2004). All wars today tend to be net wars (Negri, 2004). In counterinsurgency strategy the main problem is the doubt factor and suspicion of outlaws and loyal ones. It is practically very hard if not impossible to segregate peace-loving citizens from insurgents who are not different from them in their language, race and other civic or social behaviors. It requires accurate intelligence and
authentic information to counter the ill wishes of state enemies. By state enemies it does not mean solely the tribal, nationalists, Baloch leadership or even the Baloch insurgents. There are non-state actors who exploit the situation and entice the people to violence. While a war is imposed generally from outside, insurgency is a violent act of insiders. In Balochistan, the people are generally not happy with the centralized policies of the state and as a disagreement they have launched a separatist movement. The state at the same time is making all out efforts to safeguard the integrity of the country and resist the insurgents. So counterinsurgency is that form of strategy in which the uprising of indigenous people is dealt with state force.

Around the world, the state not only has an extensive substantial advantage over all other social forces in its capacity for violence, it also is the only social actor whose use of violence is legal and lawful (Negri, 2004). To subdue insurgents, law enforcement agencies cut their supply line and restrict their activities, and make them loyal to the state, by acknowledging writ of the state through the use of all possible means. A war is fought against an enemy outside while to counter an insurgency, an attempt is made to suppress the rebellion or separatist movement inside. Dialogues and reconciliatory efforts usually fail are however followed by use of force or full-fledge military operation. This is a grave mistake repeated by both civil and military regimes in Balochistan. One may disagree to the use of force and state violence, yet some sort of justification is explored to legitimize it. A renowned architect of modern social science Max Weber considers state as a human community that claims the monopoly of the legitimate use of force within a given territory (Iqbal, 2015). This concept regarding legitimacy of violence and force by the state is supported by Steven Metz with initiation of reforms for the well-being of the people. According to his understanding: “In a broader concept of legitimizing the state violence, counterinsurgency must deal both with insurgents directly through military and police actions and undertake reform to hold the population together (Rich & Duyvesteyn, 2012)”.

Here comes the tricky situation one need to ask whether there is some legality for violence committed by the state. Exploitation instead of welfare of the people is the basic flaw, which is not addressed properly. The states as well as insurgents are aware of
this reality and both are trying to convince each other. It has become the matter of expecting and not accepting the other. In this sense counterinsurgency is more complicated than war because the state has not only to carry out operations but also to reform. It is in fact a damage control. It is to stop the war and de-escalate tension. Counterinsurgency does not issue anyone the permit to kill. It is primarily the misuse of state authority and misinterpretation of the very term. It is not a war of course, but requires more careful observation and attention than a war. In modern age, the dynamics of war has completely changed. Countries are neither conquered nor captured; their resources are grabbed and drained away. The war in Balochistan is also a war of resources. The rival states use insurgency as a tool to destabilize fragile states. Thus according to Antonio Negri and Michael Hardt, even in asymmetrical warfare or conflict, complete dominance is not possible. All that can be achieved is a provisional and limited maintenance of control and order that must constantly be policed and preserved. Weak states cannot afford to subdue insurgency affectively as it is a full time job (Negri, 2004).

The main objective to counter any insurgent movement is to reconcile or cleanse the society of outlaws working on separatist agenda. It is like a surgical operation. A careful action is taken against the miscreants but unfortunately even a cautious action in fighting insurgency often proves counter-productive in a number of ways. The state, to keep its people united, revisits its counterinsurgency strategy, which is exploited by insurgents and it deteriorates the situation rapidly. So tactically, war is different from counterinsurgency. It is usually fought against a declared enemy, employing state’s armed forces, having the license to kill and inflict heavy losses on rival states. But for fighting insurgency, the state has limited power to exercise and quite a few options to pursue.

Insurgents use terror as a tool to achieve economic and political objectives. Instead of dialogue and resolving conflict through peaceful means, violence is promoted and an atmosphere of fear is created to force the state to bow before the perpetrators of violence and enemies of peace. It merits mentioning here that violence and force are used as a tool to handle insurgency by the state or counterinsurgency by rebels. There is confusion about resistance. Rival parties question the legitimacy and legality of each other’s use
of force. Actually, it is their offensive and defensive strategy, depending upon who is more powerful and effective, the state or the separatists. From state’s perspective, separatists usually resist state’s policies by carrying out terrorist activities to force the state to accept their demands. On the other hand, to establish its writ, the state uses force to compel separatists to surrender. The insurgents in Balochistan are no match to Pakistan’s LEAs in number and strength. They use violence and terror wherever they find a loophole in security. Sabotage, bomb blasts, and targeting government buildings have been their main weapon. Balochistan is nearly half of Pakistan’s total territorial area covering 44% of the country’s area, but is home to only 5% of the country’s population. Its population density is only 19 per square kilometer against the national average of 166 (ADB Report, 2005), that makes it almost impossible for the security forces to patrol such a wild stretch of land containing arid mountains and deserts, ideal for asymmetrical warfare (Negri, 2004).

In Balochistan, the Pakistani state uses power, which is resisted by the rebels. Thus we observe a kind of mixed relation between the resisting forces and the perpetrators or oppressors and oppressed. Both change their position as often as one initiates a new move and the other retaliates. So we can say that resistance cannot be attributed only to separatists or rebels, the state also have to resist violent acts and vice versa. Here we arrive at a distinct point, insurgency is resisted by the state while counterinsurgency by the rebels. Both resist each other and we discover that ‘resistance’ is an evasive action or strategy to avert the harmful effect of the initiator. Thus we can say resistance is a challenge to the state authority and also a tool to establish it. Insurgency and counterinsurgency are both broad terms. Resistance is the key element and challenge for the Pakistani state and insurgents.

Likewise, insurgency is not a civil war because insurgency is an organized struggle while there is lack of coordination and the goals are not set in a civil war. The intensity and magnitude of a civil war is no doubt greater than insurgency, and it is more horrible and devastating in nature. Insurgency is a threat to disintegration while a civil war is the start of the same. The civil war may spread throughout the country while insurgency is mostly limited to a specific district or province like the insurgency in Balochistan. The
state’s military forces counter any move by insurgents by adopting a specific strategy while a civil war is a violent situation. For example, there was a civil war in Afghanistan for some years that ended in 1996 with the rise of the Taliban to power. However, the U.S with the help of its allies toppled the Taliban in 2001 in the aftermath of 9/11. Since then, the state of Afghanistan is facing the Taliban insurgency with ineffective tools to counter them.

As already stated, there is difference between civil war and insurgency. But according to experts in war studies, military think-tanks, scholars and government officials, both insurgency and civil war are interwoven. A civil war is just a fierce clash inside a country—warring groups share citizenship. There is often asymmetry between the groups; the weaker may depend on a system of revolt. Regularly they do as such in light of the fact that they do not have the ability to go for conventional war. But a rebellion is not diagnostically different from a civil war. As a strategy, rebellion is employed by a frail association against a power structure and the associations which command it (Rich & Duyvesteyn, 2012).

C. The impact of insurgency/counterinsurgency on security situation in Balochistan

Violence is endemic in Balochistan. Sporadic terror incidents discourage politicians and masses to come in the mainstream. Besides abductions and forced disappearances of Baloch activists and civilians, target killing is used as a tactic to infuse terror in the people. It is even harder to put blame on a particular insurgent group as we cannot deny the role of state agencies. Target killing is adopted by all the actors involved in Balochistan. About 20 separatists were assassinated near Turbat laborers’ camp by unknown shooters on April 11, 2015. Turbat killing is a tragic incident in which the local nationalist leadership was kidnapped and brutally killed. Later their bullet-riddled bodies were found. Resultantly, the finding of Baloch leaders’ corpses triggered public violence and prolonged strikes, protests, and civil resistance and agitation across Balochistan incited Baloch to violence (“Riots as Baloch chiefs found dead”, 2009). This is not the only incidence of violence and terror. Such attacks are carried out with succession and often the state appears helpless to maintain law and order in
the province (Iqbal, 2015). Thus security has become one of the major problems of the province.

As security has become a general phenomenon, crossing a security check-post is always a risky exercise. It is sometimes even terrifying especially in a conflict zone like Balochistan. The people have to go through snap-checking. A long queue of vehicles sometimes comes to a standstill while most often move with the snail-pace. Situations like this cause huge amount of stress and the people in most areas of Balochistan suffer from mental and psychological problems due to the sense of insecurity in the security zones. Thus tension builds at check posts and the local people scorn the security forces on duty and vice versa. This tense situation is multiplied many fold when the military convoys arrive or pass from different routes. The movement of the people is halted and the traffic is brought virtually to wheel-jam position and not a single person is allowed to move. It has been observed that such convoys appear in morning when school-going kids are in a hurry to reach their institutions in time. The office-going and other workers badly suffer due to their movement. This practice is not liked by the people as it is not only a source of inconvenience to them but it also badly affects them because they are somehow bound to comply with the orders of security forces. Unfortunately, the harsh attitude of military and para-military troops on duty at different check-posts and crossing points, irritate the local population and thus result in hatred. Sometimes in case of emergency, like taking a patient or an injured to a hospital, the local people are not permitted to go. The troops on duty are bound to carry out the orders of their commander. Naturally, by ignoring the very concern and tradition of the local people, the security forces fail to win support of the people. Thus a scenario of mistrust and even confrontation between the forces and the local people further complicate and spoil the situation in the security zone of Balochistan.

We have two contrasting views of the conflict in Balochistan province. The state, the military establishment of Pakistan and some centralist advocates on the one hand, and the separatists, insurgents, and the Baloch nationalist leadership on the other. Working on such a complex problem is always laborious and dangerous where the sentiments of the people are match-up with national interests. Certainly, the insurrection and insurgency in
Balochistan province is multifarious and more complicated than other insurgencies around the world. The Baloch grudge and strong resentment to resist the state of Pakistan is out of bounds. Their major demands and concerns are continued military presence in the province, political isolation of Baloch, economic underdevelopment of the people of the province and natural resource exploitation. Conversely, the state argues that the conflict is perpetuated by the Baloch tribal Sardars who shun government’s overtures to develop and integrate Balochistan in order to maintain their own grip on power (Murtha, 2011).

There is insurgency in Balochistan but all the Baloch are not insurgents. The Baloch society, regardless of under development and alienation, is fragmented and divided in its attitude and political understanding. In such a diverse and complicated situation, the state is fighting on dual mode at the same field. Fighting the separatists and reconciling the deprived segments of Balochistan province simultaneously, has drawn a line dividing them in Baloch nationalists (separatists) and Baloch moderates (centrists).

Moreover, the Nationalists of Balochistan are categorized in three basic groups of Conservatives (centralists), Radicals (hardliners) and Guerrillas (insurgents). They have been divided into different categories according to their role in the ongoing insurgency in the province. Conservatives are those nationalist political parties who are demanding provincial autonomy for Balochistan and are attempting to safeguard Baloch rights over its assets. They include, for example, National Party (NP), Balochistan National party Mengal (BNPM) and Jamhoori Watan Party (JWP). The group of Radical Baloch nationalists consists of those parties working for Balochistan independence through peaceful resistance. This group includes for example, Baloch Republican Party (BRP), Baloch National Movement (BNM), Baloch Khawateen Panel (BKP) and Baloch Watan Movement (BWM). The last category is of Guerrillas/insurgents, who are battling for freedom of Balochistan. This group incorporates different little and extensive wings, for example, Baloch Liberation Army (BLA), Baloch Liberation Front (BLF), Baloch Republican Army (BRA), United Baloch Army (UBA) and the Lashkar-e-Balochistan (LeB) (Amir, A. 2009). This clear division among Baloch movements has neither helped the cause of nationalism nor the plan of government to remove grievances of the
masses. The separatists oppose development, which is pivotal for improving the life standard of the Baloch. At the same time, the state of Pakistan cannot pursue a unified policy to be implemented in Balochistan. Any step taken to address the problems of the people is responded by violence and destruction.

The BLA has been the main force spearheading insurgency in Balochistan (Bansal, 2010). Insurgency started from day one when Balochistan was declared a part of Pakistan. The annexation of Kalat state to Pakistan and Khanate of Kalat were open confrontation. Since then the province has been afflicted by insurgency (“The tribes arise”, 2005). The state of Kalat created the dispute. The first insurgency broke out in March 1948 by Prince Karim. He deserted to Afghanistan and started activities against Pakistan with the purpose to project the case of Kalat independence. However, the nascent insurgency dried down in few months. The second insurgency erupted in late fifties, which was chiefly focused on the establishment of ‘One Unit’. It was restricted to Kohlu, Khuzdar, and Kalat districts. The second insurgency is known as Jhalawan disturbance (Kundi, 2008). As per Ahmad Iqbal’s observations, “Poor handling of Sardar Nauroz Khan and his family by the government laid the seeds of lack of trust in Balochi people towards the Federation of Pakistan. The uneasy peace lasted for a brief period and the decade of sixties again found Balochistan gripped into the third insurgency (Ahmad, 1992).”

Dera Bugti was an addition to the list of already insurgency-hit districts of Kohlu, Kalat, and Khuzdar. Tribal chiefs like Ghaus Bakhsh Bizenjo, Atta Ullah Mengal, Khair Bakhsh Marri, and Nawab Akbar Khan Bugti were charged of supporting Nauroz Khan. The main cause of third insurgency in Balochistan was the arrest and removal of Baloch tribal chiefs. The government of Pakistan gave general amnesty and the breakup of One Unit Scheme proved a sigh of relief. Balochistan enjoyed a short period of peace. In 1972 Baloch nationalist government was installed in the province. According to Mansoor Kundi, “The state’s inability to find lasting solution to the provincial problems took Balochistan into its fourth insurgency in 1973, which lasted for four years. Commencing in 2005 today the unfortunate province is confronting fifth cycle of unrest (Kundi, 2008).”
The insurgency in Balochistan is different from insurgency in Iraq, Palestine or Afghanistan. Yet it is not unique in the world. It is an ethno-national movement, which has sparked security threats in the province. At the same time, the people of Balochistan have been badly affected by the overall grave law and order situation. The tussle between the insurgents and armed forces has resulted in attitudinal and psychological problems in Baloch. The insurrection in Balochistan and the ever-increasing cruel reaction of armed forces and FC have profoundly radicalized the local people (Akhtar, 2012).

The geographic location of Balochistan, combined with the presence of history old tribal system, and accession encouraged the separatists and terrorists to challenge the writ of the state. Such a scenario strengthened the mindset of separatists in Balochistan to engage in armed conflict with the state forces. As disputes often lead to conflicts, Balochistan’s accession to Pakistan was controversial and disputed. Today, after years of political and armed struggle for their rights, they have hardly any say in the affairs of the state. Due to their poor representation in all federal and provincial institutions, they feel alienated. The launching of mega developmental projects without any prior consultation with the Baloch leadership has further strengthened their sense of deprivation and alienation. The people of Balochistan suffer a deep sense of insecurity and marginalization. The separatists have been treading along a thorny path of insurgency, which has resulted insecurity for the peaceful citizen. The sense of insecurity has severely damaged the socio-economic conditions of the people of Balochistan, which is also denting the government’s efforts to bring Balochistan at par with the rest of other provinces of Pakistan. In Balochistan, the state could not establish its authority. The security issue has been magnified by insurgency, extremism, target killing, suicide bombing, forced disappearances, Talibanization, sectarian and ethnic violence in Balochistan. According to one observer, “The decade long insurgency recently turned into a battle ground for politically motivated attacks on religious sects with banned outfit Lashkar-e-Jhangvi allegedly targeting the Shia and Hazara communities throughout the embattled province (Gishkori, 2012).”

The state of Pakistan is looked upon as a usurper and treated like an enemy by both the insurgents and those devoured of their
civil rights in Balochistan. Though a good number of their socio-economic problems and political representation has been addressed by the introduction of a comprehensive relief package with the name *Aaghaaz-e-Haqooq-e-Balochistan* (Balochistan-package, 2009), the 18th Constitutional Amendment by the state of Pakistan and the 7th National Finance Commission (NFC) Award, yet they are not convinced to trust the state. The aim behind these initiatives was to remove the sense of alienation among the Baloch and also to put a halt to the growing radicalization of the Baloch. These developments have certainly helped in diminishing tension in the province and a significant decrease has been observed in violence and terrorist activities.

The tribal leadership of Balochistan is exploitative and uses the issue for their personal interests. They have failed to present the case of the Baloch in a proper way at a proper forum. They have politicized the issue and they have been engaged in attaining political mileage whenever any opportunity comes their way. The political leadership in Balochistan also resists the state whenever their economic interests are in danger. Their national interest as Pakistani is yet to come into existence. The separatists in Balochistan, according to their understanding, rely heavily on their natural resources. They prefer to withdraw from federation to have control of natural wealth of the province and utilize it for the betterment of the people of Balochistan. Perhaps voicing this understanding, Baloch politician and the former governor, Mir Ghaus Bizenjo famously claimed that Balochistan did not need Pakistan, but Pakistan needed Balochistan (Siddiqi, 2012).

A major development took place just before the general election when Sardar Akhtar Mengal returned to Pakistan on 25th of March, 2013. Thus terminating his four-year self-imposed exile he ensured to participate in election. In other words, he gave his consent to address the issue of Balochistan through peaceful means under democratic dispensation. It was a bold gesture and strong message to insurgents who were involved in armed resistance against the state. He thus rejected the insurgents’ brand of solution to the crisis in Balochistan. As the entire insurgent and separatist leadership in the province and abroad are against the parliamentary politics, it was indeed a bold step taken by Sardar Akhtar Mengal, the head of BNP (M) to participate in the general election. Thus he endorsed his
resolve and belief in parliamentary politics. Describing the perplexity of situation where the state is on the one side and the insurgents on the other, both are equally unfavorable options. According to Akhtar Mengal, “The Baloch militants consider me a traitor while the security establishment also treats me as an enemy. I’m being targeted by both (“Akhtar Mengal returns to Pakistan”, 2013). Interestingly, when he was asked about his role to mediate between the insurgents and the state, he regretfully said, “Both [Baloch insurgents and security establishment] speak through the barrel of the gun. They cannot understand my language (“Akhtar Mengal returns to Pakistan”, 2013).

The insurgents as well as the tribal leaders in Balochistan perceive development in any sector as a threat to their tribal interests. They oppose development in their area on the pretext of exploitation of their resources by the state. Actually they exploit the loyalties of Baloch and use them against the state as a buffer. The tribal elders are mostly busy in propagating their own version of nationalism based on different tribes and ethnicities in Balochistan. In the garb of their personal vendetta, the tribal chiefs have been promoting Baloch nationalism and ethos to provide enough fuel to the ongoing insurgency in Balochistan. The Baloch leadership has succeeded to inspire the youth to a great extent. According to Adeel Khan’s understanding, youth has come to the forefront. “In the past, the movement leadership was in the hands of tribal leaders but in current situation the leadership is shifted to the urban educated middle class (Khan, 2009)”.

With drastic changes in social conditions and political awareness among Baloch, the youth has certainly come to the rescue of insurgent movement and considered cutting edge in the fight for the Baloch cause. Insurgency in Balochistan province is not in the hands of tribal Sardars anymore. It is efficaciously steered and directed by bourgeoisie; literate but frustrated youth mainly gathered in the mountainous areas of Awaran, Panjgur, Gwadar and Turbat districts (Khosa, 2015). There seems to be little support in the province, beyond the Bugti tribe, for the current insurgency in Balochistan province (“Who’s Who in Balochistan”, 2011).

There are some inner breaks and ideological contrasts among Baloch Nationalist parties. For example, Mengal tribe leader Ataullah Mengal and his son Akhtar Mengal have confidence in main
stream politics, deny viciousness, and work inside the framework of the federation of Pakistan. While Nawab Khair Bux Marri, champions the cause for a different country for the Baloch. Unexpectedly, Marri’s son, Changez, is in Pakistan Muslim League Nawaz (PML-N) and has faith in mainstream and national-level politics. Similarly, the decedents of Nawab Akbar Bugti are having a split along political lines. His grandson Brahamdagh Bugti struggles for a different country for the Baloch through brutal means, while Akbar Bugti’s offspring Talal and Aali have faith in parliamentary dispensation. Both Talal and Aali head their own particular groups of Jamhoori Watan Party. A few analysts are of the view that Baloch nationalists can be classified into nationalist discourses. They are conservatives, hardliners and extremists (Sial & Basit, 2010).

D. Pakistan’s counterinsurgency strategy in Balochistan province

Counterinsurgency is a full time mission. Temporary measures cannot work to overcome an insurgency or separatism for good. Baloch insurgency is spread over a period of decades with exception of few years of comparative peace. No lasting peace could be established due to ill-measured and ill-drafted policies of state towards Balochistan. To date, the Pakistani state’s essential counterinsurgency strategy has been military force. The Pakistan armed forces have conducted five military operations in Balochistan in previous six decades to suppress the rebellion, but hardly able to root it out (Tariq, 2013). Guarding the national interest is the supreme obligation of military forces, but poor strategies have earned them a bad reputation. Adeel Khan’s for instance says, “The military has earned the dubious distinction of being an army that keeps trying to conquer its own people (Khan, 2009)”. No policy is flawless. There is always disagreement and the people are not satisfied with the policies of the state. Insurgency gives birth to a series of conspiracy theories, which add fuel to the fire. To counter such theories, the state comes up with the projects to improve the socio-economic conditions of the people. According to Khuram Iqbal, “Pakistan’s counter-insurgency strategy in Balochistan involves economic development, and the use of force. Government invested heavily in term of economic activities and job creation while clamping down on all forms of dissent (Iqbal, 2008). In spite
of strong resistance from the insurgents, the state implemented its policies of development to improve living standard of the people. Along with the economic uplift of the province, Pakistan has adopted an “iron-hand” policy to deal with the Baloch miscreants that has achieved considerable results (Iqbal, 2008).

When facing asymmetrical and low-level armed resistance, which occupies a grey area between war and peace, the military experts suggest a “grey” scheme or plan of action that mixes military and civilian components. Military might in itself is not sufficient to tackle insurgency. It should be supplemented by political, economic, social, ideological and psychological control: bio-power (Negri, 2004). In their master piece work in war studies, “Multitude: War & Democracy in the age of Empire”, Antonio Negri and Michael Hardt bring to limelight the significance of Guerrilla warfare and its impact as a powerful tool in insurgency. Narrating the nature of Guerrilla structure they write, “Guerrilla organizations tend to develop polycentric forms of command and horizontal forms of communication, in which small groups or sectors can communicate independently with many other groups. The Guerrilla army is therefore not a single body but something more a kin to a pack of wolves, or numerous wolf packs that counterinsurgency forces have to hunt down (Negri, 2004).” As mentioned earlier, all wars today have become network wars. The guerrilla structure suggests a polycentric network, with numerous centered clusters. The distributed model of insurgency is full-grid network, in which there is no centre and all hubs can operate directly with all others. In situation like this, the Guerrilla armed force resemble a pack of wolves and the appropriated system may be envisioned like a swarm of honey bees an apparently nebulous variety that can strike at a solitary point from all sides or spread in all directions in order to end up practically invisible (Negri, 2004).

In early 2000’s local students in Balochistan protested against developmental projects. The state responded with forceful approach. It began to suppress the protest by force and even resorted to killing individuals. The students claimed that the state had betrayed the people that the individuals who could challenge the writ of the state, or have the capacity to change the mind of Baloch people against the state are on the hit list (Masood, S. 2015). After 2013 general election in Pakistan, the government of Muslim
League-Nawaz designed a political strategy for Balochistan by supporting Baloch Middle Class political parties. The local legislators saw this policy of the government as positive in the overall security situation in the province. However, the Pakistani state from the beginning of issue has employed the coercive attitude to flush out Baloch nationalism (Masood, S. 2015). During 2013-14 the armed forces were blamed for using the kill-and-dump policy, illegal abductions, coercion and FC-led security operations against miscreants and rebels. However, their strategy changed in 2015. The former army commander, Lt- Gen Nasser Janjua, employed stick and carrot policy to deal with security hazards in the province (Khosa, 2015). There are two state-friendly narratives available. The first is that all violence in Balochistan is a foreign conspiracy. Therefore, what is required is greater show of force. The second says that the people have died in the conflict and that this must end, and reconciliation is made possible by providing a few thousand jobs. Both these approaches denote the state’s stick and carrot approach. However, it is believed that carrots will work because the Baloch tribal leaders who have no support amongst common people primarily push the insurgency (Siddiqa, A. 2011). According to the current commander of Southern Command Lt. Gen. Aamir Riaz, the military wishes to see Balochistan as a peaceful and economically stable province moving the path of progress and prosperity (Khosa, 2015). This is a statement reflecting the policy of military towards the lingering state of uncertainty in Balochistan. The state seems to have reassessed its strategy of use of force in the province and prefers to engage the dissenting Baloch in negotiations. At the minimum, it is clear that a counterinsurgency can no longer rely on negative techniques, such as the assassination of rebel leaders and mass arrests, but must also create “positive” techniques. A counterinsurgency, in other words, must not destroy the environment of insurgency, but rather create and control the environment. Traditional, centralized, hierarchical military structure cannot implement such an articulated counterinsurgency strategy. It takes a network to fight a network—diamond cuts diamond (Negri, 2004). The military regime of General Pervez Musharraf addressed the issue of unrest in Balochistan, in the making of which it had a central role, with a three set of strategies—centralized development, counterinsurgency, and cooptation of...
moderate Baloch leaders and their integration into provincial and national power system (Rais, 2012).

Conclusions

The security situation in Balochistan is threatening. No doubt, insurgency has been the hallmark of Balochistan turmoil for decades. There are a number of reasons for this unrest and violence. In the present scenario, insurgency is at the least not the biggest problem confronting the state. However, Pakistan has to formulate its counterinsurgency policy to combat this violence and terrorism in Balochistan. Enemies of the state are set to use Balochistan as a hotbed of sectarian violence to harm its interests. The insurgency, however, is at its ebb. Failure to flush out insurgency completely is considered as a major flaw in Pakistan’s counterinsurgency policy. Pakistan has to modernize its intelligence and surveillance considerably. The political leadership should be facilitated to bring the angry Baloch leaders back to table. They should be given the decision-making power and authority to convince the insurgents.

The armed forces and especially the FC must work to improve its image in Balochistan. The armed forces of Pakistan are highly professional and capable of dealing with all sorts of combating challenges. Nonetheless, there is lack of coordination among different institutions and stakeholders regarding Balochistan. Inconsistency in policies of both the civil and military establishments has deepened the sense of alienation among the Baloch tribesmen. It is high time to revisit state policy towards the angry Baloch and serious and constructive measures must be initiated to end the violence in Balochistan on the one hand and on the other hand, the fruits of development and prosperity should reach every Baloch tribesman.

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Contributing Factors of Juvenile Delinquency among Youth of Balochistan

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Waseem Fayyaz***

Abstract
The main aim of the current research is to identify the causal factors of juvenile delinquency among youth of Balochistan, Pakistan. This study was conducted in Quetta, Balochistan and is based on qualitative research technique. The method of data collection was Focus Group Discussions (FGDs), which were conducted with six groups ($N=45$) including juvenile delinquents ($n=6$), Law enforcement personnel ($n=6$), NGO service providers ($n=6$), university teachers ($n=5$) and students ($n=22$). Causes of juvenile delinquency were identified from the gathered information by using thematic analysis. The analysis involved open, axial, and selective coding. The main causal factors of juvenile delinquency in Balochistan that emerged from this analysis were social influence, personality, school related factors, and financial factors. This identification of prevailing context bound causal factors of delinquency can help in devising indigenous strategies to prevent and in turn control rising delinquency rate in Balochistan.

Key Words: Juvenile, Delinquency, FGDs, Thematic analysis, open coding, axial coding, selective coding.

Contributing Factors of Juvenile Delinquency among Youth of Balochistan
The words juvenile and delinquency come from the Latin word “juvenis” and “delinquere”, which mean a teenager and to abandon respectively. Objectively, it refers to the children or teenagers who have abandoned the lawful living style due to their negative circumstances like parental neglect. Delinquents are defined as

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juvenile offenders who violate the rules and law of any local state. Delinquent behavior has a universal issue of the juveniles, which is often considered as a sign of sick society (Dey, 2014; & Sirohi, 2008).

Delinquents interrupt and violate social norms, values, law and the political order. Juvenile Delinquency is a universal problem. However, delinquent behavior varies from culture to culture. It is becoming a big challenge for social reformers, social planners, and community workers to overcome this problem. The age range of Juvenile delinquency varies from culture to culture. It is usually set until age 18, but in Pakistani perspective the ranges of those children are 10 to 17 (Zafar, 2012).

**Causes of Juvenile Delinquency**

Researches have indicated several causes of juvenile delinquency. Loeber (1990) identified that the risk factors are social, individual, and of community. Antisocial behavior increased rapidly during the 1960s and now the rate of delinquency is most frequently increased.

Biller (1982) reported that the effect of the family structure especially parental deprivation has been associated with a number of psychological problems in children leading towards delinquency (as cited in Eastin, 2003).

Roberts (2002) reported that the children showing risk factors such as behavioral manifestation and reaction formation of adults, behavior problems and family dysfunction, and lack of school readiness and aggression towards peers lead towards the antisocial behavior. Erickson (2001) found that the drugs are one of the most important factor which leads the juveniles towards crime. Several juveniles claimed to have committed criminal act under the influence of bhang (essence of a plant, used for addiction) (as cited in Omtobo, Ondiek, Odera, & Ayugi, 2013). World youth report (2003) suggested motivations for joining a gang for the possibilities of economic and social gain as an important cause.

Zaeema and Khurshid (2003) found that the role of family functioning, peer relationship and psychological problems are the cause’s of juvenile delinquency. Researchers further explain that emotional distress, higher stressors and unhealthy communication related to families and low self esteem (as cited in Naqvi, & Nelofer,
Similarly, Hoeve (2009) found that in different family structure children experiences many forms of participation, attachment, monitoring and supervision receive from their parents (as cited in Parks, 2013). Such researches show that the main factors influencing juvenile delinquency are the family structure and relationship of adolescents with their parents.

Nadeem reported that in Pakistan important contributing factors are sexual assault, illiteracy, money, land, old hostility, honor killings, and drug addiction. Recent emerging militant forces worsen the condition. These institutions are reported to be involved in imparting instruction relating to militancy and sectarianism, inducing hatred and aggression in youth (as cited in Malik & Sharizi, 2010).

Juvenile delinquency is a serious problem which is given great importance by researchers over many years. In one such research, it was found that there is not much difference between the developing and developed countries, as in both teenagers form outstanding portion of society are reported to be indulged in delinquent acts (Alboukordi, Nazari, Nouri, & Sangdeh, 2012). As in many other developing countries, juvenile delinquency is a significant concern for Pakistan. Pakistan's socio-economic and socio-cultural situation has created much frustration in the citizens especially in Pakistani youth. Ethnic, religious, and status biases; lack of opportunities along with unemployment has caused much of this frustration. So, Pakistani youth seem quite prone towards indulging in criminal activity. In Balochistan being the most underdeveloped and poorest province of Pakistan, this proneness is confirmed through continuously increasing youth crime rate. Understanding the dynamics of juvenile delinquency along with its antecedents and consequences can help in controlling this increase in youth crime rate. So identifying the context bound causal factors of criminal tendencies among youth of Balochistan can help in formulation of appropriate preventive and interventive strategies. Hence, this research is primarily aimed at identifying major causes of juvenile delinquency in Balochistan. This study may also guide towards further research in different areas of criminology like criminal profiling and policy making.

**Method**
The present research is designed to find out the causal factors of juvenile delinquency in Baluchistan’s youth and was placed in Quetta. Qualitative research design was used in this research and data gathered through Focus Group Discussions (FGDs) with juvenile delinquents, police and other law enforcement personnel, NGO service providers, university teachers and students. The term juvenile delinquency means committing a criminal act by a person who did not reach the age of eighteen (Shoemaker, 2010 as cited in Ahmed, & Murtaza, 2016).

Sample

For this Study researcher conducted FGDs with 45 participants divided in six groups including juvenile delinquents (n=6), law enforcement agencies (n=6), teachers (n=5), NGOs (n=6), students (12 males &10 females) of University of Balochistan, Quetta. Three FGDs were conducted with participants indulged or in a way related to delinquency. Juveniles were approached at the Central jail, Quetta through concerned authorities’ for conduction of FGDs, while the FGDs with persons from law enforcement agencies and NGO’s working on delinquency were conducted at University of Balochistan (UOB), Quetta. Teachers and students were inducted in the study to represent general population and information from them was collected through three FGDs conducted in University. Participants verbatim were recorded through careful note taking as tape recording was not preferred. Facilitator and co-facilitators focused the participants.

Instrument(s)

A Focus Group Discussion guideline was prepared in this study. This guide was constructed through using the committee approach. The committee comprised of three experts from the field of psychological testing and qualitative research (with minimum qualification of Ph.D.).
Procedures

First of all the prospective participants were identified and contacted for recruitment through personal associates. Then their consents were taken through sending informed consent form. The consented participants were then again contacted for scheduling the Focus Group Discussions (FGDs).

Six FGDs were conducted on the schedule time. Each FGD lasted for about 40-50 minutes and same FGD guide was used in all FGDs. Researcher herself facilitated in each FGD, while co-facilitators having prior FGD conduction experience assisted for smooth conduction of FGD session and note taking (two co-facilitators with minimum qualification of M.A Psychology). Before start of proper FGD sessions facilitator explained the purpose and procedure of FGD to the participants and ensured about the confidentiality of their responses. Each FGD was concluded in a single session and was followed by a brief recap of the session proceedings in order to clarify and confirm the gathered information.

First FGD was conducted with juvenile delinquents. The age range of juvenile delinquents was 12-18 years and they were accessed from central jail, Quetta. After getting permission from jail superintendent facilitator conducted FGD. As tape recording was not allowed so information shared by the participants were recorded through careful note taking.

Second FGD was held with personnel from law enforcement agencies including Policemen, advocates, and persons from Army. Similarly, third FGD was conducted with employees from an NGO that was reported to be working for juvenile delinquents. Fourth FGD was conducted in the similar manner with teachers of the University of Balochistan, Quetta, while the last two FGDs were conducted with students of University of Balochistan, Quetta.

Results

After the conduction of FGDs the collected information was compiled for further analysis. Thematic analysis of the gathered data was done in three steps. In the first step gathered information was coded through open coding technique. Open coding comprises concrete and in vivo coding. In this coding we identified important causal factors, tentatively labeled them in order to build the conceptual frame work of organized categories from the text. The
compiled text (participant’s verbatim responses) was carefully examined for open coding through assigning appropriate numbers (for identified cause) and letters (for respective participant).

The next step was the axial coding of the data. This coding involved grouping of the previously coded causal factors on the bases of conceptual/ contextual relations. The axial coding resulted in emergence of sub-categories for the required conceptual framework for explaining causes of juvenile delinquency. The sub-categories of causal factors of juvenile delinquency resulting from the axial coding are tabulated below along with their frequencies.

**Table 1**

Sub-categories for Causes of Juveniles Delinquency along with their respective frequencies (N=45)

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Sub categories</th>
<th>Frequencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Parental and family influence</td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Parental illiteracy</td>
<td>14</td>
</tr>
<tr>
<td>b.</td>
<td>Joint Family</td>
<td>10</td>
</tr>
<tr>
<td>c.</td>
<td>Father Ignorance</td>
<td>6</td>
</tr>
<tr>
<td>d.</td>
<td>Separation of Parents</td>
<td>5</td>
</tr>
<tr>
<td>e.</td>
<td>Less Monitoring</td>
<td>4</td>
</tr>
<tr>
<td>f.</td>
<td>Conflicting Parents actions &amp; saying</td>
<td>4</td>
</tr>
<tr>
<td>g.</td>
<td>Paternal Harsh Behavior</td>
<td>3</td>
</tr>
<tr>
<td>i.</td>
<td>Modeling effect</td>
<td>1</td>
</tr>
<tr>
<td>j.</td>
<td><em>Jirga</em> (traditional assembly of leaders that made decision by consensus)</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Peer and Community</td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Peer influence</td>
<td>16</td>
</tr>
<tr>
<td>b.</td>
<td>Community influence</td>
<td>7</td>
</tr>
<tr>
<td>c.</td>
<td>Intergroup protection</td>
<td>6</td>
</tr>
<tr>
<td>d.</td>
<td>Criminal companionship</td>
<td>3</td>
</tr>
<tr>
<td>3.</td>
<td>Economical / Financial Issues</td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Poverty</td>
<td>14</td>
</tr>
<tr>
<td>b.</td>
<td>low income</td>
<td>6</td>
</tr>
<tr>
<td>c.</td>
<td>Child labor</td>
<td>3</td>
</tr>
<tr>
<td>d.</td>
<td>Unemployment</td>
<td>3</td>
</tr>
<tr>
<td>e.</td>
<td>Deprivation</td>
<td>2</td>
</tr>
<tr>
<td>f.</td>
<td>Shortcuts of earning money</td>
<td>1</td>
</tr>
<tr>
<td>4.</td>
<td>School Related Issues</td>
<td></td>
</tr>
<tr>
<td>a.</td>
<td>Less monitoring in school</td>
<td>10</td>
</tr>
<tr>
<td>b.</td>
<td>Punishment</td>
<td>7</td>
</tr>
<tr>
<td>c.</td>
<td>Inattentive Teacher</td>
<td>6</td>
</tr>
<tr>
<td>d.</td>
<td>Truancy</td>
<td>6</td>
</tr>
<tr>
<td>e.</td>
<td>Private Schooling</td>
<td>5</td>
</tr>
<tr>
<td>f.</td>
<td>Status quo in educational system</td>
<td>4</td>
</tr>
<tr>
<td>g.</td>
<td>Less opportunities for feature</td>
<td>3</td>
</tr>
<tr>
<td>h.</td>
<td>Teachers’ negative attitudes towards Students</td>
<td>1</td>
</tr>
</tbody>
</table>
Table 1 shows the eight sub-categories along with the related minor categories. These minor categories were identified in the open coding. Tabulated information indicates that the sub-categories of parental and family influence were most frequently reported. The sub-categories of personality factors and school related issues followed then. Furthermore, the religious and cultural issues, and the media related issues are least frequently reported sub-categories.

Selective coding is the third and final step of the analysis. In this coding, we looked for the common themes among the sub-categories identified in previous step. Consequently, they were collapsed into four major categories. These are displayed in Table 2.

### Table 2
**Major categories for Causes of Juveniles Delinquency along with their respective frequencies (N=45)**

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Major Categories</th>
<th>Frequencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td><strong>Financial factors</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Poverty</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>b. low income</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>c. Child labor</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>d. Unemployment</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td><strong>Personality Factors</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Risk taking behavior, adventurous &amp; impulsive behavior</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td>b. Depression</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>c. Drug usage</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>d. Pleasure seeking</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>e. Bullying</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>f. Less Tolerance</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>g. Aggression / Aggressive behavior</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>h. Oppositional behavior</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>i. Materialistic attitude</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>j. Destruction / Disruptive behavior</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td><strong>Mental / Cognitive Problems</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Immorality</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>b. Negative thinking</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td><strong>Media Related Issues</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Propagating violence through televised media</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>b. Print media</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td><strong>Religions and other Cultural Issues</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Political Pressure</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>b. Lack of facilities by State</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>c. Status Competition</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>d. Madrissa System</td>
<td>3</td>
</tr>
</tbody>
</table>
Table 2 shows four major categories along with their minor categories. The major categories were Financial factors, Social influence, School Related Issues, and Personality related Factors.
The major categories have certain facets within themselves. For instance, social influence also comprises media and religious and cultural factors. Higher frequencies were for poverty, peer influence, parents influence, propagating violence through television media, less monitoring in school, risk-taking and impulsive behavior, depression, and low income.

**Discussion**

The findings of this research lead to the identification of causal factors of juvenile delinquency in Balochistan as is the primary aim of the study. For this purposes FGDs were conducted with six groups of people from Balochistan or working in Balochistan. The resultant content was rigorously analyzed following thematic analysis. This resulted in emergence of four major categories. These major categories were financial factors, social influence, school related factors, and personality.

The most frequently reported cause of juvenile delinquency was social influence. Social influence includes factors like parental influence (parental illiteracy, separation of parents and less parental monitoring and attention), influence of family (joint family, familial modeling), peer influence (intergroup protection, criminal companionship), community influence (political pressure), religions and other cultural issues (influence of madrissa/religious educational institutes, jirga/traditional assembly of leaders that made discussion by consensus & according to the teaching of Islam), and influence of media (including both print & televised media). Social influence is reported as most important cause of delinquency in several other researches too. In one such research, the effect of family structure on juvenile delinquency play important role in delinquency (Parks, 2013). Additionally, parenting practices mediate between family structure and children’s outcomes (Dunifon, & Kowaleski as cited in Parks, 2013). Family structure, peers influence, and criminal companionship have been reported as important factors in the occurrence of juvenile delinquency (Alboukordi, Nazari, Nouri, & Sangdeh, 2012). Similarly, Talpur, Pathan, and Shah (2012) have also reported that family dysfunction, broken homes, and negative influence of peers can lead the young ones towards delinquency. Malik and Shirazi (2010) have discussed
that media contributes in increase of juvenile delinquency by spoiling attitudes of juveniles.

The other frequently reported main cause of juvenile delinquency was personality. Personality factors include risk taking behavior & impulsive behavior, depression (negative thinking, extreme thinking), drug usage, oppositional behavior, disruptive behavior, bullying, and aggression. This is consistent with other findings where impulsive behavior was observed to be associated with delinquent juveniles. Studies further explain that associated behaviors act as catalyst for the persistence of conduct problem (e.g., Loeber, 1990). In another research Anderson, Cesur, and Tekin (2012) reported that depression among juvenile leads to property crime.

Similarly, Kausar et al. (2012) have indicated the relationship of depression and juvenile delinquency among Pakistani youth. Also, the high numbers of criminal offenders were seen frequently using multiple drugs (Powll as cited in Jalil, & Iqbal, 2014). Similarly, Nardi, Cunha, Bizarro, Dell, and Aglio (2012) reported that the juveniles frequently used the drugs (marijuana, cocaine, etc). Moreover, disruptive behaviors like attention deficit hyperactive disorder prevails among those young ones who show inclination towards delinquency (Hammod, 2007).

Another frequently reported factor of juvenile delinquency was school related factors. These include factors like less monitoring in school, punishment, inattentive teacher, truancy, private schooling, status quo in education system, less opportunities for future, and teachers’ negative attitude towards students. Many Researches indicated that teachers are concern about the truancy in schools (Zahid, 2014). The criminal activities of the students are quite reduced when teachers engaged the students in classroom activities (Ahmed, et al. 2012). Chapman, Kapuscinski, and Roussel (2002) have suggested that carefully designed educational policies aid in controlling the property crimes. The juveniles living in the rural areas are at higher risk to get involved in crimes (Shamim, Batool, Zafar, & Hashim, 2009).

Lastly, financial factors were found to be important predictor of juvenile’s delinquent behavior. Financial factors include poverty, low income, child labor, and unemployment, etc. Malik, and Sharazi (2010) describe that the poverty is a main determinant of
increasing juvenile offending. Unemployment increases the time span for which the juveniles have engaged in delinquency (Gronqvist, 2011). Another research reported that unemployment has adverse effect on the youth performance, which may culminate in criminal activities (Adebayo, 2013).

**Conclusions, Implications, and Limitations**

Above findings lead to the conclusions that in Balochistan social environment, particularly the negative atmosphere closer to the youth (such as family and tribe) have played a critical role in the development of criminal behavior. Personal disposition is next important factor. Apparently, social influence and personal factors are contrasted. However, the present findings may suggest that the social milieu affects only those young individuals who are already predisposed to fall prey to it. The next significant factor, that is, the educational/school aspect of the teenagers again emphasizes the salience of the environment. Commonsense usually considers poor financial conditions as a major cause of the criminality. But, the present study seems to undermine its importance a little. It may be that financial difficulties only cause problems when the social environment and/or personality are already weakened.

The findings have implications for society and for public institutions and authorities in Balochistan as well as in other areas of Pakistan. The strongest of these is for parents/families. They need to be sensitive to the impact their relationships have on their offspring. Media and the political authorities should revisit their policies, as the existing violence in society or as shown on media is having poor influence on the juveniles. Besides, educational institutions especially schools are advised to examine their inherent issues. Public authorities need to improve the condition and policies of schools. To eradicate poverty and unemployment strict merit, justice, and timely recognition of human resource should be ensured. Though it is difficult to change personality, they can be controlled somehow. Proper care, controlling drugs, and behavioral monitoring may be used to deal with disruptive personalities.

Certain limitations of the study can challenge the adequacy of conclusions and implications. The study was placed in only one city. Other areas were neglected. More importantly, only a few numbers of the delinquents themselves were inducted in the study. So, the
rich experiential knowledge might not be available for this study. Steps were not taken to ensure reliability and validity of the findings. For example, independent coder should have been used to ensure inter-rater reliability.

References


