



Role of Malik in Pukhtoon Tribal Areas

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ABSTRACT: Pukhtoon society is composed of different tribes, which inhabit in the North Western part of Pakistan. These tribes are led by their respective leaders in their affairs. These tribal leaders are usually known as Maliks. The mechanism through which these Maliks represent the common tribal people is known as Maliki system. The Maliki system in tribal areas was started in 1890 by the British officer Robert Bruce. The idea behind this was to control the local people indirectly through their own leaders. Their duty was to identify those who were causing disorder, and that time they were given monetary benefits known as *Lungi*. There were also stipends for common people known as *moajab*. The Maliki is hereditary and it goes to son after the death of his father. The Maliks are of two types; the lungi-holder, who is recognized by the Political Agent, and non lungi holder who is not recognized by the Political Agent. The Malik distributes the *moajab* in the community and also collects various fines from the tribes imposed by the government. He settles the disputes among the community members through *Jirga* (council of elders). He is the legal representative of the government and only he can verify and attest the documents of the people and he has the authority to bail out a person who is arrested by the Political Administration. He serves as the witness and guarantor in land purchasing cases. Malik also serves as authority by allowing the outsiders to reside in the community. The various developmental schemes of the government in the community are only given to Maliks. The appointment on various posts in government departments is carried out through the reference of these tribal chiefs. With the passage of time the powers of Maliks started to curtail. The most significant development in this regard was the introduction of adult franchise in the area in 1997 general elections by the then caretaker government. Before this development, the right to vote and to elect an MNA was only with the Maliks.

KEY TERMS: Tribe, Malik, Political Agent, moajab, lungi, Jirga.

INTRODUCTION:

In all the societies around the world, there is concept of leadership. The leaders guide the members of their respective community on various matters and they are usually followed by the community. These leaders take decisions on behalf of their respective group and lead them in their socio-political affairs. Pukhtoon society is composed of different tribes and the division of these tribes is on the basis of genealogies. These tribes are subdivided into *Khels*, which may be equated with clan. The people of the area usually follow their tribal customs and traditions. This tribal code of conduct constitutes their political organization. For keeping order and harmony, every group or clan has a leader. The leader of every clan is called a Malik. The mechanism through which the Malik exercises his authority is known as Maliki system. This system was officially introduced in the area by the British colonial authorities. Akbar S. Ahmad (1980:142) says, "The Colonial encounter with the British resulted in the creation of what is called Maliki System in tribal areas. Loyal and suppliant Maliks and *Mashers* (elders) were officially given the title of 'Malik' and their names placed by political agents on lists, which entitled them to various favors and imposed certain duties. A profusion of Malik categories resulted such as 'Spin Geray' and 'Lungi Holder'. Inaccessible areas of little strategic value to British such as Shilman area south of Kabul River in the Khyber Agency were not given Maliks of any kind". The Maliki System has almost been diminished in the settled areas except for a few services, which are performed by the Malik like revenue collecting. However, in the tribal areas this system still prevails.

The Pukhtoons have their own code of conduct known as Pukhtoonwali, which binds them to a certain course of action and they cannot transgress that. This code of conduct plays a vital role in their solidarity. It may be equated with "collective consciousness", which according to Durkheim, plays a vital role in the solidarity of societies. The concept of power and authority is another factor that also plays a vital role in the integration of the Pukhtoon society. There is also hierarchy of the social roles in the Pukhtoon society. This hierarchy may be based on social, economic or

religious position and this gives the people power and authority. Therefore, in the presence of this hierarchical position in the Pukhtoon society there is a person, who is at a higher level and is known as a Malik. A Malik is a person, who has social role and who has the benefit of enjoying certain powers, authority and respect. He also enjoys this power through His own economic position. He gets the authority through the norms of society and through the blessings of government.

LOCALE

The locale of the present research is village Mirbak (Orakzai Agency). It is situated at a distance of 1 kilometer from the Agency Headquarter Kalaya, Orakzai. Agency was previously part of F.R. (Frontier Region) Kohat district till 1973. On 3rd November 1973, the President of Pakistan announced the creation of Orakzai Agency. This agency comprises of two sub-divisions i.e. upper sub-division and lower sub-division, Upper sub-division has two tehsils i.e. Upper Tehsil and Ismailzai Tehsil, while the lower sub-division has Lower and Central Tehsils, Orakzai Agency is bounded in the north by Khyber Agency in the east by F.R. Kohat, in the south by Kohat and Hangu districts and in the west by Kurram Agency (Population census organization. 2000). There are almost 18 *Qaums* (tribes) in the Orakzai Agency, which are led by their respective Maliks.

RESEARCH METHODOLOGY

The selection of an appropriate Research Methodology is an important and crucial aspect of ethnographic research. It serves as a basis for the collection of data. The most important aspect was that it defined the type of data to be selected. In the present research, the researcher used the following tools of research: Firstly, the researcher selected two key informants, who were knowledgeable persons of the community. One key informant was a school teacher, while the other was a Malik. Secondly, a snowball sampling technique was used to identify the relevant respondents. As it is not feasible to collect information about every person and about every household of the community, so the sampling technique was used.

Thirdly, the socio-economic census survey was used to get the basic information about the people under study. The last research tool which was used was the In-depth interviews. Through this technique, interviews were conducted with Maliks of the community along with some religious leaders. The researcher also interviewed other prominent and educated members of the community.

RESULTS AND DISCUSSION

The British authorities started the Maliki system in the Pukhtoon tribal areas in 1889-90. Robert Bruce, who was the deputy commissioner of Dera Ismail Khan at that time, launched the Maliki system in Tribal areas (Banerjee. 1999: 186). The idea behind this was to control the local people indirectly through their own leaders. This system was started in the inaccessible areas, where the British has problems of governance. In settled areas, the British had no problem in controlling the local people; the problem lied in the hilly and remote areas. In the hilly areas, they tried to use the local chiefs for controlling the people who were fighting against the British. As the tribal areas were inaccessible and the main resistance to the British was from these tribal areas so the colonial authorities wanted to control these people. Ignorance about the local language was an extra hindrance for the British authorities thus they turned to these tribal chiefs to control the local tribes and to negotiate with them on certain matters. The first Maliks were made in Khyber Agency. The main task of these chiefs was to point out those miscreants disturbing the law and order situation in the area. In recognition to the services of these tribal chiefs, the then colonial government offered them certain financial favors. Some stipends were also awarded to the common people locally known as *moajab*.

This *moajab* was given to the people after 6 months and it is still given to the tribal people today. According to Malik Nadir Khan, the Maliks were also given the title of *Kursi* (chair), and their *lungi* (stipend per six months) was fixed. The story behind the *kursi* was that when the British distributed the *moajab*, the Maliks of the tribe would be seated on a chair and the common people would sit on the ground. So this

title of *kursi* was a symbol of respect and honor. The *lungi* is a local term used for the turban. So financial allowances (*lungi*) were fixed for these Maliks and they were asked, in return, to work for the government. According to Malik Nek Muhammad Khan, the first *lungi* was fixed at a rate of Rs.5 after every six months for the Malik of a tribe. There were two types of *lungi* i.e. *Stara Lungi* (big stipend) and *Wara Lungi* (small stipend). The six-month installments fixed for these *lungis* were Rs.5 and Rs.2 respectively. *Stara Lungi* was granted to Malik of a tribe and *Wara Jungi* was given to the Maliks of a *Tappa* (subsection) or *Kanday* (branch). Pukhtoon society is segmentary which is divided into tribes, sub-tribes and lineages which are locally known as *Qaum*, *Tappa* and *Kanday* respectively. Every *Kanday* has a Malik who has to be a member of *Jirga* at tribal level.

To symbolize the power and authority of Maliks and to recognize their services, they were given guns by political administration. Another respondent Malik Gulistan said that when Pakistan came into being, these Maliks were given Radio sets but there erupted a controversy over the dissemination of these radio sets and the local people argued that it will take us away from our religion. These radio sets were then returned to the government by the Maliks. Along with these favors, the *lungi* of the Maliks was also doubled after the creation of Pakistan. These tribal chiefs were also given large tracts of land in Sindh and Punjab during the President Ayub Khan's era. The lands given to them in other provinces were then sold by these Maliks. One of the respondents Malik Haji Zareen reported that he had 40 acre land in District Shikarpur, Tehsil Kandkot, Sindh which he sold to the local people. He added that the Ex-Prime Minister Muhammad Khan Junejo increased the *lungi* of the Maliks substantially when he visited Peshawar. Now the Malik of a tribe receives 10 to 20 thousand rupees after every six months.

The Maliki is hereditary and moves from father to son after the death of the former. The Maliki continues in those families which were made Maliks by the British. When a Malik dies, his elder son becomes the Malik. If he has no son or the son is

incompetent or mentally retarded then his brother or nephew becomes Malik. In the settled areas, the Maliki system has diminished but in tribal areas, it is still prevailing. In the settled areas, the Maliks perform very few functions like revenue collection and attestation of documents.

Maliks are divided into different categories with respect to their recognition with the Political Agent i.e. Lungi Holder and Non Lungi Holder. The former are registered with the Political Agent and receive allowances from them. The latter are not registered with Political Agent and receive no financial allowances. They are only recognized by the community. This status is given to them by the Political Agent who has discretionary powers in this regard. He can choose a person from the local community as Malik who has personal abilities to lead the people. So the descendants of the Maliks made by the British are not necessarily the Lungi Holders but recognized by the natives. Economy, leadership qualities and education are the characteristics which enables a common man to become a Malik. Such people first try to earn money. After getting a good economic position, they acquire a good social position with the help of communication and motivational skills. They try to intermediate and settle disputes of the people. If someone gets a good education, the people nominate him as a Malik hoping that he will deal with the Political Agent efficiently.

The Maliks are mostly rich people. These people usually have big agricultural land. They also receive large financial allowance (*lungi*) from the government. A good economic position is, however, required for a Malik. This is because many people daily visit him at his *Hujra* and running a Hujra for a Malik is an expensive activity. Hospitality being a significant feature of Pukhtoon culture and a necessary feature for the maintenance of the social status of the Malik, a fortune is required to run the kitchen. A Malik should serve the people with meal and at least with tea which is a sign of generosity. He also has to arrange meals for the government officials at

their new posting in the Agency. These Maliks also arrange meals for those government officials who officially visit the agency.

Role of a Malik:

As a leader of the society the Malik has to do certain duties. The duties which are performed by Maliks are described below.

Distribution of Moajab: *Moajab* is a financial allowance which was given to the tribal people by the British Government every six months during colonial era. This allowance is still given, even today, to the tribal people by the Political Agent. The Malik of every *Tappa* (sub-tribe) or *Kanday* (lineage) distributes the *moajab* in the community on behalf of the political administration. Every person of the community receives *moajab* which is equally distributed among the sub-tribes. The sub-tribe Feroz Khel where the research was conducted had 480 shares. The Feroz Khel section has four subsections which receive 120 shares each and then every *Kanday* receives 15 shares. Malik distributes these shares of *moajab* in the community and every person receives this financial allowance after 6 months which may be as less as Rs.10.

Collection of Fines: A Malik also collects fine from the tribesmen, which is imposed on them by the Political Administration against any criminal or unlawful activities like kidnapping, breaking of jail, damaging of government property, theft, robbery, murder etc. This fine is collected from the people at different levels i.e. *Tappas* and *Kanday* from their respective Maliks. If a person from outside comes in the area and kills a person of another tribe then a fine is imposed on the whole tribe of the murderer. Malik receives some money from the Political Agent also when he collects fine from the tribe. The money collected in fines is also distributed equally among the people like *moajab*.

Attestation of Registration Documents: Malik attests certain registration documents. Six Maliks of a *Tappa* who are registered with the Political Administration are needed to sign a domicile or NIC form otherwise a person cannot get his or her domicile or NIC. One Malik among these six would be the one who distribute the *moajab*. The Malik also attests NOC form for getting passport and *Nikah Nama* (marriage contract form).

Arranging Lakhkar: *Lakhkar* means group of fighters. If a fight breaks up between two tribes, the Maliks arrange group of fighters from their tribes. These fighters are chosen from all subsections on the basis of same percentage formula used for the distribution of financial allowance. If someone refuses to fight, Jirga imposes a heavy fine on him or his family. Keeping the punishments in view, nobody dares to refuse.

Execution of Development Projects: The development schemes which include the construction of schools, hospitals, electrification etc. are mainly assigned by political authorities to Maliks. They arrange for land and donations, motivate the people and organize them to participate in the projects. Maliks often designate their close relatives on key posts in these schemes especially when the land for the scheme is donated by him.

Lokhay: *Lokhay* is the local term which is used for bowl. Malik Shah Nawaz, while elaborating this concept, said that it is a custom of the area through which a foreigner becomes a member of a community. If a foreigner wants to reside in the area, he goes to Malik and requests him for permission. Malik ensures his reliability and allows him to reside. At this occasion the foreigner has to arrange a feast where he slaughters a sheep or goat. Malik invites the natives for the meal and tell them that this man has a common *lokhay* (bowl) with us so he could live in the community. After this agreement if someone harms him the Malik takes action against the person on behalf of the foreigner. The foreigner to whom the *lokhay* is

granted has no concern in the loss and gain of the community. The foreigner is excluded from the fines which are imposed on the tribe by the Political Administration. So in *lokhay* system Malik acts as an administrator who makes a person from outside a member of the community.

Recruitment of *Khasaddars*: The recruitment of *Khasaddars* (levies) is based on inheritance and quota allocated to every *Tappas*. However, when the posts are few, the Maliks use their influence in the recruitment and often recruit their own relatives on these posts.

Jirga: The main function of Malik is to make arrangements for Jirga, to find solutions for different social issues of the tribes and to resolve conflict which may arise between the tribes or sometimes between the government and the tribes. Jirga could be of different types. These types vary in terms of decision making, personalities and conflicting parties. Types of Jirga include Private and Political Jirga. **Private Jirga** is purely a tribal Jirga wherein the issues are exclusively settled by the Maliks and the elders of the tribes. Political Administration and Political Agents have no concern with the dispute settlement. For example, if two parties had a dispute on land, these parties would ask the Maliks of their sections to solve the issue between them. These parties may also give some cash to Maliks after solving the disputes. Most people are happy with this type of Jirga in which there are less chances of reference using. People of the village mainly solve their disputes through private Jirga, They believe that in Political Jirga, there is bargaining between the Maliks and the Political Agent. In **Political Jirga**, the political administration resolves the dispute among the conflicting parties. In this Jirga Tehsildar or Assistant Political Agent are usually the final decision makers among the parties. This Jirga is held when someone has no trust in the Private Jirga. That person writes an application to the Political Administration and the office calls both the parties along with the Maliks of the tribes. The Assistance Political Agent or Tehsildar hears the arguments of both the parties along with the

Maliks and gives another date for the decision. The Political Administration also puts some fine on the parties known as *Pesa*, in case they do not appear in the next hearing wherein the Political Administration decides the case. If someone does not agree to the decision of the government, he is put behind the bars by the Political Administration. In this type of Jirga, when a decision is made against the tradition of the area, an appeal is put before the government and another Jirga is constituted in which the decision is made according to the tradition of the area.

The other two types could be Intra-Tribal and Inter-Tribal Jirga. **Intra-Tribal Jirga** is constituted when there is dispute of two people of the same tribe. The Maliks or *Spin Geray* (elders) of the same tribe solves the dispute between them and there is no need of the men from the other tribe. **Inter-Tribal Jirga** is convened, when there is dispute or feud between two different tribes. In this Jirga, the conflict is either settled by the men of the same or other tribe. If the dispute is between two Sunni tribes or between two Shia tribes, the matter is resolved by the Jirga of the same Agency. If there is fight between the Shia and Sunni Qaums, the Jirga of Maliks comes from outside the Agency and resolve's the conflicts. In the village there are more intra tribal conflicts which are mainly on the lands and they are solved through village jirga. In this type of Jirga, no Malik from outside is invited to solve the conflicts.

BAIL: In FCR (Frontier Crimes Regulation), the prevailing law in tribal areas which is based on collective responsibility; when a person commits a crime, the Political Administration arrests him. If that person is not present then his family members are arrested, if the family members are also not present, the members of his tribe are arrested. These arrested people are normally bailed out by the Maliks of the tribe. The bail is granted after paying a fine to the Political Administration which is imposed on that person who had broken the law. Only those Maliks who are recognized and registered with the Political Administration can make request for bail. If such a person commits another crime and is arrested by the government,

his bail is requested by the Maliks of his tribe on the condition that if this person commits another crime the Malik will be responsible and not that person who had committed the crime. After this, some money is usually guaranteed by the Maliks and if the person commits the crime again, the Maliks will pay on his behalf. This money is often received from the family of the criminal by the Malik. In such type of cases, the Mailks are given some money by the Political Administration after paying the amount of bail to the government. There will be two, four or eight Maliks in a bail depending upon the nature of the case. But mainly two Maliks are required for a bail.

Settlement of Murder Disputes: The Malik also settles the murder disputes between the two parties. When there are killings from both sides, these Maliks come and plays the role of an arbitrator. They either settle the dispute completely or they arrange a ceasefire between the parties. They get some guns from both sides before ceasefire and impose some fine known as *Pesa* on both sides if they violate the decision. After some days, the Maliks again announce ceasefire between the parties known as *Kanray*, that for such period of time both the parties will not harm each other. If they violate the decision they will have to pay the fine in cash or their houses will be destroyed. The guns are usually returned to them when *Kanray* (ceasefire) is arranged between them.

Witness for the Land Purchasers: There is no proper record of land in the tribal areas. There are often fights on land between the groups due to lack of record. When a person wants to sell a piece of land, he will sell it on the stamp paper which is signed by two Maliks as witness. The two parties sometimes pay these Maliks in cash for witnessing.

Kidnapping Cases: In case of kidnapping, Malik becomes a mediator between the Political Administration and the tribe. When someone kidnaps a person from outside, and the Political Administration comes to know that the kidnapper is from

a particular tribe, it calls the Malik of that tribe to negotiate between the Political Agent and the kidnapper. The Malik then threatens that person as directed by Political Administration to release that person. If the kidnapper does not accept, the Political Agent will use force and the Malik will cooperate with the political administration to arrest the kidnapper. If someone is kidnapped from the area of a tribe, a fine is imposed on the whole tribe.

Poppy Cultivation: Poppy cultivation has been declared illegal by the government in the tribal areas but still some natives cultivate it. The Political Administration sends the *khasaddars* to demolish the poppy crop. If the local people resist, the Political Agent calls the Malik and asks him to ensure that the cultivated poppy crop is demolished. Malik settles the matter after discussing it with the tribesmen as well as the Political Administration. The Maliks then put some demands before Political Agent that the tribe will remove the poppy crop but the government, will have to do certain developmental works in the area. Political Agent may give certain developmental schemes to these Maliks like providing electricity, roads, schools, and health facilities.

Appointment of *Molvi Sahib* (Cleric): Every Malik has his own mosque with his respective Hujra. He appoints *Molvi Sahab* (cleric) in his mosque and pays his salary on monthly or sometimes on six monthly bases. Therefore these *Molvis* work under the directions of the Malik.

Malik as a Government Agent: Malik, along with his local and tribal responsibilities, play a vital role as a government agent. He helps the government in implementing the rules and regulations. He is responsible for collection of fines and implementation of governmental punishments on both individual and tribal levels. Using his social status he motivates the people to obey the laws. If a Malik is more respected by the people, the Political Agent mainly talks to that Malik whenever he has to deal with the people. On the other hand, for the people, Malik is

the only source of communication to the high authorities. The administration, in any case, consults a Malik and through him handles the case. He collects fine from the accused and gives it to the Political Administration.

Changes occurred in Maliki System:

The Maliki System has not faced major changes since its inception as it is functioning under FCR which was implemented in 1901. But still there are some changes of significant importance in the System. "On December 14, 1996, the then caretaker government introduced the universal adult franchise in the Federally Administered Tribal Areas (FATA.) The election to 8 FATA seats for the National Assembly was held on the basis of adult franchise in February 1997 General Election for the first time." (Hasan Askari Rizvi: (2013. page26 PILDAT Report). According to Malik Zareen, before the 1997 General Elections, the right of vote to elect the MNA was just with the Maliks who were registered with the government or were Lungi Holders. Common people had no right to cast the vote. Due to this system there was a great deal of corruption and vote purchasing. As the rich people would purchase the votes of these Maliks and only they would be elected as MNA. But in 1997 General Elections, the right to vote was also given to the common people. Due to this step of the government the rate of corruption and vote purchasing has stopped to some extent.

CONCLUSION:

Maliki system was first introduced by British to control the local people and to minimize the disturbances in the Pukhtoon tribal belt. The main responsibility of the Maliks was to maintain law and order in the area and to point out the trouble-makers. The British authorities used to reward these tribal leaders handsomely in cash and kind. This system was, up-to much extent, a success story for British Government as it was very much instrumental in maintaining law and order in the tribal areas.

An important aspect of Maliki system is the institution of Jirga, in which disputes are settled in accordance with the tribal norms in the shorter period of time as compared to civil courts. Due to this speedy justice system the decisions of the Jirga are also trusted by the local people. On the other hand, along with the positive aspects there are some drawbacks in this system. The first major drawback in the Maliki system is the communication gap between political administration and common people. Only Maliks have direct access to the political administration and have the authority to take decisions on behalf of the tribes. These direct links with political administration make Maliks, sometimes, to involve in dealings with the political administration on various tribal matters. These dealings are mainly wheeling-dealing that makes them subject to corruption. Another major drawback of the Maliki system is that it is hereditary, which is an obstacle in producing competent and genuine leadership. The hereditary nature of this system is thus producing incompetent leaders. Certain government initiatives have brought changes to the Maliki System and have curtailed the powers of the Malik. The most significant event in this regard was that of 1997 general elections in which adult franchise was introduced in the area thus enabling the common people to use their votes. Prior to this development the right to cast vote and elect MNA (Member of National Assembly) was only with Maliks.

BIBLIOGRAPHY

- [1] Ahmad, A. S. (1980). *Pukhtoon Economy and Society*. London: Routledge and Kegan Paul.
- [2] Ahmad, A. S. (1983). *Religion and Politics in Muslim Society*. London: Cambridge University Press.
- [3] Ambreen, M. & Mohyuddin, A. (2013). Power Structure and Conflict Resolution among Pashtun Tribes: A Case Study of Zandra Village in Balochistan. *Asian Journal of Management Sciences & Education*. Vol. 2 No. 1, 55-68
- [4] Banerjee, M. (1999). "Justice and Non-Violent Jihad: The Anti-Colonial struggle in the North West Frontier of British India" (Etudes rurales, No. 149/150, Justice et societies rurales). pp.181-198.
- [5] Barth, F. (1965). *Political Leadership among Swat Pathans*. London: The Athlone Press, University of London.

- [6] Bernard, R. (1988). *Research Methods in Anthropology*. London: Sage Publications.
- [7] King, L.W. (1984). *The Orakzai Country and Clan*. Lahore: Vanguard Books.
- [8] Lindholm, C. (1982). *Model of Segmentary Political Actions in Anthropology in Pakistan*. Karachi: Indus Publications.
- [9] Mohyuddin, A., Chaudhry, H. R. & Ambreen. M. (2012). Perception and Process of Development in Zandra, a Village in Balochistan: World System Analysis at Micro Level in Anthropological Perspective. *Asian Journal of Management Sciences & Education*, Vol. 1No. 3, 66-79
- [10] Pelto, J. and Pelto, G.H. (1970). *Anthropological Research*. London: Cambridge University Press.
- [11] Pritchard, E. (1940). *The Nuer*. London: Oxford Clarendon Press.
- [12] Rizvi, H. A. (2013). *A Narrative of Pakistan's Nine Elections (1970-2008)*. (The First 10 General Elections of Pakistan, Pildat Islamabad). pp 26.
- [13] Spain, W.J. (1985). *The Pathan Borderland*. Karachi: Indus Publications.
- [14] Census Report of Orakzai Agency. (1998) (Islamabad: Population Census Organization, Statistic Division, Government of Pakistan, 2000)