

Walk on Burning Coal to Prove Innocence

There is a decades old practice of taking a walk on burning coal to prove innocence in an alleged offence still alive in Balochistan even in this modern age. As reported in the press a forty-year-old resident of Azizabad area of district Mustang walked on burning coal over a property dispute with his real brother. This practice of proving innocence is also in vogue in some areas of Sindh.

A stage is set up for walking on the burning coal to prove innocence by the accused who is denying the criminal charges leveled against him or in any civil disputes arising between two parties. The person who is not accepting the right of other person over the property in dispute, or who claim his proprietary right in any property, he is being asked to walk over burning coal. If one gets burn marks on his feet, the man is considered guilty and the *jirga* decides further course of action against him.

The practice as reports in the press is that a 12-feet long, two-feet wide and two-feet deep trench is dug up which is filled with dry wood. The wood is burnt into coal for around over two hours. As the time to take the test of innocence approaches, a veteran walks close to the fire and recites verses from the Holy Quran. It is believed that the verses are recited to bring the fire "under control" so that it would not harm the innocent and only burn the guilty. Hundreds of people, including the friends and relatives of the accused, stood around the trench when the accused walks on burning coal. His relatives immediately take him where his feet are put in a bucket filled with the blood of a slaughtered goat. An elder of the *jirga* then decides whether the accused is innocent or guilty in open gathering.

This practice is inhumane, against the dignity and morality of man, the accused is being compelled to do a thing which is not required under the law to do it. In order to impose restriction on such act of the person, compelled by any other person to walk on burning coal may both be restrained from doing such act, by providing provision in the Pakistan Penal Code by inserting a new section 374-A as under:-

Section 374-A Compelling any person to walk on burning coal or fire.- "Whoever voluntarily causes any person to do any thing which that person is not legally bound to do or

with intent to cause, or incite or provoke that person to do an act to prove his innocence or proprietary right of his claim, or he himself voluntarily causes to do an act, to walk on burning coal or fire of wood or throwing him in water or subjected to other ordeal, which he is not legally bound to do, to prove his innocence, claim or deny any proprietary right, shall be punished with imprisonment of either description for a term not exceeding 3 years and with fine”.

Commission’s Deliberations on 05 December, 2009

The Commission considered the proposed addition of Section 374-A regarding punishment for compelling any person to walk on burning coal or fire. The Commission observed that this and similar other cruel and inhumane practices/ customs should be strictly prohibited. It, therefore, recommended an amendment to the Pakistan Penal Code to the effect that the perpetrator of acts like making an accused to walk on burning coal or throwing in water or subjected to other ordeal shall be made punishable with imprisonment for upto 3 years and fine.