

South Asian Studies

A Research Journal of South Asian Studies

Vol. 31, No. 1, January – June 2016, pp. 85 – 97

FATA Needs Radical Reforms in FATA Administration in Order to Include in Mainstream of Pakistan's State.

Naghma Parveen

B.Z. University, Multan.

Humaira Arif Dasti

B.Z. University, Multan.

Abdul Rashid Khan

B.Z. University, Multan.

ABSTRACT

The key feature of Pakistan political history is instability and major time of history of Pakistan is occupied military governments. That is why it is still under develop. That is why it was essential that there should be stability in the country but unfortunately Political stability is far away from Pakistan. Thus without political stability there will be no progress and prosperity in the country. A country needs secure border and internal and external peace for smooth development. Unfortunately Pakistan had both internal and external disturbances throughout its history. First India left no stone unturned to destroy Pakistan. India forced three major Wars to Pakistan. In 1971, India was able to separate its East Wing from the rest of the country. Similarly its another neighbor Afghanistan remain a source of irritation for Pakistan. It tried its level best to change the geography of Pakistan through the slogan of pashtoonistan and claimed all Pashtoo speaking areas of K.P.K, Balochistan and FATA should be included in it.

FATA areas of Pakistan are tribal areas and therefore the Pakistani government normally does not interfere in the affairs of this area. These areas have a long border line with Afghanistan and people of Afghanistan and that of FATA area have relations with each other. British government tried its level best to colonize this area but failed and British regime kept this area under the tight grip of unjust laws for their vested interests to get man power for its Army to fight with Afghans. But unfortunately, these areas are still backward and there is very low level of literacy, health facilities are either absent or of very low standard. Women are not allowed to participate in daily routine work with men. They are bound to stay at home. Due to backwardness of these areas, there emerged militancy which is increasing day by day. The situation in Afghanistan also badly effected the peace of these areas. To combat militancy and for long lasting peace in this areas, it is necessary to include FATA areas in the mainstream of Pakistan. The tribal status of these areas should be replaced by inclusion of these areas into Pakistan either as an independent province/administrative set up or either by making it part of K.P.K as a district. An attempt is made in this paper to describe the backwardness of these areas and how it can be included in the mainstream of Pakistan State.

Introduction

The role of North West Frontier is outstanding in the history of Indio-Pakistan because of its geographical position. It was also important geographically for the British Indian government. It was included in the British constituted provinces, situated between 69 and 74 east longitude the greatest length of the Province was 15408 miles and, its greatest breadth 279 miles. The total area of the region is approximately 39,000 square miles and in its North lay the Hindu Kush, to the South Baluchistan and the a district of South Punjab; Kashmir, the Punjab lay East of it and Afghanistan to its West. The district Hazara and some area of Kohistan region are called Cis-Indus, while other province was trans-Indus.

The province had a double boundary: one administrative and the other political. The former distincts the five administrative regions from the Tribal area and spreads toward mountains. The boundary from Afghanistan to Indian borders is called the Durand Line. The middle area of these two boundaries was and still is ----- occupied by Pathan Tribal.

The province had two political divisions: the five administered units known as districts, i.e., Hazara, Peshawar, Kohat, Bannu and Dera Ismail Khan having total area about 13,419 square miles; and the Tribal territory with five political agencies the Malakand, the Khyber, the Kurram, Northern and Southern Wazirstan, and five Tribal areas. The Malakand Agency included the Frontier Chieftainships of Chitral, Dir and Nawagai. The Tribal territory consisted of an area of 25,00 square miles.

The North West Frontier province presents an extreme and complex view because of its physical features. The Cis-Indus District of Hazara is one of three main geographical divisions. It is extending North-Eastwards into the Himalayas ranges. Its north side is hilly while southern part of the region consisted on the green fertile lands. The area from north to south is a narrow strip between the Indus and the hills, consisted on the four districts of Peshawar, Kohat, Bannu and Dera Ismail Khan. Then there is tribal territory between above districts and the Afghan Frontier formed the third division containing a terrain, rugged, rocky and wild with lofty mountains and between them deep, narrow and inaccessible valleys. Then, the Agency, i.e., Swat, Dir and Chitral situated between the border areas of Peshawar and the Hindu Kush ranges. However, the area is not much fertile and suitable for the agricultural production. The fertile lands of Dir, Bajaur and Swat including Panjkora Rivers are situated in the south of Chitral. The barren hills of Mohmand are stretched on the South-Western sides of Malakand Agency. Furthermore, the narrow gorge of Khyber Pass was liked Jamrud from its southern side, on Peshawar border with the Eastern side of Afghanistan at Landi Khana still further south Lay Tirah, the home of the Afridis Orakzais. The Kurram Agency, a fertile valley, lies to the Western side of Khyber Agency and in west of Khyber Agency and spreads towards the Sikaram and the Peiwar Kotal Passes to the western end of Miranzai valley of Kohat District. It could be seen the mountainous

region of Waziristan, the Tochi valley and the plain of Wana. The Wazir hills joined another mountain range, the Sulaimans, which dominated the Derajat.

There are some important passes in the North Western hills of the Province. These passes from many centuries are using as the routes of invasions and the trade between Central Asian and the regions of South Asia. The strategic and political importance of this province also increased because of the passes. The Khyber Pass is an important and famous way of communication between Afghanistan and South Asia if is also situated in the South of Hindu Kush ranges. There are seven semi autonomous agencies, i.e. Bajaur, Mohmand, Khyber, Orakzais, Kurram, and North and South Waziristan. In 19th century, this tribal area remains a battlefield due to advances made by Imperial power.

FATA needs Radical Reforms

FATA administratively cane divided into followings as:

- a) (FATA) Federally, administered Tribal Areas
- b) (PATA) Provincially Administered Tribal Areas
- c) (PATA) of Baluchistan (3).

FATA is controlled by federal government while PATA and PATA of Balochistan is under the administration of both the provinces, i.e., NWFP(KPK) and Balochistan. Governor act on behalf of federal government in FATA.3 FATA is under the control of Federal government because of security reason. These areas are linked with Afghanistan through Duran Line. Thus it is necessary to constantly watch the border. Thus, it is directly handle by the central government of Pakistan. The poverty is the great reason for the control of federal government in Fata. The people of this area are not in a position to run their affairs independently. Since the creation of Pakistan, no improvement is made in this area to uplift it. They are deeply backward areas, they are even more backward to than of KPK area. No change is occurred in social, political and economic set up of these people except little change in the administrative set up of Khyber, Kurram, North and South Waziristan. Rest of agencies are created after independence in 1947.

A treaty was signed between Bannu Tribal Jirga and Government of Pakistan in January 1948. Quaid-i-Azam signed on it on behalf of Government of Pakistan. Through this treaty Government of Pakistan agreed to keep autonomous status of FATA. There was no major administrative change in FATA however the political agent became more active in tribal areas. The political agent is entrusted to complete the work for the prosperity of tribal regions. The government of Pakistan launched many development projects for the area in the field of health, education, communication and supply of water. The government of Pakistan kept intact the British system, i.e., political agent was responsible to coordinate between government and the people of FATA areas and government had no contacts with the society in Fata, directly. So, the Pakistani government agreed to provide allowances and subsidies to the political agent in recognition of his services for the government. Though Quaid-i-Azam opposed this system of allowances and

South Asian Studies 31 (1)

subsidies and he wished that people of FATA region should be brought in power as the people in other areas. However, no serious efforts were made in this perspective so far. At different times, close associates of Quaid-i-Azam demanded that the government of Pakistan should include the common men of FATA region in the administration so that they should explain their problems directly to government of Pakistan and government should try to solve them. A similar effort was made in 1950 by Qazi Isa who was a close associate of Jinnah and he at the same time was a popular political leader. In his opinion political agents or Maliks are mostly corrupt, dishonest and they did not act to work for the betterment of the people of the FATA areas. He wrote a letter and explained the situation to the minister of Pakistan.

“The only means of contact that our officials have got with the tribesmen is through so called tribal leaders a very discredited lot imposed upon the tribesmen by the ex-alien government. In the past, the practice had always been to blackmail the government through large and unreasonable demands of those so-called leaders with the backing and convenience of local political authorities, who were always shareholders in what they secured from the government. The technique under the changed circumstances can never succeed and what is required is to win over the masses, which can be done very easily without any cost to the government. I am quite prepared to shoulder this responsibility and prove to you that through direct contact we can achieve a lot.”

However, the ministry responsible to look after the affairs of FATA i.e. States and Frontier affairs was not agreed with Isa and the secretary of the Ministry replied to Isa in the following tune; “If the sardars (Maliks) were a really a spen force as Mr. Qazi Mohammad Isa would have us to believe, than the Afghan Government would not be working through them and use them as vehicles for enforcing their authority on the other side of Durand Line.”

By the Secretary of the Ministry responded clearly that Pakistan relations with Afghanistan played a key role in formulating policy for FATA areas. Afghanistan did not like Pakistan entry on the map of the world and remained unfriendly to Pakistan but even it did not accept Durand Line and tried to destabilize the situation in tribal areas of Pakistan and it used tribal leaders/Sardars to generate trouble in the tribal areas. Thus Pakistan was bound to adopt a policy towards tribal areas in line with its relations with Afghanistan. It is very strange that some tribal groups lived in certain areas of Punjab, Sindh and Baluchistan and established their homes there but they were not provided special status in the constitutional law of the state unlike the people of Fata. Simultaneously, they were not governed like that of colonial administration. According to the article-I of the constitution of Pakistan, the tribal areas(FATA) should be included in the territory of Pakistan and should be recognized as a special area.

According to the constitution of Pakistan, the chief executive of tribal areas is considers the President, who directly look after its finances and resources and for development in the areas. According to the article-246 of the constitution, some areas will be considered as the tribal areas under the control of Federal government, the areas of Baluchistan and NWFP, the areas of state of Amb, the areas of state of Swat and areas of State of Chitral will be part of FATA areas. The constitutional article-247 elaborates the relations between Pakistan Federal government and that of FATA.

It is very strange that though FATA areas are included in Pakistan and their representatives are present in the parliament but parliament is not in a position to pass any act or order for the areas and even if parliament passes any act, it shall not apply to FATA. However President can direct parliament to pass an act which shall be enforced. Similarly provincial assembly cannot pass an act without the approval of Governor for FATA and it should be notified by the President. There is no jurisdiction of any of Pakistani court like Supreme and High Court. There are 12 seats in National Assembly for FATA areas and there are 8 seats in Senate. But FATA has no seat in the provincial Assembly. Here a question arises, if Parliament cannot make laws or pass resolution for FATA without the consent of President, then why is there indulgence of people from FATA in Senate and National Assembly History of constitutional development shows that FATA members are used only to caste their votes for the election of the leader of the house and failed to get any relief for the people of FATA and they appeared to be a rubber stamp. The political agents were empowered even after partition by FCR of 1901. FCR remained under criticism and it is not fair for an independent country to adopt colonial law. The British Colonial power used this law to control local people and to safe the British Empire interests in the area. This law was a bundle of cruel sticks which were used to punish the local people. It was discriminatory, in human and unjust.

The FCR provided unlimited powers to political agents who through this could perform the duties of an administrator, a Magistrate, as controller of revenue, in whole as chief executive. The people of the area were bound to live at his mercy. He could punish a person or acquit him from trial or arrest. These unlimited powers usually made them corrupt and unjust and cruel. They were ready to do anything for their foreign masters.

The very serious unjust provision of this law was the punishment provided collectively to the family members or blood relations of an accused person and this accused person usually became victim of this in human law. No democratic nation would accept such bad and harsh governance which failed to provide basic human rights to its people.

Though local Jirga forwards or sends its recommendations for the accused person after his trial but political agent has unchallenged power to decide either in favour of the accused or against the accused. It is very discriminatory that people of Pakistan were provided with many social, political and economic reforms but no such reform was introduced in tribal areas since 1947. In the constitution of

South Asian Studies 31 (1)

Pakistan there are 5 articles and 247 clauses, which bound the parliament not to pass any law for the tribal areas, unless President allows to do so. Similarly under the constitution no court of law can function in tribal areas unless some law is made for this purpose by the parliament.

This is totally discriminatory and against the justice and fair play. The people of these areas are denied their just right without any fault. Thus, we have shut down all possible ways for the uplift of the area and closed the people of this area behind the bar and forced them not to claim any of fundamental right which is provided by the government in constitution. Thus, what is difference between Pakistani government and that of a foreign government? It is unfortunate that government did not bring FATA into mainstream system of government of Pakistan but it pretended that due to political, social and economic problems faced to the country since its birth therefore it is not possible to pay attention to tribal areas. It is true that Pakistan was bound to face many critical problems immediately after independence. Then there was its hostile neighbor who wished to erase it from the map of the world and for this reason imposed a war over Kashmir in 1948.

Pakistan had limited sources which were not sufficient to tackle the problems like that of settlement of refugees, to run the administration and strong structure to manage the tribal areas as the provinces. It was also aimed to develop links between the eastern and western areas, which were far away from each other. The survival of Pakistan after independence is itself a miracle but its planner failed to plan well to face the several challenges.

Thus, country was unable to try to bring the tribal agencies into main stream of governance. The tribal belt has often been ignored. It is important to mention here that due to tribal set up of the tribal areas which is very complicated, it is not easy to change it within a fortnight. But this tribal belt should be provided with political, social and economic reforms and there should be efforts to bring it into mainstream of governance. The constitutional and social reforms in FATA were presented by Zulfiqar Ali Bhutto. His policies were a package of gradual changes by the help of local community to bring positive changes in the existing system. The British remained engaged and virtually trapped in tribal areas till their departure from the subcontinent in 1947, due to which Tribesmen were not allowed to visit cities' settled areas without a pass from the political agent. They were not allowed to purchase property in the British Administered Areas unless a special sanction was granted by the British government to safeguard its strategic interest by ensuring its hold on all passes leading through tribal areas.

In the British period, almost twenty percent of the tribal areas was dealt administratively by the imperial government and called was protected areas. All regions across the roads were not considered under the rule of law and were left to the tribesmen to governance themselves. However, the summons of the state were issued without the reforms of developments and prosperity attached to the modernization that was taking place elsewhere. However, in other areas of KPK (NWFP) major change came in the government and political structure because of

the reforms, which were introduced in the communal award of 1932. However, the reformative policies did not prove most suitable for the tribal areas. The Frontier Crimes Regulations (FCR) as operative laws was prepared for these areas. It is very unfortunate that even after independence, the people of FATA are not provided with their due rights as described some of them described, above. Immediately after independence, Quaid-i-Azam made some efforts to remove some of provisions of unjust law prevailed in FATA.

As the struggle for independence was started in Sub-continent by the Muslims, the people of tribal areas too stood with them and fully supported to take separate homeland. In 1945, Quaid-e-Azam, the founder of Pakistan also visited the Khyber Agency and was accorded an unforgettable reception by the local tribal men. They promised with M. Ali Jinnah that with they would support the struggle movement whole heartedly. So, after independence all these areas became a part of newly born state. Since the creation of Pakistan, many changes have been brought in the administration by the successive governments. At the time of independence, Quaid-i-Azam ordered to withdraw armed forces from the cantonments in tribal areas to provide autonomy and a sense of independence to the people of tribal areas. Moreover the restrictions were also implemented to visit the urban areas and other populated areas and to take property by the tribesmen. By the government, for the federal province services were also granted special concessions in many fields including the educational sector. The business community was encouraged to increase their trade and business to develop the economy within country.

The government also embarked upon various development projects of communication infrastructure and the expansion of main political facilities as education, health and water supply scheme to these areas. In the 1970 the government of Mr. Zulfikar Ali Bhutto took efforts to develop integration and unity among the tribal men in Pakistan. For this purpose, Khan Abdul Qayyum Khan, the then interior Minister of Pakistan and Major General (Rtd.) Naseer Ullah Babar the then Inspector General Frontier Corps NWFP and later Governor of NWFP, entered in to negotiations with the tribal elders. In December, 1973, consequently, the two agencies of Bajaur and Orakzai were also considered as the tribal areas. Former Malakand agency and princely state of Amb, Swat, Dir and Chitral were assigned to Provincial Government for administration and were termed as Provincially Administrated Tribal Areas (PATA). It helped to bring another 50% of the area under the influence of the Government through political administration. In spite of this new array, approximately 30% of the area, particularly the one adjoining Afghanistan, continued to remain beyond the writ of the government. While to their fondness, retaining their own traditional and local system of governance, the tribal people of Pakistan have been begging their share of representation at national level, though, through a faulty system of election. For the fifty years after independence, only their Maliks (Tribal Chief) were allowed to reach National Assembly and that too elected by the other maliks only. However, in 1997, the government of President Sardar Farooq Ahmad Khan Leghari and the interim Prime Minister Malik Meraj Khalid took a historical step to grant the right

South Asian Studies 31 (1)

of adult franchise to the tribesmen for the National Assembly seats. This decision has been received with enthusiasm amply displayed during the general elections held in 1997 and thereafter. Ironically, where there is no representation for the Tribal areas at the Provincial level, there exists a mocking anomaly with their political representation at the National level. The members of FATA in National Assembly and the Senate are integral part of the legislative. They also hold Federal Ministries and they make and break governments by the power of their votes. But, the laws that they are party to make, have nothing to do with the areas they represent. A political messiah is awaited to put right this very wrong. An agency is under the jurisdiction of political agent. Along with these agencies, there are also six frontier regions (FR). These Frontier Regions were attached to the settled areas Deputy' Commissioners for the purpose of administrative convinces and quick services. Some believe that the purpose of creating FR was to divide the tribes through administrative measures. However, there is no difference between the administration of an Agency and a FR. The political Agent in an agency is an ultimate decision maker who worked as district magistrate, session judge and the coordinator in many institutions.

However, an Assistant Political Agent governs a FR. He operates under the respective Deputy Commissioner (now district coordination officer) who in turn enjoys the powers of a political agent. The system of governance has the notion of territorial, tribal and defensive accountability. Still, the FCR enacted by the British is the procedural regulations which develop the origin of the system. The administration, in fact, takes cognizance only of the offences which are committed in the protected Areas, and beyond only when the states' own interest involved. The intervention may be by the direct use of force through the Frontier corps or indirectly through the Maliks and Khassadars (tribal police) under the tribal / territorial responsibility. Other criminal and civil disputes occurring within the tribes are adjudicated through Jirga (council of elders). The Jirga proceeds by following either the system of Riwaj (Local customary law) or the shariat (Islamic law). Prior consent of all the parties, on the system to follow, is mandatory. The Punishment may include burning/demolition of houses, heavy fines and holding innocent relatives hostages for the fault of other. The frontier force has been withdrawn from the border between FATA and the settled area. The Frontier constabulary is now being employed to guard national assets all over country. The tribesmen do not come in the purview of national tax net of Pakistan; hence, no substantial funds can be generated from within the tribal areas. Some local tax collected by the political Agents is just Puny and make a meager portion of the funds allocated for the administration of the Agencies. To administrator Agencies and FR, the major endowment comes from the central government. by the ministry of states and Frontier areas. Likewise, the customs Act has also not been fully extended to FATA because only a few selected provisions of the country's constitution are applicable there. On that account, the tribesmen have never considered the cross border illegal trade as smuggling, Although, it is going to be a very difficult and long drawn process, yet, the government of Pakistan is now on a

course to establish custom posts on all the passes linking the area of with Afghanistan. This might help in regulating the trade and introducing a viable system of taxation. The land in a tribal area belongs to the tribe rooted there. The simple manifestation is that only an Afridi can buy and live in an Afridi terra firma. According to Elphinstone, India and Afghanistan have a unique tribal set up having great traditions which are very rare in other societies of the world. India had the tradition of family system in which the elder's will is superior. On the other hand Afghan people had the tradition of hospitality. Then India had a very strong village system, local government, to borrow a phrase from Professor Sydenham Webb, is as old as the hills. This is more true of India than of any other country in the world.

Thus tribal set up of both these countries had deep roots. It is there since ancient times. It flourished in Afghanistan and it still exists there. But in India it is not present in its original form. However, village community in India is still powerful. Through Elphinstone, we learn that Indian tribal system was more democratic than the Afghan tribal system which was autocratic. Then we also learn that Afghan followed Sharia while deciding disputes whereas panchayat decide the dispute in India.

Panchayat system is like today's Jirga system in tribal Areas. According to the constitution of Pakistan, the settled districts constitute the north west frontier province (NWFP). The tribal agencies formed part of the federally administered tribal areas (FATA) though these are two separate entities, both are part of NWFP. The Governor of the province acts as the executive head of FATA on behalf of the Federal Government. The Chief Secretary and other departmental secretaries are the same and the same officials are posted in the settled and tribal areas. For their day-to-day work the tribal population has to depend on the Provincial administration. As we know the tribal areas are classified in seven administrative units, each headed by a political agent, which is equivalent to the Deputy Commissioner in the settled areas. These agencies have smaller units attached to the sub-division and Tehsils. The settled districts and Malakand Agency have proper judicial courts under the Chief Justice of Peshawar High Court-Malakand Division and were earlier administered under the PATA regulations but the Shariat courts were established there in 1995. The same arrangements were recommended for the remaining agencies. The administrative hierarchy needed to be upgraded with Governor of NWFP, at the top there should be one additional Chief Secretary exclusively responsible for overall administration of the tribal areas. The political agencies should be converted into districts, in line with the administrative units of the settled districts and their heads designated as additional secretaries.

The law enforcing agencies assigned with security duties are too many which creates a situation of overlapping responsibilities and confused command. These agencies include militias of the Frontier Corps (F.C) officered by the army. They are responsible for law and order within the agencies and keep an eye on the Durand Line. The Inspector General of F.C. performs his duties under the Governor of NWFP, the Chief Minister and the Federal Ministers of Interior and

South Asian Studies 31 (1)

States and Frontier Regions. Then there is a borderline between the settled districts and the tribal areas. The Frontier constabulary, officered by the police under a commandant, is deployed all along this line. Besides these forces, all the seven tribal agencies have their own scouts, levies in uniform and Khasadar forces working under the respective political agents. The proliferation of a large number of law and order agencies need to be ended and joint force with designated areas of responsibilities be hammered out under the co-ordination of Additional Secretary (Security). The Malik system has become totally infective and corrupt. They sold their votes for a huge amount to the highest bidder during elections of the National Assembly. The adult franchise granted to the tribal population in December 1996 shall go along way in introducing a new sense of responsibility and accountability before the masses. This will also have a salutary effect on the administrative set up. A new tier of local bodies can be created at the sub-division, tehsil and town level, connected with roads and physical infrastructure. These Tehsils and towns should have both elected and nominated members from the local population and such local bodies be headed by the elected representatives with Tehsildar as next in command. Presently, the line departments of FATA and FATA-DC are undertaking the socio-economic development programme of the tribal areas. There should be proper co-ordination, prioritization of development schemes, decided in consultation with the local representatives. In 1910-14, the British Government spent Rs. 37 crore, annually on average, the border security operations. Pakistan inherited this kind of system of tribal administration from the British in 1947. Trained in the imperial school of thought, the administrative apparatus at all levels continued to pursue consistently the policy set out by its architects for a long time. They continued to treat friends and foes of the Britishers as their own friends and foes. The tribesmen perceived that no change took place in the overall behavior of the administration towards them and they are as usual indifferent to the economic transformation efforts of the Government. The administration's efficiency and effectiveness of political set-up in the face of ever increasing responsibilities eroded fast due to the introduction of smuggling and narcotics trade in the area, on the political administration generated irregular funds subjecting all commodities and other merchandise to unreasonable taxation. In almost all the tribal areas, these collections were made under the name of welfare fund.

Special development packages can be offered to the tribal population of the agencies for their inclusion in the settled areas of NWFP. In 1996, the militant students called Taliban were developed in Kabul. So, the writ of the Pakistani government in FATA almost failed against Taliban. Many people of society in Fata joined the groups of Taliban to fight against the northern alliance. Across the international border, the transportation of men and material goods were easy and without strict system and rules. So, the society and culture of Fata impressed by this aspect, especially the people of tribal areas much influenced by the conservative ideas of Taliban are related to Islam. A number of people in local community came from different other areas of Pakistan and the world, settled in Afghanistan to join the jihadist against the northern alliance. There is the

immediate need of reforms in FATA area as Afghan factor further deteriorated the already backward area to more backward. Thus in 2002 government in a meeting decided to make following reforms in FATA:

1. Devolution plan will be extended and local government institution will be established (before October 2002 general election or at the most by March 2003).
2. Agency Nazim, to be an elected representative of the tribal population, will head each local government in the tribal areas. The present role of the political agent will be drastically changed from that of very powerful administrator to a coordinator.
3. Necessary amendments will be made in the frontier crimes regulations (FCR) these amendments will also give right of appeal and of review to the people besides abolishing the harsh provisions of what is considered as a draconian law imposed by the British to suppress the tribal people.
4. The meeting did not at all discuss the proposal for turning FATA into a separate province. The question of merged of FATA with settled areas was deliberately ignored to avoid possible disorder there rather, president Musharraf assured the meeting that the tribal culture and customs of the local population would be fully protected and secured and the existing policy of integration through development would continue. The immediate incorporation of the tribal regions with rest of the country is neither possible nor advisable.
5. To address the problems of dual control over the tribal areas, it was decided that the federal government should enhance the financial powers of the governor NWFP for FATA. It was (also) decided to strengthen the governor's secretariat in the frontier province to ensure the development process in tribal areas.
6. The meeting agreed that there was immediate need for restructuring the Levis and Khassadars in FATA and PATA. These agencies should be better trained and equipped to effectively control the situation in the tribal areas.
7. The meeting approved representation of FATA in the Assembly of NWFP (Present KPK) through allocation of extra seats. The representation of FATA in the national assembly and the senate will, however, remain intact including the recent increase in the number of the national assembly seats from 8 to 12 with the enhanced representation in the national assembly and new representation in the NWFP provincial assembly, FATA will be effectively drawn into the mainstream of national politics.
8. It was decided to introduce special development packages for the tribal areas to bring them at par with the settled areas.

With the exception of strengthening governor's secretariat, no other substantial change that was promised on January, 2002 has been made till today. The tribal areas are in need of welfare plan which can be implemented by a NGO.

South Asian Studies 31 (1)

It is important to do legislation for allowing NGO to work in the tribal areas. The tribal people do not like NGOs because they are of the view that such activity is against Islam. Pakistan government also does not adopt particularly friendly relations with these NGOs, which was not suitable for the central government but no reality in it. At ground level the issues were discussed on the limited authorities of NGO's into the FATA but it not considered more signified.

Conclusion

The discussion suggests that immediate reforms is the key to progress and development of this area which is a very backward area so far. The people of this area should be educated so that they should have more shares in the uplift of that area as well as for the country. The fundamental rights of the people of area should be safeguarded through the constitution of Pakistan and there should be a separate High Court having subordinate courts to provide justice to the people of this area. The justice should be provided without cost. For speedy and fair justice, influence of influential people like Political agents or Sardars should be minimized. The Political agents be removed and area should be declared as a separate province under the constitution of Pakistan through act of Parliament and each agency headquarter should be declared as a district. There should be proper infrastructure like roads, railways, airports, etc. The Feudal lords should be removed and local poor peasant should be made owner of the land which is cultivated by them for the uplift of agriculture sector of this region. There should be industry to provide better job opportunities and industry should have technical training institute to train local manpower to run the local industry effectively. In this way FATA will be made part of mainstream of Pakistan state and this area will not remain anymore backward and it will be helpful for the government of Pakistan for the progress and prosperity of the country.

References

- In 1955 the Province was merged in the 'one unit' scheme Pakistan, but then re-emerged in 1971 with the reinstatement of the four Provinces.
- Pervaiz Iqbal Cheema, Maqsoodul Hasan Nuri, "Tribal Areas of Pakistan Challenges and Responses", Islamabad Policy Research Institute, Hanns Seidel Foundation, Article 247 of the 1973 constitution of Pakistan
- Government of Pakistan, 1998 Census Report of FATA, Census Publication No. 152, Islamabad population census organization statics division, march 2001), p 1
- Qazi Isa's, Letter to Prime Minister Liaqat Ali Khan, dated 10 January 1950. File No. 8(2) PMS/50. Government of Pakistan, Prime Minister's Secretariat, National Documentation Center(NDC), Cabinet Secretariat, Islamabad, pp 291-294
- The constitution of the Islamic Republic of Pakistan 1973. For a detailed overview of the constitution of the Islamic Republic of Pakistan.
- Visit: <http://www.pakistani.org/pakistan/constitution/>
- The constitution of Pakistan, Part XII: Chapter 3, Tribal Areas (Articles 246-247)
- Article 145 of the 1973 constitution of Pakistan authorizes Governor NWFP to take charge of the area as an agent to the President of Pakistan

