

MS THESIS
MERGER OF FEDERALLY ADMINISTERED TRIBAL AREAS:
MAPPING THE IMPLEMENTATION OF ADMINISTRATIVE AND
JUDICIAL REFORMS



RESEARCHER:

Muhammad Ilyas Khan

SUPERVISOR:

Prof.Dr. Manzoor Khan Afridi

Registration No: 179-FSS/MSPS/F22

DEPARTMENT OF POLITICS AND INTERNATIONAL RELATION
FACULTY OF SOCIAL SCIENCE
INTERNATIONAL ISLAMIC UNIVERSITY ISLAMABAD PAKISTAN
(July 2024)

DEDICATION

To my Parents for the uncompromising principles that guided me throughout my student life.

Acknowledgement

First and foremost, I am extremely grateful to God Almighty, the source of all knowledge, the most Merciful, Kind and Beneficent who gave me the courage and patience to accomplish this task.

I would like to express my sincere gratitude and deep appreciation to my Supervisor Prof. Dr. Manzoor Khan Afridi for his invaluable guidance, encouragement, kindness and I am sure that this research work would not have been possible without him.

.

(MUHAMMAD ILYAS KHAN)

Abbreviations

AC	Assistant Commissioner
ACS	Additional Chief Secretary
ADF	Agency Development Fund
ADP	Annual Development Program
AI	Amnesty International
ANP	Awami National Party
APA	Assistant Political Agent
APTTA	Afghanistan Pakistan Transit Trade Agreement
AWF	Agency Welfare Fund
BPS	Basic Pay Scales
CCP	Code of Criminal Procedure
CNIC	Computerized National Identity Card
CPC	Civil Procedure Code
CPEC	China Pakistan Economic Corridor
CSS	Central Superior Services
DC	District Commissioner
DCO	District Coordination Officer
ECC	Economic Coordinating Committee
ECP	Election Commission of Pakistan
FATA	Federally Administered Tribal Area
FDP	Federal Divisible Pool
FIR	First Investigation Report
FR	Frontier Regions
GIS	Geographic Information System
HC	High Court
IDPs	Internally Displaced Persons
IGR	Interim Governance Regulation
IS	Islamic State
ISIS	Islamic State of Iraq and Syria

ISPR	Inter-Service Public Relations
JI	Jamaat-e-Islami
JUI-F	Jamiat Ulema-e-Islam Fazal Rehman
KP	Khyber Pakhtunkhwa
MNA	Member of National Assembly
MQM-P	Muttahid Qaumi Movement-Pakistan
NADRA	National Database & Registration Authority
NFC	National Finance Commission
NIC	National Implementation Committee
NMD	Newly Merged Districts
NWFP	North West Frontier Province
PA	Political Agent
PATA	Provincial Administered Tribal Area
PMAP	Pakhtunkhwa Milli Awami Party
PML(N)	Pakistan Muslim League (Nawaz)
PPC	Pakistan Penal Code
PPP	Pakistan People Party
PTI	Pakistan Tehreek-e-Insaaf
PTM	Pakhtun Tahafuz Movement
SC	Supreme Court
TDPs	Temporarily Displaced Persons
TTP	Tehrik-e-Taliban

TABLE OF CONTENTS

1. Abstract.....	i
-------------------------	----------

TABLE OF CONTENTS

1. Abstract.....	i
-------------------------	----------

1. Introduction	1
------------------------------	----------

1.1 Background of the study	1
-----------------------------------	---

1.2 Statement of the Problem.....	3
-----------------------------------	---

1.3 Significance of the study.....	3
------------------------------------	---

1.4 Objectives of the study	3
-----------------------------------	---

1.5 Research questions	4
------------------------------	---

1.6 Delimitations of the study.....	4
-------------------------------------	---

1.7 Literature review	4
-----------------------------	---

1..7.1 Theoretical framework.....	8
-----------------------------------	---

1.8 Research methodology.....	9
-------------------------------	---

18.1 Research design.....	9
---------------------------	---

1.8.2 Operational Definition	9
------------------------------------	---

1.8.3 Data collection.....	10
----------------------------	----

1.8.4 Ethical consideration	10
-----------------------------------	----

1.9 Plane of work	10
-------------------------	----

2. The Process of FATA Merger into Khyber Pakhtunkhwa Province.....	11
--	-----------

2. StepsTowardsReforms.....	11
-----------------------------	----

2.1 Constitutional Status of FATA.....	11
--	----

2.2 Prime Minister Zulfikar Ali Bhutto's Legal Reforms in FATA in 1976.....	12
---	----

2.3 Prime Minister Benazir Bhutto extended Adult Franchise Act FATA 1996.....	13
---	----

2.4 FCR Reforms Committee in 2005.....	14
--	----

2.5 The Governor of Khyber Pakhtunkhwa, Khalilur Rahman FCR Reforms Committee In 2005.....	15
---	----

2.6 Pakistan People's Party Era (2008-2012).....	15
--	----

2.6.1 Committee on Cabinet Reforms Recommendations, 2008.....	16
---	----

2.6.2 Frontier Crimes Amendment Regulation, 2011.....	17
---	----

2.7 Strengthening the FATA Tribunal.....	17
2.7.1 Inclusion of Elders and Tribal Representatives.....	19
2.7.2 Legal References and Extensions.....	19
2.7.3 Political Rights and Future Reforms.....	19
2.7.4 Judicial Independence.....	20
2.7.5 Mainstreaming FATA.....	20
2.7.6 Political and Human Rights.....	21
2.8 FATA Reforms Commission, 2015.....	22
2.9 FATA Reform Committee, 2016.....	22
2.10 National Implementation Committee on FATA Reforms, 2017.....	24
2.11 Amendment in the Constitution, 2018.....	25
2.12 Amendment in the Constitution, 2019.....	28
2.13 Ideas for Integration.....	29
2.14 Need for Reforms.....	31
2.15 Constitutional Amendment of 2018 and its Legislative Procedure.....	33
2.16 Constitutional Amendment Bill, 2018.....	34
2.17 Opposition to Khyber Pakhtunkhwa-FATA Merger.....	36
2.18 Provincial Assembly Elections 2019 in Former FATA.....	37
3. Implications of Administrative and Judicial Reforms.....	40
3.1 Pre-Merger: Constitutional Status of EX-FATA Constitution of 1973.....	40
3.2 Post-Merger: Constitutional Status of Former Tribal Areas.....	40
3.3 EX-Tribal Areas Secretariat Implications	42
3.4 <i>Malik's</i> and Political Agents Implications.....	43
3.5 Local Government Implications	44
3.6 Decentralization of power Implications.....	45
3.7 Levy and <i>Khassadar</i> Force Implications.....	45
3.8 Land Documentation Implication.....	46
3.9 Educational Implications.....	48
3.10 Informal Judicial System or <i>Jirga</i> System.....	49
3.11 Extension of Formal Justice System to Newly Merged Districts.....	51
3.12 Former FATA Merger: Addressing Administrative and Judicial Challenges.....	53
3.12.1 Administrative Challenges.....	53
3.12.2 Judicial Challenges.....	53

4. Implementations of Administrative and Judicial Reforms.....	57
4.1 Administrative Transformations.....	57
4.2 Holding of Local, Provisional, and Central Government Elections.....	58
4.3 Installations of the Police System.....	59
4.4 Implementations of <i>Pattwarkhana</i> (Revenue Department).....	59
4.5 Installations of Formal Judicial System to Newly Merged Districts.....	62
4.6 Finally Legal Status of Former FATA.....	63
5. Conclusion.....	65
6. References	67

Abstract

National Assembly of Pakistan passed the 25th amendment bill for merging Federally Administered Tribal Areas (FATA) to Khyber Pakhtunkhwa with 2/3 majority on May 24, 2018, and the house of representatives of the people expressed its desire for annexing it to the settled area of the federation. Following that, Senate of Pakistan approved the bill on May 25, 2018, because the amendment was affecting the boundaries of the Khyber Pakhtunkhwa so it was a constitutional compulsion that the Khyber Pakhtunkhwa assembly will pass the amendment that is why Khyber Pakhtunkhwa provincial assembly passed the amendment on May 28, 2018. At last president of Pakistan Mamnoon Hussain gave his assent on May 31, 2018 and replaced Frontier Crimes Regulations (FCR) with the “Interim Regulation Act 2018. The Implementation of the 25th Amendment of Pakistan which is Former FATA into Khyber Pakhtunkhwa is a significant step by Pakistan's government, creating a new era for the region. This Implementation has brought Administrative and Judicial as well as diamond-holding opportunities for residents. This study focuses on the process of FATA integration into Khyber Pakhtunkhwa. An analysis of the impact of the implementation of these reforms on the tribal region is also part of the existing study. A qualitative research study will be used in this research to respond to the research questions, and data will be collected from both primary and secondary sources. The primary data include official declarations, official documents, and the conduct of interviews; the secondary data will come from different books, journals, think tank studies, research articles, newspapers, and online sources.

Keywords: FATA, Administrative, Judicial, Reforms, 25th Amendment.

1. Introduction

1.1 Background of the Study

Russia and British India both expanded their domains and arrived in this area from the north and south, respectively. The KhoqandKhanatas territory was seized by Russia in 1860 and 1870, and because of several literary victories, the Khiva and the BukheraEmirats were turned into Russia's protectorates. Russia now shares a border with Afghanistan, and the British saw Russia as a major threat to their ability to do business with India. As a result, throughout the second half of the nineteenth century, the British Indian Authority's political priorities were to stop the Russians from entering their country. Then Afghanistan was recognized as a buffer state between Russia and British India on May 26, 1879 (Toriya, 2014).

The secretary of the British India government, Sir Moritimer, and Afghanistan ruler Abdurrahman sign an agreement about the Durand Line. The Durand Line is a 2640-kilometre border between Afghanistan and Pakistan. At that time, Pakistan was still part of India. Then British officials drew the Durand line (Schons, 2011).

However, the British government was not satisfied with the Idea of Soviet Union, so the British government itself created a buffer zone along the Afghan border, and this region was located between British India and Afghanistan. The name of the arrangement was the Afghan or Rawalpindi Anglo-Afghan Agreement, which acknowledged the line that currently separates Afghanistan's borders from Pakistan as well as the country's sovereignty (Yousaf et al., 2018). Before Pakistan and India were divided, the British colonial administration generally followed a policy of noninterference in the relationship among tribal in the region that make up today FATA.

The British formed draconian laws of Frontier Crimes Regulations (FCR) control FATA. Following the signing of an individual agreement with the now-created state administration, the tribes joined Pakistan on the condition of the maintenance of the old colonial established system.

The FATA, also known as the Federally Administered FATA, an estimated 4.8 million people live there, and the total area of FATA is 27200^{sq/km}. The seven FATA (South Waziristan, North Waziristan, Kurram, Orakzai, Khyber, Mehmound, and Bajaur) make up FATA, and six frontier regions (FR Peshawar, FR Kohat, FR Bannu, FR LakiMarwat, and FR

DI Khan) that collectively occupy Pakistan's northwest border with Afghanistan. The federal government of Pakistan under the supervision of the President controlled this region. Further, the governor of Khyber Pakhtunkhwa exercised his power on the behalf of the president of Pakistan. And a Political Agent (PA) who has exercised his power as delegated by the governor of the Khyber Pakhtunkhwa who runs each agency in the FATA. These include executive, judicial and administrative powers. This grants him the unchecked power to act against the people of FATA. Throughout the seventy years of Pakistan's history, the residents of FATA, along with their parliamentary representatives, civil society organizations, and successive civilian governments, have persistently advocated for removing FATA from its legal and constitutional isolation and integrating it with the rest of the country (Sadiq et al., 2021).

According to the 1973 Pakistan Constitution, FATA representation in the two houses of parliament by the 12th member of the National Assembly, and the 8th member of the Senate. Before adult franchises were introduced in FATA in 1996, The FATA Member of National Assembly (MNA) was indiscriminately elected by *Malik*, paid for and designated by the government, and the eighth member of the Senate was elected by MNAs of respective areas. However, FATA representation is useless because the legislative house member does not have the authority to legislate for FATA. According to the 1973 constitution, President Control over the FATA, which exercised through the governor of Khyber Pakhtunkhwa and the Supreme and High Court authority over the FATA, is likewise not included in the constitution unless it was extend by an act of parliament, which has not been done. As a result, even though the tribesmen ostensibly have constitutionally protected fundamental rights, they are unable to exercise those rights since there is no judicial protection. Pakistan's last 70 years of existence, the people of FATA and their legislature, as well as the defensible civil government, have repeatedly declared that FATA has been extricated from its unconstitutional boundaries and brought up to part with the rest of Pakistan (Zubair, 2017).

The history of reforms in FATA has shown that many Pakistani elites have worked to make changes to the political, administrative, and judicial reforms in the region. In 1976, Prime Minister Zulfikar Ali Bhutto took the initiative to introduce legal, administrative, political, and economic reforms in FATA. In 1996, Prime Minister Benazir Bhutto extended the Adult Franchise Act. Khalil-ur-Rahman, the governor of Khyber Pakhtunkhwa, established the FCR reform committee in the Musharraf government in the first decade of

the 21st century in April 2005. In 2006, FATA reported on strengthening and rationalizing administration under Sahibzada Imtiaz Ahmad. On January 7, 2008, the cabinet committee recommended the Frontier Crime Regulation Amendment 2011, legal action, FATA *Qaumi Jirga*, Jail intervention and adult by the central government. In 2015, FATA legal reforms were proposed as an amendment to the constitution. On May 24, 2018, the national assembly passed a historic bill of merger for FATA, with the provenance of Khyber Pakhtunkhwa (Ullah and Hayat, 2018).

1.2 Statement of the Problem

The research study will outline the steps involved in the merger of Khyber Pakhtunkhwa with the former FATA regions. There are extensive and vast studies related to Tribal Areas, but the current study focuses on the recent constitutional amendment. The FATA have been integrating with the adjoining province of Khyber Pakhtunkhwa in Pakistan, which has had overwhelming impacts on these areas. The study related to FATA was not limited to administration and legal reforms but also covered areas including political, administrative, and socio-cultural implications. This is a crucial task to undertake, as no specific research has been conducted on this particular topic.

1.3 Significance of the Study

The proposed is significant because it focuses on the FATA after the merger and an analysis of administration and legal reform implementation. This research studies the substantial advantages of the Tribal FATA for both Khyber Pakhtunkhwa and Pakistan. It will be helpful for the academicians, scholars and readers to identify the problem and for policymakers to understand the process of impact of administration and legal reform implementation in the FATA.

1.4 Objective of the Study

- To highlight the process of the FATA merger into Khyber Pakhtunkhwa Province.
- To explore the implementation of administrative and judicial reforms in the merged Tribal areas
- To analyze the impacts of administrative and judicial reforms on the merged Tribal areas

1.5 Research Questions

- What was the process of FATA merger into Khyber Pakhtunkhwa Province?
- How the implementation of administrative and judicial reforms took place in merged Tribal Areas?
- How the administrative and judicial reforms impacted the merged Tribal Areas?

1.6 Delimitations of the study

The research studies related to FATA are so vast, but the current study focuses on the recent constitutional amendment to analyze administrative and judicial reform implementation.

1.7 Literature Review

Khan, and Sabina. (2011) discusses in his research article "*Tribal Region Political Status, Strategic Insight*" *FATA is a region of Pakistan in the northwestern part of the country. A political agent was controlled each agency of FATA. In addition, the Khyber Pakhtunkhwa government appoints this political agent. Moreover, they represent a government through their respective agents. In addition, the political agent does not direct the administration directly if they were to support Malik. The political agent provides maintenance and infrastructure support, and the Political agents; they maintain law in the tribal region with the help of Jirga. A Jirga is a court system in a tribal area of elders who make decisions by consensus. The Jirga has authority to settle the tribal disputes since FATA does not recognize the judiciary as the legislature.*

Khan, (2012) discusses in his article "*Military operations in FATA and PATA: implications for Pakistan*" Since 2001, the Pakistan Army has been engaged in internal security and stability efforts through operations in both the Federally Administered Tribal Areas (FATA) and the Provincially Administered Tribal Areas (PATA). Further argued that Social stability and economic development are affecting by insurgencies, which is one of the biggest challenge to Pakistan's security. The Pakistani army conducted five big operations and a few smaller ones against terrorists and insurgents during the operation. Pakistan's Army has powerful ground and Air weapons. The Pakistani four have conducted at least five major linguistic operations since 2001. Internal security is undermined by the killing of innocent people, particularly women and children. The destruction of educational facilities because of these operations, as well as the consequences caused by suicide attacks.

Awan, (2013) discusses in his paper "*Education in Tribal Areas*" High primary school dropout rates dissuade students from enrolling in higher education. This is primary reasons behind these issues due to poverty, the perception of poor educational income, incorrectly cited schools, a lack of parental involvement, teacher absenteeism, and a lack of facilities. The lack of girls' schools and female teachers, as well as societal issues including early marriage, cultural taboos, and hostile tribal relations that make travel risky, are the main causes of this problem among girls. Although the overall literacy rate is poor, the situation among girls is quite concerning and gets worse at the secondary level.

Rehman, and Khan. (2014) in his research articles "*Pakistan's Federally Administered Tribal Areas (FATA) and Pak-Afghan Relations After 9/11*" In 1983 draw the Durand Line; additionally, a representation of British colonization is the FATA. The British established FATA for its intended purpose of controlling the Russian Empire. The British Empire's FATA was used as a buffer for Afghanistan. Border with Afghanistan, the Durand Line border, since 9/11, relations between Pakistan and Afghanistan have changed, but throughout this entry period the Taliban's invasion across the border with the most significant issues. The Taliban's border movement across the predetermined borderline is one of the most complex issue in Pakistan-Afghan relations, because the Taliban carried out attacks not only against the Afghan government, the US, NATO, and ISAF, but also on the Pakistani side of the Durand Line, including the Bajaur and Mamond tribal agencies, Dir districts, and other areas where Taliban fighters fled following Pakistan's military operations in the tribal areas and Swat districts.

Iqbal, and Khan. (2014) in his research articles "*Federally Administered Tribal Areas (FATA): From No-Man's Land to Political Mainstreaming.*" The former FATA posed a series of threats to the life and security of the nation since it was a no-man's land for political activity and freedom of thought and expression. Since independence, residents of FATA have been deprived of the right to adult franchise, a political right guaranteed to every mature adult man and woman. The provision of fundamental constitutional rights that were observed in other areas of Pakistan for roughly fifty years was restarted in these areas.

Latif, (2017) in his research paper "*Demands for New Province in Pakistan*" Since the origin of Pakistan, there have been distinct political groups and civil militias that govern it. Because of poor governance and policies, there is a significant problem with the distribution of language resources and law development. For repetitions in government and identify

politics. Therefore, the people of Pakistan divided into new nations based on language. Like Hazara Division, it denotes a new provenance from the Khyber Pakhtunkhwa government. Bahawalpur and Saraiki provenance demands from the Punjab based on language Karachi demands Urdu speaking province from Sindh with the help of the MQM Political Party. In addition, in Baluchistan, Pashtuns are descended from the Baluch government, based on media reports, residents of FATA have consistently demanded reforms from all political leaders and parties to promote greater development and political stability in the region.

Ullah, (2017), discusses in his research paper *Local government system in the tribal areas, Pakistan past, present and future*. To give power to the local tribesmen, the FATA Local Government Regulation 2002 was issued. The tribesmen recognized and were happy at their decision. However, the Khyber Pakhtunkhwa governors Syed Iftikhar Hussain Shah and Commander Khalil urRahman created hurdles in their way of the implementation of the previous Regulations. Former governor Commander Khalil urRahman announced the creation of "Agency Councils" in 2004. These Councils would be based on nominated members and would have no administrative authority. Local government elections became in 2004 without following strictly to the 2002 Regulations. This was a collection of the Political Agents' numbers that he especially liked. These Councils were established with vote limit to the *Malik's*, or tribal elders. As a result, the government's selected candidates, including the *Malik's* their families, made up almost all of the members of these councils. The FATA Local Government Regulation of 2002 addresses issues related to the local areas' makeup, including like (Union, Tehsil, and Frontier Region Agency).

Yousaf, et al. (2018) discusses in this Book *"FATA Tribes: Finally, out of colonial clothes, Past, Present, Future"* The writer is well equipped to explain the history, Culture, tradition, and ethics of the residents of FATA. Moreover, until May 2018 had been a rule regulation applied by the FCR. If so, then the Pakistan Parliament has approved the merging of FATA into Khyber Pakhtunkhwa province. The writer focuses on the tribes, sub tribes, and notable families that reside in the seven Administrative agencies (Districts) that create FATA along also focuses on the traditional culture and defends traditional conflict resolution bodies. Regarding former FATA economic system argue that in FATA a lot of people are farmers of maize, wheat, rice, and vegetables, and there are natural resources in FATA like Marble, copper, coal, uranium, and most of FATA, people trade with Afghanistan, which play a

significant role in the FATA economy. The writer also focuses on ex-FATA conflict dispute bodies like the *Sarkari Jirga*, *Quani Jirga*, *Shaksi Jirga*, *Lashkri Jirga*, and civil courts.

Shah et al., (2019) discusses in his research article "*Khyber Pakhtunkhwa Governance Challenges in Mainstreaming of Federally Administered Tribal Areas*" It's very Important to keep in mind that the laws and regulations have a closely related relationship with social norms and practices while analyzing the difficulties in this context. It is essential to understand the *Pakhtoonwali*¹ rules controlling the indigenous people's way of life. The code has affected those people's maintenance. In addition, there may be tension between it and prioritizing women's rights and conflict resolution. The FCR views a tribal mentality as the primary barrier to reforms, which was made clear when the FCR was repealed by the *Riwaj* Act, which preserved the privies of *Jirga*² structure while making cosmetic improvements. The interim government ordinance continues to provide for the resolution of disputes by involving the roles of *Riwaj*³ and *Jirga*, as both criminal and civil cases will be referred to the *Jirga* by the judge for checking facts as per *Riwaj* and then to decide accordingly. However, the supreme and high court's jurisdiction has been extending to FATA.

Shah et al., (2021) discusses in his research article "Socio-political impact of FATA-Khyber Pakhtunkhwa Merger: A case study of North Waziristan" Federal Administration the Tribal Area of Khyber Pakhtunkhwa Merger identifies a reformation of the Pakistan Federal System. It had an impact on the size of federal parliament and enhanced Khyber Pakhtunkhwa participation in national politics, including the tribal belt. The move is also a win for democracy in its purest forms, after the merger, the tribal districts also come under Khyber Pakhtunkhwa rule regulation. When the system changed the people of the tribal area there is a lot of implication on the area like on health, education, security, and social and political behavior.

The literature and academic articles discussed above have finally, out of colonial clothes and government challenges, addressed FATA and Pak-Afghan relations: after the 9/11 military operation in FATA, FATA education, FATA demands for a new province, FATA political setup, FATA no-man's land, and political management. The gap in this is the recognition of the extension to this area and its administrative and legal reforms. This

¹ The Pashtun Way of Life

² The Pashtun Indigenous judicial system

³ Customs and Traditions of Pashtun tribes

research strives to identify administrative and legal reforms and their implementation. Additionally, the study will examine the difficulties and impediments to enacting constitutional reforms, as well as, most importantly, the measures by which to guarantee an efficient administrative structure and system of good government.

1.7.1 Theoretical Framework

The theory of integration has been selected for the concerned study. According to theory, it is individual-level integration, in this context, the individuals who surrender their freedoms to a newly established political community are the subjects of the integration. Politically, "integration" can signify "uniting, unifying, or organizing into a group of two or more units" and centralization. The prerequisite factors and conditions leading to the integration are: Developing a decision-making center, establishing a single legal framework, developing shared institutions, identity projection (Nikola, and Ilievski.2015).

The above-mentioned factors of integration apply to two or more political units, describing the prospective union of these political entities. Under the 25th constitutional amendment, the semi-autonomous region of FATA has been merged into the adjoining province of Pakistan, Khyber Pakhtunkhwa. The jurisdiction of the higher judiciary has been extended to these areas. Political representation has been given in the Khyber Pakhtunkhwa assembly. Protection of the fundamental rights of the FATA's peoples will now be guaranteed by the higher judiciaries, which are defined in articles 8 to 28 of the Constitution. The NFC will provide 3% of the resources available in the Federal Divisible Pool on an annual basis for ten-year development projects. By establishing common rules (following the 25th constitutional amendment).Developing institutions with decision-making authority (under the concerned amendment), and establishing the offices of Deputy Commissioner, Additional Deputy Commissioner, and Assistant Commissioner in each agency, The installation of the judicial setup and the establishment of courts in the former FATA were also part of the reforms. The other major development in these areas is the establishment of a police force and police stations, as well as the documentation of land and vehicles.

The presentation of a coherent community identity rather than the pre-existing identities of political units this integration also brought about geographical changes; after the merger, FATA territory merged with Khyber Pakhtunkhwa. FATA consisted of 27,210 km²/s², which merged into Khyber Pakhtunkhwa; now the total territory of Khyber

Pakhtunkhwa is 101,741 km². The population of Khyber Pakhtunkhwa will increase from the population of FATA to about 40.5 million (18.9%). The residents of FATA will enjoy political, constitutional, economic, and administrative rights like the other citizens of the country. There are more than 29,000 *Khasadars* and Levies, whose jobs are controlled to protect the roads and government installations. After integration, these forces were merged into the Khyber Pakhtunkhwa Police. With the emergence of the 25th Constitutional Amendment, the power of the Khyber Pakhtunkhwa Governor shifted to the Chief Minister of Khyber Pakhtunkhwa. Politically, representation was also given to FATA in the Khyber Pakhtunkhwa Assembly. The judicial administrative criminal system of the FCR and the absolute kingship of the political agent have no longer existed, and his authority has been transferred to the Deputy Commissioner. Integration leads to the construction of a political community with political units in its content. The process of transferring the political units' autonomy to the upper political community is the major focus of this integrating activity. The residents of the area have delegated their self-rule to the upper state level to achieve integration and everlasting peace. According to social contract theorists, integration is a means of reaching a larger good and permanent peace, just like they are integrated with a formal political system for attaining security of life, freedom, property, and collective prosperity.

1.8 Research Methodology

I will adopt a qualitative research method for the study.

1.8.1 Research Design

The research design will be historical and descriptive.

1.8.2 Operational definition

Legal Reforms: "The Study examines the legislative reforms and their successful implementation with an emphasis on post-merger legal reforms in FATA".

Administrative Reforms: "This study examines post-merger administrative reforms in FATA, examining both the implementation of these reforms in practice and its structural modifications".

1.8.3 Data Collection

The researcher will conduct primary and secondary sources of data. Primary data such as official declarations, official documents and interviews, and the secondary data such as books, journals, publications, think tank studies, research articles, newspapers, and online sources will be used.

1.8.4 Ethical Consideration

Ethical consideration like honesty, integrity, confidentiality, informed consent, anonymity and courtesy should be follow to reach upon the targeted research objective.

1.9 Plane of Work

This research will be organizing into four main chapters. The following plan of work will be follow for the whole research framework.

Chapter # 1 Introduction

Chapter # 2 the process of the FATA merger into Khyber Pakhtunkhwa Province.

Chapter # 3 The implementation of administrative and judicial reforms in the merged Tribal areas

Chapter # 4 The impacts of administrative and judicial reforms on the merged Tribal areas.

Chapter # 5 Conclusion

Chapter # 2

The Process of FATA Merger into Khyber Pakhtunkhwa Province

2. StepstowardsReforms

Every government has attempted to implement positive changes in FATA through various reforms, but these efforts have largely fallen short of their objectives. Ultimately, merging FATA with Khyber Pakhtunkhwa emerged as a viable solution to ensure FATA's development by enhancing its constitutional, judicial, and administrative status. This merger promises to grant the people of FATA the same rights and opportunities enjoyed by the residents of Khyber Pakhtunkhwa. Such changes are expected to inspire hope and encourage the people of FATA to improve their lives, contributing to the betterment of Pakistan as a whole. Since Pakistan's independence, successive governments have taken various steps, including Prime Minister Zulfikar Ali Bhutto's legal reforms in tribal areas in 1976. In 1996, Prime Minister Benazir Bhutto expanded the Act on Adult Franchise and Reforms in the General Pervez Musharraf-era FATA committee in 2005. Additionally, the Frontier Crimes (Amendment) Regulation of 2011 was chaired by the Pakistan People's Party's Asif Ali Zardari Tribal Areas Administration from 2008 to 2012, Commission on FATA Reforms 2015, and the Committee on FATA Reforms' report from the 2016 Amendment to the Constitution, 2018 (Ullah and Hayat, 2018).

6.1 Constitutional Status of FATA

Since independence, the FATA region has primarily been a topic of discussion rather than action. The people of FATA have not received their due rights from any Pakistani government. Although all Pakistani Constitutions have acknowledged the unique status of the tribal areas, none have fully extended their provisions to FATA. As a result, residents of these areas have consistently felt a sense of deprivation. FATA is represented by only twelve elected members in the National Assembly who lack legislative power, and eight Senators from FATA hold a similar status with no additional authority (N. U. Khan, 2017).

The FATA region was administered under the Frontier Crimes Regulation (FCR) of 1901 by the British Raj. This system openly violated the basic rights of FATA's residents, failing to provide fundamental protections such as the right to appeal, the right to legal representation, and the right to legal defense.

Articles 246 and 247 of the 1973 Constitution pertain to FATA affairs. Specifically, Article 247 (3), (4), (5), and (7) establish the framework for the relationship between FATA and the Federal Government. Accordingly:

- No legislation can be enacted without the President's approval, and Parliament has no authority to legislate for FATA.
- The President of Pakistan has the authority to enact laws concerning the governance of FATA.
- The jurisdiction of the Supreme Court and High Courts is restricted in FATA unless Parliament explicitly extends it through legislation.
- Articles 51, 59, and 247 place FATA directly under the jurisdiction of the President of Pakistan (Shakeel, 2010).

Articles 8 to 28 of the 1973 Constitution outline the basic rights of Pakistani citizens. The Judiciary is empowered to protect these rights from violation. However, the people of FATA have been deprived of these fundamental rights, which contravene Articles 8 to 28 of the Constitution (N. U. Khan, 2017).

2.2 Prime Minister Zulfikar Ali Bhutto's Legal Reforms in FATA in 1976

It was in 1976 that former Prime Minister Zulfikar Ali Bhutto conducted the first legal, administrative, political, and economic reforms in FATA. Under the leadership of Gen. (Rtd) Naseerullah Khan Babar, the governor of the province of Khyber Pakhtunkhwa at the time, he established an official committee. Three well-known members of the committee were Dr. Mubashar Hassan, Rafi Raza, and Hafeez Pirzada. Before the 1977 elections, the committee's main objective was to create a framework for integrating these regions with the neighboring province of Khyber Pakhtunkhwa. However, this effort was interrupted by the military coup that took place that year. Along with it, the Bhutto administration implemented further initiatives to end these areas' backwardness. These included expanding employment opportunities for the tribesmen, such as their side activation into the Civil Service, developing government buildings and communication networks, enhancing the quality of already-existing health and education facilities, and constructing brand-new ones, such as Cadet College Razmak in the North Waziristan Agency of FATA (Sulaman and Bukhari, 2016).

2.3 Prime Minister Benazir Bhutto extended Adult Franchise Act FATA 1996

Before the adult franchise being implemented in FATA in 1996, only *Malik's* had the right to vote on behalf of all the people in these areas, even though they never truly had the support of the general populace in FATA. *Malik* and a few other notables had been given the ability to vote up to that time under a system based on limited franchises, but the majority of people in those areas did not receive the same rights. Eventually, in 1997, Ex-FATA was included in the Political Parties Act 1962, hence giving its citizens the ability to vote as adults. Even so, because the results of the 1997 elections marked the first time that representatives from these areas had been directly elected to the Pakistani National Assembly without regard to party affiliation, the government refused to permit political parties to operate there. The politics of independent candidacies could not motivate the general public to participate actively in regional politics. *Malik's* de facto authority persisted because of the gap created by the political parties' not participating in Ex-FATA. The reason for this was that the independent candidates were hesitant to represent the people of FATA since they were unable to engage in political mobilization. President Pervez Musharraf amended the Political Parties Order 2002 before the 2002 general elections, however, he did not apply it to those areas. Thus, these elections were also predicated on a non-party basis, the same as the elections from 1997. However, he conducted the elections in FATA on a non-party basis in 2002 and 2008 and raised the number of FATA legislators in the Pakistani National Assembly from eight to twelve (Ullah and Hayat, 2017).

Political parties were prohibited from operating in FATA, despite the extension of adult franchise to the region in 1997, which allowed voters to participate in the 1997 and 2002 general elections. A scholar commented on the situation, saying, "What a place—where adult franchise is allowed but political parties are banned, where the draconian laws of the FCR are enforced while civil laws are excluded, where the army is permitted but politicians are barred." Political parties are crucial in a democratic system, as they enable citizens to elect representatives who manage government functions and address various social issues on their behalf. Political organizations naturally emerge in democratic societies as they are vital for fostering a constitutional, democratic, and political culture nationwide. A political party is defined as "an association of citizens or a coalition of such associations formed to promote or influence political opinions and participate in elections for any

elective public office or legislative body,” that system must be appropriate for the intelligence of the people in the concerned society (“Election Commission of Pakistan Islamabad”, 2002).

2.4 FCR Reforms Committee in 2005

President General Musharraf announced extensive FATA reforms in January 2002. To implement reforms at the local level in Ex-FATA, the government formed a committee led by a former National Reconstruction Bureau (NRB) chairman. (“Nominated tribal councils rejected”, 2004). Following that, Agency Councils were established in each Ex-FATA Agency to give the people back control. A council could have up to 40 members chosen by *Malik’s* and tribe elders, with the political agent proposing 20 candidates. (Khan, 2004). It was assigned to the members of each separate Council to locate, execute out, assess, and keep an eye on all development projects within their respective regions (Shinwari, 2004). Even though the current system attempted to lessen the role of the political agent, in practice the councilors served as the political administration's servants.

Musharraf made other declarations regarding the restructuring of FATA. Think about including FATA in the *North-West Frontier Province* (NWFP) however it encountered strong resistance from several FATA militias (“Change in FATA's Status Opposed”, 2003). Announcement of a special development package worth Rs. 7.5 billion to stimulate FATA's economy (Ali, 2003). The plan is to invest Rs. 70 million to create two industrial estates in FATA. Both are located in the Khyber Agency and Darra Adamkhel (F.R. Kohat) (“Two industrial estates in FATA planned”, 2004). *Khassadar* force should be reorganized with a better service structure and package to make it a more practical and effective force. Lt. Gen. Iftikhar Hussain Shah, a former governor of N.W.F.P., believes that the establishment of a localized law enforcement system in each agency is necessary for the effective execution of the FCR's changes. (“FATA reforms will be enforced”, 2004).

A five-member subcommittee led by MNA Zeb Gohar Ayub was established by the National Assembly's Standing Committee on Rules of Procedure and Privileges in December 2004 to develop recommendations for political reforms in Ex-FATA that are consistent with the adult voting rights that FATA tribesmen enjoy. The suggestions were to be delivered to President Pervez Musharraf via Chaudhry Amir Hussain, the National Assembly Speaker at the time (“Sub-Committee Set up to Propose”, 2004).

2.5 The Governor of Khyber Pakhtunkhwa, Khalilur Rahman FCR Reforms Committee In 2005

A subcommittee headed by the chief secretary of the N.W.F.P. was established in September 2005 by Commander Khalilur Rehman, the governor of the N.W.F.P. at the time. It was composed of two delegates from the N.W.F.P. administration and one from the Ministry of State and Frontier Regions (SAFRON). The governor's secretariat needed to be strengthened and restructured so that it could handle different FATA matters independently, according to the subcommittee's mandate. In 2006, the decision ultimately resulted in the creation of a distinct Secretariat for FATA ("Committee on FATA Secretariat", 2005). A nine-year forceful plan to upgrade FATA, known as the Sustainable Development Plan, was launched in April 2007 at an estimated cost of US \$2.6 billion. The program's objectives included addressing issues with housing, forests, irrigation, roads, livestock, education, health, rural development, and agriculture. Similar to it, FATA's annual development plan (ADP), which was Rs. 1.2 billion in the financial year 2000–01, was upper to Rs. 10 billion in 2007 (Khan, 2007).

Pakistani media said in September 2008 that the federal government planned to establish long-term military bases with housing, offices, and other facilities for security forces in North and South Waziristan. Interior Ministry sources claim that the project would come with a Rs. 4 billion price tag. The areas of Warsak, Parachinar, Razmak, and Samar Bagh were to be the locations of the bases. The sources stated that the Planning Commission had approved funding for the project, which is expected to be finished in two years. The government disagreed with these statements. They said they were working on making the law enforcement and security groups in FATA better. These groups include the Frontier Corps and Frontier Constabulary ("Permanent Military Bases in FATA", 2007). The government had already approved numerous committees to make recommendations on how to streamline FATA to modernize it. The government received the results from these committees along with suggestions, some of which were implemented and others of which were tabled because of the unstable state of FATA in the aftermath of 9/11 (Virk, 2007).

2.6 Pakistan People's Party Era (2008-2012)

Following the 2008 general elections, the Pakistan People's Party (PPP) government reopened the issue and established a cabinet committee led by Farooq Naek, the federal law

minister at the time, to review the changes suggested by the FCR Reforms Committee. Two federal ministers, Hamidullah Jan Afridi, an independent tribal MNA, and Najmuddin Khan of the PPP, along with several members of parliament, including Zafar Beg Bhattani, Akhundzada Chitan, and Rahmatullah Kakar, comprised the federal cabinet committee. President Zardari also requested that the Shaheed Bhutto Foundation (SBF) meet with relevant parties and draft proposals for implementing FATA reforms. President Zardari received the SBF's report titled "Mainstreaming FATA" in January 2009. The majority of the proposals concerning FCR improvements were subsequently implemented in 2011. In August 2011, President Zardari also gave his approval for the Political Parties Order (PPO) to be extended to FATA. President Zardari had earlier approved two laws in June 2011. And the actions (in Aid of Civil Power) Regulation 2011 for FATA. The purpose of the two regulations was to give ongoing military activities in the two regions a legal basis (Khan and Rahman, 2012).

2.6.1 Committee on Cabinet Reforms Recommendations, 2008

Following his oath of office as the province's new governor on January 7, 2008, Owais Ahmad Ghani received an update on the recommendations made by the FCR Reforms Committee. As a result, the FCR reform process gained pace once more. The PPP government formed a Cabinet Reforms Committee, headed by Farooq H., shortly after the 2008 general elections. Federal Minister of Law Naek should take another look at the changes that the previous Committee had suggested. The Committee was made up of various members of parliament, including Zafar Beg Bhattani, Akhund Zada Chitan, Rahmatullah Kakar, and Najmuddin Khan of the PPP and Hamidullah Jan Afridi, an Independent MNA from the Khyber Agency.

The Committee for Cabinet Reforms suggested several changes to the FCR. Among the most notable aspects of these suggestions was the suggestion of renaming the Frontier Crimes Regulation as the FATA Regulation, 2008. Appeal judgments from Political Agents should be heard by a judicial officer, such as a district or session judge. The group also suggested creating a three-person FATA Tribunal, which would have two additional members—a lawyer and a bureaucrat—and be led by a former High Court judge. This tribunal would have the last say over appeals against decisions made by judicial officers. The concerned parties should choose the *Jirga* members for arbitration instead of the Political Agent having the power to designate them. Section 40 of the FCR granted the

Political Agent the discretionary ability to detain an individual for two years without providing a reason. This power should be modified, and the accused should be brought before a court of law within twenty-four hours. The Committee further suggested that the "collective responsibility" clause of this Regulation be excluded from women, children, and the elderly (Ullah and Hayat, 2018).

2.6.2 Frontier Crimes Amendment Regulation, 2011

Extensive and significant changes to the Frontier Crimes Regulation were part of the 2011 political reforms. But the general structure of the rule and its legal principles were basically unaltered. Although many FATA people and supporters believe that more political changes are required, the 2011 FCR amendments did offer new ideas, reinforced previously established substantive and procedural law, and achieved some progress toward protecting the political and human rights of FATA citizens (Hussain and Hamid, 2012). The revisions contain several more significant reforms, such as the protection of women, minors under 16, and persons over 65 from collective responsibility arrest or incarceration.

The prohibition under the collective responsibility provision against arresting an entire tribe definite deadlines for case resolution the establishment of an impartial appeals process, the ability of the court of appeal to examine and amend judgments and instructions, improving the FATA Tribunal's capacity authority to assign cases to the political agent's assistant, notion of bail the start of prison inspections, Concerning Qaumi *Jirga* and the Council of Elders, acceptance of regional traditions and customs (*Rewaj*), fines imposed on communities in cases of murder, forfeiture of public employment due to criminal activity, when someone other than the political agent is arrested, protection against arrests made without authority, restitution and punishment for wrongful charges, No taking away of one's property rights without just recompense Pakistan's Auditor General conducted an audit of political agent funding (Chaudhry, 2011).

2.7 Strengthening the FATA Tribunal

Even though the FATA Tribunal was first included in the FCR's 1997 revisions, the 2011 changes improved the court's accessibility and independence. Decisions made by a political agent could be appealed to the commissioner of the nearest settled district following the changes in 1997 and 2011. The decisions made by the commissioner could then be challenged before the FATA Tribunal. The appeal authority's two manifestations had the

authority to examine judgments, rules, orders, and punishments issued by commissioners or political agents. Following the 2011 reforms (“Summary of 2011 Amendments”, 2013). The overall FATA judicial hierarchy is as follows FATA Tribunal, Commissioner and additional commissioner, Political agent or district coordination officer, Assistant political agent, *Qaumi Jirga* (tribal elder’s *Jirga*), Council of elders (for giving decisions according to *Rewaj*).

However, the secretaries of the federal Home and Law Departments were the only people eligible to serve as members of the FATA Tribunal, as stated in Section 48 of the 1997 FCR. However, the 2011 revisions removed the court from the direct control of the federal government and appointed a lawyer, two retired bureaucrats, and one retired bureaucrat to the FATA Tribunal. The FATA Tribunal's membership is required under the reforms to consist of a chairman and two more members. The chairperson needs to have experience in tribal administration and be a civil servant with at least a BPS-21 rank. Furthermore, one of the other two members needs to have previous experience with tribal administration and be a civil servant with at least a BPS-20 rank. The third member needs to be knowledgeable about *Rewaj*, (tribal customs), and qualified to be selected as a judge of a High Court. The FATA Tribunal now has the authority to review its own rulings upon request from anyone, according to changes made in 2011. However, opponents of the reforms would have preferred to see the high courts' authority extended to FATA or an appeal court presided over by independent people who suggested the appointment of retired justices rather than former public servants (Husnan and Hamid, 2012).

The new FATA Tribunal was established and put into action after the reforms. By 2013, however, the improved right of appeal provided by the 2011 laws was largely unknown to FATA people. As previously mentioned, under the Frontier Crimes Regulation, the FATA Tribunal is the highest appeal court and has the authority to examine the rulings of the appeals bodies that fall below it. In particular, the FATA Tribunal may review a decision if it is notified within ninety days of an appellate authority (such as a commissioner, extra commissioner, political agent, or district coordinating officer) making a decision, judgment, order, punishment, or order. Under the FATA Tribunal, decisions made, decrees issued, or punishments imposed by the PA, APA, or district coordinating officer may be appealed to the commissioner or additional commissioner. It is necessary to file an appeal with the commissioner within thirty days of the disputed judgment, order, sentence, or

decision (Sulaman and Bukhari, 2016).

As a result, one important impact of the 2011 FCR amendments is that citizens now have two ways to challenge the decisions and actions of the political administration. A person has thirty days to file an appeal with the commissioner and ninety days to file a review request with the FATA Tribunal. The changes state that those who have been wronged may request a review of any of the FATA Tribunal's decisions, provided that the request is submitted within thirty days of the decision the FATA Tribunal may accept applications for review if there are any mistakes or errors in the case or if there are any other good reasons ("Summary of 2011 Amendments", 2013).

2.7.1 Inclusion of Elders and Tribal Representatives

Before 2011, *Jirga's* were already happening in tribal areas. But in 2011, they added something new called the *Qaumi Jirga* to the FCR. This new type of *Jirga* includes respected elders and tribal representatives. The changes said that sometimes, if the *Qaumi Jirga* recommends it, the government officials can get involved in solving a crime or dispute to keep things fair and peaceful. However, the *Qaumi Jirga* does not get any juridical authority from the PA as a result of the 2011 modifications. However, the FCR currently just advises political actors to take the advice of the tribes engaged in an issue or case into consideration. As of 2013, there was little oversight and incoherent implementation of this 2011 amendment's provision (Taj and Farhat, 2011).

2.7.2 Legal References and Extensions

A single, comprehensive law that covers all aspects of FATA governance, including civil and criminal cases, is the Frontier Crimes Regulation. It includes legal, administrative, and procedural elements. However, because the FCR relies on principles contained in the Pakistan Penal Code (Act XLV of 1860), it is not an independent statute. Furthermore, several regulations that were formerly applicable only in the rest of Pakistan have now been extended to FATA. While some are specifically stated in the FCR text, the President of Pakistan, the Governor of Khyber Pakhtunkhwa, and the FATA Secretariat occasionally add new laws and regulations to FATA (Taj and Farhat, 2011).

2.7.3 Political Rights and Future Reforms

The most important fundamental issue with the FCR is the merging of the executive and judicial branches, which affects citizens' access to an independent court in FATA. The local

executive authority (political agent) in FATA exercises all judicial powers and acts as the final judge of justice in all cases, even those in which he is accused or otherwise engaged, in a system equal to that of the previously executive judges in Pakistan's four provinces. Executive authorities with authority over FATA include commissioners, extra commissioners, PA and APA. They are also vested with judicial power (Husnan and Hamid, 2012).

2.7.4 Judicial Independence

In practice, judges who rule over criminal or civil cases and manage the day-to-day operations of an agency or frontier region are said to greatly reduce the chances of a fair trial, according to experts. In the same way, the FATA Tribunal is composed of former government executive branch officers. Some advocate the establishment of a formal, separate, and independent court system for FATA, noting the possibility for the concurrent exercise of administrative and judicial authority to create a clear and deadly conflict of interest. The majority of those recommendations call for judicial independence at lower levels necessary for upholding fundamental and human rights, as well as the ability to appeal decisions to Pakistan's High Courts and Supreme Court ("Summary of 2011 Amendments", 2013).

Some reformers stated that they would like to see the Frontier Crimes Regulation eliminated rather than changed both before and after the 2011 revisions were put into effect. For example, the Pakistani Human Rights Commission is known for making a comparison between living under the FCR and being a slave. They contend that the FCR should be banned and replaced with the judicial and executive branches that oversee the remainder of Pakistan, as it is too problematic to be fixed. Likewise, for years, groups fighting for political and human rights as well as those from Pakistan and other countries' civil society have suggested that FATA requires significant political change and that its people need to be brought completely under the purview of the Constitution.

2.7.5 Mainstreaming FATA

The reforms implemented in August 2011 did not completely integrate FATA into Pakistani politics and the legal system. Nonetheless, the changes refuted the long-held notion that the 110-year-old FCR will never alter. The 2011 modifications allowed Pakistani political leaders and FATA people to think about more improvements and modifications to the standard of democracy in the tribal areas, even though their impact on the fundamental legal

concepts contained in the FCR was limited. FATA residents are becoming more aware of their political rights and responsibilities despite their isolation on a social and geographic level. The desire of people to engage in civic life is expanding, while communications and information access are improving. Without question, the FCR modifications and the extension of the Political Parties Order to FATA demonstrate that reform is feasible and that public complaints about the region's current governance structure can and will be addressed. Large majorities of FATA voters support the reform program wholeheartedly, and national political leaders and civil society leaders often explore additional political, legal, and governance reforms, including Constitutional revisions (“Summary of 2011 Amendments”, 2013).

2.7.6 Political and Human Rights

In February 2013, access to the high courts and fully representative government, both at the local and parliamentary levels, were among the top priorities for most reformers. People of FATA likewise aspire to open and accountable governance. While the fact that the 2011 amendments extended citizens' political rights, the political administration which includes the political agent and other administrative authorities—retains a significant amount of flexibility and power. But when it comes to citizen rights and power access, there is still some concern in the FCR. Human rights groups assert that additional reforms are necessary to ensure that local officials are held responsible for any inappropriate administrative actions or corrupt practices. The Pakistan Penal Code (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act No. V of 1898) were aligned with the FCR by the 2011 changes (Taj & Farhat, 2011).

Nonetheless, there are still complaints about its flaws and calls for integrating the FATA legal system with other Pakistani laws and constitutionally protected rights. Those who live in FATA are still denied many of the political and human rights guaranteed by the Constitution. No law may be enacted that denies citizens any of the following fundamental rights: life, liberty, dignity, education, equal protection under the law, privacy of the home, right to a fair trial, freedom of movement, freedom of association, freedom of speech, freedom of religion, access to information, and property rights, among others. This is stated in Part II of the Constitution, which is titled "Fundamental Rights and Principles of Policy." In a similar vein, the Constitution prohibits the enactment of laws which allow imprisonment without legal representation, self-incrimination, double jeopardy, retroactive

punishment, religious taxation, or discrimination in public accommodations. For all FATA people to have their fundamental rights protected, more reforms are required (Ullah and Hayat, 2018).

2.8 FATA Reforms Commission, 2015

In May 2014, a group of five people led by Khyber Pakhtunkhwa Governor Sardar Mehtab Ahmad Khan established the FATA Reform Commission. FATA becomes an integrated political system through the commission's development activities, plans, and strategic objectives; this allows for the advancement of the region's economy, politics, and legal-administrative system. In April 2015, this commission completed its work and sent a report to the Khyber Pakhtunkhwa governor. This paper promoted the creation of agency and FRs councils, with 90% of the members elected and the other members nominated. The creation of the Advice Council of the Governor, which consists of representatives from the Agency and Frontier Regions, was another important recommendation made by the committee. An the area Committee would be established in order to promote relations and understanding between Civilian Military and the military, as well as to develop a plan for the reorganization of Frontier Corps for border security and management. The recommendation was made to strengthen internal security through the augmentation of levies force (Sulaiman and Bukhari, 2016). However, given the state of affairs, these suggestions were unable to open the route for development in FATA.

2.9 FATA Reform Committee, 2016

As FATA the future star started to shine in November 2015, Prime Minister Nawaz Sharif established the "FATA Reforms Committee," whose mission is to "suggest an actual way forward for the political mainstreaming of Ex-FATA " ("National Assembly passes bill", 2018). Sartaj Aziz, the prime minister's advisor on international policy, was also the committee chairman. Other members include Muhammad Shahzad Arbab, Mehtab Ahmad Khan, Lieutenant General (R)" Nasir Khan Janjua, Minister Hamid Khan, and Iqbal Zafar Jagra, the newly appointed Khyber Pakhtunkhwa governor ("National Assembly passes bill", 2018). On December 10, 2015, the committee met with a parliamentarian from FATA. After considering, the committee signed an agenda that included seven points signed by eleven FATA members. The 22nd draft of a constitutional amendment for integration was discussed by Ex-FATA parliamentarians in this agenda, stating that "Article 247 should be removed and Ex-FATA should be merged with Khyber Pakhtunkhwa province or separate

province status or be made a separate executive council" ("Presentation on FATA Reform", 2016). Committee propose 4 choices for future of Ex-FATA, Maintain status quo but reconstruction and rebuilding, Council like Gilgit Baltistan, Separate province, Merger with Khyber Pakhtunkhwa.

The committee also met with a number of Ex-FATA professionals and elders in Islamabad on November 18, 2015, and Peshawar on April 4, 2016, following a one-year period. However, after visiting all seven Ex-FATA and FR agencies and meeting with *Maliks*, businesspeople, and other notable local people to get their opinions, the committee concluded that the former FATA should be integrated with Khyber Pakhtunkhwa within five years (Ullah & Hayat, 2018). It is important to note that neither women nor representatives of women's rights groups were granted official status. Rather, a foundation known as the "Gender Development Unit" was founded with the goal of ensuring that 30% of all jobs held by women are filled in every given workplace (Anwar and Khan, 2017). The committee also proposed;

- Early on in these discussions, the committee completely decided that FATA could no longer be used as a "buffer against foreign aggression."
- For the next ten years, 3% of the gross divisible pool, or 10 billion, should be set aside each year to fund an inclusive socioeconomic development plan for FATA.
- In the same way, there are significant cultural and economic ties between districts and agencies, but not within the FATA agencies. Furthermore, FATA has the administrative and financial capabilities necessary to run an independent province. The committee concluded that the only practical option for mainstreaming FATA was to merger with Khyber Pakhtunkhwa (TNN, 2017).
- The committee suggested that there should be a five-year transition period following the merger of FATA and Khyber Pakhtunkhwa. In that time, elections for local authorities could be conducted in Ex-FATA, and it would be possible for the residents of Ex-FATA to choose their representatives to the Khyber Pakhtunkhwa legislature in 2018.
- The Committee also suggested ending the collective punishment system, border security, and land reforms.

- The PA's power was cut off and the FCR will be removed. The Supreme Court's and High Court's jurisdiction extended to Ex-FATA, although the traditional *Rewaj* system maintained as a means of resolving disputes locally.
- In the 2018 general election, people who reside in tribal regions will choose members for the national and provincial assemblies. The regular distribution of seats will be decided by amending the constitution.
- Twenty thousand FATA youth will work as levies; it will be up to the provincial government to decide whether to keep these youths or integrate them into the police force.
- For ten years, a high-level committee will be established to further FATA's development and social-economic objectives.
- Reconstruction of infrastructure would be ensured in them, along with the peaceful recovery and return of TDPs (Anwar and Khan, 2017).

2.10 National Implementation Committee on FATA Reforms, 2017

The Pakistan Muslim League (N) administration that was in place at the time decided to create a new, highly effective implementation committee. This committee was formed primarily to look at the mainstreaming plan and to forward the work of the previous FATA Reforms Committee. Shahid Khaqan Abbasi, a former prime minister, led this committee. Chief of Army Staff (COAS) General Qamar Javed Bajwa, governor of Khyber Pakhtunkhwa Iqbal Zafar Jhagra, Chief Minister Pervez Khattak, Defense Minister Khurram Dastagir, Minister for SAFRON Abdul Qadir Baloch, Minister for Law and Justice Zahid Hamid, and Deputy Chairman of the Planning Commission Sartaj Aziz were among the other members of the committee. The Federal Cabinet met on December 26, 2017. The meeting was called to order by Prime Minister Shahid Khaqan Abbasi. The committee debated on and approved an extensive set of FATA reforms. The majority of those in attendance believed that FATA's destiny will be decided by the good will of its members ("Govt decides to merge FATA with Khyber Pakhtunkhwa", 2017).

Prime Minister Invited the Chairperson of FATA reforms committee Sartaj Aziz as meeting began For submission of progress report and identification of problems before NIC. Federal cabinet on 2 March approved the politic committee of cup which was redesigned style FATA Reforms Committee. Members of this newly formed committee were New

Included Chief Minister Khyber Pakhtunkhwa, Chief Secretary Khyber Pakhtunkhwa, Commander XI Corps. This was proposed that PM forum should be chaired by NIC, headed by the Prime Minister. After thorough deliberation the new committee decided,

- a) The SAFRON Ministry will consult with the Khyber Pakhtunkhwa governor and the Khyber Pakhtunkhwa government to establish the necessary administrative infrastructure for integrating FATA into the political mainstream. Additionally, progress reports will be periodically submitted to the new committee, known as the NIC.
- b) The Committee also asked the Election Commission of Pakistan to undertake essential preparations, including the delineation of constituencies and updating the voter list, for conducting provincial elections in FATA. The timing of these elections and the necessary security measures will be determined at a later date.
- c) The Ministry of Law will review the fast-track legislative and administrative measures proposed by the Ministry of Defense to repeal the FCR and replace it with a new system focused on administration and justice. The Ministry will rely on these fast-track measures, ensuring they align with the fundamental rights outlined in the Constitution.
- d) The Committee recommended implementing a 10-year plan for FATA's socio-economic development, proposing that 3% of the divisible pool be allocated each year. The Finance Minister was urged to prioritize this matter at the next NFC meeting. It was noted that the Khyber Pakhtunkhwa Chief Minister has assured that the Khyber Pakhtunkhwa government will ensure that funds designated for FATA are fully utilized for the region's development (Sikander, 2017).

2.11 Amendment in the Constitution, 2018

The future of FATA finally came into focus on May 24, 2018, when the historic 31st Constitutional Amendment Bill of the NA of Pakistan cleared the way for the merger of FATA and Khyber Pakhtunkhwa. The 31st Constitutional Amendment was passed by the National Assembly on this important day in Pakistani history. A two-thirds majority is required to amend the constitution. The bill was supported by 228/342-229 votes. The bill was met with opposition from Jamiat Ulema-I-Islam (JUI-F) and Pakhtunkhwa Milli Awami Party (PMAP), who staged a demonstration from the Assembly. The mainstream political

parties in Pakistan are the Pakistan Muslim League (PML (N), Pakistan Tehreek Insaaf (PTI), Pakistan People's Party (PPP), Muttahid Qaumi Movement-Pakistan (MQM-P), and Jamat-i-Islami (JI) (Wasim, 2018). All laws in Pakistan and Khyber Pakhtunkhwa will be applicable, FCR will be repealed, and the President's and Khyber Pakhtunkhwa Governor's powers will end. The bill was known as the "31st Constitutional Amendment 2018 ("National Assembly passes bill", 2018).

The election status of the 12 National Assembly and 8 Senate seats in FATA for elections held during FATA's hindrances removed law would remain active until after 2023. FATA will return 6 seats After year which means a reduction from the previous total of 342 National Assembly Seats, to give us exactly what we are talking about today: General class (National Assembly Of Pakistan) is that only on issue healing power. The National Assembly itself has 336 seats, with two thirds of them filled through direct elections (60 for women and ten reserved at a separate time for religious minorities).

Eight senators will retain their FATA status in the Senate until 2023, at which point it will be removed, reducing the number of senators from 104 to 96. Following the amendment, every FATA seat is now part of the Khyber Pakhtunkhwa assembly. Provincial general assembly seats: " Khyber Pakhtunkhwa will have 45 general assembly seats, while Baluchistan will have 16, Punjab 141, Sindh 61, and Islamabad 3." The Khyber Pakhtunkhwa legislature would gain 21 seats following the merger of Ex-FATA, increasing the total number of seats from 124 to 145. Which, in 2019, saw the election of 16 seats following a year. Additionally, a local election was held a year later (Wasim, 2018).

Following the cancellation of Ex-FATA and Ex-PATA, all tribal areas in Balochistan and Khyber Pakhtunkhwa have now been included into the equivalent provinces. Included regions were Frontiers Regions (FR Peshawar, FR Kohat, FR Bannu, FR Lakki Marwat, FR Tank, and FR D.I Khan), Mohmand Agency, Khyber Agency, Orakzai Agency, Bajaur Agency, Kurram Agency, North Waziristan, South Waziristan, and Waziristan. PATA covers the following regions: Mansehra, Dir, Swat, Kohistan, Malakand, and Chitral. Balochistan's neighboring districts are Sibi (Murri, Bugti), Zoab tehsil Loralai, Chabi Dilbaldeen, and district Zoab (Mukhtar, 2018). Articles 1, 51, 59, 62, 106, 155, 146, and 147 were amended. For the next ten years, Ex-FATA will get special funds under the NFC that will only be used for development in Ex-FATA districts. This money will be awarded to 24

Arab. Ex-FATA will be granted tax exemption from PATA and Ex-FATA for the next ten years, as well as appeals to the Supreme Court and the Peshawar High Court.

The current status of Ex-FATA in 2024 election of seats 6 in National Assembly and 8 in Senate in 2024 election. In Bajaur District NA-8PTI leader Guldad Khan won in Bajaur's NA-40, which is now renumbered to NA-8 according to the 2018 polls. NA-44, a different constituency in the area, has now been removed. Previous winner of this seat was Gul Zafar Khan of the PTI, who defeated 12 other candidates for the seat. This time, Gul Zafar is running as an independent, but Syed Akhunzada Chattan of the PPP, Khan Zeb of the ANP, and Shahabuddin of the PML-N has all entered the race. However, the ECP has postponed polls for this seat as well as two Khyber Pakhtunkhwa Assembly seats, PK-22 Bajaur and PK-91 Kohat, due to the passing of candidates.

In Mohmand District NA-26Independent candidate Bilal Rehman won two general elections as an independent in 2008 and 2013, with one NA seat in district Mohmand. NA-36 in 2008 and 2013 and NA-42 in 2018 were the new districts, and Sajid Khan of the PTI came out on top in those surveys with 1,641 votes. The seat has been renumbered from NA-42 to NA-26, and a contest will be held between Zar Khan of the PML-N, Abdul Waheed Khan of the PPP, Muhammad Arif of the JUI-F, Nisar Ahmad of the ANP, and Sajid Khan, an independent supported by the PTI.

In Khyber District NA-27Khyber's NA seat was lost due to new division. It had two seats formerly, NA-45 and NA-46, which were combined into one seat, NA-27. Noorul Haq Qadri, the leader of the PTI, kept his seat in 2018. This time, the candidates include Shahji Gul Afridi of the PML-N, Hameedullah Jan Afridi of the JUI-F, Shah Rehman of the PPP, and the independent Noorul Haq Qadri. Additionally, the Frontier Regions (FR) which included FR Kohat, FR Peshawar, FR Tank, FR Bannu, FR Lakki, and FR Dera Ismail Khan have lost their single seat, NA-47 in the 2008 and 2013 general elections, and NA-51 in the 2018 elections, due to the amalgamation of these FR regions with their respective neighboring districts.

In KurramDistrict NA-37Kurram also lost a NA seat in 2023 as a result of new boundaries. The tribal district held elections in 2018 in NA-45 and NA-46. The PPP's Sajid Hussain Turi won the latter, while the late Munir Orakzai won the former. NA-37 is anticipated to feature a close race this time around. In this constituency are candidates from the PPP led by Sajid Turi, the JUI-F's Asmatullah, and the PML-N's Muhammadullah.

In North Waziristan District NA-40 ANP leader Ashrafullah, PML-N's Nazir Khan, JUI-F nominee Misbahuddin, and National Democratic Movement president Mohsin Javed Dawar will compete in North Waziristan, formerly known as NA-48 in the 2018 elections. Mr. Dawar was the previous winner of the seat.

There were two seats in South Waziristan in the 2018 elections: Ali Wazir, a candidate backed by the Pashtun Tahaffuz Movement, won NA-50, while Muhammad Jamaluddin, the leader of the MMA, won NA-49. NA-42 has been formed by the merger of these two in preparation for the next general elections. In addition to Ali Wazir, the candidates running for this seat include Ayesha Gulalai, Hameedullah of the ANP, Amanullah of the PPP (Farooq, 2024).

2.12 Amendment in the Constitution, 2019

On May 13, 2019, the 25th and 26th constitutional amendments were amended further. The 26th proposed constitutional amendment was approved with a 2/3 majority and 228/0 vote (Bromberg, 2021). This new amendment's primary goals are to provide the people of the former FATA proper representation in the National Assembly and to increase the number of general seats in the NA from 6 to 12 and the PA general seats from 16 to 24 (Khan et al., 2022).

This bill was presented by independent MNA Mohsin Dawar from North Waziristan (Bromberg, 2021). Under the changes made to Article 51, the number of general seats for Khyber Pakhtunkhwa in the National Assembly increased from 45 to 51, raising the total number of seats for the province from 55 to 61. The Khyber Pakhtunkhwa assembly's general seats will grow from 115 to 123, while the number of MPs reserved for women would grow from 26 to 28, according to an amendment to Article 106 of the constitution. As a result, there will be 155 seats instead of 145 ("The Constitutional Amendment more seats", 2019).

Prime Minister Imran Khan stated, "It is truly gratifying that all parties have come together on a unified platform to take a significant step towards addressing the needs of the disadvantaged people of FATA and improving the region," before the bill was proposed. There is an increase in representation. Those whose outside forces were taking advantage of them feel poor, but today that sensation would mean the end of their struggle. I advise every

province to give FATA its fair part of the NFC, since these regions have been severely impacted by the past fight on terror, making development there possible (Bromberg, 2021).

2.13 Ideas for Integration

Since its founding, the Formal FATA area has been the subject of remarks and suggestions from a number of sources; however, at the start of the twenty-first century, those remarks and suggestions gained speed with the start of the merger negotiations with FATA- Khyber Pakhtunkhwa. Regarding the political and constitutional situation of the tribal territories, a number of recommendations have been discussed in this study by researchers, tribal chieftains, experts, academics, FATA civil society leaders, government workers, politicians, and others (Qazi et al., 2018). These proposals and recommendations came to the conclusion that maintaining everything as they are, giving FATA the status of a separate province, merging with Khyber Pakhtunkhwa, creating an executive council similar to Gilgit Baltistan, or.

a) Merger with Khyber Pakhtunkhwa

Since 2013, the Pashtun nationalist parties Awami National Party (ANP) and Pakistan Tehreek Insaaf (PTI) Jamti Islami (JI) have focused primarily on the merger of FATA with Khyber Pakhtunkhwa. Remember this since 2013, PTI and JI have partnered as a coalition in the Khyber Pakhtunkhwa government. However, the religious party (JUI-F) and the other nationalist party, Pakhtunkhwa Milli Awami Party (PMAP), strongly opposed and attacked the union. ANP, one of the parties supporting the idea, claimed that Pashtuns throughout Pakistan had come together as a result of this integration, which was an image of one geographical identity. On the other hand, the political, economic, and cultural aspects were rejected by JUI-F and PMAP. Furthermore, according to ANP, Pashtuns in Pakistan would benefit economically and financially from the merger of the Federal Divisible Pool (FDP) and NFC (Usman, 2022). The PTI, which was governed by both Khyber Pakhtunkhwa and FATA, believed that merging was the only way to handle the problems and complaints of tribal peoples. The role that Pervez Musharraf's former dictatorship played in the establishment of these corporations was taken into consideration for their legal and administrative benefits. The regime initially encouraged the representation of tribesmen in the Khyber Pakhtunkhwa parliament; however, the process faced significant obstacles that led to its halt. Strong support for

this integration began to surface as media reports highlighted the pressing issues confronting the region. Consequently, the Nawaz Sharif government took responsibility in 2017 and announced a gradual integration plan spanning five years for FATA-Khyber Pakhtunkhwa merger, acknowledging the necessity of addressing the challenges faced by the region and the nation as a whole. The aforementioned merger was finalized and reached its peak through the 31st Constitutional Amendment (Nawaz and Hussain, 2024).

The population structure and geography of Khyber Pakhtunkhwa have changed by the merger of FATA with the region. The *Malik* or *Lounge* property owners also took issue with the deal. The dispute concerned the rejection of Pakistan's legal system and police infrastructure adds that our freedom, customs, and traditions are challenged by the police system in tribal communities (Ali, 2018). On the one hand, it's a significant move for the nation as a whole, particularly for the FATA region. There's a concern that the merger could spark disputes over opportunities and resources between the two regions. FATA's residents invoke the principle of Pakistan's founder, Quaid-i-Azam, who envisioned the federal government governing the region. However, with increasing interest in FATA, opinions on its governance diverge. Some reject the merger, arguing that it would strain Khyber Pakhtunkhwa's still-limited infrastructure beyond acceptable levels.

b) Making FATA a New Province

With FATA having an independent status, ideas for moving it into the mainstream and its legal-political destiny are not secret. FATA's actual conditions demanded the establishment of a distinct province. When the PML-N drafted a resolution in 2012 asking for an opposition, which was meant to grant FATA a distinct province, the talks to create a new province began. Additionally, the FATA parliamentary group made demands in the national assembly and senate (Qazi et al., 2018).

There will be significant demands for FATA to become its own province, and doing so will have a number of advantages and consequences. Formerly, becoming a province may destroy the area and the antiquated governmental structure. The removal of FATA's special status, which closed the power gap and put an end to the activities that had been the main focus of groups like the Islamic State (IS) and Al-Qaeda. Many residents of these areas already live in other Pakistani cities such as

Peshawar, Karachi, and Lahore, where they are engaged in businesses and jobs that are integrated into mainstream society. Establishing FATA as its own province could facilitate its integration into the broader societal and economic framework. FATA would put an end to the idea that it was Pakistan's "Wild West," with Afghanistan designating the border as both descriptive and permanent. These things continued up until FATA became integrated into Khyber Pakhtunkhwa (Qazi et al., 2018).

c) Creating a FATA Council

The two proposals above also propose that FATA establish a council akin to Gilgit-Baltistan with an elected legislature in case it is not combined with the Khyber Pakhtunkhwa or granted its own province. That would make it possible to set up the contemporary government structure there. This workable alternative might end the region's legal and administrative limbo and provide a resolution to the multifaceted crisis and conflicts (Qazi et al., 2018).

d) Maintaining the status quo

Although only a small portion of FATA was making the demand, calls for significant reform in the organization kept it from advancing. This minority class asked that a referendum be held in FATA to put a stop to the wars and crises there and that they be granted the finest political and constitutional position under the monarchy, along with the right to independence. To grant them their own province or merge with Khyber Pakhtunkhwa (Qazi et al., 2018).

2.14 Need for Reforms

The promise of allowing the Ex-FATA people to be "self-respected citizens and achieve what is best for themselves and their land" regrettably remained unfulfilled after the passing of Quaid-i-Azam Muhammad Ali Jinnah. And the area continued to be among Pakistan's least developed and lowest places (Khan 2005). The region has not developed as much as the rest of the nation in terms of the economy, people, or society. The household survey conducted in 2013–14 revealed that the overall literacy rate in FATA was 33%, with women obtaining a lower percentage of 7.8% than the national average. The area at the hospital is likewise lower than the rest of Pakistan. Compared to the 76% national average, only 33% of children under two years old receive care at the vaccinated facility. There is one facility for every 7,800 people and one doctor for every 4,200 people. Causes of the lack of medical facilities insufficient access to major cities, limited people expertise, insufficient facilities, and unsatisfactory medication availability. There was an obvious difference between male

and female career opportunities. Just 38.6% of men were able to find work, while 5.9% of women were able to. Compared to the rest of the nation, the employment rate is likewise low. 11.8% of people are employed, while the remainders are unemployed ("FATA Development Indicators Household Survey", 2018).

The prior district administration of the area, together with the lack of participation from the provincial and municipal governments, contributed to the population of FATA's sense of inequality and suffering. PA no longer have access to corruption due to the lack of accountability in this area. In civil bureaucracy, holding the position of PA was financially rewarding. There was no right of appeal for the citizens of FATA in any national court. Section 40 of the FCR, which displayed the phrase "Collective Responsibility," was the worst. It gave the PA the right to confiscate the tribe's assets or punish the entire group for the crimes of a single individual.

According to the constitution, FATA was a part of Pakistan. It was also represented in the Senate and National Assembly. However, the president had direct authority over FATA as well. The governor of Khyber Pakhtunkhwa exercised executive responsibility in these territories as the president of Pakistan's agent in accordance with articles 51, 59, and 247. Any law in FATA was applied by presidential order rather than by legislation. Instead of passing laws for FATA, the 12 members of the National Assembly passed laws for the entire nation (Zubair, 2017). The country's illegal commercial activities also depend on the tribal belt. Due to factors like the Afghan civil war, a lack of civil war enforcement, unemployment, corruption, and other issues, FATA's economy was reliant on the smuggling and trafficking of drugs and weapons. The region's business prospects and infrastructure facilities were significantly outweighed by the emergence of militancy, terrorism, and military actions. The colonial laws of FCR governed the lives of the people living in FATA.

The United States of America (USA) attacked Afghanistan, where the Taliban had taken refuge, following the 9/11 attacks. One major factor in the region's devastation was the conflict between the US and the Taliban. Furthermore, this region has turned into the Taliban's utopia in the perspective of nations like the US and Europe. People's origins are suspected of being connected to the attack on the Peshawar Army Public School. The China-Pakistan Economic Corridor (CPEC), which passed through parts of Khyber Pakhtunkhwa and Balochistan that were also part of the tribal belt, and the emergence of regional movements like PTM, which posed a threat to the state's sovereignty and integrity, were the

two main drivers for the merger. For all of these reasons, the Pakistani government was compelled to merge FATA with Khyber Pakhtunkhwa in order to make the people of FATA fully Pakistani, just like the rest of the country. Their forgotten emotions will never return. FATA's citizens repealed cruel legislation like FCR. Ultimately, on May 28, 2018, the Pakistani government moved to implement the 31st Constitutional Amendment, which would Engagment FATA and Khyber Pakhtunkhwa (Zubair, 2017).

2.15 Constitutional Amendment of 2018 and its Legislative Procedure

a) Legislative Procedure of Amendment Bill, 2018

- **National Assembly**

On May 24, 2018, the National Assembly of Pakistan passed the amendment bill with a strong 229-1 vote. The JUI-F and PMAP parties, on the other hand, were against the bill, and their members had already left before the vote. "I congratulate the parliament today for its unity despite party differences, although it is important to note that there is still a lack of systems in place for rehabilitation, early elections, and development for these areas," PTI chairman Imran Khan said to the house during the session. Panama case, Money Laundering, and Routing. Following Imran Khan, Prime Minister Shahid Khaqan Abbasi addressed the house. According to Prime Minister Abbasi, today is a significant and important day in Pakistan's history. (Khan, and Mahmood. 2018). I want to express my gratitude to every assembly member who backed us in passing this "Historic Bill," especially the opposition. Since today is a cheerful day, disagreements and irrelevant discussions shouldn't be avoided (Wasim, 2018). The Prime Minister went on to remark that the bill's passage marked the start of gaining the trust of the FATA people and that it is an image of our unification for the country's sake (Wasim, 2018).

- **Senate**

The process continued, and on May 24, 2018, the senate, the upper house of parliament, passed the amendment bill with a clear majority. Out of the 76 votes cast, 71 were in support of the law, while the remaining five were in against. The JUI-F and PMAP members were among the five who walked out of the house in objection of the amendment (Khan and Nisar. 2018).

- **Khyber Pakhtunkhwa Assembly**

According to Article 239(4) of the constitution, any changes related to graphical boundaries must be approved by the province that would be impacted. In this regard, the integration of FATA with the Khyber Pakhtunkhwa legislature passed the amendment bill with a two-thirds majority before to its expiration on May 27, 2018 (Khan and Nisar, 2018). Just 83 votes were needed to pass the legislation, with 87 voting in favor of the Khyber Pakhtunkhwa-FATA merger and seven voting against it (Khan and Nisar, 2018).

- **Presidential Assent**

Mamnoon Hussain, the president of Pakistan, signed the FATA Interim Governance Regulation (FIGR), an alternative to the FCR, on May 28, 2018. The two-year FATA governance, which has amalgamated with Khyber Pakhtunkhwa, was also outlined, and the old, harsh FCR rule was repealed. In accordance with Pakistan's Constitution, article 247, the revised FCR was signed. Although the 31st amendment to the Constitution eliminated Article 247 (Sirmed, 2018). The private source reports that the revocation of article 247 was not included in the last-minute change that was proposed, during the meeting that followed the bill's passage by the Khyber Pakhtunkhwa assembly. Furthermore, the FATA IGR would have "Slight Legal Status" following the constitutional changes (Firdous, 2018). Article 247 was repealed, although there may still be issues with it maintaining the Nizam-e-Adal, the Action (In assistance of civil power), the jurisdiction over federal and provincial levies, and FATA's tax exemption (Firdous, 2018).

The bill was signed by Senate Chairman Sadiq Sanjrani on May 29, 2018, and he also encouraged President Mamnoon Hussain to sign on to the amended version. The measure was sent to the president for signature after being approved by the Khyber Pakhtunkhwa legislature and receiving permission from the Senate and the Ministry of Law and Justice. The president granted his assent on May 31, 2018 ("Bill on FATA merger", 2018).

2.16 Constitutional Amendment Bill, 2018

The 28th of May, 2018, was a historic day in Pakistani history. When the Pakistani National Assembly passed the 31st Constitutional Amendment. One legislator voted against the constitutional amendment, while 229 MPs supported it. A few allies of the government opposed the law. Maulana Fazal Rehman of the JUI-F and Mehmood Khan Achakzai of the PMAP are two such examples. Pakistan's constitution received significant amendments with

the 31st constitutional revision. The Khyber Pakhtunkhwa province's socioeconomic, administrative, political, geographic, and judeo-cultural features have been reformed by the new amendment. The constitution's articles 1, 51, 59, 106, 155, 246 and 247 were changed.

The first stage in amending the constitution was to change article 1, which specified each state's territory and made FATA's location separate from the other provinces. But this region was engagement with Khyber Pakhtunkhwa after an amendment. While Khyber Pakhtunkhwa had an area of 101,210 km², FATA covered 27,210 km². Following integration the area that is around 128,961 km³. There were 5 million people living in the tribal territories (2.3%) and 16.6% in Khyber Pakhtunkhwa. There will be 40.5 million people living in the two regions combined (18.9%) (Wasim, 2018).

Also modified were Articles 51 and 59. These articles mostly dealt with the distribution of seats in provincial and national assemblies. Twelve NA and eight Senate seats were allotted to FATA, but the region's citizens were not represented in any PA. Furthermore, the provincial Assembly was not authorized to pass laws related to FATA; only the NA and the senate were. The present FATA status of 12 seats in the National Assembly and 8 seats in the Senate will continue until 2023–2024 following amendment. However, FATA only had six members after the designated date, which resulted in the National Assembly's number of seats being reduced from 342 to 336, National Assembly of Pakistan) is the lower house of the parliament. The National Assembly has 336 seats, 266 of which are directly elected, 60 are reserved for women and a further 10 for religious minorities. Khyber Pakhtunkhwa now has 45 general seats in the National Assembly after the remaining 6 seats were distributed to it following the amendment. Balochistan would have sixteen seats, Punjab 141, Sindh 61, and Islamabad in other provinces. Thus, there were 8 Senate members in FATA status until their retirements in 2024. Consequently, there were 96 Senate seats instead of 104. Amendments were made to Articles 106, 155, and 246; Article 247 was removed (Wasim, 2018).

However, on May 13, 2019, the 25th and 26th constitutional amendments were further amended. The 26th proposed constitutional amendment was approved with a 2/3 majority and 228/0 vote. This new amendment's primary goals are to provide the people of the former FATA proper representation in the NA and to increase the number of general seats in the PA from 16 to 24 and the number of general seats in the NA from 6 to 12 (Naseem et al., 2022). Muhsin Dawar, a North Waziristan independent member of

parliament, introduced this extent (Khan et al., 2023). The overall number of seats for the integration of FATA and Khyber Pakhtunkhwa in NA would increase from 55 to 61 as a result of the amendment under article 51, which increased the general seats of the integration from 45 to 51. According to an amendment in Article 106 of the Constitution, general seats for FATA merged with Khyber Pakhtunkhwa Assembly would jump from current 115 to 122 while reserved for women will shoot up from currently existing number 26 to 28. That translates to 155 seats instead of the previous 145 (Feerick and Rogan, 2019).

All laws in Pakistan and Khyber Pakhtunkhwa were in force, and the harsh FCR law was repealed once it was no longer able to be implemented. The President's and the Khyber Pakhtunkhwa Governor's authority had vanished. Following revision, the residents of FATA would have the same constitutional and legal rights as the rest of the country's population, extending the Chief Minister (CM) of Khyber Pakhtunkhwa authority to FATA. FATA will receive three percent of the NFC award. In addition, FATA would receive 100 billion more under the NFC award, along with 24 billion rupees that cannot be spent anywhere.

Following the constitutional revision, FATA would be included in the jurisdiction of the Pakistani Supreme Court and the Peshawar High Court. The Peshawar High Court and the Supreme Court are now hearing appeals and complaints from the people of FATA. FATA and PATA, however, offer a five-year tax exemption. Following the amendment, all tribal areas will become part of Balochistan and Khyber Pakhtunkhwa, and the terms FATA and PATA would be removed. In the FATA merger, there are seven agencies and six Frontier Regions (FR); the agencies are North Waziristan, South Waziristan, Kurram Agency, Mohmand Agency, Bajaur Agency, and Orakzai Agency. On the other hand, FRs Peshawar, Kohat, Bannu, Lakki Marwat, Tank, and D.I. Khan were among them. The regions of Swat, Chitral, and Kohistan, including Mansehra, Malakand, Dir, Chitral, and Kohistan, are included in PATA. The regions combine with the Sibi (Muri, Bugti) district, the Chabi Dilbaldeen district, and the Balochistan Loralai Tehsil of the Zoaab district. The "31st Constitutional Amendment Bill" was the title given to the FATA amendment bill (Asad, 2018).

2.17 Opposition to Khyber Pakhtunkhwa-FATA Merger

Afghan government did not accept the merger stating that as Sovereign Action by Pakistan a party to absolutely violate 1921 Treaty of Rawalpindi binding Afghanistan and British India

(Khan, 2018). The acting Deputy Speaker of the Senate Muhammad Alam Ezediyar and deputy presidential spokesman Dawa Khan Menapal said, "We call on the International community to revisit this issue as Pakistan is committing violation once again" (Khan, 2018). The Pakistan authorities informed the Afghan government that these decisions were over one-sided and it was an inside issue(Khan, 2021).

The merger was sharply condemned and rejected by two major parties. These two mainstream parties are PMAP, led by Mehmmod Khan Achakzai, and JUI-F, led by Molana Fazlurhman. Both sides support FATA's position as a distinct province. They are in favor of holding a referendum before determining its destiny. They contend that the people choose their own destiny through referendums. On the other hand, PMAP holds the opinion that FATA serves as a safety zone separating Pakistan and Afghanistan. Thus, the approval of Afghanistan is necessary for the peaceful transition of tribal territories. Merely in support of FATA people making democratic decisions about their future. Both parties contend that the merger was carried out in a forced way without the local population's permission ("FATA merger bill sails through Senate ", 2018). The merger was also condemned by MQM. "We backed this bill for the aim of "political unity," according to Dr. Farooq Sattar. However, our party is in support of a distinct province as opposed to a merger with Khyber Pakhtunkhwa. Like JUI and MQM also demanded for referendum (Wasim, 2018).

The *Malik's*, or elders of the tribe, were also against this arrangement. Mohmand Tribal District opposes the FATA and Khyber Pakhtunkhwa merger on June 19, 2018. "The tribal people make great sacrifices for the country; for seventy years, we have guarded the border regions without compensation or other benefits," they added. It continues on to declare that this government action was made without addressing the tribe elders. Because Khyber Pakhtunkhwa is a less developed province, it is unable to support the tribal area, and the arrangement of FATA and Khyber Pakhtunkhwa will only make tribal members' complaints worse ("Tribal elders oppose FATA-Khyber Pakhtunkhwa merger," 2018).

2.18 Provincial Assembly Elections 2019 in Former FATA

The 25th Amendment to the Pakistani Constitution was passed by the National Assembly and Senate on May 31, and former President Mamnoon Hussain signed it last week. The merger of FATA with Khyber Pakhtunkhwa was triggered by a demand to that effect. Two) The Election Commission of Pakistan (ECP), which decided for the first time to hold

provincial elections in FATA. The former FATA are to hold provincial elections one year after the 2018 national vote. Dr. Arif Alvi, the country's current president, at the end of 2018, instructions were given to the Election Commission of Pakistan (ECP) to conduct elections in the newly merged areas in May 2019 to expedite the integration process. (Kheshgi, 2018). The Election Commission has begun the process of creating sixteen additional constituencies, four of which are reserved for women and one for non-Muslims. Members of these seats will be elected from the regular seats. The election, which is scheduled for July 20, 2019, was publicly announced on May 6, 2019. In the end, elections were held in the former FATA on July 20, 2019, with 285 candidates—including two women—from various parties competing. There were 202 independent candidates in all. In the election, almost 2.1 million people casted votes. There were 1896 voting stations in the previously FATA; 450 of those locations were classified as sensitive. The polling place was open from 8 a.m. until 5 p.m. ("ECP starts receiving nomination papers", 2019).

With the Pakistan Tehreek-e-Insaf (PTI) receiving five seats, the Jamiat Ulema-e-Islam (JUI-F) receiving three, and the Jamaat-e-Islami and Awami National Party receiving one each, the independent candidates won the most seats in the election—six. It was running in seven districts for sixteen seats which included 285 candidates, 202 of them were independents. The largest number of candidates was 16 for Pakistan Tehreek-e-Insaf (PTI), followed by JUI-F (15), ANP (14), PPP and JI (13) and PML-N (5). Naheed Afridi, a candidate for the ANP party, was one of the two women, representing PK-106; Malasa Bibi, a candidate for JI, represented PK-108. There were 1897 polling stations in these districts, of which 482 were designated for males and 376 for females. Additionally, 1,049 polling stations remained that were joint. Personnel from the Pakistan Army, Police, and Frontier Police were stationed at these polling stations (Rahman, 2019). Five of the six independent candidates joined political parties following the election. Of these, two joined Pakistan Tehreek-e-Insaf and three joined the Balochistan Awami Party. BAP received one reserved seat, and JUI-F received another.

Assessment of reformatory procedures in FATA from past to present showed that The 'FCR' was the only theoretical foundation which governed Judiciary and administrative system In FATA since inception by British Imperial power back in 19th century Certainly, the FCR gave more powers to political administration in FATA was definitely not leading towards ears due some saying of Power corrupts and absolute power corrupt absolutely

thereby this apply here too. FATA was retained in its redundant legal-administrative structure until remarkably late into the latter half of the 20th century by which time we knew better. However, come the 21st century and successive Governments of Pakistan expedite their own reform agenda in FATA. The century-old FCR was partially repealed and Political Parties Order 2002, for instance, also extended to FATA in August 2011 essentially replacing still-existing illegal political party structures - that were active since the early years of Pakistan's inception. It was later come by reform initiatives shot Report of FATA Reforms Commission in April 2015, recommendations of FATA Reforms Committee in August 2016 and followed by the recent happened amendment to constitution during May 2018 that allowed for merger accordingly bolder-be-matching-into compelnt (merger) guiding principle-(in) support Favoured-Area margin-associated together with tidiness/adaptability regarding district-of nf Khyber Pakhtunkhwa.

Chapter # 3

Implications of Administrative and Judicial Reforms

The integration of Former FATA into Khyber Pakhtunkhwa is a significant step by Pakistan's government, marking a new era for the region. This merger has brought Administrative and Judicial as well as diamond-holding opportunities for residents. The government's decision will lead to infrastructure development and increased potential for growth. Former FATA residents will enjoy constitutional rights, and their cases will be registered without restriction. The state must focus on the Administrative and Judicial system, infrastructure development, and the restoration of distressed or displaced sections of society.

3.1 Pre-Merger: Constitutional Status of EX-FATA Constitution of 1973

EX-FATA is included in Pakistan's constitution under Article -1(c) of 1973. The 1973 Constitution's Articles 51, 145, 246, and 247 define the tribal regions. Article 51(6): Under the president's jurisdiction, the tribal districts may adopt the electoral system. Article 145: This article gives the authority of the Khyber Pakhtunkhwa governor to represent certain districts' interests before the president. Article 246: The president of Pakistan serves as both the top executive of the tribal areas and the head of state as defined by the constitution. Without changing the constitution, the president is expressly authorized to dissolve tribal regions under Article 247. Additionally, the president has the power to decide which laws must be followed in tribal regions ("The Constitution of The Islamic Republic of Pakistan", 2012). The 1973 constitution of Pakistan provides that although the EX-FATA received special status, its population did not receive citizenship rights. The 1973 Constitution's Articles 8–28 outline Pakistani citizens' fundamental rights, which the judiciary will defend against any violation. However, EX-FATA residents have been denied these rights completely, and the region is governed by the harsh laws FCR 1901 law, which was passed by the British and violates their fundamental rights (Ali, 2018).

3.2 Post-Merger: Constitutional Status of Former Tribal Areas

The former FATA merger process was completed according to with the 25th Amendment, also referred to as the Former FATA reform bill. This is a historic constitutional amendment and a wise decision on the part of the state for the people of Former FATA. Since the constitution's first article defines Pakistan's borders, eliminating article 1 section "c" from it has been guarantee the integration of Former FATA with Khyber Pakhtunkhwa.

Furthermore, Former FATA is described in article 1 section "c" as a separate territory. It is recommended that the institution tasked with distributing seats to the federal capital and provinces be replaced to reduce the number of members. This can be achieved by amending Article 51, which outlines the allocation of seats, to result in a new number of 326 seats. It was suggested that Article-59 be amended further to reduce the number of senators to 96 from 104 by removing subsection "b" from clause 1. Article-59, clause-3 was amended by removing subclause (b), which stated that the elected senators from Former FATA had to resign after three years.

Article-106, which establishes the provincial seats, was amended to include new paragraphs 1(A) and 1(B). The number of seats was 16 for general, four for women, and one for non-Muslims out of a total of 21. Within a year, elections for these seats need to be held. These tribal communities were called because Clause "c" of Article 246 had been left out. Until replaced by authority—which was added as clause "d" to Article 246—the law must continue in effect. It was desired that Article 247, which oversees the tribal districts, be removed from the bill ("The Constitution Twenty-Fifth Amendment Act", 2018). The 1973 constitution had granted a special status in writing but a legally inferior status before the Former FATA absorption into Khyber Pakhtunkhwa.

Like the four provinces, Former FATA was designated as a distinct region of the nation under Article I. The 25th Amendment states that the Former FATA merger with Khyber Pakhtunkhwa was completed. Following the merger, tribal districts not maintained their status further. By Article 246 of the Pakistani constitution, the president serves as both the top executive of the tribal areas and the head of state. Following its integration into the Khyber Pakhtunkhwa provision, Article 246's "C" section—which addresses tribal areas—is removed. The Pakistani president was granted autonomy by Article 247. Since its merger with Khyber Pakhtunkhwa, Article 247 of the constitution has been removed.

The roles and responsibilities of the *Khasadars*, Levies, Frontier Constabulary, etc., had been established prior to implementing these reforms. Due to its unique situation, Former FATA police will function as a community police service, border police, counterterrorism unit, and centralized police all at the same time. Public trust, reporting protocols, law enforcement response, a conflict resolution mechanism, preventive tactics, complaint handling, victim procedures, inter-component coordination, and access to legal aid and a fair trial are all crucial when creating a criminal justice system for Former

FATA(Babakhel2018). Since six Frontier Regions currently function as administrative divisions of settled districts, conversion ought to begin with them, and agencies need to be gradually included in the contemporary criminal justice system. By doing this, the military will be freed up to focus on national defense rather than internal security duties in Former FATA.

3.3 EX-Tribal Areas Secretariat Implications

The military administration of Pakistan, led by President Pervaiz Musharraf, established a new EX-FATA Secretariat in Peshawar in 2002. Up to 2002, the EX-FATA phase of Khyber Pakhtunkhwa was used to help with improvement planning in tribal areas. That year saw the establishment of the EX-FATA secretariat, which is led by the secretary of FATA. The frontier area is named after the Khyber Pakhtunkhwa inhabited districts that are close to it. The District Coordination Officer (DCO) is responsible for administering the FR; the EX-FATA Secretariat, which is headquartered in Peshawar and answers to the Khyber Pakhtunkhwa governor, is in charge of managing the FR's overall (Anwar and Khan. 2017).

A second leader's secretary, four secretaries, and a few directors were added to the civil secretariat in 2006 to assume the decision-making role. The EX-FATA Civil Secretariat was in-charge of carrying out the mission. Between the federal, provincial, and FATA's civil secretariat, the governor's secretariat of Khyber Pakhtunkhwa serves as a coordinating body. The EX-FATA secretariat was divided into the following six departments. Departments of administration, finance, law and order, infrastructure and coordination, planning and development, and infrastructure Department of Social Sectors Department of Production and Livelihood Development (Anwar and Khan. 2017).

Frontier Crime Regulation, a harsh rule, governed tribal regions under federal administration. It would now be handled by the same Khyber Pakhtunkhwa Administration following its merger. At the provincial level, the PA oversees each tribe agency's development personally. The Governor of Khyber Pakhtunkhwa represents the President as an Agent for the Administration of former FATA at the Federal level. Following its merger into Khyber Pakhtunkhwa, the Khyber Pakhtunkhwa government has been in charge of its administration. The PA function has vanished. The Khyber Pakhtunkhwa governor no longer has executive authority over former FATA; instead, the chief minister and his cabinet do (Fayaz et al., 2021).

3.4 *Malik's* and Political Agents Implications

Political Agents (PA), Assistant Political Agents (APA), Tehsildars, Naib Tehsildars, Local Police "*Khassadars*," and Security Forces supervised the administration structure in the EX-FATA (levies & scouts). As the repository of its administrative purposes, APA provided support to PA in several areas (Kakakhel, 2010). The head superintendent of the relevant agency, who holds the authority of the chief police and judicial officer within his jurisdiction, was previously the PA. His power stems from the "FCR 1901," which depends on the tribes' shared duty. A PA supervises the management of each EX-FATA agency. The Governor of Khyber Pakhtunkhwa appoints PA in EX-FATA under the Constitution, and these individuals represent the Governor in their respective agencies. The *Malik's*, or village and tribal elders, are the conduits through which the tribes conduct their affairs. They may be chosen by the tribes themselves or by the PA of each agency (Coll, 2001). PA collaborates with the *Malik's* to shape the decisions and actions of the tribes, but they do not exercise direct authority or administration. In exchange for the *Malik's'* participation, the PA provide those funds, infrastructural support, and other benefits; with the aid of *Jirga's*, they uphold law and order in their tribal area. Through the FCR, they can also impose collective punishment (Khan, 2011).

The directions were issued by the K-P Assembly and Parliament institutionalization through Constitution (25th Amendment) Act 2018 merging of ex-FATA with the province. A notification to rename FATA's PA as deputy commissioner (DC), additional PACs as AC, and assistant PAC was issued by the K-P Home & Tribal Affairs Department. Additionally, a notification was issued by the department in respect of giving all ACs erstwhile FATA judicial powers. According to the 2018 former FATA Temporary Regulation, these magisterial powers under were given by the K-P governor to AC. AC shall exercise those powers by Section 30 of the Code of Criminal Procedure. The K-P government also directed the administration to immediately stop Agency Development Fund collection in tribal areas and ensure that a compliance report was prepared no later than 48 hours after receiving the orders for FATA's additional chief secretary (ACS). On 2 May, K-P chief secretary passed

orders to abolish the agency development fund in a bid to prop up mainstreaming of FATA on the instructions of ex-premier Shahid Khakan Abbasi (Khattak, 2018). He directed all kinds of "Rahdaarees" and the taxes / rewards levied by political administration whatsoever in import export goods are immediately stopped till submission report within 48 hours. The local government has authority to ensure that no person or organisation levies any tax, rate or due of whatever nature in the area over which it exercises its jurisdiction except as may be under national law. Moreover, all expenditure from the agency development fund has been barred and a bank statement of that account would have to be sent to former FATA Additional Chief Secretary (ACS) within 48 hours.

3.5 Local Government Implications

In 2002, the EX-FATA Local Government Regulation was issued, giving authority to the local tribal. The tribesmen accepted and were pleased with their choice. However, obstacles were put in the way of the prior Regulations' execution by the governors of Khyber Pakhtunkhwa, Syed Iftikhar Hussain Shah, and Commander Khalil ur Rahman. In 2004, former governor Commander Khalil ur Rahman announced the establishment of "Agency Councils". These Councils would have no administrative power and consist of people who have been nominated. Elections for local government were held in 2004 without strictly following to the 2002 Regulations. This was a compilation of the numbers he most liked from the PA. Only *Malik's*, or tribal elders, were allowed to vote in these councils when they formed for the first time. Therefore, almost every one of the members of these councils was chosen by the government, including the *Malik's* and their families. The EX-FATA Local Government Regulation of 2002 deals with issues related to the structure of local areas, such as tribal councils (Ullah, 2017).

"The government of Khyber Pakhtunkhwa is implementing a robust local government system to integrate former FATA into the mainstream and achieve grassroots-level development goals, aiming to end decades of deprivation for the people of the tribal region," said Shahram Khan, K-P's Minister for Local Government. Following the tribal merger, Khyber Pakhtunkhwa normal local government structure was adopted by the tribal districts. This suggests that they currently have: Tehsil and district councils: Elected officials oversee neighborhood issues like basic healthcare, education, infrastructure, and cleanliness. Local committees: In charge of similar duties in places that have been given urban designation. Gram panchayats are like small neighborhood groups where people work

together to make their village better. They help solve problems and make decisions to improve life in the community. It's all about giving power to local people to make their area a nicer place to live.

3.6 Decentralization of power Implications

Before the tribal areas joined together, the government was very centralized. The big boss was the President of Pakistan, who kept an eye on everything. Then there was the Governor of Khyber Pakhtunkhwa, who acted like the President's assistant in this region. Each part of the tribal areas had its own manager called the PA. They had lots of power given by the Governor of Khyber Pakhtunkhwa. So, everyone knew who was in charge of what in the area (Sadiq et al., 2021).

After the 25th Amendment that the tribal areas are part of Khyber Pakhtunkhwa, they follow the rules of the Khyber Pakhtunkhwa government. The old job of the PA is gone. Instead, the Chief Minister and his team are in charge. They changed the titles of the PA to DC, additional PA to additional AC, and APA to AC. Also, all these AC now have special powers granted by the Khyber Pakhtunkhwa governor under the former FATA Interim Regulation 2018.

3.7 Levy and *Khassadar* Force Implications

Levies are like a local police force hired by the government through PA. They were armed by the government and helped keep the peace in tribal areas. Back in the day, when the British were in charge, Levies were the main folks responsible for maintaining order, as there wasn't a formal military or police setup (Rosenau, 2012). Since Pakistan started, *Khassadars* have been like tribe spokespeople, not just individuals. They're recruited from different tribes in a tribal area and paid by the PA. They're kind of like a local police force, but not as organized. Their main job is to keep peace and order at checkpoints set up by the government in tribal areas. They see themselves as serving their tribes, not the government directly (Praveen, 2016).

FATA's administrative system after the merger with its merger into Khyber Pakhtunkhwa, the legal system has also changed. Levies and *khassadar* forces become the police force in the new governmental structure; the judicial system has yet to be founded former FATA was governed by FCR before the merger, however, it is no longer the case. The former FATA population will no longer be subject to laws imposed by an independent court

system. They will have the same legal protections as everyone else who resides in Khyber Pakhtunkhwa, and they will be subject to the same regulations under the law. The Peshawar High Court will have proper authority upon its merger into Khyber Pakhtunkhwa, and the Supreme Court will expand its reach to FATA. Levies and *khassadars* have been replaced by regular police (Fayaz et al., 2021). In its comparative analysis, FATA's pre- and post-administrative systems are represented by the local force that PA from different tribes within a tribal agency recruited: levies and *khassadars*. Its function was to uphold law and order at the multiple checkpoints that the Pakistani government had set up throughout the tribal territories. Their lack of discipline added to the obstacles facing the former FATA people. When it merges with Khyber Pakhtunkhwa, Levies, and *Khassadars* will be replaced by regular police.

3.8 Land Documentation Implication

With a population of more than five million and an area of 27,220 sq km, the former EX-FATA needs an official land registry that is accessible to the general public. In light of the necessity of land records, one of the recommendations made by the EX-FATA reform committee was to create an online land record system based on a Geographic Information System (GIS) that would be open to everyone. Aside from a successful experiment in the villages of Alamsher and Dingela in the Kurram district, where land records were made available online, the process of digitizing land records has not been initiated in the tribal districts since the official merger of former FATA into Khyber Pakhtunkhwa in May 2018.

It has been over three years since the establishment of a proper revenue agency. 2019 saw the extension of land-laws to the tribal districts, giving the DC and an extra district commissioner more authority. Political tehsildars were given the responsibility of collecting the taxes. Although the Khyber Pakhtunkhwa revenue department's 2020 land distribution plan is posted on their official website, there are currently no specific recommendations in the document. Land reforms, also known as land record and shipping, have implications for creating social and economic development, upholding human rights, and promoting peace among both districts. Without proper documentation and land allocation, we cannot expect progress and a higher quality of life. Firstly, land reforms protect people's ownership rights over their land (Khan et al., 2023). Personal land ownership is scarce because families and tribes own the majority of the land. Second, people would be able to buy or sell land, launch businesses like markets, hotels, and industries, raise cattle and engage in other forms of agri-

production like growing crops. Long-term financial stability and increased economic activity in the area may result from this.

Due to the resolution of current social divisions resulting from land disputes, there may be a significant societal impact. Land disputes between families or tribes can be resolved by a reasonable allocation of land. It has been noted in the Waziristan district that a portion of the tribal population left their areas during the post-military operation phase. Their residences were destroyed during the fighting, and since then, since their family has grown, a bigger space is needed for reconstruction. Thus, the distribution of land will enable those who have been displaced to build on their historic grounds to enable the return of their fellow tribesmen, the government and tribal elders now must start the land distribution procedure and distribute it among the people, locals' return will strengthen social ties and restore societal unity, undermined by decades of migration. Private companies will build social services including health and education facilities to promote competition and increase access to social services in addition to government establishments (Zeb, 2021).

International law and Pakistan's constitution both protect the freedom to own land. People will be able to safeguard their right to own property thanks to land reforms. Due to the current land pattern, women living in the merged districts are disadvantaged and are unable to pass on or exercise their right to land. It is vital to distribute land and create a land record to support the women in the community. Without a revenue bureau and established land records, the courts created after the merger are unable to effectively protect private property rights. Land disputes cannot be adjudicated in court because the required documentary evidence is lacking.

Every community, tribe, and even family in the region faces land disputes, some of which escalate into violent conflicts. The precise number of fatalities resulting from these land disputes remains undetermined. The merged districts have been unstable for decades; land reform is going to reduce the number of murders there. Since the government has not intervened to mediate and resolve these conflicts, its role in addressing such issues is questionable. Unfortunately, the government has been reluctant to establish land records or provide the necessary documentation to facilitate the resolution of land-related disputes. The elders concerned in dispute settlement should receive the document that is now in the hands of the government. The police, the local government, and the elders must all strongly act out their tasks in order to put an end to the violent disagreements (Zeb, 2021).

The revenue department system must be substantially extended to all amalgamated districts so that standardized land records are ensured. This can then progress on land documentation and development of GIS based land records. Given along with the Mines and Mineral Act that actually did not empower locals to whatever is found on their land as they have done for centuries, social leadership must also be taken from these districts where tried respected politicians come in interact within this debate. It should be a public-centric and not state-centric strategy where the decisions are taken from above without local input.

Smooth allotment could be ensured by making use of the land records that are available from British period. According to the claim of warring parties in a dispute over Karkanra (sited in Wana subdivision) British-era records come handy when settling land-based conflicts. Reforms on this front, including land allotment and tribal wisdom also may become relatively easier. Such is the pressure expected to come with land, action must be taken urgently by government and political and traditional leadership of this tribe.

3.9 Educational Implications

The three types on which the EX-FATA education system is founded. Three types of educational systems: madrassa, non-formal, and government. The national budgets of all the universities, Khyber Pakhtunkhwa, and other provinces provide funds for teacher training and higher education. Unfortunately, though, FATA's educational standards are extremely low. About 600 educational institutions are thought to be closed, mostly as a result of locals moving to other areas of Pakistan and security concerns. There are 1927 schools designed specifically for girls, of which 537 are closed. The EX-FATA Development Community Survey (2013–14) shows that the region has a literacy rate that is lower than the national average of 58%, at 33%. As a result, the rate of adult literacy in these regions is 28.4%, which is lower than the national average of 57%. Only 4506 of the 6050 educational institutions offer a basic education. Thus, 35 institutions for both boys and girls have been established in FATA; of these, 23 are for boys and 12 are for girls, and just 3% of students are able to complete their higher education. This shows that the EX-FATA school system is highly depressing and requires immediate attention. Due to cultural norms and restrictions, girls are less likely to participate in both formal and non-formal education (Noor et al., 2018).

The central government and the Pakistan Army have worked together to reconstruct educational facilities in FATA. For the first time, both boys' and girls' hostel

accommodations are offered in these educational establishments. The central government and the Pakistan Army have worked together to reconstruct educational facilities in FATA. For the first time, both boys' and girls' hostel accommodations are offered in these educational establishments. Faculty members who are married or single are also accommodated. Two such examples are the Dogar Educational Complex in Kurram District and the renovated Degree College Miranshah in North Waziristan. 345 education-related projects have been given a total of Rs. 3376 million, according to the Civil Government's 2018–19 report. Its goal is to build infrastructure for tribes. However, the government has been sluggish and uninterested in these programs thus far (Jan et al., 2023).

According to a quota system regulation in the 1973 Constitution, "Persons belonging to any class or areas may be recruited by selection on merit basis for appropriate representation of service of Pakistan". The FATA students, especially the thousands of tribal people were facilitated with a number of quota system on many departments as well due to their backwardness from the end side by government such that according to (Khan, 2017), The State given special Quota System but it was taken back. However, former FATA would benefit from these areas following its merger with Khyber Pakhtunkhwa, and going forward, they would be allowed to work in a department or with employment similar to those in other Khyber Pakhtunkhwa divisions. The number of Senate seats will decrease as a result of this merger, but these tribes are also no longer impacted by quotas in other federal departments.

In addition, former FATA would increase its involvement in NFC and other financial sectors. These include seats for competitive tests such as the Central Superior Services (CSS) (Mehsud, 2017). Just it shortly, the process of improving the infrastructure in the tribal areas has slowed down as a result of the incorporation of former FATA into Khyber Pakhtunkhwa. To put educational reforms into effect on time, an effective structure is required. The complaints of the abandoned people of former FATA may be reduced by the generalization of education in these fields. Highlighting this will put an end to the terrible problems of unemployment and terrorism in the tribal areas permanently. Restoring and maintaining security in the area will be more challenging if the administration ignores this issue in the shortest possible time.

3.10 Informal Judicial System or *Jirga* System

The laws passed by the British colonizers are the source of the FCR, 2011. It came from the northwest region of India. These leaders organized and prepared the people they controlled to fight off the *Pashtun* resistance. Their goal was to put an end to the *Pashtun* resistance. Their goal was to uphold the rights given by British authorities. The law, which is implemented by the Pakistani government, has been in effect for the population of EX-FATA since 1901 when it was first launched. The PA selects the Sarkari *Jirga* for conflict settlement; it is established under Section 48 of the FCR (FCR, 2011, Khan et al., 2024). The *Pakhtun* tribes and the British government in EX-FATA were in agreement. They reached an agreement with the populace and gave them the authority to resolve conflicts within tribes. The local *Jirga* was established to resolve conflicts between the tribes. This agreement was implemented using the FCR of 1901." One representative was appointed in this regulation to supervise and manage the *Jirga's* activities (Chaudhry, 2011).

Clause 5(2)(b) of Military in Aid to civil Power ordinance FCR 1901 (reverted back by final October, 2011) speaks as the *Jirga* is presided over with Assistance PA/Distt Coordinating Officer and comprises towards three or more prominent elders nominated through a Proximity Agent. The *Jirga* members are appointed by the government in cases with fewer importance, however, they arrive to a decision about their names where disputes arise between two opponents (Yousafzai & Gohar, 2012). The *Jirga* members choose the day, time, and location of the meetings. Additionally, a tribunal has been established to review and handle *Jirga's* decisions at the appeal level (Wardak, 2004). According to Section 55-A (1), if a decision is challenged, a revision may be brought before the former FATA tribunal within ninety days. In this case, the *Jirga* members' nomination is crucial as they have to be knowledgeable and experienced. If one side selects a member who is not qualified or eligible to serve on the *Jirga*, the result of the issue may considerably change and become invalid. The *Jirga* membership selection process is not subject to any official requirements. They ought to be aware of *Jirga's* regulations, customs, traditions, and locality, though. The *Jirga* processes cannot be corrupted by the powerful *Malik's* and *Khans* in the region. In addition, they must take into account the ruling made by *Jirga* members and abstain from creating disturbance. Parties may agree to nominate each other for deciding the number of *Jirga* members if disagreements develop during the selection process (Khan et al., 2024). It will be expected and necessary for one party to choose its representative(s) if it is unable to

participate in *Jirga* procedures. In the event of a disagreement, the *Jirga* processes may be continued with a reformed jury or group of experts.

A unique set of Pakistani laws known as the FCR applies to the former FATA in northwest Pakistan. According to the law, citizens of former FATA have no rights to Wakeel (the right to legal representation), Daleel (the right to offer logical evidence), or appeal (the right to request a revision to a judgment in any court) (Naseer, 2015). The collective punishment rule (No. 21), one of the greatest anomalies in the FCR is that it applies to anyone residing in a tribal area for crimes committed by a partner, relative, or even another member of the same tribe or area. If a person does any crime, the entire family or tribe is held responsible, they may be placed under arrest, or their belongings may be taken. Under the draconian FCR, the Political Agent (PA) or their deputy, the Assistant PA, wields both unlimited executive and judicial authority. There is no legal framework to prevent the PA from abusing their power, which can result in serious violations of individuals' rights (Naseer, 2015). The accused are tried under the FCR by a tribal *Jirga*, or council, which reports to the PA its recommendations for conviction or acquittal. The PA doesn't have to abide by the *Jirga's* recommendations when deciding whether they should convict or not.

It is not possible to challenge the PA orders in the highest courts. If a dead body is discovered in a village, everyone in the community is considered to be guilty of murder under section 23 of the FCR. Sections 22 and 23 impose sanctions for a single person's misdeeds on the entire community. According to section 56, an offender's property will be sold in order to recover the financial obligation if family members fail to pay fines. People and judges have called the FCR "draconian," "a black law," "illegal," "unconstitutional," and "un-Islamic." The FCR was implemented by the British colonialists as a means of subduing the native population and putting down any Pashtun uprising. To repeal this punishing rule, former FATA residents, students, and political activists regularly conducted protests and sit-ins against FCR in the province's capital, Islamabad. In August 2011, President Asif Ali Zardari issued a presidential order to amend the FCR. However, these amendments have faced significant criticism, with political leaders being accused of lacking the commitment to implement the revised FCR effectively. The people affected by the FCR view it as a major obstacle to the development of tribal areas and a violation of human rights. The complete abolition and dismantling of the FCR are essential in the modern era to ensure that former FATA is integrated under the protections of Pakistan's Constitution, as is the case for the rest

of the country. Residents of former FATA are entitled to the same fundamental rights as all Pakistani citizens. The "Rule of Man" should be replaced with the "Rule of Law" in these tribal territories.

3.11 Extension of Formal Justice System to Newly Merged Districts

Extends Jurisdiction to Newly Merged Districts of the Former Justice System if any, new areas which are now fall in within ambit of formal judiciary as per 25th Amendment.Constitution. In February 2019, due to massive promotion in the district judiciary wing by Peshawar High Court which led for posting of at least total 28 judicial officers so regular courts started functioning likewise other former EX-FATA. Judicial officers in Timergara for Bajaur district, (Dir Lower District), South Waziristan in Tank District, Kurram,, Orakzai for Hangu District, North Waziristan to function from Bannu Judicial Complex, Mohmand agency areas will operate at a location within Charsadda district and Khyber Agency will work out of the Peshawar judicial complex," concluded Shah 2019. There are issues with the new system, however. The reality that the Pakistani rulers hurriedly merged EX-FATA with Khyber-Pakhtunkhwa, even ignoring the committee's first 10-year plan, is undisputed, even though the promises made to the EX-FATA people have not yet been delivered. It was made very clear that the merger would take ten years, with the first five years being used to prepare Ex-FATA for the establishment of a peace that will last. The development package will be protected by the federal government for the ten years that follow (Raza, 2017). In addition, 3% of the share was also promised to be ensured for EX-FATA in National Finance Commission (Report, 2017). The fact is most of these grandiose promises have not been kept. The merger can be viewed as a creditable step, especially considering that it all happened in just thirteen days, but the haste raised expectations and without delivering fulsome what was expected by us will greatly dent public confidence(Khan, 2022).

There are several contradictions between FCR and the laws that are subject to formal justice systems. The fact that formal laws deviate so greatly from internationally recognized norms and the constitution gives opponents cause to examine them from a critical perspective. The Human Rights Commission of Pakistan has even referred to the FCR as "FCR: A Bad Law Nobody Can Defend." All lower courts in the former FATA are not permitted to consider cases concerning acts that originated there, according to section 10 of

the FCR. Furthermore, higher courts are not permitted to have jurisdiction over former FATA under Article 247 of the Constitution. It suggests that former FATA women have no legal means of claiming their rights.

The comparison of the two regimes is legitimate as Khyber-Pakhtunkhwa organizing the ex-FATA into itself constitutes a rare political act; FATA was ruled under laws from British colonial times for almost 100 years after Pakistan became independent more than seventy years earlier. On the face of it, removal of FCR in Malakand Agency also provides a neat comparison to examine both. Based on the personal narratives and experiences of those who operate under it, post-FCR Malakand Division (From Newly Merged Districts) NMD is advice-rich for efficacious implementation of formal judicial system. In its 2010 report, Amnesty International (AI) characterized the FCR as "an outdated and draconian system of limited government with minimal recognition or respect for human rights, the rule of law, due process, political representation, or even basic democratic institutions." This Frontier crime legislation was imposed on the federally administered tribal communities earlier to the merger. Also this FCR order had been repealed after it was merged with Khyber Pakhtunkhwa. FATA has functioned under a distinct system of law regarding FCR. Even though their governments were different, they still belonged to Pakistan. The Peshawar High Court will have requisite jurisdiction once it is merged with Khyber-Pakhtunkhwa while the Supreme Court's extend would be edged to FATA.

3.12 Former FATAMerger: Addressing Administrative and Judicial Challenges"

3.12.1 Administrative Challenges

It is no longer possible or acceptable to continue using the conventional tribal governance structure while indirectly administering newly formed tribal districts in the post-merger era. These regions now require governance within the nation's standard administrative framework. To govern these districts, the Khyber Pakhtunkhwa province will have to take the initiative and take more responsibilities. It will be difficult to properly supervise these areas and handle their administrative matters, still. This theory is supported by an analyst, who states that "the officials could have finished the file work regarding the merger of certain former FATA and Khyber Pakhtunkhwa departments in no more than a week." Its management, though, will be a laborious undertaking (Firdous, 2017).

3.12.2 Judicial Challenges

This is the current state of affairs in the newly formed tribal districts. In the absence of a formal government or court system, tribal people manage and resolve their disputes through the traditional tribal system of governance and justice. The general public has become used to this system and is well-versed in its workings. It is currently intended to apply the ordinary laws of Pakistan to these areas in the post-merger scenario. There are 144 statutes in total, which include the Qanoon-i-Shahadat Order of 1984, the Pakistan Penal Code (PPC), the Code of Criminal Procedure (CCP), and the Civil Procedure Code (CPC) (Yadav, 2019). Ordinary people can't understand these processes without expert assistance due to the complex structure of these laws, which require excessive formality, technical aspects, and administrative difficulties.

In light of this, experts have cautioned that it may be difficult to implement formal laws in tribal areas and for the tribal populace to live up to by them. Residents may get confused as a result, and formal laws and other legal systems could ultimately be rejected. They could also struggle with knowing when to file a case and what deadlines and protocols to adhere to. Khattak responses, "many tribesmen are unable to spell their own names" in this regard. They don't even fully understand the implications of joining the Khyber Pakhtunkhwa province for them (Khattak, 2017). This has the effect of causing resentment amongst tribals who may have found peace through their traditional tribal court and at a cost inferior to that of formal courts, with delays also less pronounced. As Mohmand admits "the *Jirga* system would usually address disputes in tribal regions inexpensively, informally and on time - irrespective of how the police functioned or whether people had access to courthouses which sometimes lay hundreds of kilometers away from their villages (Mohmand, 2018). The tribe members are very concerned about this situation on the ground. They view the proposed merger and other related new arrangements with mistrust. Most tribe members believe that adding regular laws and formal administrative structures would only amount to replacing a more corrupt police force and regular court system for the dishonest PA system.

On May 24, 2018, the Pakistan National Assembly approved a historical 25th Amendment in the 1973 Constitution. A total of 229 votes were cast in the National Assembly of which 228 were in favor of the merger and only one was against it. The bill was also passed by the Khyber Pakhtunkhwa Assembly with a huge majority. This amendment

bill was accepted by all mainstream political parties of Pakistan while Jamiat Ulema-e Islam (JUI-F) and (Pakhtunkhwa Mili Awami Party (PMAP) opposed this merger on various political grounds. With the amendment the jurisdiction of the higher judiciary has been extended to former FATA and the Pakistani Parliament now has the authority to enact laws in former FATA. PA was replaced by DC and AC. The British-imposed FCR were abolished. Consequently, EX-FATA's current seats in the National Assembly and Senate will remain till 2023, but after 2023 then these seats will be counted in the Khyber Pakhtunkhwa section. Former FATA will get a 3% share in the NFC award. In addition, Rs.100 billion will be given every year for ten years, which will be spent on the developmental projects in FATA. SC and PHC can get in touch with the people of Old FATA, but they are exempt from tax for 5 years. Upon replacing the amendment words former FATA and PATA, all tribal districts are now part of their respective provinces. The following were the amended articles, i.e. Articles 1, 51, 59, 62, 106, 155, 146 & R147.

The merger of old FATA into Khyber Pakhtunkhwa is one of the crucial agendas in Pakistan. This historic measure of govt. Pakistan shall surely contribute as key to peace, development and governance/rule-of-law in the region on a sustainable basis. The people will get a constitutional, political and administrative as well the economic rights with rest of country after merger. The province Khyber Pakhtunkhwa has already a larger role in term of management and facilities as well for community covering services (education, health). This integration is expected to give rise of new businesses, social changes and development at par with similar non-FATA region in Khyber Pakhtunkhwa. Former FATA is said to be energy-rich and it is hoped that the vast region will turn into a social development revenue generating zone due to these natural resources and trans-border trade. The zone that was designed to be a geostrategic region will be converted into the polar economic boom, and so from this you would have it morphing over time more into a geopolitical economy. This integration is going to be a guarantee of peace, it would make this planet safe and entirely secure... This will stop terrorism & militancy forever from Pakistan which in return means that there will certainly not be less peace. As if the former Fata has been protected then See Pakistan has been safe..... Secondly, in terms of external relations this indication will also decrease chances of border disputes with Afghanistan to stabilize security externally required for broader stability not only within KP and the erstwhile FATA but Pakistan as a nation. And together the increase population and area of KPK so their representation in

Pakistan National assembly and kpkassembly will be increases. This would also open new avenue for tourism.

There is a need of serious measures taking for the government of Pakistan to address the problem of unemployment, health and illiteracy. The establishment of educational institutions in these areas should be set up to provide both modern and religious education as well as vocational training to tribal youth. This will enable the people of former FATA to benefit from modern and religious education as well as the best employment opportunities. Along with this launching and planning of developmental projects, it will make easy the government access to these areas and develop the socio-economic conditions of the people, but keeping in view the local needs is a first priority as mentioned above. This tribal belt was abode of corruption, illegal trade and militancy which deeply affected the system of governance. These reforms will bring about positive changes in the region. However, implementing these reforms remains a monumental task. Therefore, it requires the support of civil society, particularly the youth from the region, as local residents are crucial for the effective development of the area.

Chapter # 4

4. Implementations of Administrative and Judicial Reforms

The Implementation of the 25th Amendment of Pakistan which are Former FATA into Khyber Pakhtunkhwa is a significant step by Pakistan's government, creating a new era for the region. This Implementation has brought Administrative and Judicial as well as diamond-holding opportunities for residents. The government's decision will lead to infrastructure development and increased potential for growth. The Khyber Pakhtunkhwa newly merged districts residents will enjoy constitutional rights, and their cases will be registered without restriction. The state must focus on the Administrative and Judicial system, infrastructure development, and the restoration of distressed or displaced sections of society.

4.1 Administrative Transformations

Due to continuous conflict that led to unhappiness and extremist ideology, the former FATA region of Pakistan faced social security challenges. Recently, the decision was made to remove dark and severe laws from FCR in order to create a more effective system. May 2018 brought the implementation of the Temporary Regulatory Act, which will remain in force until the end of FCR (Wasim, 2018). But the Peshawar High Court disapproved of the Act, claiming that FATA had been integrated into Khyber Pakhtunkhwa and that the Peshawar High Court's authority included these regions. The Supreme Court upheld the Peshawar High Court's decision, holding that the 25th Constitutional Amendment banned the application of two laws in specific places. It required the government six months to set up a legal system in these regions (Noor et al., 2018).

A Political Agent, with absolute kingship over each agency, supervised the governance structure of the former FATA. The authority was transferred to a Deputy Commissioner (DC), and each agency was given district status. FATA residents now have direct access to government power through integration, with no restrictions and without needing permission from *Malik's* or the PA. More than 450 million rupees were set up for the construction of police stations, and more than 29,000 local police units were merged into the Khyber Pakhtunkhwa police. Following the merger of the FATA territory with Khyber Pakhtunkhwa, the combined population was 5.53 million (18.9%) and 2.3%, respectively (Khan, 2020).

4.2 Holding of Local, Provisional, and Central Government Elections

The 25th Amendment integrated the tribal territories under the jurisdiction of the Khyber Pakhtunkhwa provincial government by implementing administrative reforms of FATA with Khyber Pakhtunkhwa. A five-year period for the administrative and legal integration of FATA's multiple departments with Khyber Pakhtunkhwa is provided in the government's reform plan. In addition to its current representation in the National Assembly, the region of FATA also gained new seats and representation in the Khyber Pakhtunkhwa Provincial Assembly and elected its provincial representatives in the 2018 general elections. (Ali, 2018). Khyber Pakhtunkhwa currently has forty-five seats in the National Assembly ("Khyber Pakhtunkhwa (45) - National Assembly of Pakistan", (n, d,)). So adding the 12 FATA seats will increase its representation to 58 out of 266 directly elected seats in the National Assembly ("National Assembly of Pakistan", n, d,)).

But FATA also loses its separate Senate members, and is now represented by senators whose seats have been allocated to Khyber Pakhtunkhwa and who oversee the larger, merged province. As a result of the merger and the creation of additional constituencies using the results of the 2017 According to the national census, there are now more members in the Khyber Pakhtunkhwa Provincial Assembly. In line with the new FATA Local Government Regulations, local party-based elections will also be held in FATA as part of the reform process. This will facilitate the transfer of power to the local level, ultimately empowering the people of FATA, established the state's entire authority, and helped ensure that the reforms are implemented successfully. The creation of new districts and subdivisions as part of the merger resulted in changes to Khyber Pakhtunkhwa administrative units. Khyber Pakhtunkhwa now consists of twenty-six districts. The seven tribal agencies may initially be transformed into new Khyber Pakhtunkhwa districts, according to officials.

The low number of people and the need for improved governance and administration could, however, lead to a future redrawing of the borders (Babakhel, 2016). The formal Khyber Pakhtunkhwa government already employs over 52,000 people in various Formal FATA agencies, meaning that the FATA administration is significantly dependent on it. Likewise, the approximately seven hundred personnel of the Formal FATA Secretariat—regarded as the center of affairs for Formal FATA—are also members of the provincial service cadre (Ali, 2018). However if the FATA tribal agencies are not brought up to speed

with the Khyber Pakhtunkhwa districts, synchronization would not be simple. The political balance of power in the province could change as a result of FATA's creation into Khyber Pakhtunkhwa. While Pashtuns constitute the majority of the population in Khyber Pakhtunkhwa, the province is also home to several smaller ethnic groups.

4.3 Installations of the Police System

The Pakistani government takes out administrative reforms through the Ex-FATA, or 25th Amendment to the Pakistani Constitution. Law and order in the tribal districts of EX-FATA is up to the Levies and *Khasadar* forces. The Khyber Pakhtunkhwa administration has put the recently combined tribal territories of the old FATA under a regular civilian policing system. The *Khasadar* and Levies were merged into the armed reserve of the Khyber Pakhtunkhwa Police in the spring of 2019. The Khyber Pakhtunkhwa police department has been expanded by integrating the tribal areas, with 130 posts, 13 police lines, and 95 police stations built in the former tribal agency (Khan, 2018). It is expected that the establishment of the police force will bring about improved law and order, more incentives and benefits for security personnel, and a new era of prosperity and peace in the tribal territories (Zuberi, 2019).

Levies and *Khasadars* were by no means contemporary policing organizations, as is well-known; therefore their merger with Pakhtunkhwa's regular police will present an important hurdle to crime registration, investigation, prosecution, and punishment of offenders in the NMDs. In addition, the new police force lacks resources, training, and knowledge of the Weberian model of bureaucracy, which emphasizes hierarchy, efficiency, and merit. People lose trust in law enforcement authorities when there is widespread corruption.

4.4 Implementations of *Pattwarkhana* (Revenue Department)

One of the divisive problems that the tribal districts carried over from before the 25th Amendment was implemented is land conflicts, which have been continuously escalating into bloodshed because of the government's inaction. These conflicts fall into three general categories: 1) amongst people, 2) amongst tribes, and 3) between the residents and the government. In the meantime, the violence and the tribal society's advancement are hindered by the government's lack of interest in creating a land record (Sahill and Siddique, 2020). With a population of more than five million and an area of 27,220 sq km, the former FATA

lacks an official land registry that is accessible to the general public. The creation of a readily accessible online land record system based on a Geographic Information System (GIS) was one of the recommendations made by the FATA reform committee, considering the importance of land records. Apart from a successful pilot project in the villages of Alamsher and Dingela in the Kurram district, where land records were made available online, the process of digitizing land records has not yet been initiated in the merged districts since the official merger of FATA into Khyber Pakhtunkhwa in May 2018. (“Direct Request CEACR Adopted”, 2019).

It has been over three years since the establishment of a proper revenue agency. 2019 saw the extension of land-laws to the combined districts, giving the deputy commissioner and an extra district commissioner more authority. Political *Tehsildars* were given the responsibility of collecting the taxes. Although the Khyber Pakhtunkhwa revenue department's 2020 land distribution plan is posted on their official website, there are currently no concrete measures in the plan. Unlawful land acquisition by government entities, such as the National Logistics Cell's claims to villagers' land near the boundary between Torkham and Angoor Ada, is another land-related problem that can lead to tension and violence between the government and the locals. Locals verbally (informally) acknowledge one another's land ownership even though there is no obvious official record; nevertheless, disputes over who owns what land escalate and result in violence that claims lives (as in the case of the *Karkanra* dispute in South Waziristan and the conflicts between Sherjan and Sago Kallay over *shamilat* in Kurram). Local participation and engagement can facilitate the amicable resolution of multi-reason disputes of this sort, but government commitment is necessary (“Pakistan—Land Registration in Merged Areas”, n, d). In the merged newly districts of Khyber Pakhtunkhwa, land reforms, also known as land registry and land distribution, are crucial for fostering social and economic development, upholding human rights, and fostering peace. Without proper documentation and land allocation, we cannot expect development and a higher quality of life.

First and foremost, land reforms protect people's ownership rights over their property. Individual land ownership is scarce because families and tribes own the majority of the land. Second, people would be able to buy or sell land, launch businesses like markets, hotels, and industries, raise cattle, and engage in other forms of agri-production like growing crops. Long-term economic prosperity in the area may result from this increasing economic

activity in the area. First and foremost, land reforms protect people's ownership rights over their property. Individual land ownership is scarce because families and tribes own the majority of the land. Second, people would be able to form and sell businesses, buy and sell land, and engage in agri-production by growing crops, raising livestock, and operating hotels and industries(Zeb,2021).

Due to the resolution of current social divisions resulting from land disputes, there may be a significant societal impact. Land disputes between families or tribes can be resolved by a reasonable allocation of land. It has been noted in the Waziristan district that a portion of the tribal population left their areas during the post-military operation phase. Their homes were destroyed during the fighting, and because of the growth of the family, rebuilding now needs a bigger space. The distribution of land will allow displaced families to rebuild on their ancestral grounds. It is now the responsibility of both tribal elders and the government to initiate and oversee the land distribution process, ensuring it reaches individuals to facilitate the return of displaced tribesmen. This return will help re-establish social cohesion and strengthen social relations that have deteriorated over decades of displacement. Additionally, private entities will establish social services such as education and health facilities to foster competition and improve access to these services, alongside government institutions.

International law and Pakistan's constitution both protect the freedom to own land. People will be able to maintain their right to own property due to land reforms. Due to the current land pattern, women living in the merged districts are disadvantaged and are unable to pass on or claim their right to land. It is vital to distribute land and create a land record in order to support the women in the community. Without a revenue bureau and land records, the courts (created subsequent to the merger) are unable to defend private property rights. Land conflicts cannot be brought before the courts since the latter demand documentary proof, which the parties do not have. It is unknown how many people have been killed over land disputes, but there are land disputes in every town, tribe, and even family, some of which have developed into violent warfare. Land reform will lessen violent incidents in the merged districts, which have been unstable for decades. Since the government did not intervene to mediate and resolve the conflict, its role in addressing such issues is now being questioned. It is quite sad that the government is hesitant to create land records or provide the necessary documentation to enable the settlement of land-based conflicts. The elders

concerned in dispute settlement should receive the document that is now in the possession of the government. The police, the local government, and the elders must all aggressively carry out their tasks in order to put an end to the violent disagreements.

The revenue department system should be properly extended to all merged districts in order to guarantee land records. From there, work on land documentation and the creation of GIS-based land records can begin. As evidenced by the Mines and Mineral Act, which unfortunately denied the locals access to the resources on land they had owned for centuries, the social and political leadership of the respected districts ought to be enlisted to manage the process smoothly. A state-centric strategy where decisions are made from above without local input should be replaced with a public-centric strategy. The accessible land records from the British era could be consulted to guarantee a smooth allocation of land. The claim of the parties in the dispute over Karkanra (located in the Wana subdivision) is that records from the British era aid in the resolution of land-based conflicts. Reforms pertaining to land allocation and wisdom from the tribe may be made easier. Priority efforts from the government and the tribe political and traditional elders are necessary in light of the potential for land reforms (Zeb,2021).

The undocumented land and collective ownership *nikat* of the land in the NMDs provide one of the courts with one of their biggest obstacles. In most cases, property is the primary source of conflict inside families as well as between tribes; nonetheless, the courts rely on the facts and or documentation. Undocumented land poses a significant obstacle for courts in resolving land-related conflicts, potentially hindering the formal judicial system's ability to function effectively. To resolve some of the land-related concerns, the land settlement would be crucial. A further issue is the substantial backlog of litigation in the federal and provincial courts, which will increase as citizens of the combined districts begin filing lawsuits.

4.5 Installations of Formal Judicial System to Newly Merged Districts

The formal judicial system's authority was extended to the NMDs by the 25th Amendment to the Constitution. In February 2019, after the Peshawar High Court posted 28 judicial officers of the district judiciary, regular courts began operating in the former EX-FATA. These officers who have worked in Timergara (Dir Lower District), South Waziristan in Tank District, Kurram, Orakzai in Hangu District, North Waziristan Bannu Mohmand Charsadda

Khyber Peshawar most recently began to serve as judicial officer of district bajaur. This is the case with the new system also but it faces 18 different issues. None of the promises made to people who used to live in EX-FATA has been actualised. It cannot be denied that the power brokers in Pakistan acted hurriedly to combine EX-FATA with Khyber-Pakhtunkhwa, even ignoring the committee's initial 10-year plan. It was made very apparent that the merger would take ten years, with the first five years being used to "prepare Ex-FATA for the restoration of a durable peace" (Turk, 2021). The development package will be safeguarded by the federal government for the ensuing ten years. Furthermore, it was pledged that the EX-FATA would receive 3% of the National Finance Commission's share. (Raza, 2017). The majority of these grandiose promises are still unfulfilled. All things considered, the merger was a positive move, but the speed at which it was completed (in just thirteen days) and the unfulfilled promises will seriously erode public confidence in the new system.

A significant portion of the population—especially those who supported the conservatism of the archaic approach—opposed the FCR's strikeout. They rebut with legitimate arguments, but this cannot be taken at face value because the antiquated and primitive legal framework has acted as a barrier to the mainstreaming of EX-FATA and the introduction of significant growth in the area. This is due to a variety of factors, such as the locals' ignorance of current laws and their legal and constitutional rights as well as their dread of the government acting by their conscience. The tribesmen's resistance to acclimating to the recently implemented legal system may present the government with several difficulties, some of which are listed below.

4.6 Finally Legal Status of Former FATA

The federal structure of the Islamic Republic of Pakistan saw numerous changes in 2018. On May 31, 2018, the President of Pakistan signed the 25th Amendment to the Constitution, legally incorporating ex-FATA into Khyber Pakhtunkhwa. The tribal territories of Khyber Pakhtunkhwa: The province was integrated with the settled areas through constitutional progress. Prior to the merger, the federal government administered the former FATA. The province of Khyber Pakhtunkhwa gained direct responsibility over the tribal belt after the merger (Usman, 2022). The changes in the system and political development, driven by adjustments to the written constitution and federal structure of the nation, have led to these outcomes. The shift in the system may significantly impact the societies in the surrounding areas, tribal belts, and settled regions. There are various social and political repercussions

from the FATA-Khyber Pakhtunkhwa merger. Several social components of a society can be categorized, including health, education, security, and political and social behavior (Sulman et al., 2021). Tribal elders met in June 2021 and asked to have the area's unique status restored. They were unhappy that Khyber Pakhtunkhwa and the former FATA had merged after three years with little to no improvement in the lives of the populace. Dawn reports that tribal elders who opposed the merger of the former FATA with Khyber Pakhtunkhwa requested that the federal government immediately reverse the decision and return the province to its independent status. They cited the fact that, even after three years of the merger, people's lives did not appear to have improved. During a Bajaur Qaumi Ittihad *Jirga* (conference) held in the Qazafi region here, they voiced this demand. The group that opposes the merger on behalf of tribal elders had its second meeting of this kind (ANI, 2021).

Conclusion

The integration of the Federally Administered Tribal Areas into Khyber Pakhtunkhwa in 2018 marks a monumental event in Pakistan's history. This long-awaited reform carries the promise of fostering an era of peace, stability, and prosperity for this previously marginalized region. The merger of FATA with Khyber Pakhtunkhwa paves the way for a brighter future for the region. Abolishing the Frontier Crimes Regulation (FCR) and extending the national legal system brings these areas under the constitutional framework, ensuring fundamental rights and legal option for its citizens. Integrating with a more developed province like Khyber Pakhtunkhwa promotes socioeconomic development by enhancing access to education, healthcare, and infrastructure. The merger also presents an opportunity to harness the region's rich natural resources for sustainable development and revenue generation. Moreover, by addressing historical grievances and fostering a sense of inclusion, the merger aims to tackle the root causes of conflict and marginalization, potentially leading to a more stable environment with reduced militancy and terrorism. Additionally, the integration strengthens border security with Afghanistan. Finally, political participation through representation in the National Assembly and provincial assembly gives the people of the former FATA a voice in shaping their future and the country's development. In essence, the merger holds immense potential to transform the lives of the people in the former FATA region, leading in an era of peace, prosperity, and political empowerment.

The successful implementation of the FATA merger depends on addressing several key challenges. Sensitively handling historical grievances, such as the legacy of the FCR and past neglect, is crucial. Consulting and including the tribal population throughout the reform process will ensure a smooth transition. Effective allocation and utilization of promised development funds for infrastructure, education, and healthcare in the former FATA is paramount. Strengthening the administrative machinery in the newly merged districts is essential for efficient service delivery and good governance. Empowering local communities by respecting their cultural identity and traditional dispute resolution mechanisms, like the *Jirga* system, while simultaneously integrating them with the formal justice system, can foster trust and cooperation. Finally, investing in vocational training and promoting business development are vital to addressing unemployment and creating sustainable livelihoods for the tribal youth.

The merger of FATA with Khyber Pakhtunkhwa represents a difficult attempt, presenting both significant opportunities and challenges. Achieving successful

implementation necessitates a sustained commitment from the government, civil society, and the local population. By addressing the identified challenges through inclusive and transparent processes, the merger holds the potential to transform the former FATA into a peaceful, prosperous, and empowered region. This transformation can contribute significantly to Pakistan's overall development and stability.

References

- Abdul Rahman, A. N. M., Basit Gilani. (2019 July 21). Independents grab most seats in merged districts' elections, *Samaa.TV*.
- Ali, I. (2018). Mainstreaming Pakistan's Federally Administered Tribal Areas. *Special Report United States Institute of Peace*, [www. Usip.Org/sites/default/files/2018-03/sr-421 mainstreaming/Pakistan-federally administered- tribal-areas.Pdf](http://www.usip.org/sites/default/files/2018-03/sr-421-mainstreaming/Pakistan-federally-administered-tribal-areas.Pdf).
- Ali, Z. (2003, December 22)"PromisedFundsAwaitedforFATA Uplift", *Dawn News*,
- ANI. (2021). Elders demand restoration of ex-FATA's separate status in Pakistan. ANI.<https://www.aninews.in/news/world/asia/elders-demand-restoration-of-ex-fatas-sepa-rate-status-in-pakistan20210628170204/>
- Anwar, Z., & Khan, M. Q. (2017). The Status of Fata in the 1973 Constitution of Pakistan andthe 2016 Report: An Explanatory and Analytical Study. *FWU Journal of Social Sciences*, 11(4), 12-19.
- Asad, H. (2018, May 24). "Pakistan parliament passes landmark tribal areas reform, *Al Jazeera*. <https://www.aljazeera.com/news/2018/5/24/pakistan-parliament-passes-landmark-tribal-areas-reform>
- Awan, N. (2013). Education in FATA. *Pakistan Annual Research Journal*, 49, 163-170.
- Babakhel A, M. (2018, April 5)..*Dawn News*. <https://www.dawn.com/news/1399692>
- Babakhel, A, M. (2016 September, 29). "Integrating FATA," *Express Tribune*, <https://tribune.com.pk/story/1190930/integration-of-fata/>.
- Bill on FATA merger sent to Pakistani President. (2018 May 30). *Sentinel Assam*. <https://www.sentinelassam.com/international/bill-on-fata-merger-sent-to-pakistani-president/>
- Bromberg, Y. (2021). The Future Is Unwritten: Reclaiming the Twenty-Sixth Amendment. *Rutgers UL Rev.*, 74, 1671.
- ChangeinFATA'sStatusOpposed". (2003, November2 2).*Dawn News*. <https://www.dawn.com/news/amp/126101>
- Chaudhry, G. M. (2011). Summary of 2011 Amendments to the Frontier Crimes Regulation. Retrieved on 02-08-2016 from; <http://www.fatareforms.org/summary-of-2011-Amendments-to-the-frontier-crimes-regulation>
- Chaudhry, M, G. (2011, August 27). Frontier Crimes Regulation (FCR) 1901, As Amended

- in 201. *Documents*. <https://vdocuments.site/frontier-crimes-regulation-fcr-1901-as-amended-in-2011-english-including-summary-of-reforms.html?page=1>
- Coll, S. (2001). *Ghost Wars: The Secret History of the CIA Afghanistan and Bin Laden* (Vol. 99). Impact of Illicit Drugs on the Afghan Peacebuilding Process.
- Committee on Fata Secretariat Set up, (2005, September 5) *Dawn News*.
- Daudzai, K, R. (2016 September, 25). "Applying Acid Test on FATA Reforms," *The News* <http://tns.thenews.com.pk/acid-test-fata-reforms/#.WLrGUvkrK00>.
- Direct Request CEACR Adopted 2018, Published 108th ILC Session. (2019). *Normlex*. https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID,P13100_COUNTRY_ID:3960361,103166
- ECP starts receiving nomination papers for Khyber Pakhtunkhwa Assembly's elections. (2019, May 09). *Pakistan Today*. <https://www.brecorder.com/news/495749>
- Election Commission of Pakistan, Islamabad.(2002). *Election Laws*. Volume I, file:///C:/Users/HP%20840%20G3/Downloads/Pakistan%20code%20elections.pdf
- Farooq, U., (2024, February 04). "New political order prevails as tribal districts head to polls". *Dawn News*. <https://www.dawn.com/news/1810992>
- FATA Development Indicators Household Survey (FDIHS) 2013-14. (2018). *Bureau of Statistics-Planning and Development Department*, <https://phkh.nhsrsrc.pk/sites/default/files/2019-07/Fata%20Development%20Indicators%20Household%20Survey%202013-14.pdf>
- FATA merger bill sails through Senate amidst opposition by PkMAP, JUI-F (2018 May 26). *Dawn News*
- FATA reforms will be enforced in phases", (2004, March 16). *Dawn News*. <https://www.dawn.com/news/349068/fata-reforms-will-be-enforced-in-phases>
- Fayaz, S., Gul, S., & Khattak, A. K. (2021). Constitutional Status of FATA: Pre & Post Merger Comparison of Legal & Administrative System. *Global Legal Studies Review*, VI (II), 16.
- Feerick, J. D., & Rogan, J. (2019). The Twenty-Fifth Amendment: Law, History, and Recommendations for Reform.

- Firdous, I. (2017, March 03). Analysis: How Ready Is Khyber Pakhtunkhwa for Merger with FATA? *Express Tribune*. <https://tribune.com.pk/story/1344538/analysis-ready-k-p-merger>
- Firdous, I. (2018 May 30). FATA merger: K-P drags its feet on getting president's nod, *The Express Tribune*. <https://tribune.com.pk/story/1722079/fata-merger-k-p-drags-feet-getting-presidents-nod>
- Govt decides to merge Fata with Khyber Pakhtunkhwa. (2017 January 25). *Geo News*. <https://www.geo.tv/latest/128639-Govt-decides-to-merge-Fata-with-KP>
- Hussain, Muhammad Hamid, (2012) "Frontier Crimes Regulation: A Case Study of Reforms Process" in TIGAH Vol.1.
- Iqbal, H. & Khan, S. (2014). Federally Administered Tribal Areas (FATA): From No-Man's Land To Political Mainstreaming. *Journal of Contemporary Studies*, 3(1), 64-81.
- Jan, Q., Ullah, S., Ul Haq, B., & Xie, Y. (2023). Religion, politics and science education in Pakistan: Analysis of Islamisation of science textbooks in tribal districts. *HTS Teologiese Studies/Theological Studies*, 79(1), 8151.
- Kakakhel, S. (2010). Integration of FATA into NWFP. In *The Forum of Federations Project*. 43(35.41), 17.42
- Khan A. M., (2007, April 23). "An Uplift Programme for FATA", *Dawn News*, <http://www.dawn.com/news/243600>
- Khan, A., (2004, September 18) "Jirga Supports Agency Council", *Dawn News*.
- Khan, B., Khan, A., & Ali, S. (2022). Reforms in the erstwhile Federally Administered Tribal Areas of Pakistan: a critical analysis. *Journal of Humanities, Social and Management Sciences (JHSMS)*, 3(2), 104-115.
- Khan, E. U. (2022). Comparative Analysis of the Justice System under Frontier Crimes Regulation vs Formal Justice System in newly merged Districts: Impact in the context of Law and Order. *Federal Law Journal*. Vol. I, No. II, 26 - 41
- Khan, H. U., Afridi, M. K., & Zeb S. (2024). Installations of the Judicial Setup in the Newly Merged Areas of Erstwhile FATA: The Future of Jirga. *ISSRA Papers*, 16(1), 23-37. <https://doi.org/10.54690/issrap.v16i1.163>
- Khan, H. U., Tariq, M., & Ilyas, M. (2023). Mainstreaming FATA through 25th Amendment in the Constitution of Pakistan, Implications for Counter Terrorism Efforts. *Rashhat-e-Qalam*, 3(1), 5-21.

- Khan, H. U., Tariq, M., & Ilyas, M. (2023). Mainstreaming FATA through 25th Amendment in the Constitution of Pakistan, Implications for Counter Terrorism Efforts. *Rashhat-e-Qalam*, 3(1), 5-21.
- Khan, J. (2014). Pakistan Federally Administered Tribal Areas (FATA) and the Pak-Afghan Relations after 9/11. *Dialogue* (1819-6462), 9(4).
- Khan, J. (2018 November, 09). Khyber Pakhtunkhwa to Extend Policing to the Tribal Districts. *Pakistan Asia*. https://pakistan.asia/news.com/en_GB/articles/cnmi_pf/features/2018/11/09/feature-01
- Khan, J. (2020 February, 03). “Khasadar, Levies forces set to merge with Khyber Pakhtunkhwa Police”, *Pakistan Asia News*, https://pakistan.asia/news.com/en_GB/articles/cnmi_pf/features/2020/02/03/feature-02
- Khan, J. A., & Mahmood, N. (2018, May 28). Fata- Khyber Pakhtunkhwa merger finalised, *The News* <https://www.thenews.com.pk/print/322256-fata-kp-merger-finalised>
- Khan, N. U. (2017, June 20). Restructuring quotas for FATA *Daily times*
- Khan, R, Rahman, (2012) “FATA Political Regime: Changing Legal Administrative Status of Tribal Areas. *In Tigah* Vol. 1.
- Khan, R. (2018 June 15). FATA Merger Afghan baseless stance against Pakistan, *Cutting EDGE*
- Khan, R. A. (2005). Political developments in FATA: a critical perspective. *Tribal Areas of Pakistan: Challenges and Responses*, 25-42.
- Khan, S. (2011). FATA’s political status: What are the consequences and options for Pakistan? *Strategic Insights*, 10(2), 35-38.
- Khan, S. (2011). Fata's Political Status, *Strategic Insights*; 2011 spring. *Strategic Insights*, Spring 2011.
- Khan, S. (2021). The Challenge of Reforming the FATA Region of Pakistan: A Critical Analysis of its Merger into Khyber Pakhtunkhwa Province. *ISSRA Papers*, 13, 131-146.
- Khan, Z, A. (2012). Military Operations in FATA and PATA: Implications for Pakistan. *Institute of Strategic Studies Islamabad (ISSI)*.
- Khattak, A. R. K. (2017). Reforms to the Federally Administered Area of Pakistan (FATA)—An Unresolved Problem. *Asian Affairs*, 48(3), 529-542.

- Khattak, S. (2018, June 09). Political agents were replaced with deputy commissioners. *The Express Tribune*. <https://tribune.com.pk/story/1731179/political-agents-replaced-deputy-commissioners>
- Kheshgi, K. (2018, December 11). Khyber Pakhtunkhwa Election Commission working on delimitation of ex-Fata constituencies, *The News*. <https://www.thenews.com.pk/print/404593-kp-election-commission-working-on-delimitation-of-ex-fata-constituencies>
- Khyber Pakhtunkhwa (45) - National Assembly of Pakistan. (n, d.). *National Assembly of Pakistan*, https://na.gov.pk/en/mna_list.php?list=khyber
- Latif, M, M. (2017). Demand for New Provinces in Pakistan. *Pakistan Journal of Humanities and Social Sciences*, 5(2), 104-114.
- Local Government System Introduced to Mainstream Ex-Fata. (2018, November 06). *The Express Tribune*. <https://tribune.com.pk/story/1841250/local-government-system-introduced-mainstream-ex-fata>
- Mahmood, A., Ullah, S., & Ashfaq, S. (2018). The Evolution of *Jirga* System: A Conflict Resolution Mechanism in FATA. *Liberal Arts & Social Sciences International Journal (LASSIJ)*, 2 (1), 21-28.
- Mehsud, R.-u.-d. (2017, October 12). Constitutional status of FATA *Daily Times*.
- Mohmand, R, S. (2018, July 09). “Manifold Challenges Lie Ahead after FATA Merger with Khyber Pakhtunkhwa”. *The News (Karachi)*. <https://www.globalvillagespace.com/manifold-challenges-lie-ahead-after-fata-merger-with-khyber-pakhtunkhwa-rustam-shah-mohmand/>
- Mukhtar, I., (2018, May 26). Fata- Khyber Pakhtunkhwa merger bill sails through Senate. *The Nations*. <https://www.nation.com.pk/E-Paper/islamabad/2018-05-26/page-1/detail-3>
- Naseem, K., Mahmood, A., & Naazer, M. A. (2022). An Analysis of the Performance of the Council of Common Interest in Post-18th Amendment scenario in Pakistan (2010 to 2020). *Journal of Research in Social Sciences*, 10(1), 1-18.
- Naseer, N. (2015). Law, Rights, and the Colonial Administrative System: A Critical Note on the Frontier Crimes Regulation (1901) in the FATA, Pakistan. *Review of Human Rights*, 1(1), 24-41.

- National Assembly of Pakistan. (n, d.). *NA*.<https://www.na.gov.pk/en/content.php?id=2>
- National Assembly passes bill seeking merger of FATA with Khyber Pakhtunkhwa. (2018 May 24). *The News* <https://www.dawn.com/news/1409710>
- Nawaz, S., & Hussain, S. (2024). Unveiling effects of cash transfers on poverty and social cohesion in conflict-affected zones: Insights from ex-FATA, Pakistan. *World Development Perspectives*, 33, 100570
- Nikola, L, & Ilievski, (2015): The Concept of Political Integration: The Perspectives of Neofunctionalist Theory,” *Journal of Liberty and International Affairs* 1, no. 1 1-14.
- Nominatedtribalcouncilsrejected". (2004,September22), *Dawn News*.<http://www.dawn.com/news/371312>
- Noor, S., Hashmi, A. S., & Bukhari, S. T. (2018). FATA Merger with Khyber Pakhtunkhwa: Prospects and Opportunities. *ISSRA Papers*, 10(2).
- Pakistan—Land Registration in Merged Areas (LRMA) Activity. (n, d.). *Dai*.<https://www.dai.com/our-work/projects/pakistan-land-registration-in-merged-areas-lrma-activity>
- Permanent Military Bases in Fata Planned. (2007, September 18), *Dawn News*.<http://www.dawn.com/news/266961/permanent-military-bases-in-fata-planned>
- Qazi, R. R. K., Qazi, N. A., & Bashir, S. (2018). Crisis and Conflict: Reforming Through Transforming Political-Administrative Structure of Fata. *FWU Journal of Social Sciences*, 12(2), 147
- Raza, S. I. (2017, March 3). Cabinet approves steps for Ex-FATA’s merger with Khyber Pakhtunkhwa. *Dawn News*. Retrieved July 15, 2022, from <https://www.dawn.com/news/1318095>
- Rosenau, W., & Center for Naval Analyses Alexandria Va. (2012). “*Irksome and Unpopular Duties*”: *Pakistan's Frontier Corps, Local Security Forces, and Counterinsurgency*. CNA.
- Sadiq, N, Mahmood, T., & Sohail, F. (2021). Historical and Systemic Overview of Federally Administered Tribal Areas (FATA): A Cultural Landscape. *J. Hist. Stud*, 7, 1-24.

- Sahill, P. and Siddique, A. (2020 October, 18). *Gandhara*.<https://gandhara.rferl.org/a/pakistan-land-ownership-disputes-weigh-on-pakistan-pashtun-heartland/30899687.html>
- Schons, M. (2011). The Durand Line: A Historic, Disputed Border Separates Afghanistan and Pakistan. *National Geographic*.
- Shah, S, A., Parveen, S., & Khalil, J. (2019). Governance Challenges in Mainstreaming of Federally Administered Tribal Areas into Khyber Pakhtunkhwa: A case study of district North Waziristan *FWU Journal of Social Sciences*, 13(1).
- Shinwari, I., (2004, October 24). "47 Members of Tribal Council Nominated", *Dawn News*, <http://www.dawn.com/news/397969/newspaper/column>
- Sikander, S., (2017, October 18). FATA reforms: NIC expedites legislative process on judiciary's jurisdiction. *The Tribune*.<https://tribune.com.pk/story/1534125/fata-reforms-nic-expedites-legislative-process-judiciarys-jurisdiction>
- Sirmed, M. (2018, May 29). "For FATA residents, the good news may be short-lived", *Daily times*. <https://dailytimes.com.pk/246106/for-fata-residents-the-good-news-may-be-short-lived/>
- Sub-Committee Set up to Propose Reforms in FATA, (2004, December 12). *Dawn News*, <http://www.dawn.com/news/400656/sub-committee-set-up-to-propose-reforms-in-fata>
- Sulaiman, S., & Bukhari, S. A. A. S. (2016). Governance Reforms in FATA: A People's Perspective. *Islamabad: FATA Research Centre*.
- Sulman, S., Muhammad, N., & Ghulam, M. (2021). Socio-political impacts of FATA-Khyber Pakhtunkhwa merger: A case study of district North Waziristan. *Orient Research Journal of Social Sciences*.<https://www.gcwus.edu.pk/wp-content/uploads/2021/06/6.-Socio-Political-Impacts-of-FATA-KP-Merger.pdf>
- Summary of 2011 Amendments to the Frontier Crimes Regulation (FCR). (2013). *Fata reforms* www.fatareforms.org/summary-of-2011-amendments-to-the-frontiercrimes-regulation/
- Taj, & Farhat. (2011). "New FATA Reforms – Good But Insufficient", *Daily Times*, 20 August.

- The Constitution (Twenty-Fifth Amendment) Act, 2018.(2018). *Official Website of Provisional Assembly of Khyber Pakhtunkhwa Pakistan*.<http://www.pakp.gov.pk/2013/bills/the-constitution-twenty-fifth-amendment-act-2018/>
- The Constitution of the Islamic Republic Of Pakistan.(2012). *Official Website of National Assembly of Pakistan*.https://na.gov.pk/uploads/documents/1333523681_951.pdf
- The Constitutional Amendment more seats for ex-fata. (2019, May 14). *The News*.
<https://www.thenews.com.pk/print/470957-26th-constitutional-amendment-more-seats-for-ex-fata>
- TNN. (2017, July 29). Reforms: Registration of undocumented FATA land is uphill task for govt, *Tribal News Network*
- Toriya, M. (2014). Afghanistan as a Buffer State between Regional Powers in the Late Nineteenth Century. An Analysis of Internal Politics Focusing on the Local Actors and the British Policy.*Hokkaido Slavic-Eurasian Research Center*. (pp. 49-62).
- Tribal elders oppose Fata- Khyber Pakhtunkhwa merger. (2018 June 20). *The News*
<https://www.thenews.com.pk/print/331478-tribal-elders-oppose-fata-kp-merger>
- Turk, M. A. (2021). The Dilemma of Justice System in Formerly FATA of Pakistan: Challenges and Prospects. *JL & Soc. Pol'y*, 112.
- Two industrial estates in Fata planned. (2004, January 22). *Dawn News*,
- Ullah, A., & Hayat, S. U,. (2018). The merger of FATA with Khyber Pakhtunkhwa: An historical analysis. *Journal of Political Studies*, 25(2). 39-53.
- Ullah, A., & Hayat, S. U. (2017).the Recent Electoral Reforms in Federally Administered Tribal Areas (FATA): An Appraisal. *Journal of Political Studies*, 24(2).
- Ullah, R. (2017). Local Government System in the Federally Administered Tribal Areas (FATA), Pakistan: Past, Present and Future. *Central Asia* (1729-9802), (80).
- Ullah, R. (2017). Local Government System in the Federally Administered Tribal Areas (FATA), Pakistan:Past, Present and Future. *Central Asia* (1729-9802), (80).
- Usman, S. M. (2022). FATA Merges into Pakistan's National System. *South Asian Survey*, 29(1), 103-118.
- Virk, M., (2007, September20).

- "PermanentArmyComplexesinFataRuledOut", *TheNews*. <https://www.thenews.com.pk/archive/print/652613-permanent-army-complexes-in-fata-ruled-out>
- Wardak, A. (2004). *Jirga: A Traditional Mechanism of Conflict Resolution in Afghanistan*. University of Glamorgan, UK.
- Wasim, A. (2018 May 31). President signs KP-Fata merger bill into law. *Dawn News* <https://www.dawn.com/news/1411156>
- Wasim, A. (2018 May, 24). National Assembly green-lights Fata-KP merger by passing 'historic' bill. *Dawn News*. <https://www.dawn.com/news/1409710>
- What is Wrong with the Frontier Crimes Regulation? (n, d.). *Blog Spot*. <http://utmani.blogspot.com/p/under-construction-1.html>
- Yadav, A. (2019). Appraisal of Political Reforms in Pakistan's Federally Administered Tribal Areas. *South Asian Journal of Participative Development*. Vol. 19, No. 1, 65-7
- Yousaf, F., Rashid, H., & Gul, I. (2018). *FATA Tribes: Finally, Out of Colonial Clutches? Past, Present and Future*. CRSS Special Publication Series.
- Yousafzai, H. & Gohar A. (2012). *Towards Understanding Pakhtun Jirga*, Lahore, Pakistan: Sang-e-Meel Publication.
- Zeb, K (2021, November 15). Prospects of Resolving Land Issues in KP's Merged Districts. *Pakistan Today*. <https://www.pakistantoday.com.pk/2021/11/15/prospects-of-resolving-land-issues-in-kps-merged-districts/>
- Zeb, K. (2021, November 15). Prospects of Resolving Land Issues in KP's Merged Districts. *Pakistan Today*. <https://www.pakistantoday.com.pk/2021/11/15/prospects-of-resolving-land-issues-in-kps-merged-districts/>
- Zubair, M. (2017 June 14). Mainstreaming Pakistan's Federally Administered Tribal Areas (FATA): Constitutional and Legal Reforms, *The News*. <https://constitutionnet.org/news/mainstreaming-pakistans-federally-administered-tribal-areas-fata-constitutional-and-legal>
- Zuberi, (2019 February, 04). Policing System to usher in Era of Peace in Tribal Areas. *Business Records*. <https://www.brecorder.com/news/4668317>