

# CHAPTER-III

## ADMINISTRATION OF THE TRIBAL AREAS AFTER INDEPENDENCE

### INCORPORATION OF THE TRIBAL AREAS IN PAKISTAN

Tracing back the administrative history of the Tribal Areas, first reference to these was made in the Government of India Act 1935,<sup>1</sup> before it was amended by the "Pakistan (Provisional) Constitutional Order, 1947."<sup>2</sup> Thus, from 1947 to 27th June 1950, no mention of these areas (by this or any other name) was made in any Constitutional Document. It seems obvious that during this period the Tribal Areas did not form part of Pakistan. The Indian Independence Act 1947 which was passed by the British Parliament, abrogated all the treaties/agreements executed between the British Government and the tribesmen.<sup>3</sup> This provision of law was enacted in accordance with paragraph 17 of his Majesty's statement of the 3rd June, 1947.<sup>4</sup> What might have been the object of the British Government, the fact remains that from the constitutional point of view, the Tribal Areas became altogether independent and it was left to the tribesmen to come to fresh arrangements with the new Government. Accordingly, all the Political Agents of the Tribal Agencies in November, 1947, secured agreements from Tribal Maliks (chiefs) in which they declared as follows :

"We proclaim that we are a part of Pakistan and we

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<sup>1</sup> Government of India Act, 1935, Section 311.

<sup>2</sup> Governor General's Order No. 22 of 1947.

<sup>3</sup> Indian Independence Act, 1947 (10 and 11 Geo.6, Chapter 30, Section 7(1) (c).

<sup>4</sup> A.K. Brohi, Fundamental Law of Pakistan, Lahore, 1947, P. 926.

promise that in case of need, we will to the best of our ability, help Pakistan if called upon by the Pakistan Government.

We wish in every way, as in the past, to be peaceful and law abiding and to maintain friendly relations with Government and with the people of the settled districts.

On the foregoing conditions, the Government of Pakistan will continue to bestow on us the benefits, which, we are now receiving.

The internal arrangements of our tribes will remain as before":<sup>1</sup>

As the arrangements had to be woven into legal and constitutional fabric of Pakistan, the Governor General issued a number of orders and notifications to acquire legal jurisdiction in the Tribal Areas, declaring them as part of Pakistan with effect from 15th August, 1947.<sup>2</sup>

Subsequently, the Government of Pakistan in 1951-52, decided to enlarge the scope of the agreements executed with the tribes and with a view to acquire greater authority and control in the Tribal Areas with the consent and good-will of the tribes. Revised agreements were, therefore, obtained from all the tribes in the form approved by the Law Division of Pakistan.<sup>3</sup>

On the formation of "One Unit"<sup>4</sup> Tribal Areas were included in the Province of West Pakistan.<sup>5</sup> The Governor was authorized to make laws for these areas with the approval of the Governor General.

<sup>1</sup> Government of Pakistan, Revised Agreement with the Tribal People, Peshawar, 1947.

<sup>2</sup> Gazette of Pakistan, Extraordinary, dated 27th June, 1950, PP. 511-512.

<sup>3</sup> Specimen of Revised Agreement with the Tribal People 1951-52, See Appendix -III.

<sup>4</sup> Establishment of West Pakistan Act, 1955, w.e.f. 14th October, 1955.

<sup>5</sup> Governor General's Order No. 17 of 1955, Special Areas Sub-section (5).

This arrangement was also retained in the 1956 Constitution.<sup>1</sup> The executive authority of the Province of West Pakistan was extended to the "Special Areas" by Article 204 of the 1956 constitution. By the same Article, the procedure for applying laws and framing of regulations to these areas was laid down. However, no such law was enacted until October, 1958, when that constitution was abrogated.

With the dissolution of "One Unit", the Tribal Areas of Dir, Swat, Chitral, Malakand Protected Areas, and the Hazara Territory, were included in the Province of NWFP. Similarly the Tribal Areas in Baluchistan, namely, the Districts of Zob, Sibi, Loralai and Chaghi were made part of the Baluchistan Province. The rest of the Tribal Areas, namely, the Agencies of Mohmand, Kurram, Khyber, Bajawar, Orakzai, North Waziristan, South Waziristan and the adjoining areas of Kohat, Peshawar, Bannu and Dera Ismail Khan Districts were declared as the Federally Administered Tribal Areas.<sup>2</sup>

The Tribal Areas, can therefore, be divided into the following three categories:-

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

The administration of the PATAs of NWFP and Baluchistan, is the direct responsibility of these Provinces, while the Federally Administered Tribal Areas (FATA) are being administered by the Federal Government, through the Governor of NWFP, in his capacity as Agent to the President.<sup>3</sup> The idea is to extend effective control upto the Durand Line by way of development activities and peaceful penetration, avoiding open conflict with the tribesmen.

<sup>1</sup> Article 218 of the 1956 Constitution of Pakistan.

<sup>2</sup> Article 246 of the 1973 Constitution. Also see Appendix-VI.

<sup>3</sup> Article 247 of the 1973 Constitution of Pakistan, See Appendix-VII,

Ever-since Independence, the pattern of administration in the Tribal Areas has been changing. From 14th August 1947, till 14th October 1955, the Governor NWFP, acted as Agent to the Governor General in relation to the administration of the Tribal Areas and exercised immediate authority in those areas. His Secretariat, known as the "Local Administration of NWFP" headed by the Chief Secretary, Government of NWFP, dealt with all matters relating to the administration of the Tribal Areas. All policy directives from the Federal Government were communicated to the Chief Secretary who furnished compliance reports to the Federal Government. Since there were no Divisional Commissioners in those days, the Political Agents and Deputy Commissioners used to correspond directly with the Local Administration. On the formation of West Pakistan Province (One Unit), the administration of the Tribal Areas was taken over by the Government of West Pakistan and the Federal Government was left only with policy control. Under these arrangements, the Governor of West Pakistan acted as Agent to the President. These arrangements continued till 1958.

In October, 1958, the administrative set-up for the Tribal Areas was reviewed and it was considered imperative that the system of administration on the spot should have centripetal quality. Consequently, administration of all the Tribal Areas was vested in the Resident Commissioner from November, 1959 to August, 1960, whereafter it continued to be administered directly by the West Pakistan Government. The post of Resident was abolished in 1960 as an economy measure, but evidently the real cause of change over, was the dual control of the Resident by the Centre as well as by the Provincial Government.

On the dissolution of "West Pakistan Province in 1970,<sup>1</sup> it was decided to revert to the pattern of administration prevailing in Tribal Areas in the pre-integration period.

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<sup>1</sup> President Order No. 1 dated 30th March, 1970, PLD 1969, Central State part, P. 218.

**TRIBAL AREAS UNDER THE 1973 CONSTITUTION**

The administration of the Federally Administered Tribal Areas (FATA) draws its authority from the constitution of Pakistan.<sup>1</sup> The constitution defines the Federally Administered Tribal Areas as under:-

- (i) Tribal Areas adjoining Peshawar district;
- (ii) Tribal Areas adjoining Kohat district;
- (iii) Tribal Areas adjoining Bannu district;
- (iv) Tribal Areas adjoining Dera Ismail Khan district;
- (v) Bajawar Agency;
- (vi) Mohmand Agency;
- (vii) Khyber Agency;
- (viii) Orakzai Agency;
- (ix) Kurram Agency;
- (x) North Wazirisan Agency;
- (xi) South Waziristan Agency;

Orakzai Agency was created in 1973, by separating the Orakzai Area from Frontier Regions of Kohat and placing it under the charge of a Political Agent.<sup>2</sup>

The Federally Administered Tribal Areas comprise seven Political Agencies and four Frontier Regions which are controlled by Political Agents and Deputy Commissioners respectively, working under the two Revenue Divisions as follows:

1. **Peshawar Division:-**

- (i) Bajawar Agency.
- (ii) Mohmand Agency.
- (iii) Khyber Agency.
- (iv) Kurram Agency.
- (v) Orakzai Agency.
- (vi) Frontier Region, Peshawar.

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<sup>1</sup> Article 246 (c) of the 1973 Constitution of Pakistan.

<sup>2</sup> Government of Pakistan, Ministry of States and Frontier Regions, Islamabad, Letter NO. F. 6(21) Sec. IV/73 dated 13th December, 1973.

(vii) Frontier Region, Kohat.

2. **Dera Ismail Khan Division:-**

- (i) North Waziristan Agency.
- (ii) South Waziristan Agency.
- (iii) Frontier Region, Bannu.
- (iv) Frontier Region, Dera Ismail Khan.

**ADMINISTRATION OF THE TRIBAL AREAS**

**Administration at the Federal Level**

During the British days, the administrative control over the Tribal Areas in the NWFP, vested entirely in the Central Government.<sup>1</sup> The establishment of Pakistan on 14th August, 1947, brought about many changes in respect to the administration of the Tribal Areas. To begin with, the Ministry of Foreign Affairs inherited this responsibility but in view of the Afghanistan Government's consistent claim and argument that Tribal Areas were always treated as a foreign territory by the British, it was decided to transfer the work from the Ministry of Foreign Affairs to a new Ministry designated as the Ministry of States and Frontier Regions. Even after the inclusion of the Tribal Areas in the Province of West Pakistan (One Unit),<sup>2</sup> a separate Ministry/Division for the Tribal Areas continued to function in the Central Government as it was considered necessary:-

- (i) to continue, to closely associate the Central Government with the laying down of the administrative policy, to be pursued by the Provincial Government, as any dissatisfaction or disturbance in the Tribal Areas, may require the intervention of the defence forces

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<sup>1</sup> Government of British India, Political and External Affairs Department was responsible for the administration of the Tribal Areas.

<sup>2</sup> Establishment of the Province of West Pakistan (Amendment) Act, 1955.

or may even lead to intrigues by a foreign power;

- (ii) to bring about complete co-ordination between the functions and policies of the Central Government and the Provincial Government in relation to the Tribal Areas; and
- (iii) to maintain a close watch on the conditions prevailing in the Tribal Areas, aspirations, trends and reactions of the tribes to the internal and external influences, in order to keep a rational relationship between the methods and the objectives.

Since then, the States and Frontier Regions Division Islamabad, is mainly responsible for the administration and development of the Tribal Areas.<sup>1</sup> The other task of the Division include the application of laws and regulations, the "Powindah Policy, Afghan Refugees and the administrative control of the civil armed forces,"<sup>2</sup> i.e. Frontier Constabulary (F.C.) Levies and Khasadars in the Tribal Areas.

#### Administration at the Provincial Level

In the British days, the immediate executive authority in the Tribal Areas was exercised by the Governor NWFP, acting as Agent to the Governor General and running the administration with the help of a "Local Administration" headed by the Provincial Chief Secretary. This arrangement which was retained after Independence, continued till the formation of West Pakistan Province in 1955, when the work regarding the Tribal Areas was transferred to the Provincial Home Department at Lahore. On the dissolution of "One Unit", orders were issued to utilize the services of all the Provincial Departments of NWFP for catering to the needs of the

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<sup>1</sup> Schedule II of the Rules of Business, 1973 Constitution.

<sup>2</sup> Pakistan: An Official Handbook, 1978-81, Islamabad, 1981, P. 575.

Tribal Areas, within the sphere of their respective Jurisdiction. In order to improve administrative efficiency and accelerate the development effort, a separate P.W.D. Organization, Development and Finance Cell, and Tribal Cell were created in the Provincial Home Department NWFP which are now responsible for the administration of the Tribal Areas. Accordingly, the following administrative arrangements have been made at the Provincial Level.

The President has delegated all the administrative jurisdiction exercisable by him in the Federally Administered Tribal Areas to the Governor of the North West Frontier Province, who for this purpose has been designated, as Agent to the President for the Tribal Areas.<sup>1</sup>

At the administrative level, it has been laid down that:-

- (i) "The services of the Provincial Departments be utilized for catering to the needs of the Federally Administered Tribal Areas within the spheres of their respective jurisdiction.
- (ii) Each Sectary to the Provincial Government will act as Secretary to the Local Government and will be authorized to correspond directly with Frontier Regions Division (Islamabad) with regard to matters, falling within his jurisdiction.
- (iii) Finance Secretary, NWFP, will, in addition to his duties as Finance Secretary, act as Financial Advisor of the Local Administration in respect of the Federally Administered Tribal Areas (FATA).<sup>2</sup>

3. The cost of administration of the Federally Administered Tribal Areas is born by the Federal Government and is reflected in

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<sup>1</sup> Government of Pakistan , States and Frontier Regions Division, Islamabad, Letter NO. F.6(15) F.1 (SOI)/70 dated 25th June, 1970.

<sup>2</sup> Government of Pakistan, States and Frontier Regions Division, Islamabad Letter F. 6(15) F.I (SOI)/70 dated the 18th September, 1970.



the Federal Budget, while the responsibility for its flow, and control, rests in the various Departments of the Provincial Government.

4. Special Cells with the required staff have been created in the Provincial Government at the Secretariat, Directorate as well as Commissionerate levels, to exclusively discharge functions connected with the administration of FATA.

5. The day-to-day administration of the Tribal Areas is the responsibility of the Political Agents and Deputy Commissioners, which is carried out by them under the supervision/ direction of the Divisional Commissioners and the Local Administration of NWFP. Thus at the Provincial level, the development of the Federally Administered Tribal Areas is being undertaken by two main agencies, namely the Government of the NWFP under the charge of the Governor who is Agent to the President for the administration and development of the Tribal Areas and the Federally Administered Tribal Areas Development Corporation (FATA-DC) Peshawar.

The administrative responsibility for planning and development of the FATA is entrusted to the concerned departments of the Government of NWFP, namely, Agriculture, Forest, Animal Husbandry, Health, Education, Works and Communication.

These departments provide the necessary administrative support, for initiation, preparation and implementation of development schemes in their respective fields.

The coordination for the preparation and implementation of the Annual Development Programme (ADP) in the field, is provided by the Political Agent, Deputy Commissioner and the Commissioner and at the Secretariat level, by the FATA Section in the Planning and Development Department of Government of NWFP.

The Political Agent has a pivotal role in all development works. It is his personality and leadership that provides the initiative for development. There is no development activity worth mentioning which does not require his blessings and active participation. His involvement in guiding and encouraging development, is crucial. He has to take into account the

feasibility and suitability of the programmes, from an administrative point of view, keeping in mind the social, cultural, political and religious considerations.

The programmes for development are, processed by the FATA Section of the Provincial Planning and Development Department in the normal manner. They are then submitted to the Ministry of States and Frontier Regions Islamabad for further transformation to the Planning Division Islamabad.

The programmes are then considered by the Planning Division alongwith the programmes of the Province for incorporation in the Annual Development Programmes and the Five Year Plans.

The Development schemes are approved, like the schemes of the Provincial Government, by Central Development Working Party, where necessary and are sent to the National Economic Council for incorporation in the annual budget.

In so far as FATA is concerned, the Provincial Government at the Secretariat level, functions directly under the authority of the Governor, without any reference to the Provincial Cabinet or the Provincial Assembly. All the provincial nation building departments, in so far as FATA is concerned, report to the Governor through the Chief Secretary, who is assisted by the Secretary for the Home and Tribal Areas.

The development programmes and projects in the field entrusted to the provincial departments, are prepared by the departments concerned after consulting the Political Agents, Deputy Commissioners, and the Commissioners concerned. These are processed through various levels and are implemented by the concerned departments after the approval of the Governor.

Annual Development Programmes (ADP) and schemes in the Water Resources, Industrial and Mineral sectors are prepared by FATA Development Corporation. The schemes are examined by the Ministry of SAFRON, Islamabad for appraisal and are then implemented by FATA-DC Peshawar.

#### FATA DEVELOPMENT CORPORATION PESHAWAR

The Federally Administered Tribal Areas of NWFP are

economically and socially under-developed. Some uncoordinated and sporadic efforts were made by the local administration in the past to undertake certain development projects, but no scientific and planned approach was evolved, to tackle the manifold problems responsible for the backwardness of this region. From July 1970 onwards, when these areas became the responsibility of the Federal Government, on the dismemberment of "One Unit",<sup>1</sup> the Government realized the importance of not only attending to the day-to-day requirements of this region, but also initiating the process of development in a planned manner, for the social and economic uplift of these hitherto neglected and backward areas.

In view of the peculiar conditions prevailing in the Tribal Areas, it was considered necessary to establish a special organization for the planning and implementation of development programmes in these areas. Keeping these objectives in view, the Federal Government decided to set up the Federally Administered Tribal Areas Development Corporation (FATA-DC) in 1970 at Peshawar.<sup>2</sup> The FATA-DC was made responsible for carrying out a number of development projects, for the economic uplift of the Tribal Areas.

Obviously, the FATA-DC had a very wide task assigned to it and therefore had to set up an adequate organization for fulfilling its obligations. The FATA-DC came into being about the middle of 1971 with nothing on the ground. It had to arrange for itself all its basic requirements such as accommodation, stationery, purchase of furniture and vehicles etc. The first year of the corporation was therefore mostly absorbed in creating of basic physical facilities and recruiting of manpower. Simultaneously, endeavors were made to identify and explore projects in the irrigation, industrial, mineral and agricultural sectors, for raising the standard of

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<sup>1</sup> Article 3(a) of the West Pakistan Province (Dissolution) Order, President Order No. 1 of 1970.

<sup>2</sup> Establishment of FATA-DC Peshawar, Regulation-II of 1970.

living of the tribesmen. <sup>1</sup>

The Government of Pakistan constituted a Board of Directors for the management of the FATA-DC in 1970. <sup>2</sup> The Board holds its meetings to discuss matters relating to the Corporation and takes decisions in respect to the developmental projects and other matters of crucial importance. The FATA-DC is provided funds from the Federal Budget through the Ministry of States and Frontier Regions Islamabad. The FATA-DC has a very wide charter of responsibilities, however, it has confined its developmental activities mainly to water, industrial and mineral sectors.

#### ADMINISTRATION AT THE FIELD LEVEL

At the field level, the administration of the Tribal Areas is carried out by the Political Agents in their respective Agencies. The Political Agent corresponds to a Deputy Commissioner in the settled district of NWFP. That is why, the Tribal Areas attached to the settled districts of Peshawar, Kohat, Bannu and Dera Ismail Khan, generally known as Frontier Regions (F.Rs) are administered by the Deputy Commissioners of these districts.

The Political Agent, Bajawar Agency is under the control of the Commissioner Malakand Division. Political Agents of Mohmand, Khyber, Orakzai and Kurram Agencies and Deputy Commissioners Peshawar (for Frontier Region Peshawar) and Kohat (for Frontier Region Kohat), are under the administrative jurisdiction of the Commissioner Peshawar Division. Like-wise, the Political Agents of North and South Waziristan Agencies and the Deputy Commissioners of Bannu (for Frontier Region Bannu) and Dera Ismail Khan (for Frontier Region D.I. Khan) are under the administrative charge of the Commissioner Dera Ismail Khan Division. The Commissioners Malakand, Peshawar and Dera Ismail Khan Divisions in turn report to the Home Secretary of the Government of NWFP, who is responsible

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<sup>1</sup> FATA-DC, Annual Report 1970-71, Peshawar, P.2.

<sup>2</sup> Provision of Section (5) of FATA-DC Regulation-II of 1970.

ADMINISTRATION OF FATA

PRESIDENT OF PAKISTAN

Governor NWFP

as

(Agent to the President for the administration of FATA)

Chief Secretary, NWFP

Home Secretary, NWFP

Commissioner  
D.I. Khan Division

Commissioner  
Malakand Division

Commissioner  
Peshawar Division

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Political Agent, Bajawar Agency

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2  
Agencies

2  
F.R.'s

2  
F.R.'s

4  
Agencies

1. P.A. North  
Waziristan

1. D.C. D.I. Khan

1. D.C. Peshawar

1. P.A. Mohmand

2. P.A. South  
Waziristan

2. D.C. Bannu

2. D.C. Kohat

2. P.A. Khyber

3. P.A. Orakzai

4. P.A. Kurram

<p>P.A - Political Agent D.C - Deputy Commissioner F.R - Frontier Region</p>
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for the administration and development of the Tribal Areas.

### MOHMAND ADMINISTRATION

Although the British were in India for almost a century (1849-1947), the Mohmand area was not made an Agency. It remained an anonymous part of the Tribal Areas attached to Peshawar District. Even after the formation of the NWF Province in 1901 by Lord Curzon, the Tribal Areas remained untouched and unaffected by this administrative change. Thus the Mohmands successfully managed to maintain their unpenetrated condition, unchanged, to a large degree upto 1947.

Since the days of Ahmad Shah Abdali, the rulers of Kabul had exercised some sort of vague suzerainty over the Mohmands by "hereditary chiefs, selected by the Amirs of Kabul, who paid allowances to different sections of the tribe through their chiefs."<sup>1</sup>

The Durand Line Agreement (1893), divided the Mohmands between the British and the Afghanistan Government, according to which, the eastern Mohmand clans fell to the British side of the border. It was in 1896, that the British Government granted allowances to the eastern Mohmand Clans, to replace those which they had hitherto been receiving from Kabul. From 1896 to 1951, the relations with the Mohmand Tribe were conducted by the Deputy Commissioner Peshawar. But the fact remains that "in 1947 when the British left, there was not a single school, dispensary, electric bulb or government post in the area which is now known as the Mohmand Agency."<sup>2</sup>

Pakistan was created in 1947, and four years later, on 1st August, 1951, the Mohmand Agency came into being and was placed under the charge of a Political Agent with his headquarter at Peshawar.

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<sup>1</sup> Aitchison, Sir Charles, Lord Lawrence, Oxford, 1892, P. 21.

<sup>2</sup> Ahmed, Special Articles, Op. cit., P. 2092.

Mohmand Administrative Change 1947-85

(i) 1947 — Deputy Commissioner, Peshawar.

Political Tehsildar, Shabqadar Fort.

(ii) 1951 — Creation of the Mohmand Agency,  
Political Agent, Peshawar.

Assistant Political Officer, Shabqadar Fort.

(iii) 1965 — Political Agent, Peshawar.

Assistant Political Officer, Shabqadar Fort.

Political Tehsildar  
Upper Mohmand.

Political Tehsildar  
Lower Mohmand.

(Tribes=Khawezai, Baezai,  
Safi, Musakhel.

(Tribes= Halimzai,  
Tarakzai, Pindiali Mohmand.

(iv) 1973 — Political Agent, EKKA-Ghund Mohmand Agency.

(v) 1974 Assistant Political  
Agent (Upper Mohmand).

Assistant Political  
Agent (Lower Mohmand).

Political Tehsildar, Political Naib  
Tehsildar.

Political Tehsildar, Political  
Naib Tehsildar.

(vi) 1985 — Political Agent, Mohmand Agency, Ghalanay.

Assistant Political Agent  
(Upper Mohmand).

Assistant Political Agent  
(Lower Mohmand).

Political Tehsildar &  
Naib Tehsildars.

Political Tehsildar &  
Naib Tehsildars.

Tehsils

Tehsils

Yousaf-Khel. Ghalanay. Lakarro. Pindiali. Ekka-Ghund. Taran-Khel.

The elevation of tribal territory attached to the Peshawar District to a full fledged Agency did not contain administrative implications only. It implied far-reaching social and political ramifications. No regular criminal and civil law apply in the Agency, nor are there tax courts or municipal councils of any kind.

The history of Mohmand administration has been one of proliferation and penetration into the Agency. Immediately after independence in 1947, the relations with the Mohmand Tribe were to be conducted by the Deputy Commissioner Peshawar, however its management had in practice been left to a Political Tehsildar, a relatively Junior official posted at Shabqadar Fort outside the Agency. When the Agency was created in 1951, the post of Tehsildar was upgraded to that of an "Assistant Political Officer".<sup>1</sup>

In 1951, the Mohmand Agency was placed under the charge of a Political Agent at Peshawar, assisted by the Assistant Political Officer at Shabqadar Fort. In 1965, a post of Political Tehsildar was created for the Upper Mohmand area with the tribes of Khwaezai, Baezai, Safi and Musa Khel in his charge. For the Lower Mohmand area, a post of Political Naib Tehsildar was created for the tribes of Halimzai and Tarakzai including Pindiali Mohmands. The entire staff apart from the Political Agent office in Peshawar, was still in Shabqadar Fort . Thus till 1973, the headquarter of Mohmand Agency was in Peshawar, when it was shifted to Ekka Ghund Just inside the Agency border alongwith the entire staff. In 1974, the Political Agent had two Assistant Political Agents, one Political Tehsildar and three Political Naib Tehsildars. In the same year, land was purchased for the new Agency headquarter at Ghalanay. In 1977, the Political Agent alongwith his staff shifted from Ekka-Ghund to the permanent headquarter, at Ghallanay.

The Political Agent (P.A Mohmand), is the head of all the

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<sup>1</sup> The Assistant Political Officer, a native, belonged to the Provincial Service unlike the Assistant Political Agent, a British of the Indian Civil or Political Service.



administrative and development departments working at the Agency headquarter at Ghallanay. For administrative purposes, the Agency has been divided into two Zones, namely the Upper Mohmands and the Lower Mohmands. The first zone comprises of the tribes lying to the north of Nahqi Pass whereas the latter of those clans, inhabiting the south of the Nahqi Range upto the administrative border of the Charsaddah and Peshawar Districts.

To conduct relations with the tribesmen, each zone has its own Assistant Political Agent (APA), a Tehsildar and Political Naib Tehsildars (PNTs). The office of the Assistant Political Agent Upper Mohmand is situated at Ghallanay and that of Lower Mohmand at Ekka-Ghund.

Each zone is further subdivided into three Tehsils. Each Tehsil has a Tehsildar and Political Naib Tehsildars, who supervise and conduct relations with the tribes under their jurisdiction. In case of disagreement with the decision of a Tehsildar, the matter is referred to the zonal Assistant Political Agent for review. However, the final authority in deciding a case rests with the Political Agent, who has vast administrative, financial and judicial powers.

#### THE ROLE OF THE POLITICAL AGENT

The role of the Political Agent is a difficult and delicate one. He has to be both a diplomat and an administrator. His role has been described as "half-ambassador and half-governor,"<sup>1</sup> who administers his Agency on behalf of the Government with a necessary mixture of tact, patience, wit and sympathy. He deals with his tribes through Mashars (elders) and Maliks, who act as leaders and spokesmen of their tribes. His success in dealing with the clans and tribes depends on a large degree of his "personal rapport with them and his deep interest and knowledge of tribal organization and

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<sup>1</sup> James, W. Spain, The way of the Pathans, Karachi, 1972, P. 24.

customs."<sup>1</sup> He is responsible for the maintenance of law and order in his Agency. The Frontier Corps (militia) and Khassadars are his only police force. The regular criminal, civil and revenue laws do not apply to the Tribal Areas. It is only on the main roads and in the Agency headquarter that the Political Agent can take action against criminals under the Frontier Crimes Regulation (FCR). However, the Political Agent ensures that no inter tribal conflicts, gets out of hand and that no law and order situation assumes uncontrollable proportion. His major responsibility is the implementation of Government policy and to act as intermediary between the tribes and the Government. It is the Political Agent who is to enforce Government decisions in such an area, with no law courts, magistrates, tax-collectors, revenue officials or police. Therefore, his task must be considered against the administrative background which exists in the Agency.

The aim of the British administration during their rule was to enforce tribal responsibility rather than to tackle social problems such as education, health, communication, and economic development. But after the creation of Pakistan in 1947, the role of the Political Agent has totally changed with the changed out look which is development oriented. Now it is the Political Agent, who is the main force behind the development and change in the Tribal Areas. His personality, prestige, contacts, and relationship with the tribes, are more important than any rules to be rigidly followed. The Political Agent has wide-ranging executive powers. For instance, the Political Agent has the power, to create Maliks and lungi-holders, appoint Khassadars, recommend students for scholarship to schools, colleges and universities in Pakistan, increase or allot quotas of food-rations such as wheat, sugar and rice at special prices to favored groups, issue permits for fixed quantities of timber, rations, usually for gur, sugar and bags of wheat flour at controlled price. As a project director of the Rural Works Programme, the Political Agent sanctions, schools, water-

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<sup>1</sup> Caroe, Op.cit., P. 470.

-tanks, tubewells, dispensaries and roads to various tribes and establishes contacts with them through these development activities. The Political Agent also grants secret financial allowances to those tribesmen, whom he finds politically useful for the administration.

### LAW ENFORCING AGENCIES

The Federal Government is maintaining the following civil armed forces for the maintenance of law and order and security of the border in the Tribal Areas.

#### Frontier Constabulary (F.C)

The Frontier Constabulary is recruited from the tribesmen of various Tribal Agencies and adjoining districts of the NWFP. The force is maintained by the Federal Government for " better protection and administration of the external frontiers of Pakistan within the limits of or adjoining the North West Frontier or any part thereof"<sup>1</sup> The headquarter of the Frontier Constabulary is at Peshawar Cantt, with its Training Centre at Shabqadar Fort near Mohmand Agency. This is a well armed force of tribesmen officered by the police department. It operates along the borders of the settled districts in NWFP and certain parts of the Tribal Areas. At present, the Frontier Constabulary has a strength of 317 platoons posted at 15 districts centres (F.C) in the country.<sup>2</sup>

The overall operational control over Frontier Constabulary vests in the Governor of NWFP.<sup>3</sup> The administration is carried out by the Commandant F.C NWFP, with his headquarters at Peshawar Cantt, with the help of a Deputy Commandant (F.C), 12 District

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<sup>1</sup> Frontier Constabulary Act, 1915.

<sup>2</sup> Frontier Constabulary Organizational Chart, 1985-86, Appendix-IX.

<sup>3</sup> Government of Pakistan, States and Frontier Regions Division Letter NO. F.6(15) F.I.(SOI)/70 para 2(vi) dated 25th June, 1970.

Officers (D.O.F.C), 33 Assistant District Officers (A.D.O.F.C) and 236 ministerial staff. <sup>1</sup> At present, the total strength, including officers and NCOs of the Frontier Constabulary is more than 15,000 personnel. The Frontier Constabulary is called for in tense law and order situation to help the police department. Their service structure is a deplorable one. The tribesmen have no chances of promotion, may be highly educated, over the post of honorary captain. Most of them have to retire as sepoy after putting in a long and arduous service. They mostly live in tents and are not provided any accommodation and transportation facilities, even when performing their duties in Islamabad, Karachi and other developed urban centres. When posted in outside stations such as Punjab, Sind Baluchistan, they are given only Rs. 3.50 as TA/DA. On meritorious service of more than 10 years, a sepoy is only given Rs. 3.00 as a good conduct pay per-month and on leave, the F.C sepoy is entitled for one-third of his ration allowance.

#### Frontier Corps (Tribal Militia)

The turn of the 19th Century, was a period of turmoil for British Government and it was decided to adopt a different approach, to ensure peace in the Tribal Areas. The regular military force, considered as a red rag, was to be replaced by the Tribal Militia. The idea of Militia came from Lord Curzon, <sup>2</sup> whose Frontier defence policy was in operation along the entire border line from Chitral to Baluchistan. The regular garrisons in Chitral Dir, Swat, were reduced, and the outlying posts were manned by local force of Levies. In the Khyber Agency, the regular troops were withdrawn and replaced by two battalions - 1250 strong Khyber Rif-les.<sup>3</sup> The Samana Rif-les was recruited from the Orakzai Tribesmen and the Kurram Militia was raised under British Officers.

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<sup>1</sup> Frontier Constabulary Organization Chart, Appendix-IX.

<sup>2</sup> Omar Khan Afridi, Mahsud Monograph, Peshawar, 1980, P. 64.

<sup>3</sup> Lal Baha, Op.cit., P. 13.

Further to the south, two battalions of the South Waziristan Militia - 800 strong each, were raised, one being for North Waziristan (Tochi Valley) and the other for South Waziristan (Gomal Valley). It was hoped that the system of Tribal Militia and Local Levies would make the tribesman responsible for the maintenance of peace in his own land and make his service to the Government as a guarantee for mutual trust. The policy was an attempt at developing intimate knowledge of the tribesmen and their affairs, improving their economic conditions, and in this process gradually acquiring an influence over them.<sup>1</sup>

The troop composition of Militia is entirely tribal and made of the Khattaks, Bangash, Mohmands, Yousafzai, Bhattanis and Afridis. The corps is a paramilitary force, well armed, disciplined and officered by the Pakistan Army personnel, who are required to serve for a limited period of two to three years. The Militia is also called, Scouts and Rifles, such as Mohmand Rifles and Khyber Rifles. The role of the Scouts, till the creation of Pakistan was, to maintain internal security in the Tribal Areas under the general control and direction of the Political Agents. Since the withdrawal of the Army from the Tribal Areas in 1947, the role of the Militia (Scouts) has undergone a change. Now its function is "better protection and administration of the external frontier of Pakistan within the limits of or adjoining the Tribal Areas."<sup>2</sup>

They are operationally commanded in each Tribal Agency, by a Colonel of Pakistan Army. Frontier Corps operates in the whole of Tribal Areas except Daryoba and Darazinda in Bannu, D.I. Khan and Frontier Regions which are looked after by the Frontier Constabulary. The overall operational control of the Frontier Corps vests in the Political Agents (for Agencies), Deputy Commissioners (for Frontier Regions), and Governor, NWFP. The overall administrative command of the Frontier Corps vests in a

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<sup>1</sup> Curzon's Speech at Peshawar Darbar, 26th April, 1902, Sir, T. Raleigh, Op.cit., P. 424.

<sup>2</sup> Frontier Corps Ordinance, 1959.

Major General with his headquarters at Qilla Bala Hisar at Peshawar. He is directly controlled by the Federal Government, through General Headquarters (GHQ) of Pakistan Army at Rawalpindi. Originally the Frontier Corps was under the charge of the States and Frontier Regions Division, Islamabad, but on 10th April, 1972, under the orders of the Prime Minister, it was placed under the Ministry of Defence. The force was once again transferred from the Ministry of Defence on 12th August, 1974, to the Interior Division Islamabad, which regulates its affairs, since then. In its short history, the Frontier Corps has built-up a fine reputation for its operational effectiveness, excellence in the field of sports and fine traditions of hospitality as well as discipline.

### Khassadar and Levy Force

#### Khassadar Force

Khassadars, a local force, is recruited from various tribes of a Tribal Agency and paid on a regular monthly basis by the Political Agent. They are armed with their own weapons but are not, a very disciplined force. They perform their duties on various check-posts established by the Government for maintaining peace and order in the Tribal Areas.

In the early days of 20th Century, it was felt by the British Government, that the most inexpensive way of dealing with the tribes was, to place the responsibility of good behaviour and maintenance of law and order on the tribesmen themselves. In order to involve a large portion of the tribe rather than just the Maliks, it was decided to introduce the system of Khassadari in the Tribal Areas. This was another step taken in line with that of the Frontier Constabulary, (F.C) and Tribal Militia, for reduction of military commitments in the Tribal Areas, and at the same time, extending the area of control through tribal and territorial responsibility. Though not recognized as such, their duties and responsibilities in the tribal structure, classify them as the instrument of the tribal will. This point was made clear by Bruce who remarked that:-

"Khassadars, though paid by the Government, but are not the servants of the Government, but are servants of the tribes."

The Khassadari system, on one hand spreads the benefits of service to common man and on the other, it imposes certain conditions on the tribe and Khassadars, whereby cases of misbehaviour on the part of the tribe, make the Khassadars liable to punishment in the shape of fines, suspension of pay, arrests etc and vice versa. Where the Khassadars are found absent from duty, their Maliks or entire tribe, are held responsible.

The Khassadars force is organized in companies, each under the command of a subedar. The companies are again divided into groups who perform their duties on alternate months. They perform their duties for one month on their respective posts and the next month return to their villages, with the intervening month being considered as privileged leave with full pay. Khassadar posts are established at various points along the roads and at important points like forts, schools, hospital etc. The Khassadar companies are liable to be transferred from one post to another post and this is done at frequent intervals for administrative and political reasons. The companies which have a tribal and sectional basis, are usually employed in their own areas. Arms, ammunition and clothing are provided by the Khassadars themselves. The service of Khassadars is not pensionable because the post is heritable. The Political Agent has a Khassadar Officer, usually an Assistant Political Agent, to assist him in looking after the affairs of the Khassadars.

In Khassadari system, there are special advantages. The service provides an outlet for the energies of the young tribesmen and keep the rifles in friendly hands, which otherwise, might be used against Government. Most important of all, the money percolates down to the smallest sub-divisions of the tribe, and links not only so many Khassadars but so many families to the interests of the Government, for the profits of Khassadari

service are shared, and frequently, a Khassadar will make payments from his pay to three or four other members of his family. In this way the Khassadars exert influence on their tribes. It may be said that such payments are more correctly to be regarded as the purchase-price of peace and goodwill from a population independent and potentially a source of grave trouble. The total strength of the Khassadar force in the Tribal Areas in 1987, was 13568. The number of Mohmand Khassadars substantially increased from 442 in 1947 to 2017 in the year 1987.<sup>1</sup> The over all command and control of Khassadars and levies vests in the Political Agents and Deputy Commissioners respectively. They act as commanders of the force in their respective sub-divisions.<sup>2</sup>

#### Levy Force

It is difficult to draw a line between Khassadars and Levies. However two distinguishing characteristics of the Khassadars are that, they serve as the representatives of their tribes and not as individuals, and that, they provide their own arms and ammunition.

On the other hand, the Levies are irregular force locally recruited by the Political Agents. They are semi-trained and are armed by the Government. The essential Justification for employment of Khassadars/Levies is often to be found in the political and economic considerations. They ensure safety of the roads and are instruments of civil administration. Their employment has been found, not only to be a valuable means of enlisting tribal co-operation in the maintenance of law and order, but also to provide the best and widest method of distributing the contribution that Government must necessarily make to the income of the tribes in return for the control, it exercise over them. The total strength of Levies in the Tribal Areas was 5612 persons in 1987.<sup>3</sup>

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<sup>1</sup> Strength of Levies and Khassadars, Appendix-X.

<sup>2</sup> Ibid, Appendix-X.

<sup>3</sup> Ibid, Appendix-X.



### Functions of the Khassadars/Levies

The Khassadars perform police duties in a Tribal Agency. They act as Badraggas (tribal escort) to ensure the safety and security of the Government functionaries. The task of carrying messages to the inaccessible areas is also assigned to them. In extra-ordinary situations, the Political Agent relies on the Khassadars in his agency as the back up force. The Khassadars are also responsible for protection of their areas from raids and offence. They also protect Government installations and buildings. They provide timely information regarding hostile activities to the political administration and investigate reports. They are entrusted with the task of recovering persons kidnapped from the settled areas or from Government installations within the Tribal Areas. The Khassadars are also responsible to summon or provide safe conduct to the persons who are required by the political administration of the concerned Agency. The system has stood to the test of the time and despite its inherent weaknesses, it has proved an effective means of enforcing Government will and control in the far-off areas. It has always been and is still a very effective tool in maintaining the law and order situation in the Tribal Areas.

### The Maliki System

The essence of political control is to maintain law and order in the Tribal Areas by enforcing tribal and territorial responsibility on the tribes through tribal leadership of Maliks which is a recognized institution. A leading man in the tribe or section who has influence over his clan's men is called its Malik. Age, wisdom, speaking power and ability to plead the cause of his people, are the basic criteria for a Malik. The recognized Maliks are paid various allowances by the Political Agent. This status of leadership, once earned, is recognized as hereditary. However the democratic spirit of the tribesmen is exemplified by the fact that any man amongst them who distinguishes himself, can claim to be the spokesman or representative of the tribe. Such influential persons called (Mashar or Motabar), are often given recognition for their

services and influence, by the Government, in the form of granting them a "Lungi" which is an allowance sanctioned for the duration of the recipient's lifetime.<sup>1</sup> This is a point greatly disputed by the tribesmen who exert most of their pressure to convert this "Lungi" into hereditary entitlement. The Government exercises indirect control over the tribesmen through the institution of Maliks who are the chief recipients of the Government allowances, permits, contracts and scholarships for themselves and their children.

The duties of the Maliks are twofold. On the one hand, he acts as the spokesman of his tribe and pleads for their legitimate rights and interests whereas on the other hand, he performs the functions of the policeman while dealing with the members of his tribe, who create problems for the Government. The success of the Maliki system depends on the amount of power or influence that is wielded by a Malik over his clan's men, and this in turn depends on the personality and qualities of the individual Malik. However, the backing and support of the Malik by the Government is a major factor in establishing his position and esteem in the tribe.

The monthly allowances of Maliks, fixed by the British Government in the end of 19th Century, remain exactly the same even after a hundred years, whereas the salaries of all kinds of other employees have increased over by fifty percent, since then. The monthly allowances of over 70% Maliks are as ridiculously low as ranging between Rs. 2/- to 20/-. They are thus, deliberately made dependent on the permits, and at the mercy of the Political Agents. The idea of making the Maliks dependent on permits and making them addicted to the easy earned money through permits, was to make them subservient to the will of the Government. Most of these Maliks, now being totally subdued by the Political Agents are thought to be no more the spokesmen of their respective tribes. The common man, therefore, does not follow the Malik now. Resultantly, the institution of Maliki which was a strong link between the tribesmen

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<sup>1</sup> Omer Khan Afridi, Op.cit., P. 55.

and the Government, is now very fragile. The adverse consequences of the reclination of this vitally important institution can be inferred from the general lawless conditions prevailing in the Tribal Areas. Since only the Maliks and Motabars or Mashares are exposed to the Government in the social circles, as the leaders of the tribesmen with their cheap manoeuvres engineered by the Political Agents over the years, the people consider all the tribesmen to be the same, whereas the general public, unlike the Maliks, are simple, straight-forward, brave and honest men.

It would be unfair to discredit the system at all. However, the democratic nature of the tribesmen where any individual of the tribe can undermine the influence and authority of the malik, has to be born in mind, when assessing, the effectiveness of this system. What the future holds for this system in view of the challenge that the authority of the Malik is meeting from the rapidly emerging educated class, is a matter which will pose yet another change in the system. It must however, be understood, that there is no conflict in the relationship between the tribe and the Malik, since, no ambiguity exists in the relative position of the latter in the social structure of the tribe. It is only when a benign Government showers its benefits on the Malik to the exclusion of the tribe that the trouble, distrust and animosity occur. The question of continuance or otherwise of the Maliki system has been considered by the Government for many a times. But it has been decided that Maliki System be allowed to continue for the time being as abolishing it overnight may create a vacuum. The Government, at present, is intended to use the Maliki system for implementing the socio-economic and developmental programmes, in order to spread the benefits of these efforts to the common man in the Tribal Areas.

#### Frontier Crimes Regulation (F.C.R)

The British administrators introduced reforms in all branches of civil administration in the Frontier, after its annexation in 1849. A simple but efficient administration based on non-regulation

system remained in force in the Frontier till its formation into a province in 1901. A special measure which the Punjab Government undertook for the administration of justice, was enactment of the Punjab Frontier Crimes Regulation in 1872.<sup>1</sup> This regulation empowered the Deputy Commissioner of a Frontier district to refer the question of guilt or innocence of an accused person to a jirga (Council of Elders) convened according to the Pathan customs.<sup>2</sup> The Government preserved this institution in a modified form and made use of it in the settled districts as well as in the administered tracts of the Tribal Areas. The Jirga was required to make an on-the-spot investigation and to submit a report of its finding to the Deputy Commissioner who was the final authority to decide the case. No appeal could be made to a higher court against the ultimate decision of the Deputy Commissioner, except a petition to the Chief Commissioner, requesting him to review the Deputy Commissioner's decision. The maximum penalty of a criminal offence was fourteen years rigorous imprisonment or transportation for life.<sup>3</sup> Section 21 of the Regulation provided for the blockade of hostile and unfriendly tribes.

The people of the Tribal Areas remained at war with the British Government till the creation of Pakistan in 1947, as such they frequently ambushed their convoys, attacked their camps, looted their supplies and kidnapped their employees. The British Government therefore devised, the Frontier Crimes Regulation in 1901 to deal with the criminals, putting aside the procedural law of the court. However, in 1934, the post of Resident Commissioner was created which served as review petition court against the

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<sup>1</sup> Lal Baha, Op.cit., P.10 This Regulation was superseded by the Punjab Frontier Crimes Regulation 1887 and again by the Frontier Crimes Regulation of 1901.

<sup>2</sup> Government of West Pakistan, Law Department, The Frontier Crimes Regulation, 1901, Regulation-III, 1901 (as amended upto 30 September, 1964), Lahore, 1965, P.4.

<sup>3</sup> J,W. Spain, The Pathan Borderland, Hague, 1963, PP. 145-47.

Frontier Crimes Regulation (FCR) and the office of the then Lt Governor General, as appellate court. The Frontier Crimes Regulation was for the first time made applicable to the "the Orakzai tribes in January 1931".<sup>1</sup> On 21st June , 1938, it was made applicable to the Bhattani Tribes of Wazirstan. The Government of India issued a comprehensive notification applying the Frontier Crimes Regulation alongwith some other laws, to the Tribal Areas of the NWFP, except those parts in which it was already in force.<sup>2</sup>

After the creation of Pakistan, the Frontier Crimes Regulation 1901, was validated by the then Governor General of Pakistan in 1954, which allowed the Political Agent wide and general Judicial authority and empowered him the imposition of fine, blockade, seizure of hostile tribes and to confiscate and to demolish their property in the Tribal Areas.<sup>3</sup> Although the Frontier Crimes Regulation gives the Political Agent wide legal powers, in practice , the administration is run with little regard for formal or legal methods. The Frontier Crimes Regulation enforced by the British, was an exceptional and somewhat primitive "regulation ". In enforcing FCR, the British Government's plea was that a cheap and expeditious settlement of tribal disputes by a Jirga ... to repeal the criminal sections would be to undermine the forces of law and order... in a land where passions are hot, blood feuds are endemic... to repeal the trans frontier sections would be to paralyse our whole system of the trans-frontier (Tribal Areas) control.<sup>4</sup>

Criticism regarding the enforcement of the Frontier Crimes Regulation in the Tribal Areas is growing, particularly from the

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<sup>1</sup> Government of India, Frontier Crimes Regulation 1901, Reg.III 1901, Notification No. 27-F, dated 13.4.1931.

<sup>2</sup> Ibid, Notification No. 8-W dated 3.9.1939.

<sup>3</sup> The Frontier Crimes Regulation, Chapter IV, Section 21-34, PP. 10-14.

<sup>4</sup> NWFP Enquiry Committee Report (1924), P. 27.

organization of the Tehrik-e-Qabail (movement of the tribesmen) and the Tribal Welfare Organization, who see it as a worst type of monarchical rule in the Tribal Areas. The most detestable aspect of the Frontier Crimes Regulation is that, the order passed under it, is not challengeable in any court of law. The Political Agent can arrest any person at will under any charge, false or true, in which innocent and noble persons with proved loyalty to Pakistan are implicated falsely and accused as foreign agents, highway robbers and demonstrators etc. Such people are Jailed as long as the Political Agent wills. There is no such court in which such prisoners can appeal against their illegal captivity and detention. Even the Supreme Court and High Court, cannot entertain appeals of the cases under the Frontier Crimes Regulation. At the best the tribesmen can go to the court of the Commissioner which serves as a court of review petition, hence in-effective.

The Political Agents support the continuity of the Frontier Crimes Regulation on the plea, that a large part of the Tribal Areas still outlimits their administrative control and a large number of tribesmen are not ready to give up their age-old judicial system of Jirga, which is a mixture of FCR, riwaj and customs.

#### REVIEW OF DEVELOPMENT EXPENDITURE IN FATA

After independence there was a realization that as a means of national integration, the Tribal policy had to be changed mainly through economic measures. The policy of the Government of Pakistan towards the tribesmen was reflected in the first address of the Quaid-i-Azam Muhammad Ali Jinnah to the tribesmen in these words:<sup>1</sup>

"I am fully aware of the part that you played in the establishment of Pakistan, and I am thankful to you for all the sympathy and support, you gave in my struggle and fight for the establishment of Pakistan. Keeping in view your loyalty, help, assurances and declarations, we ordered, as you know, the

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<sup>1</sup> Syed, Abdul. Quddus, The North West Frontier of Pakistan, Karachi, 1990, P. 91.

withdrawal of troops from Waziristan (Tribal Areas) as a concrete and dignified gesture on our part... that we treat you with absolute confidence and trust... Pakistan wants to help you and make you as far as it lies within its power, self-reliant and self-sufficient and to help you in your educational, social and economic uplift and not to be left, as you are, dependent on doles."

However, the successive Governments failed to honour the promise made with the tribesmen by the father of the Nation for the social and economic uplift of the Tribal Areas. In the ensuing years, the Tribal Areas suffered from socio-economic inequalities and only minimal social projects were undertaken.

In the Ist Five year Plan (1955-60), the following appeared with reference to the Federal Administered Tribal Areas.<sup>1</sup>

"The first effort must be, to increase the prosperity of the area, not only because of the great existing poverty but because it has been found that where life is a little less hard, the people themselves are more peaceful and the socially disruptive blood feuds less prevalent. We propose that considerable discretion be permitted to the Political Agents in expending funds allocated by the Divisional Development Board, and that premium be placed on the provision of free local labour and materials. Other schemes relate to education, the improvement of communication, the expansion of facilities, employment, including employment in government services and the armed forces and the prosecution of social and economic research. More general policy recommendations relate to the improvement of medical services and industrial development particularly on the fringes of the Special Areas."

For the development of the Tribal Areas, for the first time a provision of Rs. 100 million was made in the plan, though it did not get government approval till may 1958. It was the last objective of the plan to increase rapidly the rate of development,

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<sup>1</sup> Pakistan Planning Commission, Ist Five Year Plan, 1955-60 (Draft), Karachi, 1956, PP. 8-12.

especially in the less developed areas.<sup>1</sup>

Thus against the allocation of Rs. 100 million, made for the development of the Tribal Areas, no project was actually undertaken and the provision remained unutilized till the termination of the plan on 30th June, 1960. An important objective of the 2nd Five Year Plan (1955-60) was, "to accelerate the pace of economic development in ... the less developed areas of Pakistan, where per-capita income is low, the economy is undiversified, acute problems of unemployment and underdevelopment exist and the saving potential is much lower than the average saving potential in the economy."<sup>2</sup> Hence a provision of Rs. 59.5 million was made for the development expenditure of the Tribal Areas.<sup>3</sup>

The objective to increase development in less developed areas was put last in the 1st plan. It improved its position (7th) in the 2nd plan, but suddenly jumped to the second position in the 3rd plan.<sup>4</sup> The increasing importance given to the development of less developed areas was due to the increasing demand on the part of less developed regions, for a quick reduction and ultimate elimination of disparity in per-capita income. The demand led to a constitutional obligation that a primary objective in plan formulation "shall be to ensure, that disparities between the provinces and between different areas within a province, in relation to economic per-capita income be removed and that the resources of the Pakistan Government are used and allocated in such a manner as to achieve that objective in the shortest possible time".<sup>5</sup> It was to implement this constitutional provision that the

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<sup>1</sup> B.M, Bhatia, Pakistan's Economic Development 1947-1990, Lahore, 1990, P. 53.

<sup>2</sup> Government of Pakistan, Planning Commission , The 2nd Five Year Plan (1960-65), Karachi, 1960, P. 397.

<sup>3</sup> The 6th Five Year Plan 1983-88, P. 212.

<sup>4</sup> B.M.Bhatia,Op.cit., P. 65.

<sup>5</sup> Article 145, Clause (3) of the 1962 Constitution.



3rd plan gave this particular objective, a priority next only to the growth of economy itself. Accordingly, an allocation of Rs. 60.32 million was made in the third plan for the development of the Tribal Areas.<sup>1</sup> The development expenditure was Rs. 11.9 million per annum during 1960-65 and Rs. 12.6 million per annum between 1965-70. The level of investment went up to an average of Rs. 112.95 million per annum during the early seventies.<sup>2</sup>

On the dissolution of the Province of West Pakistan (One Unit), the administration of the Tribal Areas became the responsibility of the Federal Government from July, 1970. The National Economic Council in June approved the 4th Five Year Plan (1970-75) which came into force from July 1970. The major objective of the plan aimed at broadening the base of development in the country and reduction in inter and intra-regional disparities in per capita income for the establishment of a just society.<sup>3</sup> However, the plan could not be implemented and had to be abandoned due to 1971 crisis. After 1971, it was considered practical to employ only Annual Development Programmes as instrument of economic planning. By June 1977, five Annual Development Programmes had been issued by the Planning and Development Division, Islamabad, with specifically stated objectives. One of the important objectives of each plan was to reduce regional disparities.<sup>4</sup>

It was during 1970s, that effective planned development took some shape in the Tribal Areas. Besides several concessions announced from time to time, the establishment of FATA-Development Corporation in 1970, was one of the major steps taken to accelerate

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<sup>1</sup> Mian Tayyab Hassan, Planning and Administration of Tribal Development Programmes, CIRDAP Study Series (52), P. 35.

<sup>2</sup> Ibid, P.35.

<sup>3</sup> Pakistan, An Official Handbook, 1978-82, Islamabad, P. 50.

<sup>4</sup> Pakistan Yearbook, Islamabad, 1974, PP. 156-57.

the pace of socio-economic development of the region.<sup>1</sup> Further, the role and responsibilities of other public departments for the development of infrastructure, social and productive sectors were specified and enhanced. The development expenditure for the Tribal Areas went up to an average of Rs. 114.41 million per annum during the period between 1971-78. This not only represented a tenfold increase in financial terms but also meant considerable physical achievements. For the purpose of comparison, the growth of development expenditure in FATA from 1947 to 1989 is summarized in the tables on the following pages.

It was after 1970, that the Tribal Areas, began to be considered as within the pale of social and economic development. It was during this period that a new tribal policy was launched by the Government, the highlights of which were the reactivation of Razmak camp in South Waziristan Agency, the shifting of the Mohmand Agency headquarters from Ekka-Ghund to Ghallanai in the Agency, and the creation of the new Orakzai and Bajawar Agencies in 1973.<sup>2</sup> New schools, colleges and hospitals were established in response to the local demands. Despite financial constraints, liberal allocations were made and there had been substantial and steady increase each year in the funds provided for the development schemes in the Tribal Areas.

The special administrative system devised for the Tribal Areas by the British Government for purely political and security reasons, has now changed into development administration. The approach of the administration at the Agency level is not seen as law and order administration but as an administration, working for the social and economic uplift of the Tribal Areas in order to bring these areas at par with the developed regions of the country.

The total allocation for the Annual Development Programme of FATA during 1970-71 was only Rs. 8.043 million which was raised to

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<sup>1</sup> FATA Development Corporation (FATA-DC) Regulation-II of 1970.

<sup>2</sup> Ahmed , The Tribal Areas, P.7.

TABLE-4

## ALLOCATION OF DEVELOPMENT EXPENDITURE FATA 1947-88

Plan	Period	Allocation Rs. in Million	Average Per Annum
Pre-Plan Period	1947-55	Nil	Nil
First Five Year plan	1955-60	100 .00	Remained un-utilized
Second Five Year Plan	1960-65	59.50	11.90
Third Five Year Plan	1965-70	60.30	12.06
Annual Development Plans	1971-78	915.29	114.41
Fifth Five Year Plan	1978-83	1628.00	325.60
Sixth Five Year Plan	1983-88	3249.00	649.80

## Sources:

- (i) Data Collected from Five Year Plans and Economic Surveys of Pakistan at Planning Commission, Government of Pakistan, Islamabad.
- (ii) FATA-DC Year-Wise Annual Development Programmes Allocation 1971-88.

TABLE 5

## SECTORWISE BREAKUP OF DEVELOPMENT FUNDS FATA, 1975-83

(Rs. in Millions)

Sector/Year	1974-75	1976-76	1978-77	1977-78	1979-79	1980-81	1981-82	1982-83	1983-84	1984-85	1985-86	1986-87	1987-88	1988-89	Total
<b>Agri</b>	6,260	18,308	17,161	12,451	21,104	20,000	14,877	22,800	32,700	41,306	41,700	46,063	44,534	23,841	388,167
<b>Power</b>	13,473	11,246	16,084	23,487	23,608	26,700	23,080	46,800	67,000	66,007	66,700	76,596	92,408	102,397	673,612
<b>Communal</b>	59,401	61,176	73,636	55,102	63,174	72,100	65,130	124,000	126,000	160,000	163,400	212,882	238,000	186,470	1,715,481
<b>Health</b>	13,350	10,352	13,785	13,853	24,238	23,000	19,671	26,100	26,000	33,425	38,600	63,200	63,200	18,166	456,437
<b>Education</b>	34,731	22,731	30,743	44,840	56,411	46,000	43,817	71,300	86,700	101,462	106,300	147,989	153,726	142,511	1,193,176
<b>PP &amp; H</b>	17,184	23,161	28,122	21,666	26,360	26,788	28,956	68,016	52,374	66,864	69,611	106,764	104,910	122,634	779,774
<b>Industry</b>	16,561	23,354	21,950	21,622	11,874	9,333	1,040	3,275	7,860	4,487	0,843	0,820	1,084	4,576	143,083
<b>Rural Dev.</b>	7,012	9,000	.	.	6,000	.	10,047	16,000	16,000	18,400	16,000	16,000	16,000	9,042	163,601
<b>P &amp; D</b>	.	.	.	.	.	.	.	.	0,200	0,400	24,826	22,082	22,311	.	69,819
<b>Water</b>	39,706	31,674	23,992	17,831	37,712	60,553	76,700	74,160	86,958	69,340	103,487	121,582	123,428	74,666	1,031,647
<b>Forest</b>	.	.	.	.	.	.	.	.	.	.	.	.	.	16,186	16,186
<b>Miscellaneous</b>	1,764	2,800	2,317	2,053	6,280	1,039	1,640	2,060	7,700	4,308	6,362	11,996	7,814	12,784	71,438
<b>Total</b>	208,472	214,338	227,660	212,816	273,872	284,524	283,768	443,600	496,852	677,000	626,828	813,064	867,517	773,712	6,688,333

Source:..

1) Planning Commission, Government of Pakistan, Islamabad.

2) FATA Development Corporation, NWFP Peshawar.

3) FATA Development Section, States and Frontier Regions Division, Islamabad.

TABLE-6

## PUBLIC SECTOR DEVELOPMENT EXPENDITURE SHARE OF PROVINCES AND FATA 1972-86

	Rs. in M												
	1972-73	1973-74	1974-75	1975-76	1976-77	1977-78	1978-79	1979-80	1980-81	1981-82	1982-83	1983-84	1984-85
Provinces/ FATA													
Punjab	1014	1416	1508	2068	1180	1366	2187	1724	2403	3100	3193	3690	3609
% of total <sup>(i)</sup>	(22.7)	(21.7)	(14)	(15.2)	(13.4)	(11.5)	(10.6)	(7.9)	(8.2)	(10.8)	(11.3)	(12.3)	(11.4)
Sind	490	716	801	802	972	824	851	780	1078	1230	1302	1447	1533
% of total <sup>(i)</sup>	(11.1)	(11)	(7.6)	(5.9)	(6)	(4.8)	(4.6)	(3.6)	(4.1)	(4.3)	(4.6)	(5)	(4.6)
Baluchistan % of total <sup>(i)</sup>	141	301	362	310	313	273	260	292	376	480	541	659	713
	(3.2)	(4.6)	(3.4)	(2.3)	(1.8)	(1.8)	(1.3)	(1.3)	(1.4)	(1.7)	(1.8)	(2.3)	(2.1)
NWFP	213	353	638	569	718	655	641	618	380	880	1089	1177	1245
% of total <sup>(i)</sup>	(4.8)	(5.2)	(6.1)	(4.2)	(4.4)	(3.8)	(3.1)	(2.8)	(3.1)	(3.5)	(3.8)	(4)	(3.7)
FATA	23,848	78,307	210,474	238,788	246,500	230,000	279,000	261,778	293,524	376,862	438,700	6,00,200	577,000
% of total <sup>(i)</sup>	(55.5)	(11.2)	(2)	(1.8)	(1.6)	(11.2)	(1.4)	(11.2)	(11.1)	(1.3)	(1.5)	(1.7)	(1.7)

Sources:

- (i) Planning Commission, Government of Pakistan, Islamabad.
- (ii) Planning Cell, Ministry of Finance, Government of Pakistan, Islamabad.
- (iii) Budget Section, Ministry of State and Finance, Islamabad.

TABLE-7

## AGENCY-WISE ALLOCATION OF DEVELOPMENT FUNDS DATA 1975-86

Agency/F.R.	1974-75	1975-76	1976-77	1977-78	1978-79	1979-80	1980-81	1981-82	1982-83	1983-84	1984-85
<b>Bejwar</b>	22.559	29.676	23.767	26.318	42.623	40.323	40.418	47.117	39.028	30.523	50.534
Mohmand	13.934	15.878	16.112	16.706	28.886	27.278	18.582	30.227	30.493	41.800	45.048
Khyber	42.757	26.779	44.681	31.882	27.715	26.965	16.104	28.115	34.854	36.339	42.950
Orakzai	12.749	14.026	17.360	17.062	24.265	21.787	27.830	38.789	40.216	35.855	46.130
Kurram	27.252	26.684	14.355	20.383	34.424	37.030	43.305	60.584	72.493	66.030	71.956
N. Waziristan	33.818	36.857	31.793	22.554	21.251	28.476	29.427	37.864	49.005	62.437	69.719
S. Waziristan	17.371	24.824	14.275	26.534	20.712	28.166	35.322	51.630	43.117	63.885	84.161
F.R. Peshawar	0.685	2.434	1.195	3.316	5.859	4.555	2.940	11.111	19.626	8.752	13.114
F.R. Kohat	3.545	2.769	3.979	4.195	4.237	7.319	6.745	12.072	15.804	21.882	31.293
F.R. Bannu	5.579	5.249	5.211	13.784	12.523	5.526	6.538	9.448	14.254	22.149	33.832
F.R. D.I.Khan	3.047	7.028	4.267	7.652	2.678	3.634	3.661	6.113	12.398	30.806	32.019
Sub-Total	183.396	191.412	177.086	180.485	232.193	231.070	232.881	325.070	371.238	427.484	510.256
Common Schemes	25.580	48.374	38.816	39.515	46.807	47.628	60.643	50.792	72.352	67.523	67.244
<b>Grand Total</b>	208.976	239.786	215.901	230.000	279.000	278.698	293.524	375.862	443.590	490.007	577.000
Utilization	208.876	237.880	204.629	215.592	265.035	327.968	286.499	364.478	429.564	466.881	555.651
% Utilization	100.00	94.89	94.87	93.73	94.89	117.67	97.60	96.97	96.86	95.28	96.30

Sources:

1) Planning Cell, Ministry of Finance, Government of Pakistan, Islamabad.

1) Budget Section, Ministry of States and Frontier Regions, Government of Pakistan, Islamabad.

TABLE-8

## YEAR/SECTOR-WISE ADF ALLOCATION MOHMAND AGENCY 1971-88

Year/ Sector	Agri.	Power	Communi- cation	Health	Educa- tion	PP&H	Industry	Rural Dev.	P&D	Water:	Mineral	Total
1971-72	-	-	-	-	-	-	-	-	-	-	-	0.000
1972-73	-	-	-	-	-	-	-	-	-	-	-	0.000
1973-74	-	-	-	-	-	-	-	-	-	8.000	-	8.000
1974-75	0.207	1.000	-	0.230	1.350	6.051	-	-	-	-	-	8.468
1975-76	0.532	1.786	-	0.221	0.801	6.516	6.700	-	-	-	-	16.645
1976-77	0.236	1.600	7.715	0.679	0.819	3.559	1.595	-	-	-	-	16.102
1977-78	0.493	1.600	7.904	1.677	3.636	2.104	1.551	-	-	-	-	18.765
1978-79	0.665	3.298	11.529	2.119	3.169	2.278	-	0.666	-	-	-	23.732
1979-80	1.152	4.695	11.287	2.182	5.629	1.994	-	-	-	-	-	26.838
1980-81	0.813	3.633	6.200	0.729	5.463	1.844	-	-	-	-	-	18.582
1981-82	1.200	3.495	10.562	2.432	4.868	2.184	-	1.315	-	4.100	-	30.247
1982-83	0.800	6.000	8.302	1.032	3.774	7.104	-	1.420	-	3.034	-	30.666
1983-84	2.663	9.340	10.975	2.960	7.369	4.605	-	1.763	-	1.396	-	41.010
1984-85	2.369	7.529	16.265	3.139	8.091	3.963	-	1.492	-	3.000	-	45.745
1985-86	1.690	3.600	14.280	3.982	12.399	7.176	-	1.198	3.110	4.000	0.100	51.435
1986-87	2.652	6.600	20.599	6.000	13.561	11.652	-	1.198	3.110	2.896	-	66.986
1987-88	3.709	6.405	19.034	6.000	16.331	9.847	-	1.272	3.109	3.492	0.530	67.728
1988-89	2.984	7.700	13.165	4.001	9.470	8.474	-	0.706	-	2.348	0.308	50.057
<b>Total</b>	<b>22.064</b>	<b>67.380</b>	<b>166.817</b>	<b>36.322</b>	<b>96.620</b>	<b>78.411</b>	<b>9.646</b>	<b>11.020</b>	<b>9.329</b>	<b>32.665</b>	<b>0.938</b>	<b>520.512</b>

Sources:-

(i) FATA Development Corporation, NWFP, Peshawar.

(ii) FATA Annual Development Programmes, Planning and Development Department, Government of NWFP, Peshawar.

Rs. 210.474 million in 1974-75 and to Rs. 577.00 million in 1984-85.<sup>1</sup> The quantum of funds provided for the development of FATA was increased to Rs. 773.712 million in 1988-89.<sup>2</sup> The provision of funds for the development, in part, reflects the relative backwardness of the Tribal Areas.

The increase in non development expenditure during 1974-75, was due to the inclusion of more departments and establishment of Tribal Cells, such as Planning & Development Cell, Home & Tribal Affairs Cell, Governor's Inspection Team and Directorate of Education FATA etc. To supplement the development outlays and to initiate a visible change in the life style of the tribesmen, a Special Development Programme was prepared with an allocation of Rs. 4.2 billion in the 5th Five Year Plan 1978-83 and Rs. 3 billion in the 6th Five Year Plan.<sup>3</sup>

The investment of funds in various sectors has made for better social life, improved the facilities of health and education and has brought a wide range of new economic opportunities for the average tribesman. A sector-wise review of socio-economic development in the Tribal Areas with special reference to Mohmand Agency is given in the following chapters.

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<sup>1</sup> Planning Commission, Islamabad, Break-up of Funds provided for the development of FATA 1970-86.

<sup>2</sup> Todate Investment in FATA, P. 5.

<sup>3</sup> Planning Commission, Islamabad, The 6th Five Year Plan 1983-88, P.212.