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The Newly Established Judicial System in Tribal Districts of Khyber Pakhtunkhwa, Pakistan: An Appraisal

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Abstract

This study examines the judicial system in ex FATA before and merger of the area into Khyber Pakhtunkhwa province of Pakistan. The ex FATA had a unique law Frontier Crime Regulation, (FCR) under which a peculiar judicial system was functional for decades. In that set-up the judicial system was dominated by the agency administration. The Political Agent verdict would be considered final by all parties without any reservation. The common people did not have any chance to object such decisions. This study explores the post-merger judicial system in ex FATA. The system was extended by the government of Pakistan through a legislation procedure in 2018, which was the long standing demand of the people of ex FATA. Majority of people are of the view that the system has very positive impact on the people of the area. However, some of them are reluctant to praise the system, because they are not satisfied with it. The opponents of the new are of the view that in the old system the Jirga's was far better than the new judicial system. To them procedure through the Jirga was speedy in nature and involved lesser expenses as compare to this new set-up.

Key words: FCR, FATA, Judicial System, Political Agent, Jirga's

Introduction

The Federally Administered Tribal Areas (FATA) now ex-FATA is part of Khyber Pakhtunkhwa province of Pakistan; it had a unique law since 1901 and maintain the said law after the inception of Pakistan in 1947. The FATA consisted of 7 agencies (After the 25th amendment in Constitution of Pakistan 1973 it became a part of Khyber Pakhtunkhwa (KP), so they are called now districts instead of agencies) and 6 Frontier Regions. Majority of these administrative units are located on Pak-Afghan border. Owing to its strategically important location, Pakistan has been in eyes of international community. The administrative changes in the tribal areas, therefore, triggered international community's interest in the area. (Fayaz, Gul&Khattak, 2021).

The FATA was kept away from mainstream politics before and after the inception of Pakistan. In FATA and NWFP, the British brought a unique law due to the location, which was introduced in 1872 and then implemented in 1901 After the independence, the Pakistan government didn't change the said law and it remained functional for a very long time. Due to these developments, the politics and governance had been affected. Prior to 1997, only the tribal elders or Maliks had the privilege to vote, therefore, the system was not the same like in other parts of Pakistan Thus, there was no concept of direct election, and very few numbers of the community had the rights This practice was totally against the democratic norms. (Ullah& Hayat, 2017). In the same way, the justice system of ex FATA was also different from the others parts of the country. The system was operated under the FCR which concentrated powers in the hands of the Political Agents This particular .justice system remained for long time. Finally, it changed in 2018 by the government of Pakistan through a special h legislation

Successive Government Efforts for Extension of Judicial System to ex FATA

Efforts of President Asif Ali Zardar

Every elected and non-elected government attempted to improve the justice system in ex FATA, Several committees and commissions reports were issued, however, the people of ex FATA saw no actual change in the laws. Under Asif Ali Zardari presidency, the people of ex FTA observed the first practical step in its practical form. President of Pakistan Asif Ali Zardasri revised the

FCR, a century old black law FCR. Important provisions of the FCR were changed, and some were added. The primary focus was on Justice System, from which ex FATA people were barred for an extended period of time. The collective punishment would no longer apply on women, children, and above 65 years of age people (Dawn, 2011, August 12).

The immediate male family members will be the first to go, followed by the sub-tribe, and eventually the rest of the tribe members. Cases would now be addressed in a fix length of time, and restrictions have been put in place on the arbitrary authority to arrest under the infamous Section 40A of the FCR. The reforms call for the formation of a FATA Tribunal consisting of a chairman and two other members, one of whom will be a former civil servant with at least BPS 20 and prior experience in tribal administration, and the other will be an eligible candidate for appointment as a High Court judge who is familiar with Rewaj (traditions). According to Article 199 of the Constitution, the FATA Tribunal has the same authority as the High Court to exercise review discretion against orders and judgments of the Appellate Authority. (Business Recorder, 2011, August 13). The law has been revised to include Section 58A, which authorizes the Political Agent, Appellate Authority, and FATA Tribunal to inspect jails. Regulations pertaining to the Agency Welfare Fund would be also created. (Dawn, 2011, August 17).

Controversial *Riwaj Act*, 2017

In 2015, the government of Pakistan formed a reforms committee, which presented its finding in 2016, the committee recommended the *Riwaj Act* in its final report. In 2017, Safron Minister Abdul Qadir Balouch introduced the act in National Assembly in order to provide Justice System to former FATA accordance with its culture and customs, (Zeb & Nawab, 2023). The report suggested that the merger would be completed in five years. In this regard the FCR would be repealed by *Riwaj Act*. (Khan, &Khan, 2022). The main theme of the *Riwaj Act* was to separate the Judiciary and executive from each other's. (Ali, Ali, & Khadija, 2023). After introduction the bill referred to the Safron Standing Committee. The discussion took place on *Riwaj act* but did not reach to final decision whether to consider it or not. The coalition government partner and the opposition both criticized the federal government proposal. The members spoke out about the intentions of the federal government. The government approved reforms in cabinet

meeting in March 2017. Then, why is the administration using delaying tactics? Members argued that they should alter article 247 rather than this measure. The JUI (F) opposed the government's plan and urged a referendum on ex-FATA. While the Safron Minister indicated that the Riwayat Act is the most effective alternative for justice, peace, and good government. (waseem, 2017).

Later, in September 2017, the Senate of Pakistan summoned Safron Minister Qadir Baloch. He was attempting to convince senators that such move of the federal government action was exclusively for the sake of peace, justice, economy and for prosperity of the people. However, practically law makers in National Assembly as well as senators, opposed the Riwayat Act. Therefore, the federal government decided to remove the Riwayat Act. The senators grilled the minister over the decisions of "Jurisdiction of Islamabad High Court to former FATA" and over the decisions of "The Chief Operating Officer" who would oversee all the whole reforms process. The Chief Operating Officer would report to governor of KP. (Haq, 2017).

The Standing Committee of Safron was headed by Maulana Jamaluddin. After approximately eight months the committee decided to send back (Riwayat Act) to Law Ministry. The all members of the committee opposed the act. The chairman of the committee head, Maulana Jamaluddin was of the view that this is another sort of FCR. Hence, we all members rejected the proposed (Riwayat) Law. Another member believed that the government wanted to throw the people of ex FATA once again into marshland. (Mehsud, 2018, March 31). Apart from the opposition of the Senators and National Assembly lawmakers, the people of former FATA also opposed the federal government proposal. They staged a protest and informed the government that the law of Riwayat Act is completely against the Human Rights, hence, we reject it. They asked Political Parties to address the issue with responsible people. (The Nation, 2017, March 6).

Supreme Court and High Court Jurisdiction Bill to FATA 2018

Mahmood Bashir Virk, the Law Minister, introduced the most anticipated bill. The bill was moved in the view of five years transition plan for FATA merger into KP. This Act may be called "Supreme Court and High Court (Extension of Jurisdiction to Federally Administered Tribal Areas) Act, 2018". (National Assembly, 2018). The bill's statement and objections were that it aimed to bring the inhabitants of erstwhile FATA into mainstream law. Moreover, to give

the protection according to their wishes which had been the demand of erstwhile FATA people since long. Justice should be administered in accordance with Pakistan's Constitution. (Jabri, 2018, January 12). The Islamabad High Court was originally presented in the bill after it was approved by the government on September 15, 2017. Later, it was renamed to Peshawar Higher Court at the request of former FATA MNAs. They argued that it would be impossible for ex-FATA members to go to Islamabad for hearings. As a result, the Standing Committee on Law and Justice renamed it the Peshawar High Court rather than the Islam Abad High Court. (The Nation, 2018, May 29).

The bill received widespread support from both the ruling party and the opposition; only the JUI (F) opposed it, criticizing the federal government for a variety of reasons. First, they noted that the item was not on the session's agenda. Later, it was put on the supplemental agenda. They also argued that the government did not take us on the same page and that the National Assembly's Quorum was not full, despite the fact that the Quorum was full. Khurshid Shah, the opposition leader, praised the government's efforts and urged it to present the merger bill as soon as feasible. The JI member also expressed their opinion that such legislation should have been approved sooner. He said that JI had told the government that if the merger law was not passed, we would organize a sit-in in front of parliament. (Anes, 2018, January 13). The SAFRON minister thanked both opposition and government members for their support. He stated that the long-awaited desire of former FATA people has been met. In addition, we would soon resolve all problems related to ex FATA and would merge ex FATA into KP. (Such TV, & Gurmani, 2018). Alhaj Shahji Gul Afridi, Shahbuddin, and Sahibzada Tariqullah, representatives of the former FATA, congratulated the people of FATA and thanked the members of the National Assembly for their support of this law. They also praised all political parties for their ongoing support for reforms in the erstwhile FATA. (Business Recorder, 2018, January 13).

After passing through the National Assembly, the bill was sent to the Senate of Pakistan on January 16, 2018. On January 23, 2018, the Senate of Pakistan referred the bill to "the Committee of the Whole". The bill was examined by a Senate committee on January 25, 2018. The bill's final report was examined on April 13, 2018. The committee members urged that, in addition to the law, further reforms be implemented. All lawmakers offered constructive ideas

for the proposed measure. (Senate of Pakistan, 2018). Senator Sherry Rehman (Leader of the Opposition) presented the Committee of the Whole Report in the Senate of Pakistan. On April 13, 2018, following the presentation of the report, the SAFRON minister delivered the bill on behalf of the Law Minister. The bill was debated on a second reading. After reading, Pakistan's Senate passed the bill. (Session Journal, 2018). In Pakistan's Senate, JUI (F) Senator Maulana Atta-ur-Rehman opposed the bill, refusing to vote and leaving the session. Senators from both sides of the political spectrum praised the government's efforts. Senator Mushahid Hussain conveyed his opinions, and the nation's founder, Muhammad Ali Jinnah, pledged fundamental rights to tribal people. As a result, the present administration has honored Muhammad Ali Jinnah's commitment. (Arab News, 2018, April 13). Following this legislation, former FATA people were permitted to submit their cases in court rather than through FCR. (Khan, Tariq, and Ilyas, 2023). President Mamnoon Hussain signed the bill on April 17, 2018, and it became law. The law was published in the Pakistan Gazette on April 25, 2018, for general information. (National Assembly, n.d).

Research Methodology

This is a qualitative study, and the researcher analyzed the acquired data using a theme method. The researcher gathered data from both primary and secondary sources. The researcher conducted interviews to obtain firsthand information, whereas for secondary data, the researcher used books, research papers, magazines, newspapers, online websites, National Assembly websites, Provincial Assembly websites, Supreme Court websites, and Peshawar High Court websites. The researcher also approached the Pakistan Study Center Library at the University of Peshawar, as well as the Peshawar Archive Library. This study used a theme method, in which the researcher conducted interviews with the targeted population, which included academics, journalists, lawyers, women, youth, and political workers.

The Newly Established Judicial System

Long Standing Demand

All respondents held the same opinions about the tribal district's judicial system. Dr. Manzoor Khan Afridi stated that this was a long-standing demand of the people of the merged region. People two decades ago believed that the legal system in tribal regions was practically equivalent to that of the rest of the country; therefore they did not oppose the existing system. Advocate Salahuddin further stated that by the time people used to visit the other parts of the country and they observed separate judicial system in these parts of the country. Hence from such observation, people started demand of the same justice system in merged districts. This demand grew over the past two decades, especially as young people sought education in different regions of the country. They understood that the system should have been introduced in tribal regions as well. The government of Pakistan fulfilled this long-standing desire in 2018 through legislation. People in the erstwhile FATA now have access to the same legal system. This legal system had positive as well as negative impacts on tribal communities in several ways.

End of Collective Responsibility

The majority of respondents said that the most significant consequence of judicial reform was the elimination of collective responsibility, which was the hardest part of FCR 1901. For a long period, this section hunted people by all means. With the expansion of the legal system, citizens are now able to submit their cases in courts. One could only assume from the newly merged districts how long the section of communal responsibility deprived the people of their essential rights for a century. According to the clause on collective responsibility, if one person commits a crime, the administration has the authority to arrest everyone in the crime area. The government apprehended persons from the criminal area, regardless of gender or age. The administration had the authority to punish all apprehended individuals without a trial. Typically, these arrested persons are held in jail for months or years without the opportunity to trial. Furthermore, tribal jails lacked enough facilities. They had encountered several issues, the most obvious of which was that they were overloaded. Now, with the development of the court

system, only a certain person is expected to arrest and punish him in accordance with the law.

Perception of *Kangroo Courts*

The majority of respondents stated that the NMD judicial system prior to changes functioned similarly to "*Kangroo Courts*". Such "*Kangroo Courts*" were controlled by agency administration and functioned in the form of a *Jirga* under the supervision of political administration. This system had its own method that was not based on universal laws, and we (the people of NMDs) did not care to speak out against such a court system in the past. However, the public eventually understood that the court system did not operate in accordance with international legal principles. The only reason the people were trapped with such a system was due to the influence of *Rewaj* in the tribal areas. If a *Rewaj* basis *Jirga* made incorrect judgments, the people generally accepted them and had no right to oppose them. The system was mostly influenced by the Political Agent and *Maliks* in the area of concern. To put it simply, the *Kangroo Courts* continued to victimize both the poor and the less powerful. Following the expansion of the legal system in 2018, these "*Kangroo Courts*" were no longer visible, and the same justice system brought many beneficial improvements to the region.

Shariah Laws

The majority of respondents indicated that *Jirga's* in merged districts resolved disputes based on *Rewaj* and *Shariah*. The people had a deep belief in Islamic law. In this manner, they generally addressed their different concerns through *Jirga's* based on Islamic Law (*Shariah*). This technique was employed prior to merger and even after the expansion of the judiciary to tribal regions. Progressive's people claimed that certain members of the *Jirga* had violated human rights. This method regularly violated human rights in terms of free trial, freedom to appeal, and the disappearance of women during these *Jirga's*. They believed that the members were often local *Ulema* who were well-versed in Islamic law. As a result, certain members of society realized that this was the most equitable judicial system. There were multiple instances of *Jirga* members to stone the accused, such as in the case of blasphemy; they demolished their homes through *Lakhkar* (gathering) in response to the *Jirga's* ruling. However, with the expansion of the court, the system (*Shariah*) of justice has become invisible or less visible in the newly merged

districts. Some respondents stated that the system was the best in many ways, including providing prompt justice without wasting time or money, and, most importantly, on the basis of Islamic laws. However, some progressives believed that they deprived many people of their right to a free trial and appeal, and that they punished them without a solid reason or trial. Some people were reluctant to either applaud or condemn the aforementioned system. However, as the court system expanded, the notion of *Shariah* became invisible. However, some people continue to use this form of justice; however, the people now have an option: if they disagree with the Jirga's judgment based on *Shariah*, they can approach the judiciary for justice.

Opportunity of Free Trial

A number of respondents expressed their opinions on the status of the court system in recently merged districts, with one of them, Hayat Khan, stating that the merger gave us hope of genuine justice. Despite the government failed to deliver such services as promised during reforms. However, the people deemed the court system sufficient since it provided us with the option for a free trial, which remained the people's primary desire. Prior to changes, under the FCR and even the FIGR legislation, they were not permitted to express their views in front of the authorities that judged our issues, whether by *Jirga*, *Shariah*, or without a Jirga. These stakeholders regularly resolved matters without following a fair procedure. As a result, the accused person did not have the opportunity to present an appeal before them. The matters were decided using their own interpretation of the law and the co-called *Rewaj* of tribal people. Many cases were not expected to be solved, according to the *Rewaj*. They need particular common law and correct procedures. Another respondent stated that prior to the court system; impoverished people did not receive justice because strong individuals consistently impacted rulings. For example, consider a conflict between two parties. The Jirga traditionally favored those who had power over the members of the Jirga. In that context, the impoverished or less powerful individuals did not receive enough justice. With the extension of the new legal system, they are now treated equally. Everyone has the right to free trial. He stated that I know many impoverished individuals who have received justice under the new legal system since they have the option of a free trial. That is why the legal system benefits the citizens of newly merged districts in this regard.

Women and the New Justice System

Women respondents said that the former legislation in NMDs disproportionately harmed women. Furthermore, due to the existing culture in the merged districts, they were dealing with concerns of justice, among others. For example, they were consistently exposed to one-sided judgments made by tribe elders. Women did not have the right to defend themselves in such situations. Furthermore, honor killing was a major concern. Because of the lack of a legal structure, they were constantly victims of honor killings. Those who committed these atrocities were always present in their own communities and did not suffer any punishment. Women's exchanges (Sawara System) have historically resolved tribal conflicts. As a result, women were frequently victims in these types of disputes. The new legal system has several positive effects on their (women's) lives. Now they might readily approach the courts. Hundreds of women became victims of these rituals. However, they did not speak out against this form of injustice. Women and men are now approaching the concerned courts in full force in search of justice. FGD women participants noted that, despite the expansion of the court system, certain women continue to face challenges. For example, because to tribal custom, they are not permitted to file cases in courts. They often remain uneducated, thus they are still barred from approaching the courts for justice. Women activists periodically advocate for women in this area. They are attempting to teach them; by the time this issue is resolved, but it requires some significant homework. Tahir Khan examined the fact that women are increasingly filing lawsuits for their *Khula* (Divorce), and that numerous women have completed their *Nikkah* through the courts. Property issues have also been resolved to some extent in the area. The extension of the court system has the greatest favorable impact on women from merging districts.

Access to Justice for All

A responder stated that in the past, access to justice in newly merged districts felt like a pipe dream. People never believed they'd have free access to a fair judicial system. The people in the rest of the country were enjoying a seamless legal system, but the people in the tribal areas were distant from it. Everyone now has the same chance; women, elderly people, the impoverished, and children may seek justice in the courts. Bilal Afridi claimed that despite several obstacles in

this new legal system, people of all religions, castes, and poor people have equal access to courts. People did not previously enjoy such facilities; only those with sufficient wealth had access to them. Women, children, the poor, and laypeople were always excluded from such a system; even if they were given the opportunity to access the then-prevailing judicial system, they would be denied justice owing to a lack of influence over administration.

Opportunities for Legal Practices

Lawyer respondents said that the new court system in NMDs created several chances for the legal profession. Prior to the merger, they lawfully practiced in Peshawar or its surrounding regions. As a result, they had several issues, such as a lack of cases due to public unfamiliarity with them. As a result, they had financial difficulties; nonetheless, by the time they established a FATA Lawyer Forum, the focus was on the reforms. Now that NMDs are familiar with the population, they are receiving a large number of cases. Advocate Slahuddin noted that with the extension of the judiciary, lots of lawyers migrated from settled districts to merged districts, where they now have no financial concerns and, more significantly, are respected in their respective districts. Students from recently merged districts were previously hesitant to pursue legal degrees; but, due to the new judicial system in each of their districts, they are now showing a strong interest in such degrees. Educational institutions in the former FATA also started to teach law in order to provide legal degrees to students at their doorsteps. Overall, after the merger, the relevance of a law degree has grown, which has a favorable influence on the ex-FATA. Furthermore, economic conditions for the legal fraternity in tribal regions have improved.

***Wakeel* (Lawyers) and *Daleel* (Arguments) in the New System**

Advocate Sallahuddin remarked that the *Wakeel* (lawyers) and *Daleel* (arguments) altered the general situation in the merged districts. Previously, *Wakeel* and *Daleel* were invisible in merged districts. The majority of individuals were unaware of the concepts of *Wakeel* and *Daleel*, and just a few educated people were familiar with these two terms. However, throughout the reforms movement, the lawyer's forum educated the public on the significance of *Wakeel* and *Daleel*. As a result, people have asked for this right for the past 10 years. The majority of

respondents believe that *Wakeel* and *Daleel* brought the people inside the scope of the law. Before the merger, there was no fear of the rule of law among the people. They now oblige people to stay away from any form of crime or face the repercussions under the newly extended law. People from NMDs were not afraid to conduct crimes before the merger. They understood that after committing crimes, they would exploit the administrative resources for themselves. As a result, they were willing to commit any crime. They now have the rights of *Wakeel* and *Daleel*, which has transformed the general situation in tribal regions, and people are now unwilling to commit crimes. FGD acknowledged that, like the people, government officials are subject to the law; so, because of the *Wakeel* and *Daleel* possibilities, they are attempting to avoid corruption and other illegal behaviors; otherwise, they would face the repercussions. Before the merger, they would commit corruption and other irregularities inside their respective departments without fear of the law.

Delay in Disposal of Cases

According to the respondents, the issue of time consumption in Pakistan's court system has yet to be resolved. Thousands of cases are pending in Pakistan's judiciary, including the Supreme Court, the High Courts, and even lesser courts. Many respondents acknowledged that the problem had not been resolved owing to a shortage of staff and offices. The government must address this issue in order to create an environment favorable to speedy justice. The tribal people are currently confronting the same issue. This problem is especially contentious in merged districts due to the expanded extension of the judicial system. There are several issues, such as a lack of human resources, a shortage of judges, and an issue with office buildings. These difficulties frustrated the citizens, and many believed that cases from 2019 were still waiting in the courts. People anticipated the system in NMDs to function well and to resolve issues within the time frame specified. Tahir Khan raised another issue: the government should establish additional courts. Our district, for example, has just three courts despite the fact that it is divided into seven tehsils. As a result, many individuals are having difficulty traveling between tehsils. He also emphasized that the government should recruit qualified personnel and addresses the issue of infrastructure for a swift judicial system. People in merged districts, on the other hand,

generally welcome the legal system. They hope for a sound and fast judicial system in the future.

Control on Crimes

Respondents noticed that the crime rate was highest in tribal districts prior to the expansion of the legal system. Due to the lack of a court system, nobody has recorded these offenses, and no precise records exist. People used to commit crimes without fear. They recognized that there was no rule of law in practice. As a result, they did criminal acts. Prior to the development, they simply safeguarded themselves from their particular enemies, not government institutions. Furthermore, they are now told if they have committed a crime. Then they would face the repercussions in terms of spending money and the court procedure, therefore they now avoid similar crimes. The criminal laws have also been expanded; if they do something illegal, they will face penalty under these laws. As a result, the crime rate has been reduced, which has a good influence on society as a whole. The practice of "*Baramta*" (It is a procedure in ex-FATA when a person is seized for another person's activity in order to pay off debts, resolve disputes) has been reduced. People in the ex-FATA were frequently arrested if they were involved in any crime. For example, suppose a person from Mohmand commits a crime in Bajuar district. Then the people of Bajuar arrested the inhabitants of that community for the crime. This practice existed for a long period in the ex-FATA. As a result of the extension of the judiciary, people are staying away from it owing to the current rules. Furthermore, target killings and kidnappings have been reduced to some extent in the tribal areas.

From Safe Heavens of Outlaws to the Soil of Legal rule

Tahir Khan argued that the rule of law was absent in tribal regions due to the previous FCR, 1901 statute. It had a negative influence on the overall situation in merged districts, notably the law and order situation. Nonetheless, many people benefited from the current circumstances. For example, outsiders who committed crimes in settle districts relocated to tribal areas to evade legal consequences. They considered districts as a safe haven. Rule of law was absent in tribal regions, and settler forces lacked a framework for pursuing the accused in tribal districts. These people, as well as those who provided them with refuge, remained fearless. They utilized these

people to for their own benefit. These people had a significant detrimental influence on tribal life since they were involved in crimes both in their own places and after spending time there. The expansion of the court system eliminated this extremely harmful practice from tribal society. Outsiders no longer perceive newly merged districts to be secure havens. Now, these districts follow the same laws as settled districts.

An End to Exhibition of Weapons

The respondents stated that prior to the legal system, the merged districts witnessed the Kalashnikov culture, in which people displayed weapons on the eve of marriage and in other occasions, including *Jirga's*. The younger generation inherited this tradition from their forefathers; people who lacked such weapons were considered weak and less strong in the region. As a result, every citizen used to display guns on such occasions. The FGD group discussion expanded on the worst aspect of the society, which was that the children were often carrying weapons. Mostly, they pushed the children to do crimes. Due to this culture, most children avoided school. Following the development of the judicial system, such culture has been invisible in merged districts. Because many were afraid of legal procedures in this regard. They now do not carry their guns on the aforementioned occasions. This modification has a favorable influence on society, and the crime rate has been lowered as a result of this extension. In merged districts, individuals must get their respective weapons licenses from the relevant department, which is a hazy, time-consuming, and costly procedure. People are now having difficulty keeping weapons owing to the aforementioned procedure.

Conflicts between Tribes

Respondents indicated that personal animosities existed amongst persons in merged districts. This was considered culture, even if it reflected negatively on society, and they maintained it for a long time. Tribalism was everywhere, and people were pleased to be members of NMD tribes. Mostly in tribal regions, hatred had arisen over territory between two tribes. One tribe had fought with another tribe for the land. They killed each other in large numbers over time; they had no fear of the rule of law. They were not concerned about the law and order situation. Bilal Afridi, a resident of the tribal district, stated that the spread of courts to tribal areas has rendered tribalism

culture invisible over time. Because they couldn't afford the judicial procedure and knew it was a waste of both time and money. Before this, people had no fear of the aforementioned things because there were *Maliks* in every tribe who could easily defend themselves, either through *Jirga's* or with the assistance of political administration. The majority of the fighting arose over territory boundaries between two tribes or even two agencies. For example, the Bajaur and Mohmand districts are still at dispute over the boundary line. Similarly, the districts of Charsadda and Mohmand have a border issue. Such practices have been curbed to some extent in the merged areas as the legal system has expanded.

Missing Persons

Abduction issues are common in tribal region. Furthermore, security agencies are used to pick up people and hold them in custody without due process of law. The missing individuals did not have the right to a trial. They didn't even have the right to question political administration. Hundreds of people from the tribe did not return home after being abducted. They had no way to speak out against the issue of kidnapping. They just had a single way to contact the political administration, and they did not make it easy for them. Manzoor Pashtoon, the head of the PTM, indicated on several occasions that the governments did not reflect the exact numbers of those who messed up. Furthermore, they did not bring the missing people into the legal procedure. The ex-FATA people have long been the victims of such practices. However, Abid Afridi, a political activist, noted that before to the merger, when citizens attempted to file lawsuits in Peshawar Courts, the courts refused to hear their cases because to the FCR. They now have the ability to file lawsuits in court. However, the people did not receive justice in this aspect. Anybody might submit their lawsuits in any court. This expansion has streamlined the issue of abduction, which has a good influence on individuals.

Conclusion

The people of newly merged districts of ex-FATA finally had the justice system which was enforced in other parts of Pakistan. They had been deprived of the regular justice system for decades. During these decades, the area was governed by a peculiar judicial system. The President of Pakistan Asif Ali Zardari managed to take step in view of high demand from the people of ex FATA. Additionally, in 2018 the PML(N) government passed a bill for the expansion of judicial system to ex FATA. The people of tribal areas experienced the system for the first time. The change in judicial system resulted in mix reaction from the people. Although majority of them supported the change, but some of the people expressed their reservations. The latter group of people termed the new system as expensive and the one involving inordinate delay in the disposal of cases. The judicial system is new to the area. We have to wait and assess its functioning. The government may introduce changes in the system as and when necessary. On the whole, the new judicial system is far better than the old one and is in consonance with the fundamental rights of the citizens.

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