

## PEOPLE'S PERCEPTION ABOUT THE POWERS OF POLITICAL AGENT IN FEDERALLY ADMINISTERED TRIBAL AREAS (FATA): A CASE STUDY OF MOHMAND AGENCY

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### **Abstract**

*Under a special law, Frontier Crimes Regulation (FCR), enforced in the tribal areas of Pakistan, Political Agent (PA) is administrative and judicial head of a political agency. A political agency is equal in status to a District and Political Agent is equal to a Deputy Commissioner. This paper aims to analyze the powers of Political Agent (PA) under Frontier Crimes Regulation. The Political Agent belongs to the federal or provincial bureaucracy, having judicial function of resolving the civil and criminal disputes in accordance with FCR and Pakhtunwali. Besides, the PA executes numerous powers like executive function as well as revenue collector. Thus the PA possesses unbridled powers; and such authority in the hand of one man creates chaos in the mind of the people of FATA. The idea to reduce the power of PA has strongly been supported by the respondents, demanding the extension of judicial courts as well as the jurisdiction of High Court and Supreme Court to FATA. Moreover, it has also been proposed that the power of PA ought to be transferred into the hand of the elected local government representative in FATA.*

### **Keywords**

FATA, FCR, Political Agent, *Maliks*, Elected Representative,

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## Introduction

The Federally Administered Tribal Areas (FATA) lie in latitudes  $31^{\circ}$ - $35^{\circ}$  N and longitudes of  $69^{\circ}$ - $71^{\circ}$  E. FATA spread over an area of 27220 square kilometers which is three percent of Pakistan<sup>1</sup> It consists of seven administrative districts called political agencies. They are Khyber, Kurram, South Waziristan), North Waziristan, Mohmand, Bajaur and Orakzai. Alongwiththe seven agencies, there are Frontier Regions (FRs) adjacent to the districts of Peshawar, Kohat, Bannu, Lakki Marwat, Tank and Dera Ismail Khan. Except for one Orakzai Agency, all the remaining six agencies have direct link with Durand Line, a boundary between Pakistan and Afghanistan. According to the Pakistan Census Report (2017), 5 million people are living in FATA, but the local experts say that FATA is an abode of six million people.<sup>2</sup>

As per Article 1 of the 1973 Constitution, FATA is one of the constituent territories of Pakistan while Article 246 and 247 give further administrative details of the same administrative unit. . Furthermore, the Supreme Court and High Court are restricted to settled areas only and they have no jurisdiction in FATA. The elected representatives (NA = 12 and Senate = 08) have neither say in the administration of FATA nor are they able to legislate for their constituencies.<sup>3</sup>FATA has a unique administrative structure. It is primarily managed through the Frontier Crimes Regulation (FCR), 1901; and governed by the Governor of Khyber Pakhtunkhwa (KP) Province, based in Peshawar. He is an agent to President of Pakistan representing the Federal Government.

FATA is under the surveillance of the Federal Ministry of Sates and Frontier Region (SAFRON), based in Islamabad. The ministry mainly acts as channel for providing federal funds while the overall executive authority over FATA is entrusted to Governor Khyber Pakhtunkhwa.<sup>4</sup>Initially the KP Department of Planning and Development section for FATA was responsible for the overall developmental schemes of the tribal areas. However, in 2002, a separate FATA Secretariat was

established; under the administrative control of Secretary FATA. In 2006, a full-fledged FATA Secretariat of was set up. The Additional Chief Secretary FATA was given the charge of the secretariat with, four other secretaries and a number of directors. These officers were given administrative control and execution of developmental projects in the tribal regions. Ever since 2006, the role of coordination between provincial government and Civil Secretariat FATA is being played by the KP Governor.<sup>5</sup>

In every political agency, Political Agent (PA) is the administrative head. He belongs to the federal or provincial bureaucracy, assisted by Assistant Political Agents in every sub-division of the agency. The Political Agent is representative of the Government who possesses enormous powers under the Frontier Crimes Regulation. He has also a number of judicial and executive functions; including performing duty as a revenue collector. He runs the administration with the help and coordination of *Maliks*<sup>6</sup> and *Khassadars*<sup>7</sup>.

FCR and the local customs or Pakhtunwali empower him to take decisions on the resolution of civil and criminal disputes.<sup>8</sup>The *Maliks* are selected by the Political Agent from various sections of a tribe. Their sole responsibility is to assist and facilitate the administration.<sup>9</sup>

James W. Spain, an eminent US Scholar, has defined PA's role as "he is half an ambassador and half a Governor".<sup>10</sup> In other words, Spain opines that PA is responsible for general peace and tranquility, protection of government infrastructure as well as supervision of developmental works and projects of the agency.

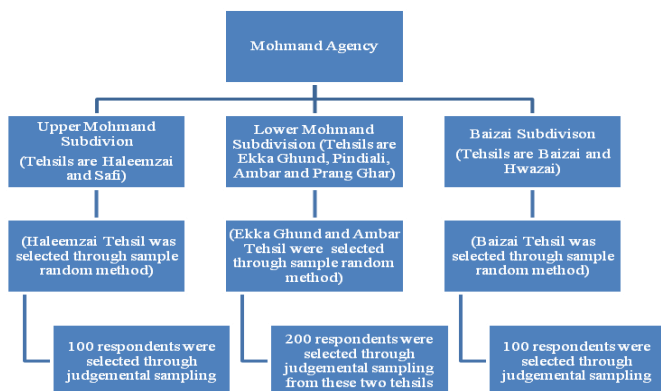
In addition, the Political Agent grants *Muwajab*<sup>11</sup> (stipends) to the tribal elders, and issues licenses to the businessmen for investment. He also awards scholarship to the tribal students. The PA has limitless financial powers. He awards stipends and grants to the common people who serve the administration one way or the other.

The PA is authorized to arrest, detain, impose penalty, debar or confiscate property from any person of a tribe responsible for unlawful acts.<sup>12</sup> He can stop construction of

new buildings or hamlets on security and military grounds. He can also issue order to demolish houses as well as villages situated in close proximity to the frontiers of the state or at any other place within one hundred and twenty yards from the centre of the road.<sup>13</sup> In addition, FCR empowers him to decide taking into protective custody individual or groups in order to prevent crimes.<sup>14</sup> Hence, FCR serves as a shield for the power of political administration. Their authority cannot be challenged in any court of law.<sup>15</sup> Moreover, in judicial capacity, PA is also authorized by FCR to serve as a judge in civil and criminal cases. .<sup>16</sup> The judgments of the PA cannot be challenged in High Court or Supreme Court.<sup>17</sup> Under the provision of FCR, the Assistant Political Agent performs the function of first class Magistrate.<sup>18</sup> Keeping in view the concentration of executive and judicial powers in the hand of one individual i.e. PA, one may expect violation of basic human rights in FATA

### Methodology, sampling methods and size

The approach adopted for writing this paper was descriptive-analytical. Primary data have been collected in the form of questionnaire. The respondents were selected from Mohmand Agency through multistage random and quota sampling. The data obtain through questionnaires has been classified, arranged and analyzed in various tables. The secondary data was collected from relevant books, research journals, newspapers and internet sources. The general outline of the paper sampling size is as under:



Mohmand Agency is universe of the study which is composed of three sub-divisions. They are (i) Lower Mohmand consisting of Ekka Ghund, Pindiali, Ambar and Prang Ghar Tehsils (ii) Upper Mohmand consisting of Haleemzai and Safi Tehsils (iii) Baizi Sub-division includes Baizai and Hwazai Tehsils. A representative sample of 400 respondents was selected on the basis of following multi-stages sample technique:

**Stage 1:** There are three sub-divisions in Mohmand Agency namely Lower Mohmand, Upper Mohmand and Baizi Sub-divisions. All sub-divisions have been taken for universe.

**Stage 2:** In this stage, Ekka Ghund and Ambar from Lower Mohmand, Haleemzai Tehsil from Upper Mohmand and Baizai tehsil from Baizai Sub-division were selected through sample random method.

**Stage 3:** In this stage, 100 respondents from each Tehsil were selected on judgmental sampling. So the overall size has come to 400 respondents.

### **The Operational Measurement of the Powers of Political Agent**

The study focused on the concentration of power in the office of Political Agent in the light of empirical data collected in Mohmand Agency, asking questions like the following:

- To what extent you have the level of confidence on Political Agent regarding the resolution of civil and criminal cases in FATA?
- To what extent you prefer the reduction of power of Political Agent in FATA?
- If the powers of PA are curtailed, then to whom these powers ought to be assigned?

Thus, each question has been calculated in term of frequencies and percentages. Additionally, all these questions have been examined in the light of a variety of variables including, social status, literacy, age, profession and monthly income. Moreover, for its analysis and conclusion, Chi-Square test and P-Value have been determined.

### **1. The Level of Trust on PA With Reference To Civil and Criminal Cases (Judicial Powers)**

Under the provisions of Frontier Crimes Regulation, Political Agent is authorized to exercise executive as well as judicial powers in FATA. Thus, the PA plays an important role in administering tribal way of living in accordance with the tribal customs inside the political agency. It is therefore, important to measure the level of trust on Political Agent with reference to civil and criminal cases in FATA. Hence, the information has been obtained through question from the respondents randomly: and the question was '*To what extent you have the level of confidence on Political Agent regarding the resolution of civil and criminal cases in FATA?*' The aforementioned query has been inquired for the purpose of understanding the perception of the people of FATA regarding the judicial power of PA. Thus, an attempt has been made to analyze the question in the light of various variables like social status, literacy, age, profession and monthly income.

#### **1.1 Consideration on the Bases of Social Status**

The level of trust on judicial power of Political Agent with reference to civil and criminal cases has been applied on both *Maliks* and non-*Maliks*. Hence, the power has been supported to limited extent by the *Maliks*.

*To what extent you have the level of confidence on Political Agent regarding the resolution of civil and criminal cases in FATA?*

**Table No.1.1**

	<b>To greater extent</b>	<b>To Some extent</b>	<b>To a limited extent</b>	<b>Not at all</b>	<b>Don't know</b>	<b>Total</b>
<b>Malik</b>	6 8.5%	18 25.4%	30 42.3%	17 23.9%	0 .0%	71 100.0%
<b>Non-Malik</b>	22 7.1%	90 28.8%	103 33.0%	93 29.8%	4 1.3%	312 100.0%
<b>Total</b>	28 7.3%	108 28.2%	133 34.7%	110 28.7%	4 1.0%	383 100.0%

Chi-Square Value=3.430, P-Value = 0.489

In terms of social strata, majority of the *Maliks*, i.e.42.3% have asserted that the Political Agent should exercise limited power in the resolution of civil and criminal cases. Similarly, 33.0 % non-*Maliks* respondents have also supported the same point of view; hence, the percentage illustrates that the *Maliks* have less preference to the concentration of judicial power in the office of the Political Agent. It seems that they have the idea to transfer the powers in to the hands of the nominated members of Jirga. The Chi-Square test has given insignificant P-Value. The P-Value < 0.05, it denotes that there is no association between social status and level of trust on Political Agent with reference to civil and criminal cases.

### **1.2 Consideration on the Bases of Literacy**

The literacy-based consideration shows that most of the illiterate respondents have preferred to the concentration of judicial power in the office of Political Agent

*To what extent you have the level of confidence on Political Agent regarding the resolution of civil and criminal cases in FATA?*

**Table No: 1.2**

	<b>To greater extent</b>	<b>To Some Extent</b>	<b>To a limited extent</b>	<b>Not at all</b>	<b>Don't know</b>	<b>Total</b>
<b>Literate</b>	13 4.9%	70 26.6%	87 33.1%	90 34.2%	3 1.1%	263 100.0%
<b>Illiterate</b>	15 12.5%	38 31.7%	46 38.3%	20 16.7%	1 .8%	120 100.0%
<b>Total</b>	28 7.3%	108 28.2%	133 34.7%	110 28.7%	4 1.0%	383 100.0%

Chi-Square Value=16.753, P-Value = 0.002

In the above table, a great number of illiterate respondents i.e. 38.3% have supported judicial authority of PA in FATA. On the other hand, 34.2% literate respondents have the opinion that unbridled judicial powers in the office of PA are unfair. Moreover, they have the demand that the High Court or Supreme Court should keep check on PA's unlimited judicial authority. Hence, the aforementioned opinions of the literate and illiterate respondents show that there is quite different approaches about the judicial authority of PA; and it reveals that the higher the literacy rate, the lesser preference of the judicial power of PA; which is due to their awareness and understanding of the constitution as well as democracy.

Significant P-Value is provided by Chi-Square test. The P-Value < 0.05 denotes that there is an association between literacy and the level of trust on judicial authority of Political Agent in FATA.

### **1.3 Consideration on the Basis of Age**

As for age is concerned, the younger respondent, who strongly supported the curtailment of judicial authority of PA in FATA; while the older respondent have preferred to augment the powers of PA.



*To what extent you have the level of confidence on Political Agent regarding the resolution of civil and criminal cases in FATA?*

**Table No.1.3**

	<b>To greater Extent</b>	<b>To Some Extent</b>	<b>To a limited extent</b>	<b>Not at all</b>	<b>Don't know</b>	<b>Total</b>
<b>18 to 40 Years</b>	18 6.8%	66 24.9%	97 36.6%	81 30.6%	3 1.1%	265 100.0%
<b>Above 40 Years</b>	10 8.5%	42 35.6%	36 30.5%	29 24.6%	1 .8%	118 100.0%
<b>Total</b>	28 7.3%	108 28.2%	133 34.7%	110 28.7%	4 1.0%	383 100.0%

Chi-Square Value=5.580, P-Value = 0.233

Keeping in view the age concern, a considerable number of respondents belonging to the age of 18-40 years i.e. 36.6% have preferred to dwindle the legal authority of PA. Similarly, 35.6% of the respondents of the age above 40 years have also supported the same point of view to some extent. Hence it demonstrates that respondents in the age group of 18-40 are more supportive than the respondents in the age group of above 40 in preferring to trim down the judicial powers of PA– it means that lesser the age, greater the demand of dwindling the powers of PA in FATA.

The Chi-Square test denotes insignificant P-Value. The P-Value < 0.05, it indicates that there is no association between age and concentration of judicial power in the office of PA in FATA.

### 1.4 Consideration on the Basis of Profession

On the basis of profession, private sector servants preferred the curtailment of powers of PA in civil and criminal cases in FATA.

*To what extent you have the level of confidence on Political Agent regarding the resolution of civil and criminal cases in FATA?*

**Table No.1.4**

	To greater extent	To some extent	To a limited extent	Not at all	Don't know	Total
<b>Government Servant</b>	2 3.2%	13 21.0%	24 38.7%	23 37.1%	0 .0%	62 100.0%
<b>Private Sector Servant</b>	5 8.5%	15 25.4%	16 27.1%	23 39.0%	0 .0%	59 100.0%
<b>Businessmen</b>	15 13.9%	24 22.2%	39 36.1%	29 26.9%	1 .9%	108 100.0%
<b>Other</b>	6 3.9%	56 36.4%	54 35.1%	35 22.7%	3 1.9%	154 100.0%
<b>Total</b>	28 7.3%	108 28.2%	133 34.7%	110 28.7%	4 1.0%	383 100.0%

Chi-Square Value=26.242, P-Value = 0.010

The above table shows that a maximum number of private sector servants i.e. 39% opposed the vesting of judicial powers in the office of PA. Similarly, 38.7% of the respondents belonging to the category of government services have supported retaining limited level of power by the PA, but its percentage is less as compare to the private

sector which it illustrates that there is an influence of the office of PA on the government servants.

P-value denotes that Chi-square test is significant. P-value < 0.05, it demonstrates that there is an association between profession and the level of trust on PA in judicial power.

### 1.5 Consideration on the Basis of Monthly Income

As for the income group is concerned, the respondents of low monthly income have preferred the reduction of judicial authority of PA.

*To what extent you have the level of confidence on Political Agent regarding the resolution of civil and criminal cases in FATA?*

**Table No.1.5**

	To greater extent	To some extent	To a limited extent	Not at all	Don't know	Total
<b>Less than Rs. 12000</b>	9 10.8%	25 30.1%	24 28.9%	25 30.1%	0 .0%	83 100.0%
<b>Rs.12000 to 20000</b>	8 7.9%	25 24.8%	45 44.6%	22 21.8%	1 1.0%	101 100.0%
<b>Above Rs.20000</b>	9 7.1%	37 29.4%	35 27.8%	45 35.7%	0 .0%	126 100.0%
<b>Dependent on Others</b>	2 2.7%	21 28.8%	29 39.7%	18 24.7%	3 4.1%	73 100.0%
<b>Total</b>	28 7.3%	108 28.2%	133 34.7%	110 28.7%	4 1.0%	383 100.0%

Chi-Square Value=23.124, P-Value = 0.027

With regard to monthly income, majority of the respondents, earning monthly income Rs.12000 to 20000, i.e. 44.4% have pointed out that Political Agent ought to exercise restricted judicial powers with reference to civil and criminal cases. Similarly, the same point of view has been supported by the respondents who fall in the category of income 'dependents on other'. Their percentage is 39.9%.

The Chi-Square tests provide significant P-Value. The P-Value  $< 0.05$ , it demonstrates that there is an association between monthly income and the level of trust on the judicial power of PA in FATA.

In a nut-shell it could be sum up, that most of the respondents prefer the reduction of judicial powers of PA in Mohmand Agency. Hence, in this connection, the idea to reduce the power of PA has been strongly supported by the respondents belonging to *Maliks*, literate respondents, younger respondents, private sector servants and the category of 'dependent on other' income group respondents. Moreover, majority of the tribes men have been favoring the extension of judicial courts as well as the jurisdiction of High Court and Supreme Court to FATA.

### **1. Level of Trust on Political Agent With Regard To Administrative Powers**

The Political Agent enjoys immense administrative powers in the Agency. He plays a pivotal role in administrative structure of FATA and all the governmental machinery of the agency revolves around him. It is therefore, essential to assess the level of trust of the tribal people on PA with regard to his administrative powers. Hence, respondents have been approached to answer the question, i.e. '*To what extent you prefer to the reduction of power of Political Agent in FATA?*'. Thus, the question has been examined in the light of several variables including social status, literacy, age, profession and monthly income.

## 2.1 Consideration on the Basis of Social Status

A large number of the respondents, who fall to the category of *Maliks*, have strongly favoured the curtailment of administrative powers of PA.

*To what extent you prefer to the reduction of administrative powers of Political Agent in FATA?*

**Table No.2.1**

	To greater extent	To some extent	To a limited extent	Not at all	Don't know	Total
<i>Malik</i>	38 53.5%	15 21.1%	15 21.1%	0 .0%	3 4.2%	71 100.0%
<i>Non-Malik</i>	119 38.1%	109 34.9%	61 19.6%	19 6.1%	4 1.3%	312 100.0%
<b>Total</b>	157 41.0%	124 32.4%	76 19.8%	19 5.0%	7 1.8%	383 100.0%

Chi-Square Value=13.882, P-value = 0.008

Keeping in view to the social strata consideration, majority of the *Maliks*, i.e. 53.5% have strongly supported that PA should not be given enormous administrative authority in the agency. The non-*Maliks* maintained the same point of view, but their percentage is 38.1% which is lesser than that of *Maliks*. Hence, it shows that *Maliks* have more preference as compared to non-*Maliks* for the administrative authority of PA. The reason is that the *Maliks* are on the receiving hand as far as the Political Agent is concerned.

The Chi-Square tests provides significant P-Value. The P-Value < 0.05, it proves that there is an association between

social status and level of trust on Political Agent with regard to administrative power.

## 2.2 Consideration on the basis of Literacy

In term of literacy-based consideration, a large number of the literate respondents have favoured the reduction of administrative powers of the PA.

*To what extent you prefer the reduction of administrative powers of Political Agent in FATA?*

**Table No.2.2**

	To greater extent	To some extent	To a limited extent	Not at all	Don't know	Total
<b>Literate</b>	122 46.4%	78 29.7%	44 16.7%	13 4.9%	6 2.3%	263 100.0%
<b>Illiterate</b>	35 29.2%	46 38.3%	32 26.7%	6 5.0%	1 .8%	120 100.0%
<b>Total</b>	157 41.0%	124 32.4%	76 19.8%	19 5.0%	7 1.8%	383 100.0%

Chi-Square Value=12.923, P-value = 0.012

The literacy-based analysis shows that majority of literate respondents, i.e. 46.4% have supported the curtailment of the administrative authority of PA. Similarly, 38.3% illiterate respondents have also maintained the same point of view though with a slightly lesser degree.

The Chi-Square test demonstrates a significant P-Value. The P-value < 0.05, illustrates that there is an association between literacy and level of trust on Political Agent with regard to administrative powers in FATA.

### 2.3 Consideration on the Basis of Age

Getting information from different age group shows that the younger respondents have favoured the reduction of powers of PA massively.

*To what extent you have prefer the reduction of administrative powers of Political Agent in FATA?*

**Table No.2.3**

	<b>To greater extent</b>	<b>To some extent</b>	<b>To a limited extent</b>	<b>Not at all</b>	<b>Don't know</b>	<b>Total</b>
<b>18 to 40 Years</b>	117 44.2%	79 29.8%	47 17.7%	17 6.4%	5 1.9%	265 100.0%
<b>Above 40 Years</b>	40 33.9%	45 38.1%	29 24.6%	2 1.7%	2 1.7%	118 100.0%
<b>Total</b>	157 41.0%	124 32.4%	76 19.8%	19 5.0%	7 1.8%	383 100.0%

Chi-Square Value=9.450, P-Value = 0.051

By evaluating in terms of age, a significant number of the respondents i.e. 44.2% belonging to the age of 18-40 years, have the idea that the administrative powers of PA should be curtailed. On the other hand, 38.1% respondents of the age group above 40 years have followed the same idea as to shrink PA's powers.. Thus, it proves that the younger generation has the understanding about their rights in FATA as compared to the older generation.

The Chi-Square tests illustrate insignificant P-Value. The P-Value < 0.05 proves that there is no association between age group and level of trust on Political Agent with regard to administrative power in FATA.

## 2.4 Consideration on the Basis of Profession

As regard to profession, the respondents belonging to the category of 'government servants' have opted for considerable curtailment in the powers of Political Agent.

*To what extent you prefer to the reduction of administrative powers of Political Agent in FATA?*

**Table No. 2.4**

	To greater extent	To some extent	To a limited extent	Not at all	Don't know	Total
<b>Government Servant</b>	40 64.5%	14 22.6%	5 8.1%	2 3.2%	1 1.6%	62 100.0%
<b>Private Sector Servant</b>	27 45.8%	23 39.0%	4 6.8%	5 8.5%	0 .0%	59 100.0%
<b>Businessmen</b>	40 37.0%	40 37.0%	26 24.1%	1 .9%	1 .9%	108 100.0%
<b>Other</b>	50 32.5%	47 30.5%	41 26.6%	11 7.1%	5 3.2%	154 100.0%
<b>Total</b>	157 41.0%	124 32.4%	76 19.8%	19 5.0%	7 1.8%	383 100.0%

Chi-Square Value=39.450, P-Value = 0.000

The above table shows that , an overwhelming number of the respondents, i.e. 64.5% are not in favour of concentration of power in the hand of one man in the agency. Besides, 45.8% 'private sector servants have also supported the aforementioned point. Thus, it reveals that since the government servants are directly under the control of the PA, therefore they have more knowledge about the



unbridled powers of PA as compared to that of private sector servants.

The Chi-Square tests shows significant P-Value. The P-Value  $< 0.05$  illustrates that there is an association between profession and level of trust on Political Agent with regard to administrative power.

## 2.5 Consideration on the Basis of Monthly Income

As the monthly income group is concerned, the respondents with highest income have preferred the reduction of powers of Political Agent.

*To what extent you prefer the reduction of administrative powers of Political Agent in FATA?*

**Table No.2.5**

	To greater extent	To some extent	To a limited Extent	Not at all	Don't know	Total
<b>Less than Rs. 12000</b>	32 38.6%	30 36.1%	16 19.3%	5 6.0%	0 .0%	83 100.0%
<b>Rs.12000 to 20000</b>	35 34.7%	41 40.6%	18 17.8%	5 5.0%	2 2.0%	101 100.0%
<b>Above Rs.20000</b>	70 55.6%	30 23.8%	23 18.3%	1 .8%	2 1.6%	126 100.0%
<b>Dependent on Others</b>	20 27.4%	23 31.5%	19 26.0%	8 11.0%	3 4.1%	73 100.0%
<b>Total</b>	157 41.0%	124 32.4%	76 19.8%	19 5.0%	7 1.8%	383 100.0%

Chi-Square Value=31.597, P-Value = 0.002

As for the income group analysis, a large number of respondents, i.e. 55.6% earning Rs. 20000 plus, per month have the views that limitless powers in the hand of PA should be curtailed. The second largest number of respondents, i.e. 40.6% having monthly income Rs.12000 to 20000, has shown support to the above point. Thus, it proves that majority of the income groups demand for the reduction of powers of PA.

The Chi-Square tests provides significant P-Value. The P-Value  $< 0.05$  illustrates that there is an association between monthly income and level of trust on Political Agent with regard to administrative power.

An analysis of the responses to question No.2, it is found that most of the respondents have supported the reduction of administrative powers of PA.

### **3. Balance of Power in FATA**

Political Agent, under the provision of FCR, is entitled to exercise enormous powers in the government set up at FATA. Hence, amendments have been introduced in FCR at different times. Among those changes, the amendment of 2011 plays an important role to check the dictatorial powers of PA. In this connection, a question was asked from the people of the study area, '*If the powers of PA are curtailed then to whom these powers ought to be assigned?*', (a) local government system, (b) the Jirga, (c) the members of Parliament. Moreover, the question also gauges the perception of the inhabitants of FATA regarding to the transfer of power of PA to the other institutions. The responses have been analyzed in the light of a number of variables like social status, literacy, age, profession and monthly income.

#### **3.1 Consideration on the Basis of Social Status**

The respondents belonging to the group of non-*Maliks* have favoured strongly the idea of the transfer of power from PA to elected representatives.

*If the powers of PA are curtailed then to whom these powers ought to be assigned?*

**Table No.3.1**

<b>Social status</b>	<b>To Jirga</b>	<b>To Elected representatives of Local government system</b>	<b>To the members of parliament</b>	<b>Don't know</b>	<b>Total</b>
<b>Malik</b>	34 47.9%	33 46.5%	4 5.6%	0 .0%	71 100.0%
<b>Non-Malik</b>	101 32.4%	176 56.4%	30 9.6%	5 1.6%	312 100.0%
<b>Total</b>	135 35.2%	209 54.6%	34 8.9%	5 1.3%	383 100.0%

Chi-Square Value=7.166, P-Value = 0.67

A large number of non-*Maliks*, i.e. 56.4% have opined that the powers of PA should transferred to the local elected representatives in the Agency. On the other hand, 47.9% *Maliks* have favoured to transfer the power of PA to members of the Agency Jirga. It shows that *Maliks* seek to secure their own interests and status-quo; while the non-*Maliks* have preferred the elected representatives.

The Chi-Square tests illustrate insignificant P-Value. The P-Value < 0.05 represents that there is no association between social status and transfer of power from PA to elected bodies.

### **3.2 Consideration on the Basis of Literacy**

The respondents of the literate group have proposed the transfer of power of PA to the elected representatives of the local government system in the Agency.

*If the powers of PA are curtailed then to whom these powers ought to be assigned?*

**Table No.3.2**

	To Jirga	To Elected representatives of local government system	To the Members of parliament	Don't know	Total
<b>Literate</b>	73 27.8%	162 61.6%	25 9.5%	3 1.1%	263 100.0%
<b>Illiterate</b>	62 51.7%	47 39.2%	9 7.5%	2 1.7%	120 100.0%
<b>Total</b>	135 35.2%	209 54.6%	34 8.9%	5 1.3%	383 100.0%

Chi-Square Value=21.510, P-Value = 0.000

The above table shows that the maximum number of the literate respondents, i.e. 61.6% have supported the introduction of local government system in the Agency. They think that the elected local representatives would solve their problems at their doorsteps. Besides, 51.7% illiterate respondents have favoured the idea of transferring of power of PA to *Maliks*.

The Chi-Square tests provides significant P-Value. The P-Value < 0.05 demonstrates that there is an association between literacy and transfer of power from PA to elected representatives of local government system in FATA.

### **3.3 Consideration on the Basis of Age**

Ascertaining views on the basis of age signifies that the young respondents have supported the local elected government system in the agency.

*If the powers of PA are curtailed then to whom these powers ought to be assigned?*

**Table No.3.3**

Age group	To Jirga	To elected representatives of Local Government System	To the Members of parliament	Don't know	Total
<b>18 to 40 Years</b>	77 29.1%	157 59.2%	27 10.2%	4 1.5%	265 100.0%
<b>Above 40 Years</b>	58 49.2%	52 44.1%	7 5.9%	1 .8%	118 100.0%
<b>Total</b>	135 35.2%	209 54.6%	34 8.9%	5 1.3%	383 100.0%

Chi-Square Value=14.741, P-Value = 0.002

In the above table, looking at responses of different age groups, it emerges that majority of the respondents belonging to the category of age 18-40 years i.e. 59.2% have supported the transfer the power of PA to the locally elected representatives. Similarly, 49.2% of the respondents above 40 years of age have followed the notion of the delegation of power of PA to Jirga because to them, the Jirga is the traditional institution of Pakhtun society. Hence, it proves that the younger respondents have preferred a local government system as compared to the older respondents.

The Chi-Square tests shows significant P-Value. The P-Value < 0.05 illustrates that there is an association between age group and transfer of power of PA to the local elected government in FATA.

### **3.4 Consideration on the Basis of Profession**

While assessing responses of on the basis of nature of job, the category of private sector servants opted for transferring of authority of PA to the elected representatives of local government system.

*If the powers of PA are curtailed then to whom these powers ought to be assigned?*

**Table No. 3. 4**

Profession	To Jirga	To elected representatives of Local Government System	To the Members of parliament	Don't know	Total
<b>Government Servant</b>	21 33.9%	34 54.8%	7 11.3%	0 .0%	62 100.0%
<b>Private Sector Servant</b>	11 18.6%	44 74.6%	4 6.8%	0 .0%	59 100.0%
<b>Businessmen</b>	46 42.6%	51 47.2%	11 10.2%	0 .0%	108 100.0%
<b>Other</b>	57 37.0%	80 51.9%	12 7.8%	5 3.2%	154 100.0%
<b>Total</b>	135 35.2%	209 54.6%	34 8.9%	5 1.3%	383 100.0%

Chi-Square Value=20.574, P-Value = 0.015

In the above table, a large number of respondents from the category of private sector servants, i.e. 74.6% have strongly favoured the transmission of power of PA to the democratically elected local government. Moreover, 54.8% respondents belonging to government service have also supported the aforementioned point of view. Hence, it emerges that private sector servants are more supportive of local government system than government servants.

The Chi-square test provides significant P-Value. The P-Value < 0.05 proves that there is an association between the profession and the transfer of authority of PA to the local government system.

### 3.5 Consideration on the Basis of Monthly Income

Categorizing the respondents on the basis of monthly income, the respondents from the group of low monthly income have favored the transfer of authority of PA to the representative of local government.

*If the powers of PA are curtailed then to whom these powers ought to be assigned?*

**Table No.3.5**

<b>Income group</b>	<b>To Jirga</b>	<b>To elected representatives of Local Government System</b>	<b>To the Members of parliament</b>	<b>Don't know</b>	<b>Total</b>
<b>Less than Rs. 12000</b>	27 32.5%	48 57.8%	7 8.4%	1 1.2%	83 100.0%
<b>Rs.12000 to 20000</b>	26 25.7%	58 57.4%	16 15.8%	1 1.0%	101 100.0%
<b>Above Rs.20000</b>	58 46.0%	63 50.0%	5 4.0%	0 .0%	126 100.0%
<b>Dependent on Others</b>	24 32.9%	40 54.8%	6 8.2%	3 4.1%	73 100.0%
<b>Total</b>	135 35.2%	209 54.6%	34 8.9%	5 1.3%	383 100.0%

Chi-Square Value = 22.950, P-Value = 0.006

Among the different income groups, 57.8% who earn less than Rs. 12000 have proposed the transfer of power of PA to the local elected representatives. The

second largest numbers of respondents, i.e. 57.8% with monthly income Rs.12000 to 20000, have also held the same idea.

The Chi-Square test provides significant P-Value. The P-Value  $< 0.05$  shows that there is an association between monthly income and transfer of power of PA to local government institution.

Responses to question No.3 by various categories, illustrate that majority of them have shown their desire for curtailment of the powers of PA, and to transfer them into the hand of the elected representative of local government system. In this connection, the strong support came from the respondents belonging to the non-*Maliks*, literate respondents, younger respondents, private sector servants and low monthly income respondents respectively. On the other hand, a few respondents belonging to *Maliks* and illiterate groups have presented their view to transfer powers of PA to Jirga. Hence, it seems that majority of the people of FATA want to curtail the power of PA; and transfer them to democratically elected local government.

## Conclusion

The Federally Administered Tribal Areas (FATA) of Pakistan is a special administrative unit of Pakistan. It is administered under a special law, the Frontier Crimes Regulation (FCR). Many people have written on FCR and other aspects of FATA. However, the present paper has focused on the limitless powers exercised by the chief administrator of a political agency called Political Agent (PA). A survey was conducted by the authors for this paper. Responses to questions asked from different categories of people reveal that most of them want reduction of judicial powers of the Political Agent.

The idea to reduce the power of PA has been supported by the respondents belonging to *Maliks*, literate people, youngsters, private sector servants and the income group labeled as 'dependent on other'.

The people of Mohmand Agency want the extension of jurisdiction of judicial courts, High Court and



Supreme Court to FATA. A careful look at the replies of the respondents shows that they have supported curtailment of administrative powers of PA. In this connection, strong opinion came from the *Maliks*, literate people, youngsters, the category of government servants and the higher income group. Regarding transfer of power in FATA, majority of the respondents supported transferring it to the elected representatives of the local government. The pro-local government respondents included non-*Maliks*, literate people, youth, private sector servants and low monthly income groups. The only group that wanted transferring of PA's powers to Jirga, was *Maliks*.

This survey, although conducted in Mohmand Agency, is representative of the whole Federally Administered Tribal Areas (FATA). The opinion of various categories of people, have been interest-driven. Of them, *Maliks* want *status quo* and concentration of powers either in their own hands or sharing them with the political administration. The opinion of the illiterate common people and low income groups has been moulded by *Maliks* in their favour. The reason is dependence of these groups on *Maliks* for patronage and other favours. Nevertheless, other categories of respondents such as educated people, youth, higher income groups and private sector servants expressed their views independently. They were not under the influence of *Maliks*. Their views were democratic, progressive and anti- *status quo*. In view of the above, it can be said that an overwhelming majority of the people of Federally Administered Tribal Areas (FATA) is not satisfied with the existing set up of their areas. They want a change and it can be hoped that in the near future, their opinion will prevail.

## Reference

- <sup>1</sup>Noor ul Haq, Rashid Ahmed Khan, Maqsudul Hasan Nuri (edt.), *Federally Administered Tribal Areas of Pakistan* (Islamabad: Islamabad Policy Research Institute, 2005), p. 1
- <sup>2</sup>The daily *Dawn* Islamabad, 30-8-2017
- <sup>3</sup>Zaka Ali, *The Constitution of the Islamic Republic of Pakistan* (Karachi: The Ideal Publishers, 2013), pp.236-238.
- <sup>4</sup>Naveed Ahmad Shinwari, *Understanding FATA: Attitudes Towards Governance, Religion and Society in Pakistan's Federally Administered Tribal Areas*, Volume V (Islamabad: Community Appraisal & Motivation Programme (CAMP) 2012 ), p. xi
- <sup>5</sup>[http://fata.gov.pk/index.php?option=com\\_content&view=article&id=50&Itemid=84](http://fata.gov.pk/index.php?option=com_content&view=article&id=50&Itemid=84)
- <sup>6</sup>*Maliki* is an allowance for the head of a tribe and is hereditary, subject to good conduct of heir of the *Malik*. (Head of tribe). *Malik* is the recognized elder of a family or clan.
- <sup>7</sup>*Khassadari* system means the protection of the soil by a particular *quom* (tribe).
- <sup>8</sup>Pakhtun code of custom
- <sup>9</sup>Shinwari, p. xi
- <sup>10</sup>James W. Spain, *The Pathan Borderland*, (Hague: Mutton and Co., 1963), p. 256.
- <sup>11</sup>*Mujab* means a fix amount, which a *Lungi* holder receives or allowance paid to entire tribe biannually.
- <sup>12</sup>Ty L. Groh, *Ungoverned Spaces the Challenges of Governing Tribal Societies*, (USA: Naval Postgraduate School, 2006), p.69.
- <sup>13</sup> See Section 31 and 32 of Frontier Crimes Regulation (FCR). In order to compensate the effected inhabitants, they may be shifted to any other suitable place or awarded to them for any loss by the removal of their village as adequate and just in the opinion of the Federal Government.
- <sup>14</sup> See Section 40, *ibid*. Note: woman, children of less than 16 years and person above 65 shall not be arrested under the amendments of 2011 in FCR.
- <sup>15</sup>See Section 10, *ibid*.
- <sup>16</sup>Mumtaz Ali Bangash, "FATA: Towards a New Beginning, Tribal Areas of Pakistan: Challenges and Responses" *Islamabad Policy Research Institute*, (2005): pp. 62-63.
- <sup>17</sup>Zaka Ali, pp. 236-238.
- <sup>18</sup>See Section 4 of FCR.